

ATTACHMENT 2.

CDFG Incidental Take Permit No. 2081-2005-028-06 and USFWS Incidental Take Permit No. TE143444-0

Mitigation Monitoring and Reporting Program Table

Updated 26 January 2012 by Paul Delaney Ph.D., Copper Mountain College

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
PRE-CONSTRUCTION					
1	Before initiating ground-disturbing activities, Permittee shall designate a Field Contact Representative (“FCR”) responsible for communications with the Department and overseeing this Permit. The Department shall be notified in writing prior to commencement of ground-disturbing activities of the representative’s name, business address, and contact information, and shall be notified in writing if a substitute representative is designated.	Permit Condition 4.1.1	Before commencing ground-disturbing activities / Entire project	Permittee FCR	Done/3-7-2007/E.L. (“E.L.” = Ed LaRue).
2	A biologist (“Designated Biologist”) knowledgeable and experienced in the biology and natural history of the Covered Species shall monitor construction activities in areas of Covered Species habitat to help avoid the take of individual animals and to minimize habitat disturbance. At least 30 days prior to ground-disturbing activities, Permittee shall submit to the Department in writing the proposed Designated Biologist’s name(s), qualifications, business address, and contact information for review. The Designated Biologist must be approved by the Department prior to the commencement of ground-disturbing activities.	Permit Condition 4.1.2	Before commencing ground-disturbing activities	Permittee Designated Biologist	Done/3-7-2007/E.L.
3	Tortoises may only be handled by those biologists authorized to handle tortoises by the Department through a Memorandum of Understanding (“Authorized Biologist”). The Authorized Biologist must be approved by the Department prior to the commencement of any activity which could result in the handling of tortoises. “Permitted Biologists,” as used throughout this Permit, may be either the Designated Biologist or Authorized Biologist.	Permit Condition 4.1.3	Prior to commencing any activity that could result in handling tortoises / Entire project	Permittee Authorized Biologist Department	Done/3-7-2007/E.L.

4	Permittee shall conduct an education program for all persons who will work on-site during Project implementation and construction. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology of the Covered Species, the habitat needs of the Covered Species, its status under CESA, and the management measures provided in this Permit. A fact sheet containing this information shall also be prepared and distributed. Upon completion of the program, employees shall sign a form stating that they attended the program and understand all protection measures. These forms shall be filed at the work site office and shall be made available to the Department upon request.	Permit Condition 4.1.4	Before commencing ground-disturbing or vegetation-disturbing activities / Entire project	Permittee Designated Biologist	Done/3-15-2007, 9-26-2008 by EL; throughout 2009-2010 by PD (Paul Delaney) and DC (Dan Cain).
5	A trash abatement program shall be initiated during pre-construction phases of the Project and shall continue throughout duration of the Project. Trash and food items shall be contained in closed (raven-proof) containers and removed regularly (at least once a week) to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	Permit Condition 4.1.7	Before commencing ground-disturbing or vegetation-disturbing activities / Entire project	Permittee	Done/2-11-2008, implemented on 4-10-2008/E.L.
6	The Permittee shall clearly delineate the property boundaries of the Project site with fencing, stakes, or flags and shall similarly delineate the limits of construction areas.	Permit Condition 4.1.8	Before commencing ground-disturbing or vegetation-disturbing activities / Entire project	Permittee	Done-Ongoing/9-16-2008/E.L.
7	The Permittee shall notify the Department and shall document compliance with all pre-construction Conditions of Approval before initiating ground-disturbing and vegetation-disturbing activities.	Permit Condition 4.2.1	Before commencing ground-disturbing or vegetation-disturbing activities	Permittee	Done/3-7-2007/E.L.
8	The Permittee shall notify the Department fourteen (14) calendar days before initiating ground-disturbing activities.	Permit Condition 4.2.2	Before commencing ground-disturbing or vegetation-disturbing activities	Permittee	Done/3-7-2007 & 9/12/2008/E.L.
9	A special 84-acre on-site facility intended to safely harbor translocated tortoises (Translocation Area) as shown on the attached map (Exhibit 5) shall be designated prior to the start of ground-clearing and vegetation-clearing activities. The 84-acre Translocation Area shall be fenced, using specifications found in 4.3.3 below, and protected to safely harbor the animals found onsite, including those that will be displaced by construction, prior to translocating tortoises into the Translocation Area. Prior to installing the fence, a Permitted Biologist shall conduct a 100% coverage tortoise survey as described in 4.3.5 below for the fence alignment. Permittee shall be responsible for maintaining the fence around the	Permit Condition 4.3.1	Before commencing ground-disturbing or vegetation-disturbing activities	Permittee	Done/9-16 to 9-25-2008/E.L. By letter dated 03 June 2009, Carl T. Benz of USFWS approved minor permit amendment accepting an 84.32-acre TA.

	Translocation Area as long as tortoises are present in Translocation Area.				
10	Tortoises found during pre-construction surveys shall be translocated out of harm's way into the Translocation Area. Only an Authorized Biologist may handle tortoises.	Permit Condition 4.3.2	Before commencing ground-disturbing or vegetation-disturbing activities	Authorized Biologist	Done/9-25 to 10-2-2008/E.L.
11	Prior to clearing vegetation from a given phase of construction, a tortoise-proof fence shall be erected around the perimeter of the area on which permanent facilities will be developed. Once the phase is fenced, tortoises shall be removed from the area and placed into the Translocation Area. The fence shall be maintained in place until construction is completed. The 1" x 2" wire mesh fence shall be fastened securely to posts at intervals sufficient to ensure integrity of the fence. The wire mesh shall extend at least 18 inches above the ground and 12 inches laid out at a right angle to the fence (extending away from the interior), flush with the surface of the ground or buried with soil and rock to prevent tortoises from entering the site.	Permit Condition 4.3.3	Before commencing ground-disturbing or vegetation-disturbing activities	Permittee Designated Biologist	Done/9-16 to 9-25-2008/E.L.
12	Permittee shall acquire and permanently preserve 80 acres of Habitat Management Lands ("HM Lands") for the Covered Species prior to initiating ground-disturbing project activities or no later than 18 months from the effective date of this Permit if Security is provided pursuant to Condition 6 of the Permit. The required acreage is based upon the Department's estimate of the acreage required to provide for adequate biological carrying capacity at a replacement location as a means of fully mitigating the Project's impacts on the Covered Species. HM lands shall be transferred to the Department in accordance with Condition 5 of the Permit.	Permit Condition 5	Before commencing ground-disturbing or vegetation-disturbing activities (or within 18 months of issuance of the Permit if Security is provided)	Permittee Department	District transferred title to 80 acre Thermal Canyon parcel to National Park Service on 26 March 2009.
13	Permittee shall provide for the initial protection and enhancement of the HM Lands (\$95.00/acre for 80 acres: \$7,600.00) and shall provide an endowment for long-term management of the HM lands (\$200/acre for 80 acres: \$16,000.00) are required by Conditions 5(c) and 5(d).	Permit Condition 5(c), 5(d)	Before commencing ground-disturbing or vegetation-disturbing activities (initial protection and enhancement work may occur within 18 months of issuance of the Permit if Security is provided)	Permittee Department	Rebecca Jones of CDFG waived the \$23,600 enhancement fee in March 2007 by email to CMBC.
14	Permittee may proceed with ground-disturbing Project activities before completing all of the required mitigation (including acquisition of HM Lands), monitoring, and reporting activities only if Permittee ensures funding to complete those activities by providing to the Department prior to	Permit Condition 5(d), 6, 6(a), 6(b)	Before commencing ground-disturbing or vegetation-disturbing activities if mitigation is	Permittee Department	Rebecca Jones of CDFG waived the \$23,600 enhancement fee

	<p>commencing ground-disturbing activities or within 30 days after the effective date of this Permit, whichever occurs first: (1) the endowment of \$16,000.00 as described in Condition 5, and (2) an irrevocable letter of credit, a pledged savings account, or another form of security (“Security”) approved by the Office of the General Counsel. The Security shall allow the Department to draw on the principal sum if the Department, at its sole discretion, determines that Permittee has failed to comply with the Conditions of Approval of this Permit. The Security shall be in the amount of \$71,600.00 based on the following estimated costs of implementing the Permit’s mitigation, monitoring, and reporting requirements.</p> <p>a. Land acquisition costs for impacts to habitat, calculated at \$800/acre for 80 acres: \$64,000.00.</p> <p>b. Costs of enhancing HM lands, calculated at \$95.00/acre for 80 acres: \$7,600.00.</p>		not provided during the pre-project phase		in March 2007 by email to CMBC.
15	<p>Prior to installing the construction fence, a Permitted Biologist shall survey the alignment along which the fence will be installed. When a burrow is encountered, the fence line shall be moved when possible so that any tortoise burrows will remain on the outside of the fenced area. The Permitted Biologist shall consider the direction of the burrow, recognizing that burrows may be 30 to 40 feet long. So, not only the burrow opening but also the burrow’s approximate end shall be considered and excluded if the fence line is to be altered. Any tortoise burrows found within the proposed fence line that cannot be avoided shall be hand excavated by the Authorized Biologist prior to clearing of the fence line or installation of the fence. Burrow excavation procedures are given in Desert Tortoise Council (1999). The Permitted Biologist shall remain on-site to monitor the installation of the fence.</p>	Permit Condition 4.3.5	Before commencing ground-disturbing or vegetation-disturbing activities	Permitted Biologist Authorized Biologist	Done/9-16 to 9-25-2008/E.L.
16	<p>After installing the construction fence, and before any other activities occur within the fenced area, the Permitted Biologist shall conduct 100% coverage surveys for tortoises. If possible, and depending on the size of the phase, the surveys shall occur immediately after installation of the fence, and several days prior to brushing or grading activities. The site shall be searched three times unless no tortoises are found on the second search. Burrows shall either be excavated as they are found or flagged for excavation later. Each burrow shall also be carefully checked for viable tortoise eggs. The Designated Biologist shall submit a plan to the Department for disposition of tortoise eggs when necessary, prior to translocation of eggs.</p>	Permit Condition 4.3.6	Before commencing ground-disturbing or vegetation-disturbing activities	Permitted Biologist Designated Biologist Department	<p>Done/9-16 to 10-16-2008/E.L.</p> <p>Done/10-7-2007/E.L.</p>

	When eggs are found, the Authorized Biologist shall move the eggs outside the impact zone in such a way that the viability of the eggs is not adversely affected by their movement (see Desert Tortoise Council 1999).				
17	All tortoises removed from the construction area and translocated into the Translocation Area will be marked and monitored for a period of at least 5 years. A monitoring plan shall be prepared and submitted to the Department for approval prior to translocation of any tortoise into the Translocation Area.	Permit Condition 4.3.12	Prior to translocating tortoises	Authorized Biologist	Done/9-25 to 10-2-2008/E.L. Translocation Plan written by PD and approved by USFWS in 2007.
DURING CONSTRUCTION					
18	Firearms and domestic dogs shall be prohibited from the Project site and site access routes during construction and development of the Project.	Permit Condition 4.1.5	Entire Project	Permittee	Done/9-15-2008 to present/E.L. .
19	Once all tortoises have been removed from the fenced area, the Permitted Biologist shall remain on-site until construction areas have been cleared of vegetation. No vegetation shall be cleared outside the fenced area. The Permitted biologist shall inspect the brushed area immediately after clearing to ensure that no tortoises were injured during brushing. Once the site has been fenced, surveyed, all tortoises removed and conveyed, the vegetation cleared, and the area checked to ensure that no tortoises were injured or killed, the Permitted Biologist shall not be required to remain on-site as long as all other measures given herein are being implemented.	Permit Condition 4.3.7	After vegetation-disturbing activities, but before construction	Permitted Biologist	Done/11-24-2008 to present/E.L.
20	Once the Permitted Biologist leaves the site, the FCR shall be given the responsibility of ensuring compliance with measures in this Permit. The FCR, or appointee, shall visit the site as often as needed to check the tortoise-proof fence and ensure that other measures are being effectively carried out. Of particular importance shall be the containment of construction activities, including parked vehicles and equipment staging areas, inside the fenced area. If the FCR finds that the measures are not being implemented, the Department shall be notified within one week. The Department will then determine if the Permitted Biologist shall resume monitoring activities on a daily basis.	Permit Condition 4.3.8	Entire Project (after Permitted Biologist leaves site)	Permitted Biologist FCR Department	Done/11-24-2008 to present/E.L.
21	If a tortoise is observed inside the fenced construction area after the Permitted Biologist leaves, the FCR shall contact the Authorized Biologist immediately. With input from available Department and Service personnel, the Authorized Biologist shall move the tortoise into the Translocation Area.	Permit Condition 4.3.9	Entire Project	FCR Authorized Biologist Department	Vet identified on 3-7-2007/E.L.

	If tortoises are injured, they shall immediately be taken to a local veterinarian for treatment. On-site construction shall not resume until the Permitted Biologist returns to the site, or until an approved substitute monitor is enlisted.			Service	
22	<p>Following the establishment of the Translocation Area, the District will develop a monitoring program for tortoises resident in the Translocation Area. The Authorized Biologist will work with the District to establish an appropriate monitoring program. The monitoring program shall be submitted to the Department for approval no later than 36 months after the effective date of this Permit. In the fourth year and beyond, appropriate college staff would carry on the responsibilities until the expiration date of this Permit. Permittee shall ensure that the following actions are taken:</p> <ul style="list-style-type: none"> • Both resident and translocated tortoises within the Translocation Area shall be permanently marked following the methodology described in “Guidelines for Handling Desert Tortoises During Construction Projects” (Desert Tortoise Council 1999). • There shall be annual surveys of the area to identify the total number of tortoises present, to be carried out at roughly the same time each year (i.e., early spring). • As part of this survey, each animal shall be weighed and measured, and a visual assessment of the health of the animal carried out to detect evidence of disease. • The District shall maintain records of all activities, and make them available to the Department and Service upon request. • A monitoring report shall be submitted to the Department no later than January 31st of each year. 	Permit Condition 4.3.11	Entire project	Permittee Authorized Biologist Department	<p>Partially done in 9 and 10-2008.</p> <p>First, second and third annual surveys done in 4-2009, 2010 & 2011/EL, PD.</p> <p>Annual status reports submitted timely to present/ PD.</p>
23	Permittee shall be responsible for maintaining the desert tortoise-proof fence throughout construction. Breaks in the fence that may allow immigration of tortoises into the area shall be repaired immediately. The fence shall be checked daily by Permitted Biologists during clearing, grubbing, and construction, and particularly after each major rainstorm to ensure that it will continue to exclude tortoises from the site.	Permit Condition 4.3.4	Entire Project	Permittee Permitted Biologist	Done 9-25-2008 to present/EL, PD
24	The Designated Biologist shall be on-site daily while grubbing and grading are taking place to minimize take of the Covered Species, to check for compliance with all mitigation measures, and to check all exclusion zones to ensure that signs, stakes, and fencing are intact and that human activities are restricted in these protective zones. Compliance inspections shall be	Permit Condition 4.2.4	Entire Project	Permittee Designated Biologist Department	Done 9-25-2008 to present/EL, PD

	conducted a minimum of once per month after clearing, grubbing, and grading are completed. A monthly compliance report shall be submitted to the Department's Palmdale office at: Ms. Rebecca Jones, 36431 41 st Street East, Palmdale, CA 93552, PH/FAX (661) 285-5867.				
25	Beginning with issuance of the Permit and continuing for the life of the Permit, Permittee shall provide the Department an annual Status Report no later than January 31 st of every year. Each Status Report shall include, at a minimum: 1) a general description of the status of the Project site and construction activities, including actual or projected completion dates, if known; 2) a running inventory of habitat disturbed under terms of this permit; 3) number of tortoises translocated out of harm's way and their final destination; 4) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; and 5) an assessment of the effectiveness of each completed or partially completed mitigation measure in minimizing and compensating for Project impacts.	Permit Condition 4.2.5	Entire Project	Permittee	Done in 2008, 2009, 2010, and for 2011 with completion of this report/EL and PD Other reports to follow as required by this measure.
26	The Permittee shall immediately notify the Department in writing if it determines that any of the mitigation measures were not implemented during the period indicated here or in the Permit, or if Permittee anticipates for any reason that measures may not be implemented within the time period indicated.	Permit Condition 4.2.3	Entire Project	Permittee	Done 9-15-2008 to present.
27	All observations of Covered Species and their sign during Project activities shall be conveyed to the Permittee's Field Contact Representative or Designated Biologist. This information shall be included in the next monthly compliance report submitted to the Department by the Permittee.	Permit Condition 4.2.6	Entire Project	Permittee FCR Designated Biologist	Done 9-15-2008 to present.
28	The Designated Biologist shall have authority to immediately stop any activity that is not in compliance with this Permit, and to order any reasonable measures to avoid take of an individual of the Covered Species.	Permit Condition 4.1.6	Entire Project	Designated Biologist	Done 9-15-2008 to present.
29	Project-related personnel shall access the Project site during construction and development activities using existing routes and shall not cross Covered Species' habitat outside of the Project site. To the extent possible, previously disturbed areas within the Project site shall be used for temporary storage areas, laydown sites, and any other surface-disturbing activities. If construction of off-site routes of travel will be required, the Department shall be contacted prior to carrying out such an activity. The Department may require an amendment to this Permit if additional take of Covered Species may result from Project modification.	Permit Condition 4.1.9	Entire Project	Permittee Department	Done 9-15-2008 to present.
30	Any fuel or hazardous waste leaks or spills on the Project site during	Permit	Entire Project	Permittee	Done 9-15-2008

	construction and development activities shall be stopped & repaired immediately and cleaned up at the time of occurrence. The storage and handling of hazardous materials shall be excluded from the construction zone and any unused or leftover hazardous products shall be properly disposed of off-site.	Condition 4.1.11			to present.
31	All Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities shall be confined to the Project site. Off-site Covered Specie's habitat shall not be used. Project-related vehicle traffic shall be restricted to established roads, staging, and parking areas. Permittee shall post signs; place posting stakes, flags, and/or rope or cord; and place fencing as necessary to minimize the disturbance of Covered Specie's habitat. Vehicle speeds shall not exceed 20 miles per hour in order to avoid desert tortoises on or traversing the roads.	Permit Condition 4.1.10	Entire Project	Permittee	Done 9-15-2008 to present.
32	If a desert tortoise is injured as a result of Project-related activities, it shall be immediately taken to a Department-approved veterinarian. Herein, the Permittee identifies Dr. Steven Davis, DVM of Hi Desert Animal Hospital to serve as the approved veterinarian, pending approval from the Department. Any costs associated with the care and treatment of such injured desert tortoises shall be borne by the Permittee. The Department shall be notified immediately unless the incident occurs outside normal business hours. In that event, the Department shall be notified no later than 12:00 noon on the next business day. Notification to the Department shall be via telephone or email, followed by a written incident report. Notification to the Department shall include the date, time, location, and circumstances of the incident, and the name of the facility to which the animal was taken.	Permit Condition 4.3.10	Entire Project	Permittee Department	Vet identified on 3-7-2007/E.L. Done 9-15-2008 to present.
33	If a desert tortoise is killed by Project-related activities during construction, or if a desert tortoise is otherwise found dead, the Designated Biologist shall be immediately notified and a written report will be sent to the Department within two (2) calendar days. The report will include the date, time of the finding or incident, location of the carcass, and the circumstances.	Permit Condition 4.2.8	Entire Project	Permittee Designated Biologist	2 raven-predated tortoises (1 marked, CMC9) documented in 2009 and reported to CDFG & USFWS. 2 additional unmarked tortoise carcasses found in 2011 (both

					unmarked, 1 possibly raven-predated). Measures implemented to reduce raven predation/P.D.
34	The Department may issue Permittee a written stop-work order to suspend any activity covered by this Permit for an initial period of up to 25 days to prevent or remedy a violation of Permit conditions (including but not limited to failure to comply with reporting, monitoring, or habitat acquisition obligations) or to prevent the illegal take of an endangered, threatened, or candidate species. Permittee shall comply with a stop-work order under this provision for a period not to exceed 25 additional days, upon written notice to the Permittee. The Department shall commence the formal suspension process pursuant to California Code of Regulations, Title 14, §783.7 within five working days of issuing a stop-work order.	Permit Condition 8	Entire Project	Department Permittee	Not applicable thus far but remains in force until authorized construction activities are complete.
35	The Permittee shall provide the Department representatives with reasonable access to the Project site and mitigation lands under its control, and shall otherwise fully cooperate with Department efforts to verify compliance with or effectiveness of mitigation measures set forth in the Permit. Neither the Designated Biologist nor the Department shall be liable for any costs incurred in complying with the management measures, including cease-work orders issued by the Department or as provided in the Permit.	Permit Condition 4.1.12	Entire Project	Permittee Department	Not applicable thus far but remains in force until authorized construction activities are complete.
POST-CONSTRUCTION					
36	Upon Project completion, all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes shall be removed from the site and disposed of properly.	Permit Condition 4.1.13	Project-Project	Permittee	Not applicable until project completion.
37	No later than 45 days after completion of each phase of the Project, including completion of all mitigation measures, Permittee shall provide the Department with a Final Mitigation Report. The Final Mitigation Report shall be prepared by the Designated Biologist and shall include, at a minimum: 1) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; 2) all available information about Project-related incidental take of Covered Species; 3) information about other Project impacts on the Covered Species; 4)	Permit Condition 4.2.7	Entire Project Post-Project	Permittee Designated Biologist	Not applicable until project completion.

	construction dates; 5) an assessment of the effectiveness of the Permit's Conditions of Approval in minimizing and compensating for Project impacts; 6) recommendations on how mitigation measures might be changed to more effectively minimize and mitigate the impacts of future projects on the Covered Species; and 7) any other pertinent information, including the level of take of the Covered Species associated with the Project.				
38	Notwithstanding any expiration date on this Permit's take authorization, the Permittee's obligations under this Permit do not end until the Department accepts the Final Mitigation Report as complete.	Permit Condition 4.1.14	Project-Project	Permittee Department	Not applicable until project completion.
HM LANDS and FUNDING ASSURANCES					
39	As part of Condition 5, Permittee shall: Transfer fee title to the HM Lands or conservation easement over the HM Lands to the Department under terms approved by the Department. Alternatively, the transfer may be to another public entity or non-profit corporation approved by the Department under terms approved by the Department.	Permit Condition 5(a)	Prior to initiating ground disturbance to within 18 months of Permit issuance	Permittee Department	District transferred title to HM lands to NPS in March 2009/D.C.
40	Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2A and 2B). All documents conveying the HM Lands and all conditions of title are subject to approval of the Department, the Fish and Game Commission, and, if applicable, the Department of General Services.	Permit Condition 5(b)	Prior to initiating ground disturbance to within 18 months of Permit issuance	Permittee Department	Done/3-7-2007/E.L
41	Provide the Department a check in the amount of \$64,000.00 (\$800.00/acre x 80 acres) for use as principal for permanent capital endowment. Interest from this amount shall be available for the operation, management, and protection of the HM Lands, including reasonable administrative overhead, biological monitoring, improvements to carrying capacity, law enforcement measures, and other action designed to protect or improve the habitat values of the HM Lands. The endowment principal shall not be drawn upon unless such withdrawal is deemed necessary by the Department to ensure the continued viability of the species on the HM Lands. Monies received by the Department pursuant to this provision shall be deposited in a special deposit account established pursuant to Fish and Game Code Section 13014. The Department may pool the endowment with other endowments for the operation, management, and protection of HM Lands for local populations of the Covered Species.	Permit Condition 5(d)	Prior to initiating ground disturbance to within 18 months of Permit issuance	Permittee Department	The District acquired the 80-acre parcel and transferred title to NPS in March 2009 for conservation management of the desert tortoise.
42	Reimburse the Department for reasonable expenses incurred during title and documentation review, expenses incurred from other state agency reviews, and overhead related to transfer of HM Lands to the Department. Based on	Permit Condition 5(e)	Prior to initiating ground disturbance to within 18 months of Permit issuance	Permittee Department	Based on input from the Department, the

	recent estimates by the Department (California Department of Fish and Game 2006), the Permittee estimates that this Project will create an additional cost to the Department of no more than \$3,000.00 for every fee title deed or easement processed.				District understands that this \$3,000 fee is not applicable.
43	The Security shall be in the amount of \$71,600.00 based on the following estimated costs of implementing the Permit's mitigation, monitoring, and reporting requirements. a) Land acquisition costs for impacts to habitat, calculated at \$800.00/acre for 80 acres: \$64,000.00 . b) Costs of enhancing HM Lands, calculated at \$95.00/acre for 80 acres: \$7,600.00 .	Permit Condition 6(a), 6(b)	Prior to initiating ground disturbance to within 30 days after effective date of the Permit	Permittee Department	Land acquisition costs = \$80,000 for 80 acres. Rebecca Jones of CDFG waived the \$23,600 enhancement fee in March 2007 by email to CMBC.
44	This Permit may be amended without the concurrence of the Permittee if the Department determines that continued implementation of the Project under existing Permit conditions would jeopardize the continued existence of a Covered Species. The Department may also amend the Permit at any time without the concurrence of the Permittee as required by law.	Permit Condition 7	Entire Project	Permittee Department	Not applicable thus far but remains in force until authorized construction activities are complete.