



Metropolitan Bakersfield Habitat Conservation Plan

EXHIBIT D COVERED SPECIES MINIMIZATION MEASURES

Note: "Covered Activities" include any activities for which an urban development permit (e.g., grading permit) results in urban development. Urban development means a change in land use from open land to any other land use for which a permit such as a grading permit is required by the County of Kern, including, but not limited to, the construction of buildings, roads, hardscapes, landscaping, curbs and gutters, parking lots, etc. The term does not include change in open land to agricultural or oil production except for associated ancillary facilities for which the County exercises discretionary authority over the issuance of permits or approvals.

If the Biological Clearance Survey results determine that the Survey Area has...

...a known, active, or natal San Joaquin kit fox den.

The following minimization measures must be implemented:

7.5. San Joaquin kit fox (SJKF) Den Avoidance

The developer must demonstrate that they established a permanent minimum buffer using fencing or flagging as follows:

1. At least 100 feet around den(s);
2. At least 200 feet around natal dens (which SJKF young are reared); and
3. At least 500 feet around any natal dens with pups (except for any portions of the buffer zone that are already fully developed).



Buffer zones shall be considered Environmentally Sensitive Areas, and no Covered Activities are allowed within a buffer except per Condition of Approval 7.6., and as follows: If the work within the buffer area will not result in the destruction of the den, the den should be conserved. If the den is unoccupied (based on the required four consecutive days of monitoring), then the den can be covered in a secure manner to prevent access by SJKF while the work is being conducted. After the work is done, the den can be uncovered to allow use by SJKF. If the den is occupied and the SJKF don't want to leave, then a smaller buffer could be established, including a

barricade to prevent the SJKF from exiting the den and entering the work site. A qualified biologist shall monitor the den while the work is being conducted. Notify the County immediately via telephone or e-mail if any SJKF active dens, natal dens, or occupied atypical dens are discovered within or immediately adjacent to any proposed development footprint. Each developer shall bear the costs of implementing the SJKF den avoidance requirements. A reduced SJKF avoidance buffer may be authorized with written approval by the California Department of Fish and Wildlife (CDFW).

7.6. SJKF Den Excavation

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

...Kangaroo rat burrows (Conceptual Southwest Focus Area only).

The following minimization measures must be implemented:

7.8. Tipton kangaroo rat (TKR) Trapping and Salvage

If the Biological Clearance Survey identifies TKR burrows within the proposed construction footprint of proposed developer projects within the "Conceptual Southwest Focus Area" as shown on attached map, the County shall not issue a permit until a Qualified Biologist conducts a minimum of five consecutive nights of live small mammal trapping, with high trap densities focused at and around TKR burrows, runways, seed caches, and dust baths. How and where captured animals will be held and the final release location and specifics shall be in accordance a CDFW-approved TKR Relocation Plan. The developer for which the Biological Clearance Survey was conducted shall bear the costs of TKR trapping, salvage, and relocation.



7.9. TKR Burrow Excavation

Following live trapping activities conducted, any potential TKR burrows (e.g., any kangaroo rat burrows) present within the development footprint shall be fully excavated by hand by the Qualified Biologist. The Qualified Biologist shall relocate any TKR encountered in the excavated burrows to the release site(s) identified in the CDFW-approved TKR Relocation Plan. The Qualified Biologist shall also collect and move dormant or torpid TKR encountered to an artificial burrow installed at the release site(s) identified in the CDFW-approved TKR Relocation Plan.

7.10. TKR Record of Handling

Qualified Biologist(s) shall maintain a record of all TKR handled. This information shall include for each animal:

1. The locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release;
2. Sex;
3. Approximate age (adult/juvenile);
4. Weight;

5. General condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and
6. Ambient temperature when handled and released.

A Relocation Summary shall be prepared by the Qualified Biologist and submitted by the developer to the County and CDFW as part of the information accompanying the "Notice of Grading Start."

...one or more Bakersfield cactus clumps and/or plants.

The following minimization measures must be implemented:

7.11. Bakersfield Cactus Avoidance

If the Biological Clearance Survey prepared identifies Bakersfield cactus within the proposed construction footprint of a proposed developer project, the County shall not issue a permit until the developer demonstrates that all Bakersfield cacti shall be avoided by a minimum of 25 feet, unless Condition of Approval 7.13 is implemented. This avoidance distance may be lessened on a specific case-by-case basis if CDFW concurs in writing that a modified distance proposed by a Qualified Biologist is sufficient to avoid direct or indirect take of Bakersfield cactus.



7.12. Bakersfield Cactus Avoidance Fencing

Sturdy, highly visible, plastic construction avoidance fencing (or comparable fencing approved in writing by the CDFW Regional Representative) shall be installed around Bakersfield cactus avoidance areas (Condition of Approval 7.11) and located in accordance with direction from the Qualified Biologist. Fencing shall be securely staked and installed in a durable manner that would be reasonably expected to withstand wind and weather events and last at least through the construction period. Fencing shall be inspected at least twice weekly during the construction period. Fencing shall be removed upon completion of construction of the developer project.

7.13. Bakersfield Cactus Translocation

The Qualified Biologist shall translocate Bakersfield cactus, which cannot be avoided by construction activities in accordance with Condition of Approval 7.11, to the nearest suitable habitat specifically identified in the Bakersfield Cactus Translocation Plan prior to disturbance of any Bakersfield cacti. Translocated cacti shall be planted in habitat that the County has proven to be suitable for Bakersfield cactus by demonstrating that Bakersfield cactus occurs naturally at the same general location and the plantable area has suitable soils, vegetation, and other aspects to support a self-sustaining population of Bakersfield cactus. The density of plantings shall not exceed densities that occur naturally in the vicinity of the Project. Pads shall be taken from the translocated clumps of cacti and planted in the receiver sites to increase the number of plants.

All required minimization measures must be implemented before a five-day "Notice of Grading Start" (see Exhibit C) can be submitted to the wildlife agencies.