



November 6, 2019

Mr. Jeremy Manning
Paul Dhanens Architect, Inc.
5100 California Avenue, Suite 107
Bakersfield, CA 93309

RE: Biological Pre-Construction Clearance Survey Results for the General Plan Amendment and Zone Change for a New Facility at 1301 New Stine Road, Bakersfield, Kern County, California

Dear Mr. Manning:

This letter provides the results of the biological pre-construction clearance survey conducted for the proposed General Plan Amendment and Zone Change for a New Facility at 1301 New Stine Road Project (Project). QK was requested to provide a Biological Reaffirmation Memorandum to support the construction of the Project. A biological reconnaissance survey was conducted on November 5, 2019 on the Project site and the results of the survey are outlined in this letter.

The Project site occurs within the incorporated limits of the City of Bakersfield and within the Metropolitan Bakersfield Habitat Conservation Plan area ([MBHCP], City of Bakersfield and County of Kern, 1994). As required by the MBHCP and associated Metropolitan Urban Development Incidental Take Permit (ITP) no. 2081-2013-058-04, the City of Bakersfield is subject to compliance with the take minimization measures as defined by the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS) contained within these documents.

PROJECT LOCATION AND UNDERSTANDING

The Project will include the construction of a new 13,373 square-foot physical therapy center within the existing Rosewood Senior Living Facility, which will necessitate the approval of a General Plan Amendment, zoning change, and new parcel map.

The Project is in Bakersfield, Kern County, California (Attachment A, Figure 1). It is located at 1301 New Stine Road, on the southwest corner of Sundale Ave. and New Stine Rd., (Figure 2), within Section 3, Township 30S, Range 27E, Mount Diablo Base and Meridian (MDB&M), and the Gosford U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle. The new physical therapy center will be constructed in the southwest corner of the Project. Surrounding land has been developed for residential and commercial use, and West High School and Patriots Park are east of the Project on the opposite side of New Stine Road.

METHODOLOGY

Prior to the reconnaissance survey, a California Natural Diversity Database (CNDDDB) query was conducted to obtain information on special-status species occurrences within a 10-mile radius of the Project site. QK Biologist Shannon Gleason conducted the biological reconnaissance survey on November 5, 2019. The primary focus of the survey was to detect the presence of special-status species with the potential to occur on the Project. Meandering pedestrian transects were walked over the Project area and a 100-foot buffer, where feasible (The Biological Study Area or BSA, Attachment A, Figure 2). Any portions of the Project or buffer that were inaccessible on foot were surveyed visually with binoculars, resulting in 100% visual coverage of the Project site. The survey was conducted during the daytime, during which there is a high probability of detecting special-status species including sign (e.g. tracks, scat, prey remains, dens, nests, etc.). Representative photographs were taken to document site conditions at the time of the survey (Attachment B-Representative Photographs 1-4).

SURVEY RESULTS

The survey was conducted by between the hours of 0800 and 0905. Skies were clear, there was no detectable wind, and temperatures ranged from 54 to 61 degrees Fahrenheit.

General Site Conditions

The proposed Project site is an existing, senior living facility consisting of apartment-style housing, a health center, administrative offices, a gym with an outdoor swimming pool, and buildings for recreational activities. There is also a walking path and landscaped garden on the north side of the Project (Photograph 4), and some smaller gardens at the south end of the Project (Figure 3). New Stine Road is a divided six-lane thoroughfare with a high volume of vehicular traffic.

At the time of the survey, construction of the new physical therapy center had already commenced (Figure 4). The building was constructed on what had previously been a landscaped garden with walking paths. Plant and wildlife species identified within the BSA were typical of residential and commercial areas of Bakersfield, including over 22 ornamental plant species and 12 bird species (Table 1).

TABLE 1
Plant and Wildlife Species Observed,
1301 New Stine Road Reconnaissance Survey, Bakersfield, California

Scientific Name	Common Name
Plants	
<i>Acer palmatum</i>	Japanese maple
<i>Agave sp.</i>	agave
<i>Aloe vera</i>	aloe

<i>Brassica oleracea</i>	ornamental cabbage
<i>Citrus limon</i>	lemon tree
<i>Cynodon dactylon</i>	bermuda grass
<i>Ginkgo biloba</i>	ginkgo
<i>Lantana camara</i>	lantana
<i>Lilium sp.</i>	lily
<i>Liquidambar styraciflua</i>	sweetgum
<i>Parkinsonia aculeata</i>	palo verde
<i>Phoenix dactylifera</i>	date palm
<i>Pinus sp.</i>	pine tree
<i>Platanus racemosa</i>	California sycamore
<i>Quercus sp.</i>	Oak tree
<i>Rosa sp.</i>	garden rose
<i>Rosmarinus officinalis</i>	rosemary
<i>Salix sp.</i>	willow
<i>Sequoia sp.</i>	redwood
<i>Strelitzia reginae</i>	bird of paradise
<i>Viola tricolor var. hortensis</i>	pansy
<i>Wisteria sp.</i>	wisteria
	various ornamental species
Wildlife	
<i>Aphelocoma californica</i>	California scrub jay
<i>Calypte anna</i>	Anna's hummingbird
<i>Charadrius vociferus</i>	killdeer
<i>Colaptes auratus</i>	northern flicker
<i>Corvus brachyrhynchos</i>	American crow
<i>Euphagus cyanocephalus</i>	Brewer's blackbird
<i>Haemorhous mexicanus</i>	house finch
<i>Mimus polyglottos</i>	northern mockingbird
<i>Sayornis nigricans</i>	black phoebe
<i>Setophaga coronata</i>	yellow-rumped warbler
<i>Sturnus vulgaris</i>	European starling
<i>Zenaida macroura</i>	mourning dove

Presence/Absence of Special-Status Species

The CNDDB queries indicated historical records of several special-status species within 10 miles of the Project, including San Joaquin kit fox (*Vulpes macrotis mutica*), a federally Endangered and State Threatened species; however, there was no suitable habitat on the Project to support any of these species. The Project and the surrounding areas are highly urbanized, with all vegetation being planted for landscaping purposes. There is no undeveloped land within a mile of the Project.

There was no sign of any special-status species during the reconnaissance survey. However, the Project provides ample nesting habitat for native bird species, which are protected under the federal Migratory Bird Treaty Act (MBTA). The survey was conducted outside of the typical nesting period for native bird species (February 1 to September 15), but several bird species were observed within the BSA. Various species of native birds will construct nests in a variety of habitats and

structures, and nests may be found in trees or shrubs, in man-made structures, and directly on the ground.

Bakersfield Cactus

Bakersfield cactus occurrences can be grouped into eleven (11) general areas including Caliente-Bena Hills, Comanche Point, Kern Bluff, Sand Ridge, Wheeler Ridge, Cottonwood Creek, Fuller Acres, Granite Station, Kern Canyon, and Metropolitan Bakersfield South and North of the Kern River. Historical records on the CNDDDB indicate that Bakersfield cactus have been observed within 5.0-miles of the Project site. No Bakersfield cactus was found on the Project site or survey buffer area during the time of the survey.

San Joaquin Kit Fox

San Joaquin kit fox are known to inhabit urban Bakersfield, especially on golf courses and open grassy areas, and they have adapted well to scavenging human food sources. Kit fox have been observed in close proximity to the Project. However, no San Joaquin kit fox or sign of the species was observed on the Project or within the survey buffer area. Due to the highly disturbed and developed character of the site and the regular maintenance by groundskeepers, it is unlikely that kit fox will inhabit on the site. Because the species is known to occur in the vicinity of the Project, individuals could potentially be present from time to time as transient foragers.

San Joaquin Antelope Squirrel

CNDDDB records indicate no San Joaquin antelope squirrel have been observed within 10 miles of the Project site. No burrows that could be occupied by the San Joaquin antelope squirrel were present on the Project site or survey buffer area, and there were no sightings or other signs of presence of this species. This species was determined to be absent from the Project site.

Tipton Kangaroo Rat

Historical records on the CNDDDB indicate that Tipton kangaroo rats have been observed within 4.0-miles of the Project site. However, no recent observations have been made within 5 miles of the Project. No burrows that could be occupied by the Tipton kangaroo rat were present on the Project site or buffer area, and there were no sightings or other signs of the presence of this species. It is unlikely that this species would be present on the Project site.

Western Burrowing Owl and Nesting Birds

Historical records on the CNDDDB indicate that western burrowing owls have been observed within 2-miles of the Project site. No burrowing owls or their sign were observed on the Project site or survey buffer area at the time of the survey. The western burrowing owl is a California Sensitive Species of Concern and is protected under the Migratory Bird Treaty Act (MBTA). Nesting season for the western burrowing owl is from February 1 through September 15.

CONCLUSION

The Project and surrounding area is highly urbanized and developed, isolated from any undeveloped lands, and provides low quality suitable habitat for most listed species that occur in the region. It provides high quality habitat for native nesting birds, which are protected by the MBTA. The Project does not provide suitable denning or foraging habitat for San Joaquin kit fox, but the species could occur as a transient as it moves between patches of more suitable habitat.

There are MBHCP protection measures that are required to be implemented prior to and during work activities. These include:

- The City shall inform CDFW when the required mitigation measures are met (COA 7.3 – Developer notification).
- The City and CDFW shall be notified within 24 hours if a San Joaquin kit fox is observed within the work area (COA 7.7).
- The City shall implement daily entrapment inspections (COA 7.15).
- The City shall implement daily material inspections (COA 7.16).
- The City shall implement daily equipment inspections (COA 7.17).
- The City shall Provide Worker Environmental Awareness Training (WEAT) to construction personnel working at the Project site.
- It is recommended that all work be restricted to the area within the Project site.

Additional measures or alternative measures may be required depending upon conditions at the time work is conducted. Excerpted ITP Mitigation Measures are included in Attachment D.

Should Project conditions change, further consultation is warranted. If you have any questions regarding this report or require additional information, please contact Jaymie Brauer or myself at (661) 616-2600.

Sincerely,



Shannon Gleason
Associate Environmental Scientist

Attachments:

- A. Project Figures
- B. Representative Photographs
- C. Site Plan
- D. Excerpted ITP Mitigation Measures

cc: file
190366

**ATTACHMENT A
PROJECT FIGURES**



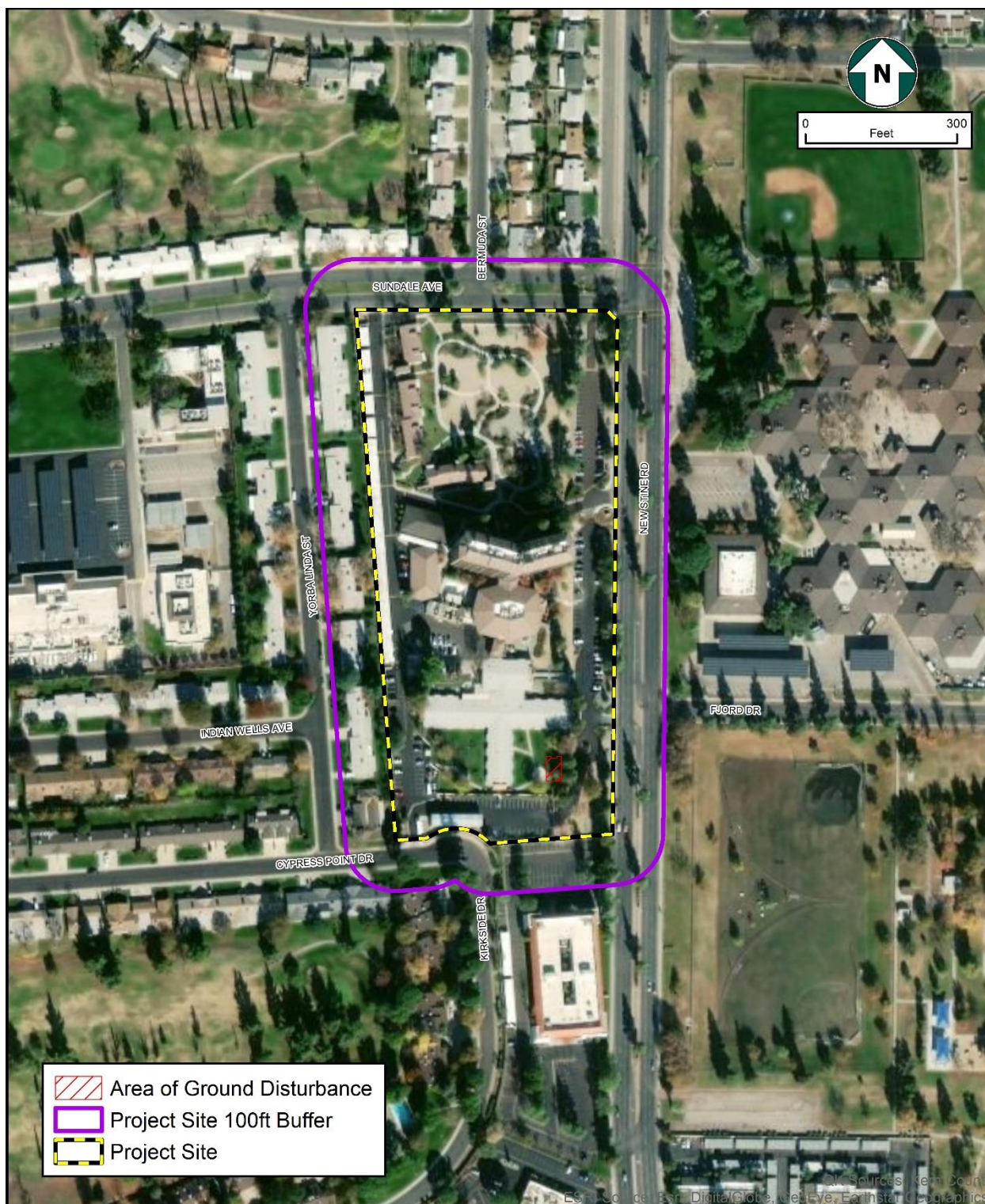


Figure 2
Project Site Location
 General Plan Amendment and Zone Change for a New Facility at 1301 New Stine Road, Kern County, California

ATTACHMENT B
REPRESENTATIVE PHOTOGRAPHS



Representative Photograph 1: Project near the northeast corner, facing west.

GPS: 35.343780, -119.061913

Photograph taken by Shannon Gleason on November 5, 2019.



Representative Photograph 2: Project site from the eastern entrance to the main facility, facing west.

GPS: 35.343060, -119.061506

Photograph taken by Shannon Gleason on November 5, 2019.



Representative Photograph 3: Project site from southern edge of Project, facing north.

GPS: 35.341436, -119.062306

Photograph taken by Shannon Gleason on November 5, 2019.

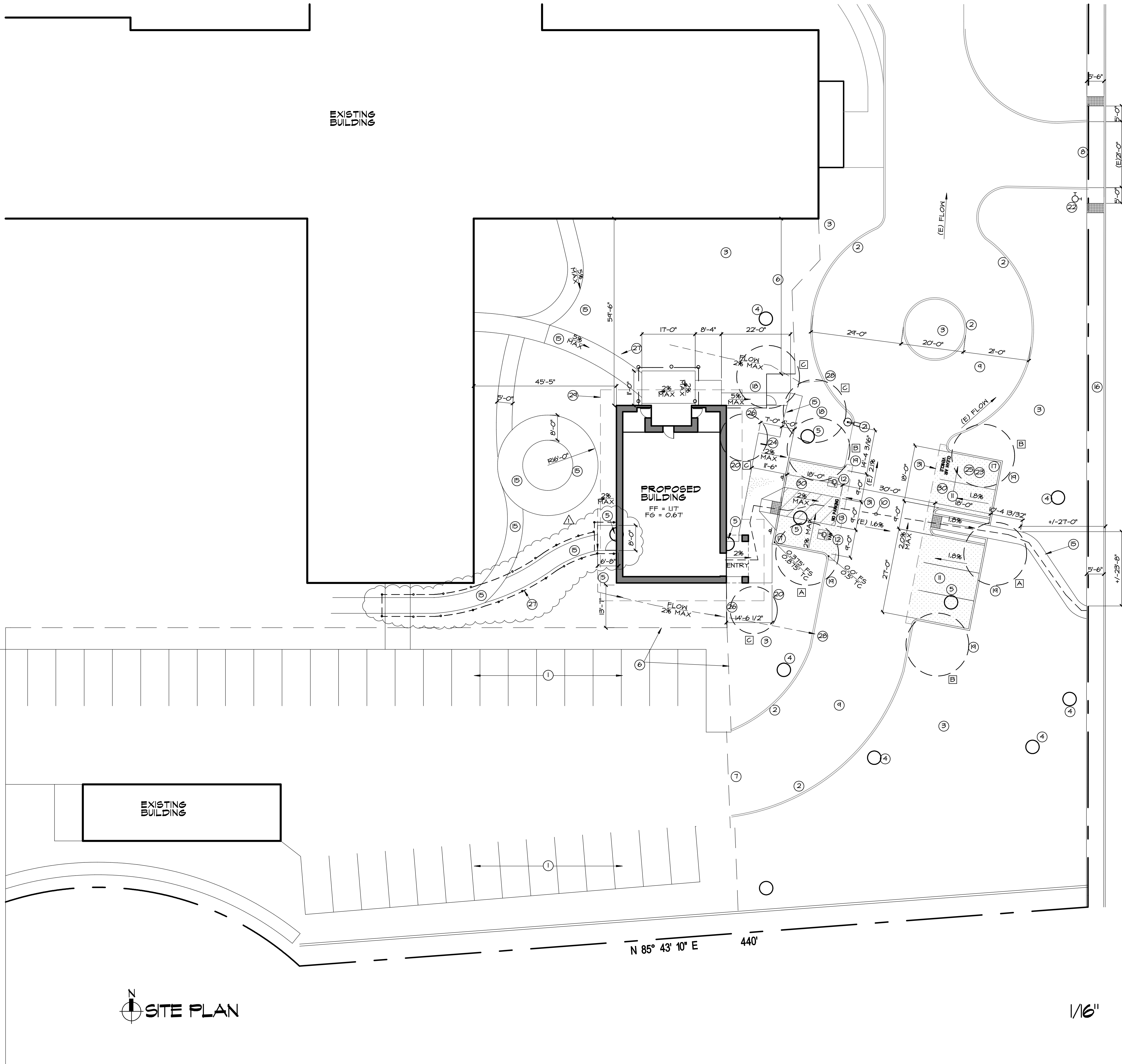


Representative Photograph 4: Physical therapy center construction, facing west.

GPS: 35.340655, -119.061509

Photograph taken by Shannon Gleason on November 5, 2019.

**ATTACHMENT C
SITE PLAN**



KEYNOTES

- (E) 4'-0" WIDE x 18'-0" DEEP PARKING STALL PER CITY STANDARDS
- (E) 6' CONCRETE CURB
- (E) LANDSCAPE AREA
- (E) TREE TO REMAIN IF THE ROOTS DO NOT INTERFERE WITH THE BUILDING
- (E) TREE AND ROOTS TO BE REMOVED.
- (E) FENCING TO REMAIN
- (E) ROLLING GATE TO REMAIN
- (E) DRIVE BREAK
- (E) DRIVE
- PATH OF TRAVEL TO RIGHT OF WAY, SLOPE IN DIRECTION OF TRAVEL NOT TO EXCEED 5%, CROSS SLOPE NOT TO EXCEED 2%
- 4'-0" WIDE x 18'-0" DEEP PARKING STALL PER CITY STANDARDS
- 4'-0" x 18'-0" HANDICAP PARKING STALL WITH 3'-0" x 3'-0" PAINTED STALL SIGN AND TO 50 IN POLE MOUNTED PARKING SIGN DISPLAYING THE INTERNATIONAL SYMBOL OF ACCESSIBILITY WITH AN ADDITIONAL SIGN OR LANGUAGE STATING "MINIMUM FINE \$250.00" INCLUDE SIGN MOUNTED BELOW STATING "VAN ACCESSIBLE" WHERE APPROPRIATE PER CBC SECTION 124B-80" MINIMUM HEIGHT TO THE BOTTOM OF ALL POLE SIGNS
- MINIMUM 8'-0" WIDE HANDICAP ACCESS AISLE FOR VAN ACCESS WITH THE WORDS "NO PARKING" IN 12" HIGH CONTRASTING LETTERS- SLOPE NOT TO EXCEED 1/4 12
- UNAUTHORIZED PARKING TOW-AWAY SIGN AT MAIN ENTRANCE - NOT SHOWN
- CONCRETE WALK WITH SLOPE NOT TO EXCEED 120 - CROSS SLOPE NOT TO EXCEED 1/4 12
- EXISTING CITY CONCRETE WALK WITH SLOPE NOT TO EXCEED 120 - CROSS SLOPE NOT TO EXCEED 1/4 12
- REPLACE EXISTING 4'-0" WALK WITH 5'-0" WIDE WALK PER CITY STANDARDS SEE OVER ALL SITE PLAN FOR LENGTH OF WORK TO BE DONE
- 6' CONCRETE CURB
- LANDSCAPE AREA
- SYMBOL REFERS TO PROPOSED LOCATION OF TREE FOR SHADE
- SYMBOL REFERS TO PROPOSED LOCATION OF ORNAMENTAL TREE
- POLE LIGHT
- EXISTING FIRE HYDRANT
- "CLEAN AIR/VANPOOL/EV" DESIGNATED PARKING
- (2) SHORT TERM 34" HIGH x 24" WIDE INVERTED U-STYLE LOOP BICYCLE PARKING RACKS WITH LOCATIONS FOR (4) BIKES MINIMUM (5 PERCENT) TO BE PARKED AT ONE TIME ON 3 1/2" THICK CONCRETE PAD; SEE SITE PLAN FOR DIMENSIONS (PER C6B5G DIVISION 5106.41)
- STUB FOR FUTURE ELECTRIC VEHICLE CHARGING STATION - SEE ELECTRICAL
- NEW FENCING TO MATCH EXISTING
- PROPOSED COVERED WALK WITH CANVAS AND ENGINEERED STRUCTURE BY OTHERS UNDER SEPARATE PERMIT
- REMOVE SECTION OF CURB FOR NEW OUTLET
- EXTENT OF EXCAVATION - 5'-0" DEEP TO 5'-0" OUTSIDE OF THE BUILDING
- NEW ASPHALT PAVING
- EXTENT OF TIE INTO EXISTING ASPHALT PAVING
- EXISTING RAMP AND TRUNCATED DOMES TO BE REMOVED AND RE-CONSTRUCTED AT 5'-0" WIDE FROM THE BACK OF CURB

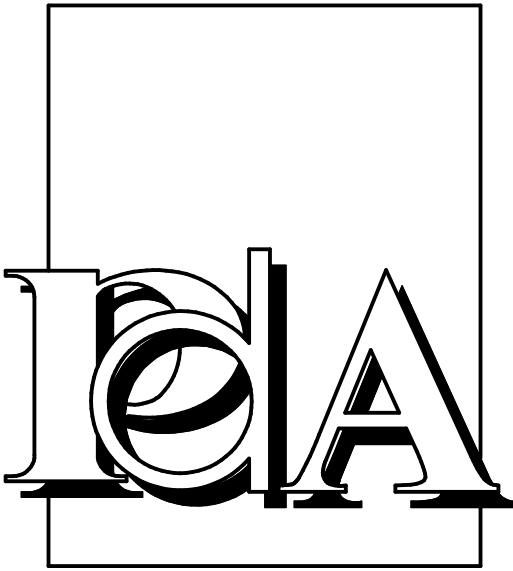
GRADING NOTES

- FOUNDATION FOR THE BUILDING PAD AND SURROUNDING AREA WILL REQUIRE INFILL WITH CLEAN SOIL
- REMOVE ALL DEBRIS, ROOTS AND MISC VEGETATION TO 5'-0" BELOW SURFACE AND RECOMPACT PER SOILS REPORT
- FINISH GRADE DIRECTLY OUTSIDE OF THE BUILDING IS TO BE 6" BELOW FINISH FLOOR
- FOUNDATION TO BE OVER EXCAVATED PER SOILS REPORT
- NO GRADING REQUIRED AT EXISTING DRIVE WAY
- BUILDING SLAB WILL BE 4" CONCRETE OVER 2" SAND OVER STEGO WRAP 15 MIL VAPOR BARRIER OVER SOIL
- ALL NEW PAVING FOR PARKING AREAS WILL BE 2" ASPHALT OVER 6" BASE. NATIVE SOILS TO BE COMPACTED PER SOILS REPORT
- CONTRACTOR TO VERIFY ALL GRADES AND NOTIFY THE ARCHITECT WITH ANY DISCREPANCIES.

LANDSCAPE NOTES

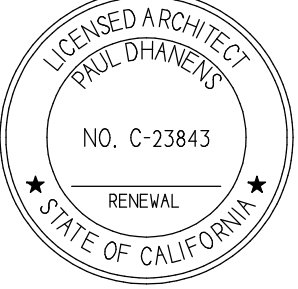
- NEW LANDSCAPE TO MATCH EXISTING PLANTING IN THE AREA OF THE PROJECT
- TREES SHALL BE A MINIMUM TWENTY-FOUR-INCH BOX CONTAINER SIZE OR LARGER AND SHALL BE VIGOROUS AND HEALTHY WHEN PLANTED. THE MINIMUM DIAMETER OF THE TREE TRUNK, AS MEASURED AT A POINT FOUR FEET UP THE TRUNK FROM GROUND LEVEL, SHALL BE ONE INCH FOR A FIFTEEN-GALLON CONTAINER TREE, TWO INCHES FOR A TWENTY-FOUR-INCH BOX CONTAINER TREE, AND THREE INCHES FOR A THIRTY-SIX-INCH BOX CONTAINER TREE. THESE TRUNK DIAMETERS SHALL APPLY THROUGHOUT THIS CHAPTER WHERE TREE CONTAINER SIZES ARE SPECIFIED.
- SHRUBS SHALL BE A MINIMUM FIVE-GALLON CONTAINER SIZE OR LARGER AND SHALL BE VIGOROUS AND HEALTHY WHEN PLANTED. MASS SHRUB PLANTING FOR AREA COVERAGE SHALL BE A MIX OF FIVE-GALLON (FORTY PERCENT) AND ONE-GALLON (SIXTY PERCENT) CONTAINER SIZE WITH AN AVERAGE SPACING OF EIGHTEEN INCHES ON CENTER. PLANTS SHALL BE USED FOR GROUND COVERS WITH AN AVERAGE SPACING OF EIGHT INCHES ON CENTER.
- ANY TREES, SHRUBS, OR TURF DAMAGED DURING CONSTRUCTION OUTSIDE OF THE BUILDING EXPANSION TO BE REPLACED WITH SAME MATERIAL THAT WAS PREVIOUSLY EXISTING.
- TREES AT PARKING AREAS TO COVER 40% OF PAVED SURFACES WITH IN 15 YEARS
- IRRIGATION IS EXISTING. CONTRACTOR TO REMOVE AND REPLACE IRRIGATION IN AREA OF WORK TO MEET ALL STANDARD REQUIREMENT PER THE CITY AND CALIFORNIA WATER CONSERVATION
- GROUND COVER TO COVER 75% OF LANDSCAPE AREA WITHIN 4 YEARS
- LANDSCAPING TO BE COMPLETED BY MONJ LANDSCAPING. MONJ LANDSCAPING TO PROVIDED PLANS FOR APPROVAL AND INSTALLATION OF LANDSCAPING PRIOR TO CERTIFICATE OF OCCUPANCY

[A]	EVERGREEN TREE PARKING SHADING	24" BOX
[B]	DECIDUOUS TREE PARKING SHADING	24" BOX
[C]	DECIDUOUS TREE PARKING SHADING	24" BOX
USE CITY OF BAKERSFIELD APPROVED PARKING LOT SHADE TREE LIST		



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NOTICE TO CONTRACTORS
Written dimensions on these drawings shall take precedence over scaled dimensions. Contractor shall verify and be responsible for confirming all dimensions and shall notify the architect immediately of any discrepancies or field variations discovered.

PROJECT

ROSEWOOD
PHYSICAL
THERAPY

1301 NEW STINE RD
BAKERSFIELD, CA

DATE	ISSUED FOR
12-3-16	BUILDING DEPT SUBMITTAL
2-8-17	BUILDING DEPT SUBMITTAL
3-8-17	RECORD
4-3-17	BUILDING DEPT SUBMITTAL

NO.	REVISIONS
1	8-8-17 OWNER REVISIONS
2	
3	
4	

SITE PLAN

FILE NAME: 2135A1-0

SHEET

A-1.0

ATTACHMENT D
EXCERPTED ITP MITIGATION MEASURES

**Summary of Take Minimization Measures as Excerpted from the
Metropolitan Bakersfield Urban Development Incidental Take Permit
#2081-2013-058-04, as Amended**

This attachment contains a summary of the take minimization measures excerpted from the Metropolitan Bakersfield Urban Development Incidental Take Permit (ITP). These measures (also known as Conditions of Approval) are generally applicable to all projects within the area of coverage of the ITP, but actual applicability to any specific project is dependent upon findings of site-specific surveys as defined in 7.1 and 7.4 below. These measures and additional measures can be found in the body of the ITP and ITP amendment.

7. Take Minimization Measures:

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

- 7.1. Biological Clearance Survey. Prior to either Permittee issuing a Permittee Authorization to a Developer, the Developer applying for such Permittee Authorization shall provide a written Biological Clearance Survey conducted by a CDFW-approved Qualified Wildlife Biologist (Condition of Approval 5.10), no more than 30 calendar days prior to a Developer beginning Covered Activities on a given Permittee-authorized project. The Biological Clearance Survey shall include full coverage transect surveys for SJKF dens (See Condition of Approval 7.4, below), kangaroo rat burrows (in areas identified in Condition of Approval 7.8, below), and Bakersfield cactus (for proposed projects north of State Route (SR) 58 and east of SR 99), in the proposed development footprint and a buffer zone of 50 feet in size beyond the proposed development footprint (except for any portions of the buffer zone that are already fully developed or are beyond the access rights of the developer). The Biological Clearance Survey shall be valid for no more than 30 calendar days. In the event that Covered Activities are not initiated, as authorized by either Permittee, within 30 calendar days of a Biological Clearance Survey, the Biological Clearance Survey shall be repeated. Each Developer pursuing a Permittee Authorization shall bear the costs of the Biological Clearance Survey being conducted and summarized in writing.
- 7.2. Covered Species Detection. If one or more of the "Conditions" described below in Table 1 is detected during the Biological Clearance Survey (Condition of Approval 7.1) for any proposed Developer project, Permittees shall either: (1) not grant a Permittee Authorization for said Developer project until implementation of the Table 1 referenced "Required Minimization Measures" is demonstrated by the Developer in writing to the Permittees; or (2) any issued Permittee Authorization shall require, via specific written conditions within the Permittee Authorization, that the start of grading/building activities may not occur until implementation

of the Table 1 referenced "Required Minimization Measures" are demonstrated in writing to the Permittees.

Table 1. Conditions within Proposed Development Footprint

Condition Within Proposed Development Footprint	Required Minimization Measures
Known, active, or natal SJKF den	Conditions of Approval 7.5 and 7.6
Kangaroo rat burrows (Conceptual Southwest Focus Area only)	Conditions of Approval 7.8, 7.9, and 7.10
One or more Bakersfield cactus clumps/plants	Conditions of Approval 7.11, 7.12, and 7.13

- 7.3. Developer Notification of Covered Species Detection. For Developer projects on which one or more of the Table 1 "Condition within Proposed Development Footprint" (Condition of Approval 7.2) are present, Permittees shall require the Developer to provide CDFW and Permittees with a written "Notice of Grading Start" at least 5 business days prior to ground disturbance. Such a "Notice of Grading Start" shall only be submitted after all "Required Minimization Measures" referenced in Table 1 are implemented for that specific Developer project. The "Notice of Grading Start" shall include, at a minimum, the following information: (1) project location, including a map and major cross streets; (2) project name; (3) Developer name and contact information (phone, email, and mailing address); (4) name of the Qualified Wildlife Biologist that conducted the Biological Clearance Survey; (5) a copy of the Biological Clearance Survey; and (6) written information submitted to demonstrate compliance with Condition of Approval 7.2, 7.5, 7.6 and 7.8-7.13, as applicable. Developer should keep as a record proof of their notification to CDFW.

In addition to the Biological Clearance Survey as required in Condition of Approval 7.1, SJKF den surveys shall be annually conducted each January if Covered Activities are not completed at a Project site, to identify any SJKF that may have occupied the site after completion of the Biological Clearance Survey and to maximize detection of potential natal dens. The Developer shall provide CDFW and Permittees with a written report by February 5th that includes at a minimum the following information: (1) project location, including a map and major cross streets; (2) project name; (3) Developer name and contact information (phone, email, and mailing address); (4) name of the Designated Biologist that conducted the SJKF den survey; (5) a copy of the Biological Clearance Survey as required in Condition of Approval 7.1; and (6) written information submitted to demonstrate compliance with Conditions of Approval 7.2, 7.5, 7.6 and 7.8 through 7.13, as applicable. Developer should keep as a record proof of their notification to CDFW. Each Developer shall bear the costs of implementing the SJKF Den Surveys.

- 7.4. SJKF Den Survey. SJKF Den Surveys shall evaluate the proposed development footprint and a 50 foot buffer zone (except for any portions of the buffer zone that are already fully developed) for potential, known, active, atypical, and natal SJKF dens, as defined in the Service 2011 *"Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance."*

- 7.5. SJKF Den Avoidance. If a known, active, or natal SJKF den is discovered during the SJKF Den Survey/Biological Clearance Survey, the Permittees shall not issue a Permittee Authorization unless the Developer demonstrates that they established a permanent minimum buffer using fencing or flagging as follows: (1) at least 100 feet around den(s); (2) at least 200 feet around natal dens (dens in which SJKF young are reared); and (3) at least 500 feet around any natal dens with pups (except for any portions of the buffer zone that are already fully developed). Buffer zones shall be considered Environmentally Sensitive Areas, and no Covered Activities are allowed within a buffer except per Condition of Approval 7.6., and as follows: If the work within the buffer area will not result in the destruction of the den, the den should be conserved. If the den is unoccupied (based on the required four consecutive days of monitoring), then the den can be covered in a secure manner to prevent access by SJKF while the work is being conducted. After the work is done, the den can be uncovered to allow use by SJKF. If the den is occupied and the SJKF don't want to leave, then a smaller buffer could be established, including a barricade to prevent the SJKF from exiting the den and entering the work site. A qualified biologist shall monitor the den while the work is being conducted. Permittees shall notify the Service and CDFW's Regional Representative immediately via telephone or e-mail if any SJKF active dens, natal dens, or occupied atypical dens are discovered within or immediately adjacent to any proposed development footprint. Each Developer pursuing a Permittee Authorization shall bear the costs of implementing the SJKF den avoidance requirements.

A reduced SJKF den avoidance buffer may be authorized with written approval by CDFW. Buffer reduction requests shall be submitted by the Designated Biologist and describe why a reduced buffer will not impact SJKF. CDFW may add additional minimization measures as a condition of any buffer reduction approval; these additional CDFW specified minimization measures shall be followed by the Developer that proposed the buffer reduction.

- 7.6. SJKF Den Excavation. For active dens and potential dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 7.5, and if, after four consecutive days of monitoring with tracking medium or infrared camera, a Qualified Wildlife Biologist has determined that SJKF is not currently present, the den may be excavated. Natal dens shall not be excavated until the pups and adults have vacated and then only after consultation with the Service and CDFW. If the excavation process reveals evidence of current use by SJKF then den excavation shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Excavation of the den may be completed when, in the judgment of a Qualified Wildlife Biologist, the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is certain no individuals of SJKF are inside. Dens shall be fully excavated, filled with dirt, and compacted to ensure that SJKF cannot reenter or use the den during Covered Activities. If an individual SJKF does not vacate a den within the proposed construction footprint within a reasonable timeframe, Permittees shall contact the Service and CDFW and get written guidance (email will suffice) from both agencies prior to proceeding with den excavation. Each Developer pursuing a Permittee Authorization shall bear the costs of

implementing the SJKF den excavation requirements.

- 7.7. SJKF Detection on Construction Site. Permittees shall condition all Permittee Authorizations to require notification to the appropriate Permittee and CDFW within 24 hours in the event that a SJKF is observed denning or utilizing structures or materials within an active construction footprint. In addition, a minimum 100 foot no disturbance buffer from the area being used by SJKF as a denning site shall be implemented until Conditions of Approval 7.5 or 7.6 can be implemented by a Qualified Wildlife Biologist funded by the Developer.
- 7.8. TKR Trapping and Salvage. If the Biological Clearance Survey prepared pursuant to Condition of Approval 7.1 identifies TKR burrows within the proposed construction footprint of proposed Developer projects within the "Conceptual Southwest Focus Area" as identified in Figure 4 of the MBHCP, Permittees shall not issue a Permittee Authorization until a TKR Qualified Biologist (see Condition of Approval 5.11) conducts a minimum of five (5) consecutive nights of live small mammal trapping, with high trap densities focused at and around TKR burrows, runways, seed caches, and dust baths. How and where captured animals will be held and the final release location and specifics shall be in accordance with a CDFW-approved TKR Relocation Plan prepared in accordance with Condition of Approval 6.8. The Developer for which the Biological Clearance Survey was conducted shall bear the costs of TKR trapping, salvage, and relocation.
- 7.9. TKR Burrow Excavation. Following live trapping activities conducted in accordance with Condition of Approval 7.8, any potential TKR burrows (e.g., any kangaroo rat burrows) present within the development footprint shall be fully excavated by hand by the TKR Qualified Biologist. The TKR Qualified Biologist shall relocate any TKR encountered in the excavated burrows to the release site(s) identified in the CDFW-approved TKR Relocation Plan prepared in accordance with Condition of Approval 6.8. The TKR Qualified Biologist shall also collect and move dormant or torpid TKR encountered to an artificial burrow installed at the release site(s) identified in the CDFW-approved TKR Relocation Plan prepared in accordance with Condition of Approval 6.8.
- 7.10. TKR Record of Handling. TKR Qualified Biologist(s) shall maintain a record of all TKR handled. 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 TKR Qualified Biologist and submitted by the Developer to the Permittees and CDFW as part of the information accompanying the "Notice of Grading Start" described in Condition of Approval 7.3.
- 7.11. Bakersfield Cactus Avoidance. If the Biological Clearance Survey prepared pursuant to Condition of Approval 7.1 identifies Bakersfield cactus within the proposed construction footprint of a proposed Developer project, Permittees shall not issue a Permittee Authorization until the Developer demonstrates that all Bakersfield cacti shall be avoided by a minimum of 25 feet, unless

Condition of Approval 7.13 is implemented. This avoidance distance may be lessened on a specific case-by-case basis if CDFW concurs in writing that a modified distance proposed by a Bakersfield Cactus Qualified Botanist (Condition of Approval 5.12) is sufficient to avoid direct or indirect take of Bakersfield cactus.

- 7.12. Bakersfield Cactus Avoidance Fencing. Sturdy, highly visible, plastic construction avoidance fencing (or comparable fencing approved in writing by the CDFW Regional Representative) shall be installed around Bakersfield cactus avoidance areas (Condition of Approval 7.11) and located in accordance with direction from the Bakersfield Cactus Qualified Botanist. Fencing shall be securely staked and installed in a durable manner that would be reasonably expected to withstand wind and weather events and last at least through the construction period. Fencing shall be inspected at least twice weekly during the construction period. Fencing shall be removed upon completion of construction of the Developer project.
- 7.13. Bakersfield Cactus Translocation. The Bakersfield Cactus Qualified Botanist shall translocate Bakersfield cactus, which cannot be avoided by construction activities in accordance with Condition of Approval 7.11, to the nearest suitable habitat specifically identified in the Bakersfield Cactus Translocation Plan (Condition of Approval 6.9) prior to disturbance of any Bakersfield cacti. Translocated cacti shall be planted in habitat that Permittees have proven to be suitable for Bakersfield cactus by demonstrating that Bakersfield cactus occurs naturally at the same general location and the plantable area has suitable soils, vegetation, and other aspects to support a self-sustaining population of Bakersfield cactus. The density of plantings shall not exceed densities that occur naturally in the vicinity of the Project. Pads shall be taken from the translocated clumps of cacti and planted in the receiver sites to increase the number of plants.
- 7.14. Covered Species Injury. If a Covered Species is injured as a result of Project related activities, a Qualified Wildlife Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility that routinely evaluates and treats the injured Covered Species. Permittees shall identify the potential facilities before starting Covered Activities. The Developer or appropriate Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee with jurisdiction shall notify CDFW 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.
- 7.15. Daily Entrapment Inspections. Permittee Authorizations shall require that workers on Developer projects shall inspect all open holes, sumps, and trenches within the development footprint covered by the Permittee Authorization at the beginning, middle, and end of each day for trapped Covered Species. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and that are between two- and eight feet deep shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. All trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45

degree) slope and greater than eight feet deep shall be covered when workers or equipment are not actively working in the excavation and at the end of each work day. Trenches, holes, sumps, or other excavations that are covered long term shall be inspected at the beginning of each working day to ensure inadvertent entrapment has not occurred. If any worker discovers that Covered Species have become trapped, the Developer and their workers shall cease all Covered Activities in the vicinity and notify Permittees immediately, whom shall in turn notify CDFW immediately. Developer and its workers shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or, alternatively, a Qualified Wildlife Biologist shall capture and relocate the animal, in accordance with CDFW direction regarding the final disposition of the animal. The Developer for which the Biological Clearance Survey was conducted shall bear the costs of Covered Species salvage.

- 7.16. Materials Inspection. Permittee Authorizations shall require that workers on Developer projects thoroughly inspect for Covered Species in all construction pipe, culverts, or similar structures with a diameter of 7.6 centimeters (three inches) or greater that are stored for one or more overnight periods before the structure is subsequently moved, buried, or capped. If during inspection one of these animals is discovered inside the structure, workers shall notify Permittees and allow the Covered Species to safely escape that section of the structure before moving and utilizing the structure. In the event that Permittees are notified of such an incident, Permittees shall notify CDFW in writing (via email will suffice) within 48 hours of the incident.
- 7.17. Equipment Inspection. Permittee Authorizations shall require that 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, the Developer shall contact a Qualified Wildlife Biologist to determine if they can safely move the Covered Species out of harm's way in compliance with this ITP.
- 7.18. Sump Surveys. Permittees shall be allowed to train personnel/staff to inspect work areas and buffer zones prior to Operations and Maintenance (O&M) activities in sumps or other similar features to make determinations if there are any potential (as defined in the Service 2011 "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance") den sites. If potential den sites are observed, a Qualified Wildlife Biologist shall conduct a SJKF den survey in accordance with Condition of Approval 7.4 prior to any O&M activities being conducted in sumps or other similar features within the Project Area by either Permittee. If a known, active, or natal SJKF den is discovered during the SJKF Den Survey, the O&M work shall not proceed unless the Public Works Department (or other Permittee department conducting the O&M work) demonstrates to the appropriate Designated Representative that either: (1) den avoidance will occur as per Condition of Approval 7.5; or (2) den excavation has occurred in accordance with Condition of Approval 7.6.