CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
INLAND DESERTS REGION
3602 INLAND EMPIRE BLVD, SUITE C-220
ONTARIO, CA 91764

STREAMBED ALTERATION AGREEMENT
EPIMS-SBR-58314-R6
OLD SAN SEVAINE CHANNEL, TRIBUTARY TO EAST ETIWANDA CREEK

CITY OF FONTANA
CHERRY AVENUE AND VICTORIA STREET COMPLETE STREETS
INFRASTRUCTURE PROJECT

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and City of Fontana (Permittee) as represented by Jeff Kim.

RECITALS

WHEREAS, pursuant to Fish and Game Code section 1602, Permittee notified CDFW on December 9, 2025, that Permittee intends to complete the project described herein.

WHEREAS, pursuant to Fish and Game Code section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project is located within Old San Sevaine Channel, tributary to East Etiwanda Creek. The project is located within City Fontana, in the County of San Bernardino, State of California. The project site is bounded by Cherry Avenue and Victoria Street at approximately 34.12774, -117.49302 on Assessor's Parcel Number 0228-092-20-0000. (Exhibits A and B).

PROJECT DESCRIPTION

The project is limited to installing one culvert, which will be located where the new Victoria Street alignment crosses Old San Sevaine Channel. This culvert consists of

four 18-inch diameter corrugated metal pipes (CMP) measuring approximately 150 linear feet. Old San Sevaine Channel will be excavated to bed the culvert, inlet and outlet structures, then backfilled with clean soil. Riprap will be installed at the inlet and outlet for culvert protection and velocity dissipation. The Victoria Street realignment will be constructed above the culvert, using aggregate and cement. The culvert will cross under Victoria Street within Old San Sevaine Channel and convey storm water generated upstream of Victoria Street to an existing storm drain inlet where Old San Sevaine Channel meets Baseline Avenue. The existing culvert under the existing Victoria Street alignment will remain and will not be removed.

Construction staging for the project will be located on two vacant plots of land, one at the northwest intersection of Cherry Avenue and Baseline Avenue, and the second location south of Victoria Street along the northwest border of the utility corridor. When necessary, existing roadways will be used as staging areas. Excavated soil will be stored/staged onsite within the designated work areas/staging areas for use within the project. Clean soil will be sourced from the soil excavated from the basins adjacent to the roundabout. Soil will be screened as needed to remove debris, large rocks, etc.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: **PLANTS**: Brand's phacelia (*Phacelia stellaris*), Braunton's milk vetch (*Astragalus brauntonii*) mesa horkelia (*Horkelia cuneata* var. *puberula*), Nevin's barberry (*Berberis nevinii*), Parry's spineflower (*Chorizanthe parryi* var. *parryi*), San Diego ambrosia (*Ambrosia pumila*), slender-horned spineflower (*Dodecahema leptoceras*); **INVERTEBRATES:** Crotch's bumble bee (*Bombus crotchii*); **AMPHIBIANS**: western spadefoot (*Spea hammondii*); **REPTILES**: California glossy snake (*Arizona elegans occidentalis*), coast horned lizard (*Phrynosoma blainvillii*), southern California legless lizard (*Anniella stebbinsi*), southwestern pond turtle (*Actinemys pallida*); **BIRDS**: burrowing owl (*Athene cunicularia*), California horned lark (*Eremophila alpestris actia*), coastal California gnatcatcher (*Polioptila californica californica*), Cooper's hawk (*Astur cooperii*), least Bell's vireo (*Vireo bellii pusillus*), northern harrier (*Circus hudsonius*), southwestern willow flycatcher (*Empidonax traillii extimus*); **MAMMALS**: Los Angeles pocket mouse (*Perognathus longimembris brevinasus*), pallid bat (*Antrozous pallidus*), San Bernardino kangaroo rat (*Dipodomys merriami parvus*), San Diego desert woodrat (*Neotoma lepida intermedia*), western mastiff bat (*Eumops perotis californicus*); and any other fish and wildlife resources occurring within the project area.

The adverse effects the project could have on the fish or wildlife resources identified above include: soil compaction or other disturbance to soil layer; loss of natural bed or bank; loss or decline of riparian habitat; change in composition of channel materials; loss or decline of natural bed substrate; short-term release of contaminants; long-term release of contaminants; diversion of flow water from, or around, activity site; dewatering; colonization by exotic plant or animal species; construction pitfalls that can capture terrestrial organisms; disturbance to nesting birds and other wildlife.

Project activities described above are anticipated to temporarily impact 0.37 acres and permanently impact 0.40 acres of streambed and associated Fish and Game Code Section 1602 resources.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.

1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.

1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.

1.5 Additional Project Impacts. Permittee shall submit to CDFW a request to amend this Agreement if any additional projects or impacts subject to Fish and Game Code section 1602 not identified in this Agreement are anticipated. No additional impacts subject to Fish and Game Code section 1602 are authorized unless the impacts and/or activities are expressly authorized by CDFW by amendment to this Agreement.

1.6 Take of Listed Species. The issuance of this Agreement does not authorize the take, incidental or otherwise, of any state or federally listed threatened, endangered, candidate or fully protected species. Take of any California Endangered Species Act (CESA) listed species is prohibited except as authorized by state law (Fish and G. Code, §§ 2080 & 2085). Consequently, if a project, including project construction or any project-related activity during the life of the project, may result in take of CESA-listed species, CDFW recommends that the project proponent seek appropriate authorization prior to project implementation. This may include an incidental take permit (ITP) or a consistency determination (Fish & G. Code, §§ 2080.1 & 2081).

1.7 Take of Nesting Birds. Section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game

Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code Section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act 1918, as amended (16 U.S.C. § 703 et seq.). The issuance of this Agreement does not in any way exempt or excuse compliance with these statutes.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

2.1 Designated Biologist. Permittee shall retain a CDFW-approved qualified biologist, botanist, or other biological specialist (Designated Biologist(s)) to be onsite throughout the entirety of the project. Permittee shall ensure that the Designated Biologist(s) is knowledgeable and experienced in the identification, biology, natural history, collecting, and handling of appropriate species. Permittee shall submit the aforementioned information using the CDFW Biologist Resume Form, DFW 820 (Exhibit D; available online at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=202869) at least **30 days before commencement of project activities** addressed by this agreement. The Designated Biologist(s) shall conduct pre-activity surveys, present the Worker Environmental Awareness Program, monitor all construction activities subject to Fish and Game Code section 1602 (i.e., ensuring the prescribed access routes and work areas are respected), monitor any active bird nests, perform necessary pre-activity surveys within stream areas and within all sensitive habitats, and ensure impacts to wildlife habitat are minimized.

2.2 Qualifications of Designated Biologist(s). Permittee shall ensure that each Designated Biologist is knowledgeable and experienced in the identification, life history, behavior, and habitat requirements of species with potential to be impacted by the project. Permittee shall also ensure that handling of non-listed fish, wildlife, or plant species is conducted only by Designated Biologists approved by CDFW in writing. Handling of state-listed species will require CESA authorization.

2.3 Responsibility of Designated Biologist(s). The Designated Biologist(s) shall be responsible for monitoring activities addressed by this Agreement, including, but not limited to all activities that result in clearing, grading, excavation, and/or other ground-disturbing activities. To ensure compliance with the measures of this Agreement, the Designated Biologist(s) shall confirm and monitor the limits of project activities addressed by this Agreement.

2.4 Authority of Designated Biologist(s). To ensure compliance with the measures of this Agreement, the Designated Biologist(s) shall immediately halt any activity that does not comply with this Agreement, and/or order any reasonable measure to avoid the violation of, or maintain compliance with, any measure of this Agreement. The Designated Biologist(s) shall not have the authority to handle any special-status species (e.g., species of special concern, rare, threatened, endangered, candidate) and must halt construction and notify CDFW immediately if any listed species is identified within or adjacent to the project area and could be impacted by the project. If compliance with any measure of this Agreement fails or if the measures of this permit are violated, Permittee shall notify CDFW immediately in writing to R6LSAreporting@wildlife.ca.gov.

2.5 Access Routes and Work Areas. The Designated Biologist(s) shall establish and delineate work areas and access routes, within those areas and routes identified in the notification, to minimize impacts to sensitive resources to the greatest extent feasible. The Designated Biologist(s) shall clearly demarcate, using non-ground-disturbing methods, the prescribed work areas and access routes, and any necessary avoidance areas, including an appropriate buffer. If Permittee determines that alternative access routes or work areas, beyond those described in the notification, are necessary, the Designated Biologist(s) or Permittee shall contact CDFW for written approval prior to utilizing the alternative route. CDFW may require an amendment to this Agreement if project modifications are required.

2.6 Staging Areas. All project-related parking areas, storage areas, laydown sites, and equipment storage shall be located outside of areas subject to Fish and Game Code section 1602 and, to the extent possible, shall use previously disturbed areas.

2.7 Nesting Birds. It is the Permittee's responsibility to avoid impacts to nesting birds **anytime birds are nesting on-site**. Permittee shall ensure that impacts to nesting birds are avoided through the implementation of preconstruction surveys, ongoing monitoring, and if necessary, establishment of minimization measures.

2.7.1 Designated Biologist(s). Permittee shall designate a biologist (Designated Biologist(s)) experienced in identifying local and migratory bird species; conducting bird surveys using appropriate survey methodology (e.g., Ralph et al. 1993[1] and United States Fish and Wildlife Service and/or CDFW-accepted species-specific survey protocols); implementing nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success (e.g., Martin and Geupel 1993[2]); determining/ establishing

[1] Ralph, C.J., G.R. Geupel, P. Pyle, T.E. Martin, and D.F. DeSanta. 1993. Handbook of field methods for monitoring landbirds. General Technical Report PSW-GTR 144. USDA Forest Service Pacific Southwest Research Station. Albany, CA.
[2] Martin, T.E. and G.R. Geupel. 1993. Nest-monitoring plots: methods for locating nests and monitoring success. Journal of Field Ornithology 64:507-514.

appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.

2.7.2 Pre-Construction Surveys. Surveys shall be conducted by the Designated Biologist(s) 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 this 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 property; density and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. Pre-project surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from atypically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). If a nest is suspected, but not confirmed, the Designated Biologist(s) shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. The Designated Biologist(s) shall not risk failure of the nest to determine the exact location or status and will make every effort to limit the nest to potential predation as a result of the survey/monitoring efforts (e.g., limit number of surveyors, limit time spent at/near the nest, scan the site for potential nest predators before approaching, immediately depart nest area if indicators of stress or agitation are displayed). If a nest is observed, but thought to be inactive, the Designated Biologist(s) shall monitor the nest for 1 hour (4 hours for raptors) prior to approaching the nest to determine status. The Designated Biologist(s) shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate. Results of pre-activity surveys shall be provided to CDFW per Measure 4.1.

2.7.3 Buffers. When an active nest is confirmed, the Designated Biologist(s) shall immediately establish a conservative buffer surrounding the nest. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. The buffer shall be delineated to ensure that its location is known by all persons working within the vicinity but shall not be marked in such a manner that it attracts predators. Once the buffer is established, the Designated Biologist(s) shall 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. Following documentation of baseline conditions, the Designated Biologist(s) may choose to adjust the buffer based on site characteristics, stage of reproduction, and types of project activities proposed at/near that location. The Designated Biologist(s) shall monitor the nest at the onset of project activities addressed by this

Agreement, and at the onset of any changes in project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist(s) determines that project activities may be causing an adverse reaction, the Designated Biologist(s) shall increase the buffer accordingly.

2.7.4 Protection from Excessive Sound. If project activities must take place within the buffer, a qualified acoustician shall monitor noise as work approaches the edge of the occupied habitat as directed by the Designated Biologist(s). If the noise meets or exceeds the 60 dB(A) Leq threshold[3], or if the Designated Biologist(s) determines that activities are disturbing nesting activities, the Designated Biologist(s) shall have the authority to halt the project activities and shall consult with CDFW to devise methods to reduce the noise and/or disturbance. This may include methods such as, but not limited to, turning off vehicle engines and other equipment whenever possible to reduce noise, installing a protective noise barrier between the nesting birds and the activities, and working in other areas until the young have fledged. Protective noise barriers shall be removed when birds are done nesting and shall not remain installed in the project site during the rainy season if within the floodplain of the stream(s). The Designated Biologist(s) shall monitor the nest daily until activities are no longer within 300 feet of the nest, or the fledglings become independent of their nest, or the nest has failed.

2.7.5 Ongoing Monitoring. The Designated Biologist(s) shall be onsite daily to monitor all existing nests, the efficacy of established buffers, and to document any new nesting occurrences. The Designated Biologist(s) shall document the status of all existing nests, including the stage of reproduction and the expected fledge date, when this can be determined without endangering the nest by disturbance or alerting predators. If a nest is suspected to have been abandoned or failed, CDFW recommends the Designated Biologist(s) monitor the nest for a minimum of 1 hour (4 hours for raptors), uninterrupted, during favorable field conditions. If no activity is observed during that time, the Designated Biologist(s) may approach the nest to assess the status.

2.7.6 Securing Site. Permittee, under the direction of the Designated Biologist(s), may also take steps to discourage nesting on the project site, including moving equipment and materials daily, covering material with tarps or fabric, and securing all open pipes and construction materials. The Designated Biologist(s) shall ensure that none of the materials used pose an entanglement risk to birds or other species. The Designated Biologist shall include a detailed account of any steps taken to discourage nesting

[3] Barber, J. R., K. R. Crooks, and K. M. Fristrup. 2009. The costs of chronic noise exposure for terrestrial organisms. Trends in Ecology and Evolution 25:180–189.

within the project site in the summary reports.

2.7.7 Reporting. The Designated Biologist(s) shall be responsible for providing summary reports, as specified in Measure 4.2 to CDFW no less than once weekly regarding the nesting species identified onsite, discovery of any new nests, the status/outcome of any previously identified nest, buffer distances established for each nest, and any adjustments made to established buffers. If the project results in the abandonment of, or damage to a nest, Permittee shall notify CDFW within 24 hours.

2.8 Burrowing Owl. Burrowing owl is a candidate species for listing as threatened or endangered pursuant to the California Endangered Species Act (Fish & G. Code, §§ 2050 et seq., 2080, 2085). Permittee shall ensure that impacts to burrowing owls and take of burrowing owls are fully avoided through the implementation of focused surveys, preconstruction surveys, and ongoing monitoring. If impacts to burrowing owls cannot be avoided, Permittee shall postpone the Project until appropriate CESA authorization is obtained. This may include an incidental take permit (Fish and Game Code, § 2081). The issuance of this Agreement does not authorize take of burrowing owls.

2.8.1 Burrowing Owl Habitat Assessment. Prior to the initiation of Project activities addressed by this Agreement, Permittee shall conduct a burrowing owl habitat assessment consistent with the 2012 Staff Report[4]. A habitat assessment shall be conducted by Designated Biologist(s) knowledgeable of burrowing owl habitat, ecology, and field identification of the species, burrow and burrow surrogates, and burrowing owl sign **at least thirty (30) calendar days prior to the initiation of Project activities addressed by this Agreement**. The assessment shall consist of walking the Project site to identify the presence of burrowing owl habitat.[5] Survey duration shall take into consideration the size of the property; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. A report summarizing the results of the habitat assessment

[4] California Department of Fish and Wildlife (CDFW). 2012. Staff Report on Burrowing Owl Mitigation. State of California, Natural Resources Agency. Available for download at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843.

[5] Burrowing owls use a variety of natural and modified habitats for nesting and foraging that is typically characterized by low-growing vegetation. Burrowing owl habitat includes but is not limited to, short or sparse vegetation (at least at some time of year), presence of burrows, burrow surrogates or presence of fossorial mammal dens, well-drained soils, and abundant and available prey. Vegetation and features may include native and non-native grassland, interstitial grassland with shrub lands, shrub lands with low density shrub cover, golf courses, drainage ditches, earthen berms, unpaved airfields, pastureland, dairies, fallow fields, and agricultural use areas. Burrowing owls typically use burrows made from fossorial (adapted for burrowing or digging) mammals such as ground squirrels or badgers, and often manmade structures such as earthen berms; cement culverts; cement, asphalt, rock, or wood debris piles; or openings beneath cement or asphalt pavement.

shall be submitted to CDFW **within 10 days of survey completion**, as described in Measure 4.3.

2.8.2 Focused Surveys for Burrowing Owls Prior to Project Activities. If the burrowing owl habitat assessment identifies burrowing owl habitat or sign on site, Permittee shall have a Designated Biologist(s) pre-approved by CDFW perform a survey for burrowing owls **between 30 and 60 days prior** to Project activities. Occupancy of burrowing owl habitat is confirmed at a site when at least one burrowing owl, or its sign at or near a burrow entrance, is observed within the last three years.

2.8.3 Burrowing Owl Survey Results. Permittee shall submit the survey methodology and results **within ten days** of survey completion and **at least twenty-one days prior** to commencement of Project activities addressed by this Agreement to CDFW Inland Deserts Region at R6LSAReporting@wildlife.ca.gov.

2.8.4 Burrowing Owl Pre-Construction Inspection. If burrowing owl habitat is found onsite, Permittee shall have a Designated Biologist(s), pre-approved by CDFW, inspect all burrows that exhibit typical characteristics of owl activity **within three (3) days prior** to any site-preparation activities. Evidence of owl activity may include presence of owls themselves, burrows, and owl sign at burrow entrances such as pellets, whitewash or other “ornamentation,” feathers, prey remains, etc. If it is evident that the burrows are actively being used, Permittee shall not commence activities until appropriate CESA authorization is obtained. CDFW shall be notified in writing of detection of active burrows **within three (3) days**.

2.8.5 Burrowing Owl Avoidance and Monitoring Plan. If burrowing owls are detected on or adjacent to the Project site, the Permittee shall prepare a Burrowing Owl Avoidance and Monitoring Plan that shall be submitted to CDFW for review and approval **at least 30 days prior** to initiation of Project activities. If burrowing owls are detected after Project activities have been initiated, a Burrowing Avoidance and Monitoring Owl Plan shall be submitted to CDFW for review and approval **within two weeks of detection** and no Project activity shall continue within 1000 feet of the burrowing owls. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Avoidance and Monitoring Plan. The Burrowing Owl Avoidance and Monitoring Plan shall include 1) assessment that details the number and location of occupied burrow sites, and acres of burrowing owl habitat with a qualitative description of the habitat vegetation characteristics; 2) details on avoidance actions and monitoring such as proposed buffers, visual barriers, and other actions to ensure that take of burrowing owl

individuals, nests, and eggs are avoided; and 3) site monitoring to be conducted prior to, during, and after Project activities. The Permittee shall implement the Burrowing Owl Avoidance and Monitoring Plan following CDFW review and approval. If it is evident that the burrows are being used and avoidance is not feasible, Permittee shall not commence activities until appropriate CESA authorization is obtained.

2.8.6 Burrowing Owls Observed During Construction. If burrowing owls are observed within Project Site(s) during Project implementation and construction, Permittee shall notify CDFW immediately in writing to R6LSAReporting@wildlife.ca.gov (reference SAA# EPIMS-SBR-58314-R6).

2.9 Least Bell's Vireo. Least Bell's vireo is an endangered species pursuant to the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) and the federal Endangered Species Act. Permittee shall designate a CDFW-approved least Bell's vireo biologist (Designated Biologist) that is knowledgeable about the species natural history, habitat requirements, seasonal movements, and range to survey and monitor for least Bell's vireo prior to project activities. If project activities will be completed when least Bell's vireo could be present, the Designated Biologist shall complete necessary surveys, impact assessments, and associated reports within all locations subject to project site activities following the protocols provided within the *Least Bell's Vireo Survey Guidelines* (USFWS, January 2001) to ensure avoidance of impacts. Survey results shall be submitted in writing to CDFW for review prior to the start of project activities. If least Bell's vireos are identified within 500 linear feet of project site activities, the Permittee shall develop a plan to completely avoid impacts to the species and submit to CDFW for review and approval. The Permittee shall not conduct any project activities within 1000 linear feet of occupied least Bell's vireo habitat from March 1 through July 31. The Permittee shall not conduct any project activities within 500 linear feet of occupied least Bell's vireo habitat from August 1 to September 15. If full avoidance cannot be accomplished, Permittee shall postpone the Project until appropriate CESA authorization is obtained.

2.10 San Bernardino Kangaroo Rat. Permittee shall prepare a plan to conduct pre-project protocol trapping for San Bernardino kangaroo rat (SBKR) within the project footprint and a 500-foot buffer and shall submit the plan to CDFW for review and approval prior to implementation. Nighttime temperatures during the trapping must be greater than 50 degrees Fahrenheit. The results of the protocol trapping shall be provided to CDFW no less than **30 days prior to the start of project activities**. **If SBKR are present, all project activities must avoid take, unless CESA authorization is obtained, and no project activities are authorized under this Agreement without additional written approval from CDFW.** This Agreement does not provide authorization for take of any listed species.

2.11 Special-Status Small Mammals. Prior to the start of project activities, a Designated Biologist(s) knowledgeable in the habitat, ecology, and field identification of San Diego desert woodrat and Los Angeles pocket mouse shall visually survey the entirety of the project site, access route, and appropriate buffer surrounding these areas to identify any features/habitats (i.e., burrows, dens, cavities, etc.) suitable to support these special-status small mammals. Where an identifiable feature is present, the Designated Biologist(s) shall mark the potentially occupied feature for avoidance. If special-status small mammals are detected, Permittee shall immediately (within 24 hours) notify CDFW and submit species-specific avoidance measures that when implemented, will fully avoid impacts to the special-status small mammals. If full avoidance cannot be accomplished, Permittee shall postpone the project and contact CDFW to discuss an appropriate path forward.

2.12 Special-Status Amphibians. Prior to the start of Project activities, the Designated Biologist(s) shall visually survey the project area for the potential occurrence of special-status amphibians within the project footprint, including, but not limited to, those identified in the Project Impacts section of this Agreement. If special-status amphibians, egg masses, or breeding habitat are present, Permittee shall develop a Species Avoidance Plan to ensure breeding habitat, and/or egg masses and tadpoles are not impacted by project activities, including the excavated materials entering the streambed. The Species Avoidance Plan shall be submitted to CDFW for review and approval prior to implementation.

2.13 Special-Status Reptiles. Permittee shall avoid and minimize impacts to special-status reptiles within the Project footprint, including, but not limited to, those identified in the Project Impacts section of this 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 special-status reptile species is identified and has the potential to be impacted by the Project, Permittee shall halt the activities that have the potential to impact special-status reptiles and **contact CDFW immediately** to discuss an appropriate path forward.

2.14 Crotch's Bumble Bee. Crotch's bumble bee is a candidate species for listing pursuant to the California Endangered Species Act (Fish & G. Code, § 2050 et seq.). Permittee shall designate a Crotch's bumble bee approved biologist (Designated Biologist(s)) that is knowledgeable about the species natural history, habitat requirements, seasonal movements, and range to survey and monitor for Crotch's bumble bee prior to project activities. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983[6]). Survey results, including negative findings, should be submitted to CDFW prior to implementing project-

[6] Thorp, R. W., D. S. Horning, and L. L. Dunning. 1983. Bumble bees and cuckoo bumble bees of California (Hymenoptera, Apidae). Volume 23. University of California Press, Berkeley, CA, USA

activities. If Crotch's bumble bee is detected, the Designated Biologist should immediately notify CDFW. In addition, the Permittee in consultation with the Designated Biologist(s) should develop a Crotch's Bumble Bee Avoidance Plan. At a minimum, the avoidance plan should identify the location of all nests in or adjacent to the project site as well as all inactive small mammal burrows. If an inactive burrow may be disturbed by project activities, it should be resurveyed for Crotch's bumble bee within seven (7) days prior to the scheduled disturbance. A minimum 100-foot no disturbance buffer zone should be established around nests to reduce the risk of disturbance or accidental take. The Designated Biologist(s) should expand the buffer zone as necessary to prevent disturbance or take. If full avoidance cannot be accomplished, Permittee shall postpone the project until appropriate CESA authorization is obtained.

2.15 Special-Status Plants. Prior to the start of project activities, the Designated Biologist(s) shall visually survey the entirety of the project site and access route to identify any special-status plants, such as those included in the Project Impacts section of this Agreement. Any special-status plants identified shall be marked for avoidance. The Permittee shall avoid all impacts to state-listed plants unless CESA authorization is obtained. If other special-status plant species are identified within the project site, Permittee shall develop a plan to avoid impacts to special-status plants. If full avoidance cannot be accomplished, Permittee shall postpone the project and contact CDFW to discuss an appropriate path forward.

2.16 Pre-activity Surveys. The Designated Biologist(s) shall conduct pre-activity surveys within the project areas and a 500-foot buffer surrounding these areas 14-21 days prior to initiating project activities. The surveys shall be conducted to identify and map for avoidance any special-status species with the potential to occur on the site, including those identified in the Project Impacts section of this Agreement, and any habitat, dens, roosts, burrows, nests, etc. capable of supporting a special status species. The Designated Biologist(s) shall ensure that the methods used to locate, identify, map, avoid, and buffer individuals or habitat are appropriate and effective, including the assurance that the surveyor has attained 100% visual coverage of the entirety of the potential impact areas, and an appropriate buffer surrounding those areas. Results of the surveys shall be submitted to CDFW via email at least 2 days prior to initiation of any project activities. If any special-status species (or sign of presence) is identified within or adjacent to the project area, Permittee shall immediately (within 24 hours) notify CDFW and submit, prior to initiation of project activities, species-specific avoidance measures that when implemented will fully avoid impacts to the special-status species. If full avoidance cannot be accomplished, Permittee shall postpone the project and contact CDFW to discuss an appropriate path forward. Results of pre-activity surveys shall be provided to CDFW per Measure 4.3.

2.17 Pre-Activity Sweeps. The Designated Biologist(s) shall conduct pre-activity sweeps within the project areas (including access routes) and a 500-foot buffer surrounding the project areas, within 2 hours prior to initiating project activities. The pre-activity

sweeps shall confirm and mark/map for avoidance the location of any known nesting bird(s) and/or special-status species and shall verify that no additional/new nesting bird(s) and/or special-status species have occupied the project areas or adjacent habitats. If any additional/new nesting bird(s) and/or special-status species (or sign of presence) are identified within or adjacent to the project areas during the pre-activity sweep, Permittee shall determine whether the proposed avoidance measures will be effective in fully avoiding impacts of the project on the identified resource(s) prior to initiating project activities. If full avoidance cannot be accomplished, Permittee shall postpone the project, and contact CDFW to discuss an appropriate path forward.

2.18 Avoidance of Sensitive Resources. Following the completion of the pre-activity sweep, the Designated Biologist(s) shall ensure that all sensitive resources identified are mapped/marked for avoidance and that the buffers proposed to protect those sensitive resources are appropriately sized and clearly demarcated. In addition, the Designated Biologist(s) shall identify and mark the most appropriate path (i.e., the route that provides full avoidance of sensitive resources, vegetation, and other habitat values) for construction vehicles and equipment to utilize to access the project site. The Designated Biologist(s) shall use available scientific research, independent judgement, and personal experience when assigning avoidance buffer. Details of these avoidance measures shall be provided to CDFW in the post-activity report (Measure 4.4) within 14 days after project completion. If full avoidance cannot be accomplished, Permittee shall postpone work activities in the immediate area and buffer as determined by the Designated Biologist, and contact CDFW to discuss an appropriate path forward. The Permittee may resume activities at other project locations after clearance by the Designated Biologist(s).

2.19 Construction Monitoring. The Designated Biologist(s) shall be present during the entirety of project activities and shall ensure that all avoidance and minimization measures are implemented and maintained, including but not limited to monitoring and addressing potential nesting bird(s) and/or special-status species impacts, ensuring the prescribed access routes and work areas are respected, and securing any excavation areas. If the Designated Biologist(s) determines there is the potential for the project to impact a nesting bird(s) and/or special-status species, the Designated Biologist(s) shall postpone work activities in the immediate area and buffer as determined by the Designated Biologist, and contact CDFW to discuss an appropriate path forward. Permittee may resume activities at other project locations after clearance by the Designated Biologist(s).

2.20 Moving out of Harm’s Way. To reduce direct injury and mortality, the Designated Biologist(s) shall be at the project site prior to and during all ground- and habitat-disturbing activities to move or allow to move out of harm’s way any non-listed, non–fully protected wildlife that would otherwise be injured or killed from project-related activities. Movement of wildlife out of harm’s way should be limited to only those individuals that would otherwise by injured or killed, and individuals should

be moved only as far a necessary to ensure their safety. Only Designated Biologist(s) with appropriate authorization by CDFW shall move CESA-listed species.

2.21 No Work in Flowing Water. Work within Fish and Game Code section 1602 resources shall be restricted to periods of no stream flow except for CDFW-approved water diversions.

2.22 Dewatering. Permittee shall comply with the following:

2.22.1 Dewatering Plan. Permittee shall submit for approval a detailed dewatering plan to the Department. Dewatering structures may include the use of sand bag, Port-a-dams, water bladder dams, K-rails or driven sheet metal coffer dams. The Department will review the proposed water diversion method, to approve the plan or provide the requirements for that approval. The Permittee may not commence the dewatering of the stream without the explicit approval from the Department.

2.22.2 Maintain Aquatic Life. When any artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.

2.22.3 Stranded Aquatic Life. The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest body of water adjacent to the work site. A summary of any such activities shall be submitted in the report described in Measure 4.4. This condition **does not allow for the take or disturbance** of any State or federally listed species, or State species of special concern.

2.22.4 Clean Obstruction Only. Any temporary dam or other artificial obstruction constructed by Permittee shall only be built from materials which will cause little or no siltation, such as clean gravel.

2.22.5 Non-Erodible Materials. Permittee shall use only clean non erodible materials in the construction of any water diversion device. All materials used for diversion of water shall be removed from the stream at the end of the irrigation season each year.

2.22.6 Extra Sandbags. Permittee shall have extra sandbags readily available to provide additional freeboard to the diversion in the event it becomes evident flows may increase in due to rainy conditions. The sandbag diversion may be removed completely only if the stream bank is stable, and no undue

erosion will occur.

2.22.7 Maintain Water Quality. Permittee shall divert flow in a manner that prevents turbidity, siltation, or pollution and provides flows to downstream reaches. Flows to downstream reaches shall be provided during all times that the natural flow would have supported aquatic life. Bypassed flow will be in accordance with Fish and Game Code § 5937 (Sufficient Water for Fish Below Dams) and § 5947 (Unlawful to Vary Flows if Harmful to Fish). Said flows shall be sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion. Normal flow shall be restored to the affected stream immediately upon completion of work at that location.

2.23 Worker Environmental Awareness Program (WEAP). Prior to implementing any project activities, Permittee shall 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 Permittee's personnel, contractors, and all subcontractors, prior to the employee's commencing project activities. Permittee shall provide interpretation for non-English-speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform project activities.

2.24 Best Management Practices (BMPs). Permittee shall actively implement BMPs to prevent erosion and the discharge of sediment and pollutants into streams during project activities. BMPs shall be monitored by the Designated Biologist(s) and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. Permittee shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament 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 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.

2.25 Invasive Species. Permittee shall conduct project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.). Prevention BMPs and guidelines for invasive plants can be found on the California Invasive Plant Council's website at: http://www.cal-ipc.org/ip/prevention/index.php and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: https://stopaquatichitchhikers.org/ .

2.26 Equipment Use and Cleaning. All equipment shall be cleaned prior to entering the bed or bank of the wetland. Washing must take place where rinse water is collected and disposed of in either a sanitary sewer, landfill, or other facility authorized to accept such rinse water. The cleaning measures must be practical and verifiable. Depending on the nature of the debris, the equipment may be cleaned using mechanical methods (brushing, scraping, prying), compressed air, high-pressure water, or steam. This includes wheels, tires, buckets, stabilizers, undercarriages, and bumpers. The Permittee shall verify and document cleaning has occurred prior to equipment entering the bed or bank of the lake; documentation of equipment inspections for each date of entry shall be available to CDFW upon request.

2.27 Pollution and Litter. Permittee shall comply with all litter and pollution laws. All contractors, subcontractors, and employees shall also obey these laws and it shall be the responsibility of Permittee to ensure compliance.

2.27.1 Permittee shall not allow water containing mud, silt, or other pollutants from grading, aggregate washing, or other activities to enter a lake, streambed, or flowing stream or be placed in locations that may be subjected to high storm flows.

2.27.2 Spoil sites shall not be located within a lake, streambed, or flowing stream or locations that may be subjected to high storm flows, where spoil shall be washed back into a lake, streambed, or flowing stream where it will impact streambed habitat and aquatic or riparian vegetation.

2.27.3 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 project related activities shall be prevented from contaminating the soil and/or entering a lake, streambed, or flowing stream. These materials, placed within or where they may enter a lake, streambed, or flowing stream by Permittee or any party working under contract or with the permission of Permittee, shall be removed immediately.

2.27.4 No broken concrete, cement, debris, soil, silt, sand, bark, slash, sawdust, rubbish, or washings thereof, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into any river, stream, or lake. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high-water mark of any lake, streambed, or flowing stream.

2.27.5 No equipment maintenance shall be done within or near any lake, streambed, or flowing stream where petroleum products or other pollutants

from the equipment may enter these areas under any flow.

2.28 Trash Abatement and Refuse Removal. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at the end of each workday to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs. Upon completion of project activities, Permittee shall remove and properly dispose of all refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

3. Compensatory Measures

To compensate for adverse impacts to the fish and wildlife resources identified above that cannot be avoided or minimized, Permittee shall implement each measure listed below.

3.1 Purchase of Credits from Mitigation Bank. Permittee shall purchase a total of 1.20 acres of riparian enhancement credits from a CDFW approved mitigation bank, to be approved by CDFW in writing. **Permittee shall obtain CDFW approval regarding choice of the mitigation bank prior to credit purchase. Proof of purchase shall be provided to CDFW no later than 7 days prior to initiation of project activities.**

3.2 Restoration of Temporary Impact Areas. Permittee shall initiate restoration of the 0.37-acre impact area (Restoration Area) immediately following the completion of project activities. Restoration activities shall include: (1) recontouring and decompaction of the streambed and bank, and associated habitats to pre-impact grade; (2) placement of collected topsoil/substrate and/or seeds; (3) removal of invasive and nonnative plant species; and (4) if native vegetation is removed, planting of local, native species by installing container plants and/or broadcasting seeds. Permittee shall provide a brief memo to CDFW describing the fulfilment of the criteria described above and include before and after photos.

4. Reporting Measures

Permittee shall meet each reporting requirement described below. All reporting and project information shall be submitted in digital copy via EPIMS and to R6LSAReporting@wildlife.ca.gov , with a cc to Julia.Charpek@Wildlife.ca.gov . Please reference Notification No. EPIMS-SBR-58314-R6.

4.1 Pre-Construction Nesting Bird Survey Report. Prior to commencement of project activities, Permittee shall submit the results of pre-construction nesting bird surveys completed pursuant to Measure 2.7.2 of this Agreement to R6LSAReporting@wildlife.ca.gov

4.2 Nesting Bird Summary Reports. Permittee shall prepare and submit to CDFW a summary, as described in Measure 2.7.7 of this Agreement, of nesting species

identified onsite, discovery of any of new nests, the status/outcome of any previously identified nest, buffer distances established for each nest, and any adjustments made to established buffers. Summary reports shall be submitted on a weekly basis until there is no further evidence of nesting activity. If the project results in the abandonment of or damage to a nest, Permittee shall notify CDFW within 24 hours.

4.3 Pre-activity Survey Results. Permittee shall submit to CDFW for review, the results of the pre-activity surveys conducted by the Designated Biologist(s) and any measures proposed to ensure complete avoidance of any special-status species, if identified during the surveys. Results of the surveys shall be submitted to CDFW in writing **before commencement of project activities**. The report shall include the following information: a list of all nesting bird(s) and/or special-status species observed; a description of habitat and refugia (e.g., potential burrows, nests, dens, etc.) potentially supporting the nesting bird(s) and/or special-status species; the location(s) of each observation; methods proposed to demarcate/delineate those locations and any associated buffers/avoidance areas; and any other avoidance or minimization measure proposed to be implemented.

4.4 Post-Activity Report. Permittee shall provide a brief post-activity report summarizing the results of the pre-activity sweep and any site- or species-specific avoidance and minimization measures implemented during the project within fourteen (14) days of project completion. The post-activity report shall include photos of the project areas, post-project, to document the restoration of the temporary work areas.

4.5 Notification to CNDDB. If any sensitive species (rare, threatened, endangered, candidate, fully protected, species of special concern, etc.) are observed on or in proximity to the project site, or during project surveys, Permittee shall submit California Natural Diversity Data Base (CNDDB) forms and maps to the CNDDB within five working days of the sightings. The CNDDB form is available online at: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. A copy of this information shall also be mailed or emailed within five working days to CDFW at the address or email listed below under Contact Information. Please reference Notification No. EPIMS-SBR-58314-R6.

4.6 Notification of Start of Construction. Permittee shall notify CDFW, in writing, at least five working days prior to initiation of project activities. Notification shall be sent via email to R6LSAreporting@wildlife.ca.gov with a cc to Julia.Charpek@Wildlife.ca.gov. Please reference Notification No. EPIMS-SBR-58314-R6.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be submitted through Environmental Permit Information Management System (EPIMS) as instructed by CDFW.

To Permittee:

Jeff Kim
City of Fontana
8353 Sierra Avenue
Fontana, CA 92335
EPIMS-SBR-58314-R6
Cherry Avenue and Victoria Street Complete Streets Infrastructure Project
jkim@fontanaca.gov

To CDFW:

Department of Fish and Wildlife
Inland Deserts Region
3602 Inland Empire Blvd., Suite-C220
Ontario, California 91764
EPIMS-SBR-58314-R6
Cherry Avenue and Victoria Street Complete Streets Infrastructure Project
R6LSAReporting@wildlife.ca.gov

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited

to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or obtaining any other permits or authorizations that might be required under, other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the Fish and Game Code including, but not limited to, Fish and Game Code sections 2050 *et seq*. (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 5948 (obstruction of stream).

Nothing in the Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and Permittee. To request an amendment, Permittee shall use the “Amendments & Extension” form in EPIMS to submit the request. Permittee shall include with the completed form, payment of the corresponding amendment fee identified in CDFW’s current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall use the "Amendments & Extension" form in EPIMS to submit the request. Permittee shall include with the completed form, payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with Fish and Game Code section 1605, subdivision (b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall use the "Amendments & Extension" form in EPIMS to submit the request. Permittee shall include with the completed form, payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with Fish and Game Code section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable Fish and Game Code section 711.4 filing fee listed at https://wildlife.ca.gov/Conservation/Environmental-Review/CEQA/Fees.

TERM

This Agreement shall expire on February 1, 2031, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as Fish and Game Code section 1605, subdivision (a)(2) requires.

EXHIBITS

The documents listed below are included as exhibits to the Agreement and incorporated herein by reference.

A. Exhibit A: Vicinity Map

B. Exhibit B: Regional Map

C. Exhibit C: Project Map

D. Exhibit B: CDFW Biologist Resume Form, DFW 820

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with Fish and Game Code section 1602.

CONCURRENCE

Through the electronic signature by the permittee or permittee's representative as evidenced by the attached concurrence from CDFW's EPIMS, the permittee accepts and agrees to comply with all provisions contained herein.

The EPIMS concurrence page containing electronic signatures must be attached to this agreement to be valid.

Exhibit A: Regional Map

Scale: 1:633,600

N

0 5 10 Miles

0 5.5 11 Kilometers

Legend

Project Location

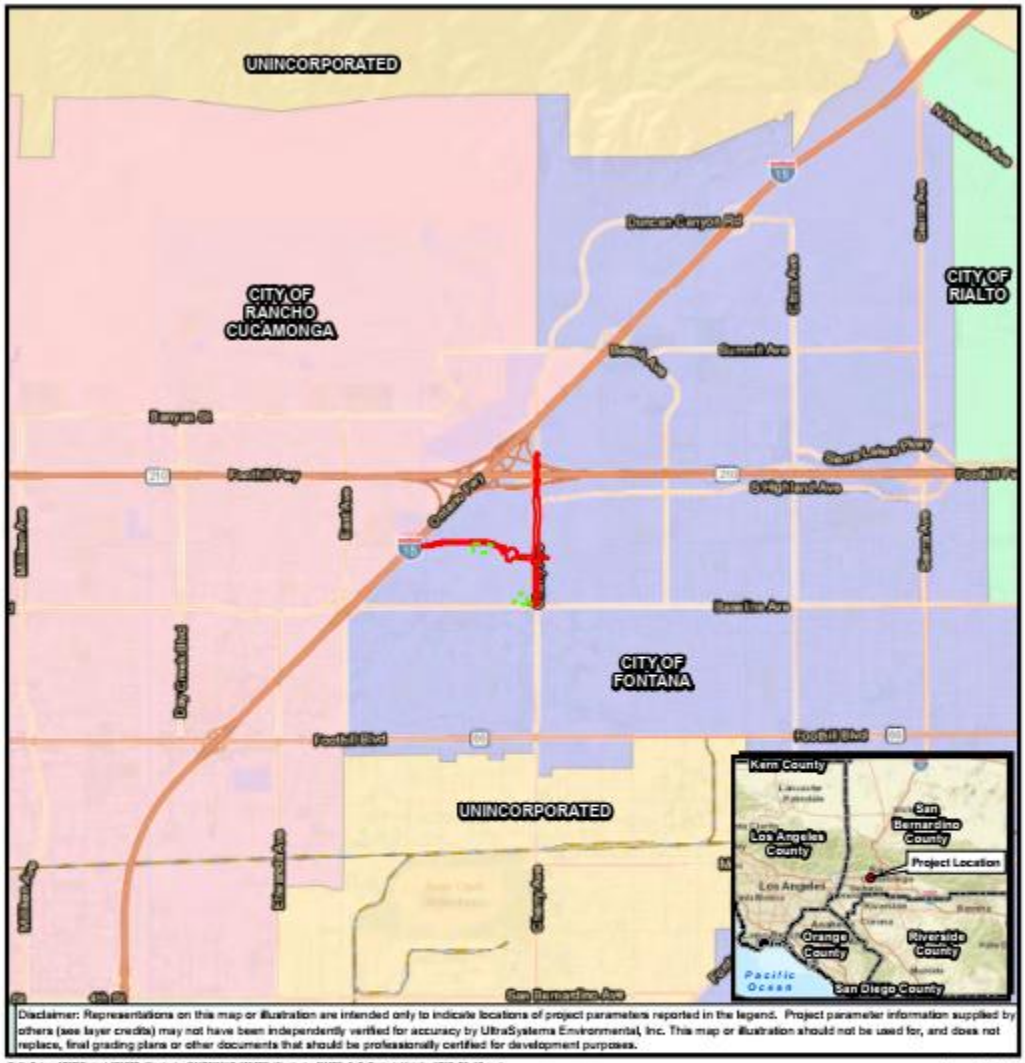
County Boundary

Cherry Ave and Victoria St RAISE Grant

Regional Location
Figure 1

UltraSystems

Exhibit B: Vicinity Map



Disclaimer: Representations on this map or illustration are intended only to indicate locations of project parameters reported in the legend. Project parameter information supplied by others (see layer credits) may not have been independently verified for accuracy by UltraSystems Environmental, Inc. This map or illustration should not be used for, and does not replace, final grading plans or other documents that should be professionally certified for development purposes.

August 27, 2025

Scale: 1:63,360

0 0.5 1 Miles

0 0.55 1.1 Kilometers

Legend

- Project Boundary
- Potential Construction Staging Area

Cherry Ave and Victoria St RAISE Grant

Project Vicinity
Figure 2

UltraSystems

Exhibit C: Project Map

Exhibit D: CDFW Biologist Resume Form, DFW 820

State of California - Department of Fish and Wildlife
BIOLOGIST RESUME
DFW 820 (NEW 07/21/22) Page **1** of **7**

Project Name: Click or tap here to enter text.
LSA Agreement/ITP Number(s): Click or tap here to enter text.

COVER SHEET
SUBMIT EACH RESUME AS A SEPARATE DOCUMENT

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

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

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

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BIOLOGIST RESUME
DFW 820 (NEW 07/21/22) Page **2** of **7**

Project Name: Click or tap here to enter text.
LSA Agreement/ITP Number(s): Click or tap here to enter text.

SECTION I. NAME AND CONTACT INFORMATION	
Name:	**Title:**
Company Name & Address:	
Phone:	**Email:**

SECTION II. EDUCATION
College/University & Degree Type Related to Natural Resource Science:
Other Relevant Workshops & Training:

SECTION III. ROLE(S) AND PERMIT REQUIREMENTS
Requested Role(s):
Relevant LSA Agreement Measures or ITP Conditions[2]:

SECTION IV. SPECIES AND RESOURCE EXPERIENCE – <u>SUMMARY</u>

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

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

[2] List all measures and conditions from the LSA Agreement or ITP requiring biological staff (i.e., Qualified Biologist, Designated Biologist, or Biological Monitor).
[3] Often LSA Agreements/ITPs require surveys and other protections for multiple species and other resources. Include only those for which the biologist has experience and is requesting approval.

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BIOLOGIST RESUME
DFW 820 (NEW 07/21/22) Page **3** of **7**

Project Name: Click or tap here to enter text.
LSA Agreement/ITP Number(s): Click or tap here to enter text.

SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS	
This section details experience from the three most recent and relevant projects for each species and resource identified in Section IV. If more space is needed, attach additional pages in the same table format (i.e., copy/paste format).	
SPECIES OR RESOURCE 1:	
Project 1 Name & Location:	
Project Start Date:	**Project End Date:**
LSA Agreement, ITP, or Other Agency Permit Number:	
Role(s)[4]:	
Survey Type(s)[5]:	
Construction Monitoring[6] **Days:** **Activities:**	
Species Life Stages Observed & Handled, Number of Each **Life Stage:** **Number Observed:** **Number Handled:** **Reported to CNDDB[7] (Y/N):**	**Company Name, Professional Reference Name, Phone, Email:**
If not reported to CNDDB, why:	
CDFW and Other Agency Email:	
Project 2 Name & Location:	
Project Start Date:	**Project End Date:**
LSA Agreement, ITP, or Other Agency Permit Number:	
Role(s):	
Survey Type(s):	
Construction Monitoring: **Days:** **Activities:**	
Species Life Stages Observed & Handled, Number of Each Life Stage: Number Observed: Number Handled: Reported to CNDDB (Y/N):	**Company Name, Professional Reference Name, Phone, Email:**

[4] Insert the role as described in the associated LSA Agreement, ITP or other agency permit. If these permits were not issued, describe the role based on the duties, e.g., "lead biologist with handling authorization" or "biological monitor."
[5] For example, pre-construction survey or description of the protocol or guideline followed.
[6] Include the number of days and describe the types of activities monitored (e.g., heavy equipment operation).
[7] CNDDB is the abbreviation for California Natural Diversity Database.

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BIOLOGIST RESUME
DFW 820 (NEW 07/21/22) Page 4 of 7

Project Name: Click or tap here to enter text.
LSA Agreement/ITP Number(s): Click or tap here to enter text.

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

State of California - Department of Fish and Wildlife
BIOLOGIST RESUME
DFW 820 (NEW 07/21/22) Page 5 of 7

Project Name: Click or tap here to enter text.
LSA Agreement/ITP Number(s): Click or tap here to enter text.

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

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Project Name: Click or tap here to enter text.
LSA Agreement/ITP Number(s): Click or tap here to enter text.

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

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Project Name: Click or tap here to enter text.
LSA Agreement/ITP Number(s): Click or tap here to enter text.

Days: **Activities:**	
Species Life Stages Observed & Handled, Number of Each **Life Stage:** **Number Observed:** **Number Handled:** **Reported to CNDDB (Y/N):**	**Company Name, Professional Reference Name, Phone, Email:**
If not reported to CNDDB, why:	
CDFW and Other Agency Email:	