
FINAL ENVIRONMENTAL ASSESSMENT (EA/IS-09-080)

BUENA VISTA WASTER STORAGE DISTRICT

BV8 STATE WATER PROJECT TURNOUT

Appendix K

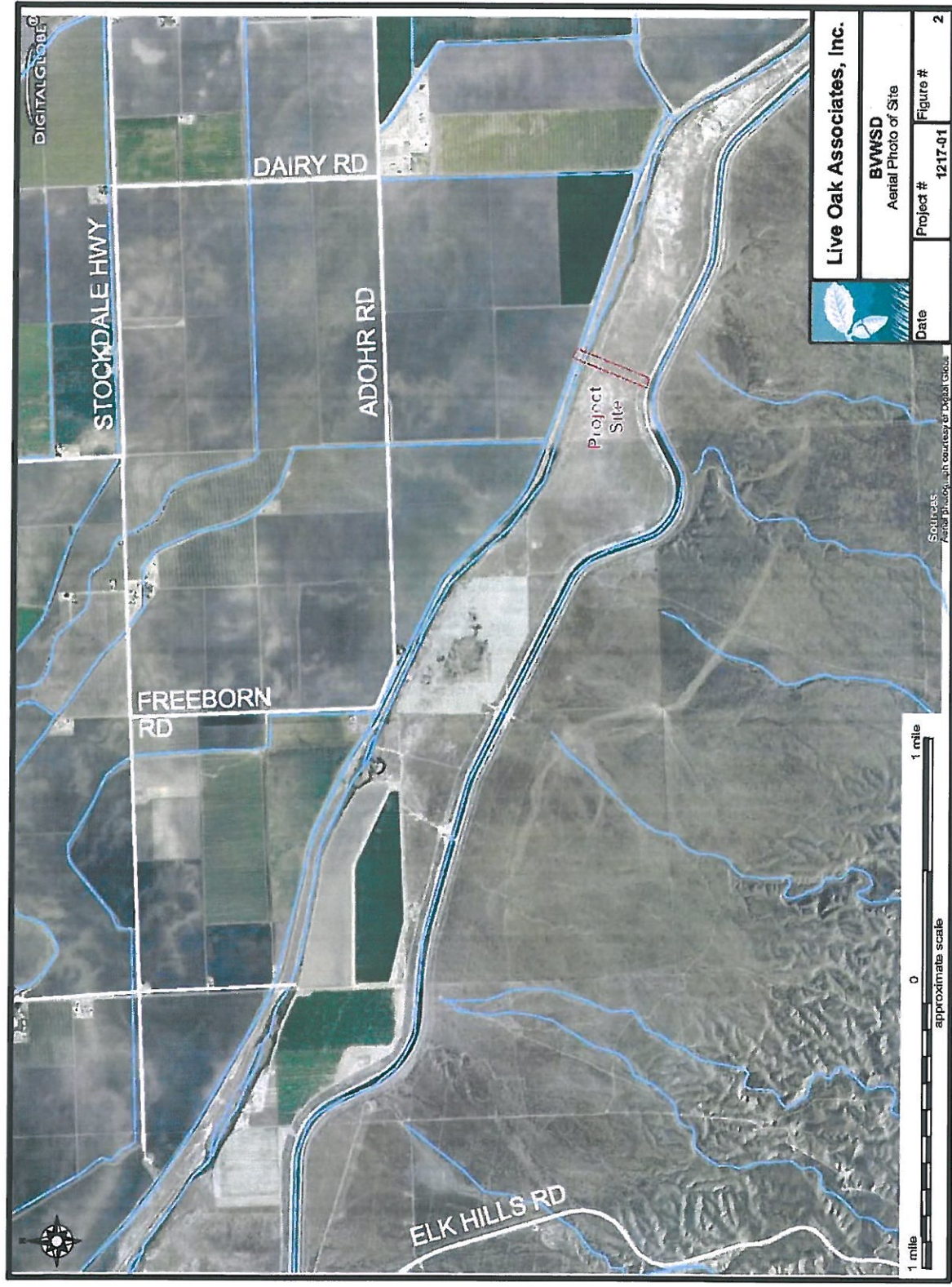
California Department of Fish and Game

Incidental Take Permit (No. 2081-2011-056-04)

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December 2011

Figure 2. Aerial Photograph of Project Site Area



Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2011-056-04

PERMITTEE: Buena Vista Water Storage District

PROJECT: BV8 State Water Project Turnout

PURPOSE OF THIS MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
|---------------------------|--|---------------------|---|-------------------|--------------------------|
| General Provisions | | | | | |
| 1 | <u>Designated Representative.</u> Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with DFG and overseeing compliance with the ITP. Permittee shall notify DFG in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify DFG in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP. | ITP Condition # 5.1 | Before commencing ground- or vegetation-disturbing activities/ Entire Project | Permittee | |
| 2 | <u>Designated Biologist.</u> Permittee shall submit to DFG in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 14 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history of the Covered Species. The Designated Biologist 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 DFG approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed. | ITP Condition # 5.2 | Before commencing ground- or vegetation-disturbing activities/ Entire Project | Permittee | |
| 3 | <u>Designated Biologist Authority.</u> To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist shall have authority to immediately stop any activity that is not in compliance with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species, or a species not covered by the ITP. | ITP Condition # 5.3 | Before commencing ground- or vegetation-disturbing activities / Entire Project | Permittee | |
| 4 | <u>Education Program.</u> 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 the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided for any new workers before their performing work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. | ITP Condition # 5.4 | Before commencing ground- or vegetation-disturbing activities / Entire Project | Permittee | |
| 5 | <u>Construction Monitoring Notebook.</u> The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by DFG. | ITP Condition # 5.5 | Entire Project | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
|----|---|-----------------------|--|--------------------------|---------------------------------|
| 6 | <u>Trash Abatement.</u> Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in closed (animal-proof) containers and removed regularly (at least once a week) to avoid attracting opportunistic predators or Covered Species. | ITP Condition # 5.6 | Before commencing ground- or vegetation-disturbing activities / Entire Project | Permittee | |
| 7 | <u>Dust Control.</u> Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles. | ITP Condition # 5.7 | Entire Project | Permittee | |
| 8 | <u>Erosion Control Materials.</u> Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as mono-filament netting (erosion control matting) or similar material, in potential Covered Species' habitat. | ITP Condition # 5.8 | Entire Project | Permittee | |
| 9 | <u>Firearms and Dogs.</u> Permittee shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials. | ITP Condition # 5.9 | Entire Project | Permittee | |
| 10 | <u>Delineation of Property Boundaries.</u> 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 shall maintain all fencing, stakes and flags until the completion of Covered Activities. | ITP Condition # 5.10 | Before commencing ground- or vegetation-disturbing activities | Permittee | |
| 11 | <u>Delineation of Habitat.</u> 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. | ITP Condition # 5.11 | Before commencing ground- or vegetation-disturbing activities | Permittee | |
| 12 | <u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes, and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, 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 DFG for written approval before carrying out such an activity. DFG may require an amendment to the ITP if additional take of Covered Species may result from Project modification. | ITP Conditions # 5.12 | Entire Project | Permittee | |
| 13 | <u>Staging Areas.</u> 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. | ITP Conditions # 5.13 | Entire Project | Permittee | |
| 14 | <u>Hazardous Waste.</u> Permittee shall immediately stop and following pertinent State and federal statutes and regulations arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site. | ITP Conditions # 5.14 | Entire Project | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
|--|---|----------------------|---|-------------------|--------------------------|
| 15 | DFG Access. Permittee shall provide DFG staff with reasonable access to the Project, and shall otherwise fully cooperate with DFG efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP. | ITP Condition # 5.15 | Entire Project | Permittee | |
| 16 | Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes. | ITP Condition # 5.16 | Entire Project | Permittee | |
| Monitoring, Notification and Reporting Provisions | | | | | |
| 17 | Notification Before Commencement. The Designated Representative shall notify DFG 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities. | ITP Condition # 6.1 | Entire Project | Permittee | |
| 18 | Notification of Non-compliance. The Designated Representative shall immediately notify DFG in writing if it determines that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall report any non-compliance with the ITP to DFG within 24 hours. | ITP Condition # 6.2 | Entire Project | Permittee | |
| 19 | SJAS Relocation Plan. The Permittee shall submit a San Joaquin Antelope Squirrel (SJAS) relocation plan to DFG prior to initiating ground-disturbing activities in any areas occupied by SJAS. Relocation activities shall not proceed until the relocation plan has been approved in writing by DFG's Regional Representative. | ITP Condition # 6.3 | Before commencing ground- or vegetation-disturbing activities | Permittee | |
| 20 | TKR Relocation Plan. The Permittee shall submit a Tipton kangaroo rat (TKR) relocation plan to DFG prior to initiating ground-disturbing activities in any areas occupied by TKR. Relocation activities shall not proceed until the relocation plan has been approved in writing by DFG's Regional Representative. | ITP Condition # 6.4 | Before commencing ground- or vegetation-disturbing activities | Permittee | |
| 21 | 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 the ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Project activities are limited to those defined as Covered Activities and that they 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 the ITP. | ITP Condition # 6.5 | Entire Project | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
|-----------------------------------|---|---------------------|--|--------------------------|---------------------------------|
| 22 | Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition 7 into a Monthly Compliance Report and submit it to DFG along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to DFG's Regional Office at the office listed in the Notices section of the ITP and via e-mail to DFG's Regional Representative. At the time of the ITP's approval, the DFG Regional Representative is Brandon Sanderson (bsanderson@dfg.ca.gov). DFG 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 DFG determines the reporting schedule must be changed, DFG will notify Permittee in writing of the new reporting schedule. | ITP Condition # 6.6 | Entire Project | Permittee | |
| 23 | Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide DFG 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; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information. | ITP Condition # 6.7 | No later than 45 days after completion of all mitigation measures. | Permittee | |
| 24 | California Natural Diversity Database (CNDDDB) Observations. The Designated Biologist shall submit all observations of Covered Species to DFG's CNDDDB and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report. | ITP Condition # 6.8 | Entire Project | Permittee | |
| 25 | Notification of Take. 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 DFG by calling the Regional Office at (559) 243-4005. The initial notification to DFG shall include information regarding the location, species, number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send DFG 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. | ITP Condition # 6.9 | Entire Project | Permittee | |
| Take Minimization Measures | | | | | |
| 26 | Designated Biologist On-site. The Designated Biologist shall be on-site during all activities that may result in the take of Covered Species. Workers shall convey all observations of listed species and their sign during construction activities to the Designated Biologist or Designated Representative. | ITP Condition # 7.1 | Entire Project | Permittee | |
| 27 | Work Hours. Permittee shall confine all construction to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours associated with emergency response shall be conducted with extra caution to minimize impacts to nocturnal Covered Species such as San Joaquin kit fox (SJKF) and TKR. | ITP Condition # 7.2 | Entire Project | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
|----|--|---------------------|--|--------------------------|---------------------------------|
| 28 | Covered Species Observations. During all phases of Project construction, operation, and maintenance, all workers shall inform the Designated Biologist(s) if a Covered Species is seen within or near the Project Site. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease until the Covered Species is moved by the Designated Biologist(s) or it moves from the construction area of its own accord. | ITP Condition # 7.3 | Entire Project | Permittee | |
| 29 | Inspection for Trapped Animals. Workers shall inspect all open holes, and trenches within the Project Area at the beginning, middle, and end of each day for trapped animals. To prevent inadvertent entrapment of Covered Species or any other animals, the Designated Biologist shall oversee the covering of all excavated, steep-walled holes or trenches more than two feet deep, or of any depth if they contain water or other material, at the close of each working day by plywood or other barrier materials such that animals are unable to enter and become entrapped. Permittee shall provide escape ramps in holes of less than two feet deep that do not hold water or other material, to allow animals to escape. Before holes or trenches are filled, the Designated Biologist shall thoroughly inspect them for trapped animals. If any worker discovers that Covered Species have become trapped, they shall halt Project-related activities and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible, or the Designated Biologist shall move Covered Species out of harm's way before allowing work to continue. If at any time a trapped or injured Covered Species is discovered, Permittee shall contact the United States Fish and Wildlife Service (USFWS) Sacramento Fish and Wildlife Office and DFG's Regional Representative within one (1) working day of the incident. | ITP Condition # 7.4 | Entire Project | Permittee | |
| 30 | Inspection of Structures. Workers shall thoroughly inspect for Covered Species in all construction pipe, culverts, or similar structures with a diameter of 7.6 centimeters (3 inches) or greater that are stored for one or more overnight periods before the pipe is subsequently moved, buried, or capped. If during inspection one of these animals is discovered inside a pipe, workers shall allow the animal to safely escape that section of pipe before moving and utilizing the pipe. | ITP Condition # 7.5 | Entire Project | Permittee | |
| 31 | Inspection Under Vehicles and Equipment. Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside a fenced area, the Designated Biologist shall be contacted to move the animal out of harm's way outside of the Project Area. | ITP Condition # 7.6 | Entire Project | Permittee | |
| 32 | Delineation of Ingress and Egress Routes. All access roads shall be flagged in the field from the paved road and vehicle operation shall be limited by the Permittee to these designated ingress and egress routes. | ITP Condition # 7.7 | Before commencing ground- or vegetation-disturbing activities / Entire Project | Permittee | |
| 33 | Flag Burrows. The Designated Biologist shall flag all potential small mammal burrows within 50 feet of the Project footprint to alert biological and work crews to their presence. An avoidance buffer of 50 feet or greater around active small mammal burrows shall be maintained where possible (see ITP conditions 7.9 and 7.10). Permittee shall limit actions outside of the buffer zone to vehicle and equipment operation on existing roads. | ITP Condition # 78 | Before commencing ground- or vegetation-disturbing activities / Entire Project | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
|----|--|----------------------------|---|--------------------------|---------------------------------|
| 34 | <u>SJAS Relocation.</u> Any potential SJAS burrows detected by the Designated Biologist that cannot be avoided by the 50-foot avoidance buffer shall be live trapped by the Designated Biologist prior to the initiation of Covered Activities in the occupied location. The Designated Biologist shall relocate any captured SJAS to the DFG-approved release site identified in the SJAS Relocation Plan (described in Condition 6.3). | ITP Condition # 7.9 | Before commencing ground- or vegetation-disturbing activities in the occupied location / Entire Project | Permittee | |
| 35 | <u>TKR Relocation.</u> Any potential TKR burrows detected by the Designated Biologist that cannot be avoided by the 50-foot avoidance buffer shall be live trapped by the Designated Biologist prior to the initiation of Covered Activities in the occupied location. The Designated Biologist shall relocate any captured TKR to the DFG-approved release site identified in the TKR Relocation Plan (described in Condition 6.4). | ITP Condition # 7.10 | Before commencing ground- or vegetation-disturbing activities in the occupied location / Entire Project | Permittee | |
| 36 | <u>Burrow Excavation.</u> Following live trapping activities as described in Conditions 7.9 and 7.10, the Designated Biologist shall perform or oversee the excavation by hand of any small mammal burrows present within the Project area that cannot be avoided by the 50-foot buffer, and that have the potential to be occupied by the Covered Species. The Designated Biologist shall ensure that any Covered Species encountered in the excavated burrows is relocated in accordance with the approved SJAS and/or TKR Relocation Plan. | ITP Condition # 7.11 | Before commencing ground- or vegetation-disturbing activities in the occupied location / Entire Project | Permittee | |
| 37 | <u>Record of Handling.</u> The Designated Biologist shall maintain a record of all SJAS and TKR handled, and all documented observations of SJKF. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult / juvenile); (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released. A Relocation Summary shall be prepared by the Designated Biologist and included in the Monthly Report described in Condition 6.6 of the ITP. The Relocation Summary in the Final Mitigation Report shall include cumulative results, and analysis of data collected, and conclusions. | ITP Condition # 7.12 | Entire Project | Permittee | |
| 38 | <u>SJKF Pre construction Surveys.</u> No more than thirty (30) days prior to ground-disturbing activities, the Designated Biologist shall perform a pre construction survey for SJKF fox dens (potential, known, active, atypical, and natal), that covers the Project area and a buffer zone of 200 feet in size beyond the Project area. | ITP Condition # 7.13 | Before commencing ground- or vegetation-disturbing activities in the occupied location / Entire Project | Permittee | |
| 39 | <u>Den Avoidance.</u> If a potential Covered Species den (one that shows evidence of current use or was used in the past) is discovered or a Covered Species is found in an "atypical" den such as a pipe or culvert, a minimum 50 foot buffer shall be established using flagging. If a known Covered Species den is discovered, Permittee shall establish a minimum buffer of at least 100 feet using fencing. If a natal den is discovered, Permittee shall establish a minimum buffer of at least 200 feet using fencing. Natal dens with pups shall be avoided by at least 500 feet. Buffer zones shall be considered Environmentally Sensitive Areas, and entry shall be restricted. The Permittee shall notify the USFWS and DFG's Regional Representative immediately via telephone or e-mail if any Covered Species dens, natal dens, or atypical dens are discovered. | ITP Condition # 7.14 | Entire Project | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
|---------------------------------|---|----------------------|--|--------------------------|---------------------------------|
| 40 | Den Excavation. For active dens, dens known to be active, and potential dens that exhibit signs of Covered Species use or characteristics suggestive of Covered Species dens (including dens in natural substrate and in/under man made structures) within the portion of the Project Site to be disturbed and that cannot be avoided as per ITP Condition 7.14. If, after four consecutive days of monitoring with tracking medium or infrared camera the Designated Biologist(s) has determined that the Covered Species is not currently present, the den may be destroyed. Any hole three inches or larger and exhibiting no signs of Covered Species use or characteristics suggesting it is a Covered Species den may be excavated under the supervision of the Designated Biologist(s) without advance tracking or camera monitoring. Natal dens shall not be excavated until the pups and adults have vacated and then only after consultation with the USFWS and DFG. If the excavation process reveals evidence of current use by the Covered Species then den destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Destruction of the den may be completed when, in the judgment of the Designated Biologist(s), the animal has escaped from the partially destroyed den. Destruction of all types of Covered Species dens shall be accomplished by careful excavation until it is certain no individuals of the Covered Species are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction period. If an individual of the Covered Species does not vacate a den within the construction footprint within a reasonable timeframe, DFG and the USFWS shall be contacted and the Permittee shall get written guidance (e mail will suffice) from both agencies prior to proceeding with den destruction. | ITP Condition # 7.15 | Entire Project | Permittee | |
| Take Mitigation Measures | | | | | |
| 41 | Artificial Dens. Permittee shall replace each kit fox den that must be destroyed with an artificial den, to compensate for the loss of important shelter used by kit foxes for protection, reproduction, and escape from predators. For existing known dens, artificial den placement shall occur prior to den destruction. For dens determined through monitoring to be actively used by kit fox, artificial den placement shall occur within 72 hours following den destruction. The Designated Biologist shall determine the appropriate design and placement through consultation with USFWS and DFG on a site-specific basis. | ITP Condition # 8.1 | Entire Project | Permittee | |
| 42 | Injured Covered Species. If a Covered Species is injured as a result of Project related activities, the Designated Biologist shall immediately take it to a DFG-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify DFG of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report. Notification shall include the date, time, location and circumstances of the incident, and the name of the facility where the animal was taken. | ITP Condition # 8.2 | Before commencing ground- or vegetation-disturbing activities / Entire Project | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
|----|--|---------------------|---|-------------------|--------------------------|
| | Habitat Management Land Acquisition | | | | |
| 43 | <p>The Permittee shall purchase five (5) acres (five (5) credits) of Covered Species habitat from the Kern Water Bank Authority (KWBA) Conservation Bank. This DFG-approved conservation bank is located in western Kern County and is known to provide habitat for Covered Species. DFG holds a conservation easement on the conservation lands and funds for long-term management of the conservation lands (non wasting endowment) are also held by DFG in the Special Deposit Fund. Endowment costs are included in the sale price of conservation credits at this bank. Purchase of five (5) credits from the KWBA must be completed prior to initiating Covered Activities. A copy of the conservation credit certificate issued by Kern Water Bank must be provided to DFG prior to initiating ground-disturbing activities and a copy should be kept at the Project site while conducting Covered Activities at all times.</p> | ITP Condition # 9.1 | Before commencing ground- or vegetation-disturbing activities | Permittee | |