

**FOR CONTRACT NO.: 06-463704**

# **INFORMATION HANDOUT**

## **PERMITS**

**UNITED STATES DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICES**

**ROUTE: 06-kER-58-21.7/27.2**



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846



IN REPLY REFER TO:  
81420-2009-F-0854-1

Mr. Zachary Parker  
Biology Branch Chief  
California Department of Transportation, District 6  
2015 East Shields Avenue, Suite A-100  
Fresno, California 93726

SEP 29 2009

Subject: Appendage of the State Route 58 Buttonwillow West Project, between Buttonwillow and McKittrick, Kern County, California (Caltrans EA 06-46370, 06-KER-58-PM 21.7/27.2), to the *Programmatic Biological Opinion on the Effects of Minor Transportation Projects on the San Joaquin Kit Fox, Giant Kangaroo Rat, Tipton Kangaroo Rat, Blunt-nosed Leopard Lizard, California Jewelflower, San Joaquin Woolly-threads, Bakersfield Cactus, and Recommendations for the San Joaquin Antelope Squirrel* (Service File number 1-1-01-F-0003 and 81420-2009-F-0974)

Dear Mr. Parker:

The U.S. Fish and Wildlife Service (Service) is responding to the California Department of Transportation's (Caltrans) request for formal consultation on the proposed State Route 58 Buttonwillow West Project (project) in Kern County, California. Your letter requesting consultation, dated May 28, 2009, was received in this office on June 3, 2009. Caltrans asked that this project be considered for inclusion with the Service's December 21, 2004, *Programmatic Biological Opinion on the Effects of Minor Transportation Projects on the San Joaquin Kit Fox, Giant Kangaroo Rat, Tipton Kangaroo Rat, Blunt-nosed Leopard Lizard, California Jewelflower, San Joaquin Woolly-threads, Bakersfield Cactus, and Recommendations for the San Joaquin Antelope Squirrel* (Programmatic). At issue are the effects of this proposed project on the federally-endangered San Joaquin kit fox (*Vulpes macrotis mutica*; SJKF), giant kangaroo rat (*Dipodomys ingens*; GKR), Tipton kangaroo rat (*Dipodomys nitratooides nitratooides*; TKR), blunt-nosed leopard lizard (*Gambelia sila*; BNLL), and Kern mallow (*Eremalche kernensis*; KM). This response was prepared in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act).

The findings and recommendations in this formal consultation are based on: (1) your letter, dated May 28, 2009, requesting initiation of section 7 consultation, (2) the *Biological Assessment for the State Route 58 Buttonwillow West Project*, dated May 2009 (B.A.), (3) electronic-mail

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(e-mail) and telephone correspondence between the Service and Caltrans, and (4) other information available to the Service.

The Service has determined, and Caltrans has agreed, that the proposed project is not likely to adversely affect the Kern mallow. Populations of Kern mallow do exist directly adjacent to SR 58 and within a five mile buffer of the project site but even if an individual plant were to grow within the Caltrans right-of-way (ROW), it is unlikely that this individual would do so within the two foot (ft) section in which construction activities are proposed to occur, particularly given the marginal quality habitat present and the incorporated avoidance and minimization measure. Caltrans proposes to conduct protocol-level surveys following the California Native Plant Society Botanical Survey Guidelines during the March-May flowering season prior to construction.

After reviewing the 2009 B.A., the California Natural Diversity Database records, and other information sources, the Service concurs that the proposed project is not likely to adversely affect the Kern mallow. This concludes the Service's consideration of the project's impacts to this species. If substantial changes are made to the project or if new information is presented to the Service, this determination is to be re-evaluated and consultation reinitiated. The remainder of this biological opinion will address the concerns of the proposed project upon the San Joaquin kit fox, giant kangaroo rat, Tipton kangaroo rat, and blunt-nosed leopard lizard.

### **Consultation History**

June 3, 2009: The Service received a letter from Caltrans requesting initiation of formal consultation with a further request to append the project to the Programmatic. The May 2009 biological assessment was also included in the initiation package.

July 9, 2009: Jen Schofield (Service) e-mailed Carrie Blickenstaff and Zachary Parker of Caltrans with several follow-up questions and clarifications concerning the B.A.

July 14, 2009: Mr. Parker telephoned Ms. Schofield to relay topics from a Caltrans meeting with the California Department of Fish and Game (CDFG) on July 13, 2009, in which changes were discussed concerning the GKR determination, and the avoidance and minimization measures were altered to exclude video-based burrow probing since this was thought to pose a greater risk of take. The proposal for using the Kern Water Bank Authority (KWBA) was discussed and no longer seen as an option due to its exclusion of GKR (and the State-listed San Joaquin antelope squirrel).

July 16, 2009: Ms. Schofield e-mailed Mr. Parker outlining why a change to a 'not likely' determination for GKR would not be possible since take is also applicable to habitat loss/modification.

August 6, 2009: A conference telephone call occurred between Susan Jones (Service), Ms. Schofield, and Mr. Parker in which the parties discussed the outstanding question concerning the minimization measure of where and how to compensate for effects to the species, particularly in regards to GKR. Mr. Parker mentioned a possible mitigation transfer agreement with CDFG and suggested Caltrans could contribute funds to the Lokern Natural Area (LNA) for enhancement purposes. Ms. Jones suggested that Caltrans look into stand-alone parcels through the Center for Natural Lands Management (CNLM), and contact Greg Warrick of CNLM, who might know of extra acres without an existing endowment.

August 20, 2009: Ms. Schofield received responses via e-mail from Ms. Blickenstaff answering the queries from Ms. Schofield's July 9 inquiry.

August 31, 2009: Mr. Parker telephoned Ms. Schofield to inform her that he had been in touch with Mr. Warrick and that there were suitable excess parcels within the project limit left over from Chevron land purchases. Mr. Warrick had informed Caltrans that further clarifications regarding the mechanics of the transfer and purchase processes were first necessary.

September 2, 2009: Mr. Parker e-mailed Ms. Schofield to say Mr. Warrick was continuing to work out the specifics of the land purchase but was confident the process could work. Mr. Parker inquired as to whether this information would be sufficient for proceeding with inclusion in the biological opinion, since the project was scheduled to go to construction soon. Mr. Parker later telephoned Ms. Schofield, who asked if Caltrans would agree on changing the effects determination for the Kern mallow from 'no effect' to 'not likely to adversely affect.' Mr. Parker agreed this was fine.

### **Project Description**

Caltrans proposes to repair a 5.5 mile (mi) stretch of State Route (SR) 58 between postmiles 21.7 and 27.2, located between the towns of McKittrick and Buttonwillow in western Kern County. SR 58 is a two-lane highway with no median and is bisected by several county roads that are governed by two-way stop-controlled intersections.

The overall purpose of the project is to rehabilitate the existing pavement along SR 58 in order to upgrade the deteriorating condition of the road, which would require future higher maintenance costs to prevent further damage. The project proposes to undertake several rehabilitation activities to address these concerns:

- The removal of 2.36 inches (in) of existing asphalt concrete (AC) will be replaced with an overlay of 2.95 in of new AC.

- No pavement widening will occur; however, where the existing three feet (ft) of shoulder backing now exists, two feet of new shoulder backing will be positioned adjacent to the newly laid concrete over the entire project length.

According to the B.A. and a further updated correspondence with the Caltrans biologist, all equipment during construction activities, and for staging and storage purposes, will be kept on the existing pavement in areas that abut the LNA. Although personnel will also keep to the pavement to the extent feasible, it is possible they may need to walk off the pavement to inspect work being conducted. Caltrans anticipates that construction will take approximately one to two months to complete and will occur between April 15 and October 15, most likely beginning in July 2010.

#### **Action Area**

The action area for the proposed project includes the 5.5 mi segment of SR 58 and the Caltrans ROW along the highway in which rehabilitation activities will occur. Land adjacent to the ROW is comprised of the LNA along 2.3 mi on the western end of the project and consists of prime Valley Saltbush Scrub habitat. Agricultural row crop fields and several residential regions are also adjacent to SR 58 throughout 3.2 mi on the eastern side of the project site. The action area is located within the Buttonwillow and Lokern United States Geological Survey 7.5 - minute quadrangles. The UTM coordinates marking the approximate center of the project site are 11S 315678.24 E and 3906139.07m N, WGS 84.

#### **Appending to the Programmatic Biological Opinion**

The Service has determined that this project is consistent with the criteria of the Programmatic. This letter is an agreement by the Service to append the project to the Programmatic and represents the Service's biological opinion on the effects of the proposed action. The Federal Highway Administration and Caltrans originally anticipated that proposed and future transportation projects appended to the Programmatic would directly affect 880 ac over a period of two calendar years, with 440 ac permanently affected and 440 ac temporarily affected. Since December 2004, five projects have been appended to the Programmatic with two currently proposed for the 2009-2010 period, the project considered herein included.

The Service is tracking losses of habitat within the range of the pertinent species permitted under the Programmatic, and compensation for those losses, in each County under the jurisdiction of the Sacramento Fish and Wildlife Office. The Service reevaluates the effectiveness of this Programmatic annually to ensure that continued implementation will not result in unacceptable effects to the listed species or to the habitats upon which they depend.

According to the B.A. and further discussion with Caltrans biologists, a total of 0.46 ac of habitat will be affected, inclusive of a one mile segment to the south of SR 58 and a 0.9 mi segment to the north side (times a two foot width in which shoulder backing activities will occur).

### Conservation Measures

Conservation measures for projects appended to the Programmatic shall be in accordance with the Programmatic unless otherwise determined by the Service. The conservation measures include the following:

1. **Avoidance and Minimization.** Caltrans shall implement the Programmatic's *Conservation Measures, Reasonable and Prudent Measures* and *Terms and Conditions*, as well as the avoidance and minimization measures discussed in the B.A. and as modified through discussions between the Service and Caltrans, in order to minimize the adverse effects of the proposed rehabilitation activities on the San Joaquin kit fox, giant kangaroo rat, Tipton kangaroo rat, and blunt-nosed leopard lizard.
  - a. All construction equipment used for placement of shoulder backing and AC overlay will be kept on the existing pavement so that all ground disturbance will be confined to the two feet adjacent to the pavement.
  - b. A Service-approved biologist will be present to monitor the placement of shoulder backing in the areas adjacent to the LNA, and particularly in areas identified as BNLL habitat. The biologist will also monitor during all other construction-related activities.
  - c. Prior to construction, small mammal burrows will be collapsed with the intention of directing GKR and TKR off site and away from construction activities.
2. **Compensation.** Caltrans shall further minimize effects to the San Joaquin kit fox, giant kangaroo rat, Tipton kangaroo rat, and blunt-nosed leopard lizard, and offset effects to suitable habitat by purchasing land of similar or better quality. The proposed compensation ratios for adverse effects to the SJKF, GKR, TKR, and BNLL are as follows (these ratios apply only outside of kit fox core and satellite population areas):
  - a. 3 units of replacement habitat for every 1 unit of habitat permanently lost within grasslands and natural lands (i.e., scrub and alkali sink communities) (3:1)
  - b. 1.1 units of replacement habitat for every 1 unit of habitat temporarily lost within grasslands and natural lands (1.1:1)

- c. 1.1 units of replacement habitat for every 1 unit of habitat permanently lost within agricultural and ruderal lands (1.1:1).
- d. 0.3 units of replacement habitat for every 1 unit of habitat temporarily lost within agricultural and ruderal lands (0.3:1)

Caltrans proposes to collaborate with the CNLM to purchase 1.38 ac (0.46 ac at a 3:1 ratio) of land in the LNA vicinity. The land purchase will likely derive from acreage carved from a parcel originally purchased by another CNLM client, and managed by the CNLM, but currently without an existing endowment, or derive from other nearby and currently unprotected acreage in the area. Caltrans and the CNLM will continue to work together to determine the appropriate acquisition, endowment, enhancement, and management procedures and costs for enabling Caltrans to procure this acreage and for the CNLM to manage the land in perpetuity. The funds must be set aside for this acreage and the land acquired prior to project groundbreaking.

### **Effects of the Proposed Action**

There remains a further 1.3 mi segment, in addition to the mile long segment identified for minimization efforts, along the western project length that abuts the LNA; however, much of this 1.3 mi length is regularly maintained by Caltrans maintenance and a wide (10-30 ft) un-vegetated section is present adjacent to the road in some areas. This section, although adjacent to the LNA, is considered to lack suitable habitat elements for the SJKF, GKR, TKR, and BNLL. However, because of their documented and observed presence in the LNA, the SJKF, GKR, TKR, and BNLL are expected to be present within and/or adjacent to the action area. The permanent disturbance to and loss of 0.46 ac of suitable vegetated habitat along the approximately one mile stretch of the LNA, will affect all four species and will result from pavement overlay and shoulder backing placement. There are small mammal burrows located directly up against and under the pavement within the ROW and consequently, within the area in which shoulder backing will be positioned. This area is suitable for habitation and utilization by all the species considered herein. The loss of this land will remove potential foraging and sheltering habitat for the species. Entombment and crushing while situated in the burrows are the most likely permanent effects to the GKR, TKR, and BNLL.

Temporary effects are not anticipated to occur since all equipment will be kept to the existing pavement. However, some increased disturbance through personnel presence on-site and their movement into unpaved areas for the purpose of checking and monitoring construction activities could lead to the harm and harassment of those species present.

No indirect effects are expected to occur because the nature of the project relies on the fact that there is no significant change in facility from the highway's current state.

## INCIDENTAL TAKE STATEMENT

Section 9 of the Endangered Species Act and Federal regulations pursuant to section 4(d) of the Act, prohibit take of endangered and threatened species, respectively, without special exemption. Take is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct. The Service defines harassment as an intentional or negligent act or omission that creates the likelihood of injury to listed species by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. The Service defines harm to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), take that is incidental to and not intended as part of the agency action is not considered to be prohibited, provided such taking is in compliance with this Incidental Take Statement.

### Amount or Extent of Take

The Service anticipates that incidental take of the SJKF will be difficult to detect or quantify because when they are not foraging, mating, or otherwise being active on the surface, the kit fox inhabits dens, making detection difficult; it also ranges over a large territory and is primarily active at night. Furthermore, because it is an intelligent but shy animal, it is likely to avoid human presence. It is expected that incidental take of GKR, TKR, and BNLL will be equally difficult to detect because of their small body sizes, thus making the discovery of a dead individual unlikely. Additionally, these species spend much of their time below ground in burrows and seasonal fluctuations in population numbers can also camouflage losses. Therefore, it is not possible to quantify an exact number of SJKF, GKR, TKR, and BNLL individuals that are anticipated to be taken as a result of the proposed action. In instances when take calculations are infeasible to accurately calculate, the Service may estimate take in numbers of individuals per acre of permanently lost or degraded habitat as a result of the project action, as these effects reflect a significant biological effect to the species. Therefore, the Service anticipates take incidental to this project as all SJKF, GKR, TKR, and BNLL inhabiting, using, or moving through the 0.46 ac of suitable habitat. Upon implementation of the Programmatic's *Reasonable and Prudent Measures* and *Terms and Conditions*, and the *Conservation Measures* considered herein, incidental take for this project within this acreage in the forms of harm and/or harassment to SJKF, GKR, TKR, and BNLL from habitat loss due to paving and shoulder backing activities and construction equipment and personnel presence, are hereby exempt from the prohibitions described under section 9 of the Act. Note that no injury or mortality of the SJKF is authorized here. Up to two each of the GKR and TKR may be wounded or killed from projects appended to the Programmatic over its term. The BNLL is a fully protected species under California law (California Fish and Game Code § 5050); no injury or mortality of this species is authorized.

**Effect of Take**

In the accompanying biological opinion, the Service has determined that this level of anticipated take is not likely to jeopardize the continued existence of the San Joaquin kit fox, giant kangaroo rat, Tipton kangaroo rat, and the blunt-nosed leopard lizard.

**RE-INITIATION--CONCLUSION**

This concludes the Service's review of the proposed State Route 58 Buttonwillow West Project as submitted in your May 28, 2009 letter. As provided in 50 CFR § 402.16, re-initiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been maintained (or is authorized by law) and if (1) the amount or extent of incidental take is exceeded, (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or an extent not considered in this biological opinion, (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this biological opinion, or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

Please contact Jen Schofield or Susan P. Jones at the letterhead address or at (916) 414-6600 if you have any questions regarding this letter on the State Route 58 Buttonwillow West Project. The Service wishes to thank you for your continued efforts and dedication to the conservation of America's wildlife resources.

Sincerely,

  
for Susan A. Moore  
Field Supervisor

Enclosure:  
*Selected Review Criteria for Section 7 Off-Site Compensation*

cc:  
Mr. Walter C. Waidelich, Jr., Federal Highway Administration, Sacramento, California  
Ms. Julie Vance, California Department of Fish and Game, Fresno, California

Selected Review Criteria for Section 7 Off-Site Compensation

Rev. 25 August 2009

**Property Assurances and Conservation Easement**

- Title Report (preliminary at proposal, and Final Title Insurance at recordation), shall be no older than six months;
- Property Assessment and Warranty;
- Subordination Agreement [if there is any outstanding debt on the property];
- Legal Description and Parcel Map;
- Conservation Easement (should use the current multi-agency standardized CE template document); or
- Non-Template Conservation Easement;

**Site Assessment and Development**

- Phase I Environmental Site Assessment;
- Restoration or Development Plan;
- Construction Security *[if applicable]*;
- Performance Security;

**Site Management**

- Interim Management Plan;
- Interim Management Security Analysis and Schedule;
- Long-Term Management Plan;
- Endowment Fund Analysis and Schedule;

\*\*Guidelines to assist in understanding what is required are detailed on pages 2–7.

## Guidelines

### Property Assurances and Conservation Easement (CE)

#### Title Report

1. Who holds fee title to property? Should be the Project Applicant. If not, there may be liability and contracting issues.
2. Are there any liens or encumbrances (existing debts or easements) on the property?
  - a. Review necessary supporting instruments to evaluate liens and encumbrances. Property owner should submit a “*Property Assessment and Warranty*,” which discusses each and every exception listed on the Preliminary and Final Title Insurance Policies, evaluating any potential impacts to the conservation value that could result from the exceptions (see below).
  - b. The *Property Assessment and Warranty* template is available at [http://www.fws.gov/sacramento/es/cons\\_bank.htm](http://www.fws.gov/sacramento/es/cons_bank.htm), and should include a summary and full explanation of all exceptions remaining on the title, with a statement that the owner/Grantor accepts responsibility for all lands being placed under the CE as available for the primary purposes of the easement, as stated in the easement, and assures that these lands have a free and clear title and are available to be placed under the CE.
3. Could any of these liens or encumbrances potentially interfere with either biological habitat values or ownership? If existing easements can potentially interfere with the conservation values/habitat of the property, those portions of the land should be deducted from the total compensation acreage (or number of credits) available on the site.
4. A *Subordination Agreement* is necessary if there is any outstanding debt on the property. Review *Subordination Agreement* for adequacy—the lending bank or other lien holder must agree to fully subordinate each lien or encumbrance.

#### Legal Description and Parcel Map

1. Ensure accuracy of map, and location and acreage protected under the CE.
2. Both the map and the legal description should explain the boundaries of the individual project compensation site. The site should *not* have ‘leftover’ areas for later use.

#### Conservation Easement from Template

1. The current CE template can be found at [http://www.fws.gov/sacramento/es/cons\\_bank.htm](http://www.fws.gov/sacramento/es/cons_bank.htm).
2. Who will hold the easement?
  - a. Must have third-party oversight by a qualified non-profit or government agency. Qualifications include:
    - i. Organized under IRC 501(c)(3);

- ii. Qualified under CA Civil Code § 815;
- iii. Bylaws, Articles of Incorporation, and biographies of Board of Directors on file at, and approved, by USFWS.
  - 1. Must meet requirements of USFWS, including 51% disinterested parties on the Board of Directors;
- b. Must have satisfactorily completed the CDFG due diligence process for easement/endowment holders and/or be accredited by the Land Trust Accreditation Commission <http://www.landtrustaccreditation.org/home>.
- 3. If not using the multi-agency template, applicant should specify objections they have to the template as provided, and may substantially delay processing as they will require Solicitor review. Alternate CEs must be approved by the USFWS prior to recording.

Non-Template Conservation Easements

- 1. You must either 1) add USFWS as a third-party beneficiary, or 2) add language throughout the document, in all appropriate places, that will assure USFWS the right to enforce, inspect, and approve any and all uses and/or changes under the CE prior to occurrence (including land use, biological management or ownership).
- 2. Include, at a minimum, language to:
  - a. Reserve all mineral, air, and water rights under the CE as necessary to maintain and operate the site in perpetuity;
  - b. Ensure all future development rights are forfeited;
  - c. Ensure all prohibited uses contained in the multi-agency conservation agreement template are addressed; and
  - d. Link the CE, Management Plan, and the Endowment Trust Fund within the document (e.g., note that each exists to support the others, and where each of the documents can be located if a copy is required).
- 3. Insert necessary language, particularly, but not exclusively, per: (can compare to multi-agency CE template)
  - a. Rights of Grantee
  - b. Grantee's Duties
  - c. Reserved Rights
  - d. Enforcement
  - e. Remedies
  - f. Access
  - g. Costs and Liabilities
  - h. Assignment and Transfer
  - i. Merger
  - j. Notices

## Site Assessment and Development

### Phase I Environmental Site Assessment

1. The Assessment must show that the compensation site is not subject to any recognized environmental conditions as defined by the American Society for Testing and Materials (ASTM) Standard E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, available at <http://www.astm.org/Standards/E1527.htm>, (i.e., the presence or likely presence of any Hazardous Substances or petroleum products).
2. If the Phase I Environmental Site Assessment identifies any recognized environmental conditions, the Project Applicant must represent and warrant to the USFWS that all appropriate assessment, clean-up, remedial, or removal action has been completed.

### Development Plan [not required if doing preservation only]

1. The overall plan governing construction and habitat establishment activities required to be conducted on the Property, including, without limitation, creation, restoration, and enhancement of habitat.
  - a. This plan should include the baseline conditions of the Property including biological resources, geographic location and features, topography, hydrology, vegetation, past, present, and adjacent land uses, verified *Waters of the U.S. Jurisdictional Determination*, if applicable, species and habitats occurring on the property, a description of the activities and methodologies for creating, restoring, or enhancing habitat types, a map of the approved modifications, overall habitat establishment goals, objectives and Performance Standards, monitoring methodologies required to evaluate and meet the Performance Standards, an approved schedule for reporting monitoring results, a discussion of possible remedial actions, and any other information deemed necessary by the USFWS.
2. Any permits and other authorizations needed to construct and maintain the site shall be included and in place prior to the start of construction of the habitat.
3. Full construction plans for any habitat construction must be *USFWS-approved* prior to the start of construction of the habitat.

### Construction Security

- a. The Project Applicant shall furnish a Construction Security in the amount of 100% of a reasonable third party estimate or contract to create, restore, or enhance habitats on the property in accordance with the Development Plan.
- b. The Construction Security shall be in the form of an irrevocable standby letter of credit, or a cashier's check.
  - i. The letter of credit, if chosen, shall be issued for a period of at least one year, and shall provide that the expiration date will be

automatically extended for at least one year on each successive expiration date unless, until extension is no longer necessary.

#### Performance Security

- c. The Project Applicant shall furnish a Performance Security in the amount of 20% of the Construction Security.
  - d. The Performance Security shall be in the form of an irrevocable standby letter of credit, or a cashier's check.
    - i. The letter of credit, if chosen, shall be issued for a period of at least one year, and shall provide that the expiration date will be automatically extended for at least one year on each successive expiration date unless, until extension is no longer necessary.
4. The Construction and Performance Securities must:
- a. Be held by a qualified, Service-approved, non-profit organization or government agency [see requirements under CE above], and
  - b. Be held according to minimum standards for assuring maximum success in earning potential, and will include assurances for no loss of principle, and
  - c. Disbursements or releases from each of the funds must be for documented expenditures, as they occur.

### **Site Management**

#### Interim Management Plan

1. The Interim Management Plan should identify the short-term management, monitoring, and reporting activities to be conducted from the time construction ends until the Endowment Fund has been fully funded for one year and all the Performance Standards in the Development Plan have been met.

#### Interim Management Security Analysis and Schedule

- a. The Project Applicant shall furnish an Interim Management Security (in the form of a standby letter of credit) in the amount equal to the estimated cost to implement the Interim Management Plan during the first year of the Interim Management Period, as set for in the Interim Management Security Analysis and Schedule
- b. The Interim Management Security Analysis and Schedule shall consist of a table and/or spreadsheet that shows all of the tasks (management, monitoring, reporting), task descriptions, labor (hours), cost per unit, cost frequency, timing or scheduling of the tasks, the total annual funding necessary for each task, and any associated assumptions for each task required by the Interim Management Plan. The total annual expenses should include administration and contingency costs.
- c. The Interim Management Security must:

- i. Be held by a qualified, Service-approved, non-profit organization or government agency [see requirements under CE above], and
- ii. Be held according to minimum standards for assuring maximum success in earning potential, and will assurances for no loss of principle.
- iii. Disbursements or releases from the fund must be for documented expenditures, as they occur.

Long-Term Management Plan (LTMP)

- 1. The LTMP template can be found at [http://www.fws.gov/sacramento/es/cons\\_bank.htm](http://www.fws.gov/sacramento/es/cons_bank.htm) and identifies the long-term management, monitoring and reporting activities to be conducted after the interim Management Period.
- 2. The LTMP should include at minimum:
  - a. Purpose of the Project and purpose of the LTMP;
  - b. A baseline description of the setting, location, history, and types of land use activities, geology, soils, climate, hydrology, habitats present (once project meets Performance Standards), and species descriptions;
  - c. Overall management, maintenance and monitoring goals; specific tasks and timing of implementation; and discussion of any constraints, which may affect goals;
  - d. The Endowment Fund Analysis and Schedule (see below),
  - e. Discussion of Adaptive Management actions for reasonably foreseeable events and possible thresholds for evaluating and implementing Adaptive Management;
  - f. Rights of access to the Property and prohibited uses of the Property as provided in the CE; and
  - g. Procedures for Property transfer, land manager replacement, amendments, and notices.
- 3. A copy of the LTMP must be either recorded with the CE, or the CE must state in its body that the current management plan can be obtained upon request from the USFWS, if not using the CE template.

Endowment Fund Analysis and Schedule

- a. Can use a PAR or PAR-like analysis that must be based upon the final, approved LTMP.
- b. The analysis and schedule shall consist of a table and/or spreadsheet that shows all of the tasks (management, monitoring, reporting), task descriptions, labor (hours), cost per unit, cost frequency, timing or scheduling of the tasks, the total annual funding necessary for each task, and any associated assumptions for each task required by the Interim Management Plan. The total annual expenses should include administration and contingency costs.
- c. The Endowment Fund must:

- i. Be held by a qualified, Service-approved, non-profit organization or government agency [see requirements under CE above], and
- ii. Be held according to minimum standards for assuring maximum success in earning potential, and will include assurances for no loss of principle.
- iii. Disbursements or releases from the fund must be for documented expenditures, as they occur.