



California Department of Fish and Wildlife
South Coast Region
3883 RUFFIN ROAD
SAN DIEGO, CA 92123

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**HABITAT CONSERVATION
PLANNING BRANCH**

California Endangered Species Act
Incidental Take Permit No. **2081-2013-064-05**
Amendment No. 1

HIGHWAY 246 PASSING LANES PROJECT (EA 05-0C640)

Authority.

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take¹ of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.² CDFW may authorize the take of any such species by permit if the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) are met. (See Cal. Code Regs., tit. 14, § 783.4).

Permittee:	California Department of Transportation (Caltrans)
Principal Officer:	Larry Bonner, Senior Environmental Planner
Contact Person:	Paul Andreano, Associate Biologist 805-542-4688
Mailing Address:	50 Higuera Street San Luis Obispo, CA 93401-5415

Effective Date and Expiration Date of this ITP.

On January 22, 2014, CDFW issued the original ITP to Permittee. This ITP has been amended in response to request received December 12, 2018. This amended ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **10/20/2019**.

Notwithstanding the expiration date on the take authorization provided by this ITP,

¹Pursuant to Fish and Game Code section 86, "'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "'take' ... means to catch, capture or kill").

²"The definition of an endangered, threatened, and candidate species for purposes of CESA are found in Fish and Game Code sections 2062, 2067, and 2068, respectively.

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Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 7.7 of this ITP

Project Location.

The Highway 246 Passing Lanes project (Project) is located on State Route 246 (SR-246) between the cities of Lompoc and Buellton, in Santa Barbara County (See Figure 1). The Project is located approximately 0.1 miles east of Purisma Road at Post Mile (PM) 12.3 to 0.4 miles west of Santa Rita Road at PM 16.7. The Project site is bounded by SR-246 transverse the Santa Rita Valley and western Santa Rita Hills between the cities of Buellton and Lompoc. Please see Figure 1- page 28 for Project Location Map.

Project Description.

This 2081 permit is for Caltrans proposed Project to construct two sets of passing lanes (one eastbound set and one westbound set) along a 5.3-mile section of SR-246, between the cities of Lompoc and Buellton. An ITP application has been submitted by the Applicant and the following has been summarized from that document.

Construction for the proposed Project would occur between PM 12.3 and PM 16.7, between Purisima Road and Santa Rita Road. On the western end of the Project, a 2-mile long passing lane would extend eastbound from Cebada Canyon Road to Tularosa Road. In the same vicinity in the westbound direction, a 1.7-mile long passing lane would extend from Hapgood Road to Tularosa Road. Left turn pocket improvements would be constructed at four locations within the Project limits. The Project would also correct the road profile and realign the highway at Tularosa Road. Drainage improvements would be built throughout the Project, and existing cross culverts within the Project limits will be extended to accommodate the highway widening.

The purpose and need for the Project are to: 1) improve mainline operations and provide safer passing opportunities along SR-246 between Purisima Road and Santa Rita Road; 2) to improve mainline operations and safety by providing increased sight distance (the visibility of the road ahead) and reduce the incline of the approaching uphill grade near the intersection of SR-246 and Tularosa Road; and 3) to improve operations and safety by improving traffic flow and reducing potential turning conflicts at several intersections, including Tularosa Road, Hapgood Road (west), and Santa Rita Road.

Road Construction Activities.

Road construction activities could result in the injury or mortality (via crushing by equipment) of an unknown number of California tiger salamanders (Covered Species) residing in ponds and small mammal burrows in upland habitat within the Project footprint. This could be particularly detrimental during rain events within the breeding season (typically from about November 1 to May 6) when adults could potentially disperse to a pond through the Project footprint to breed, or during other rain events when dispersal events to other ponds within the region could occur. Covered Species could also be entombed in small mammal burrows collapsed by construction activities, which could result in injury or mortality. Finally, the potential need to capture and relocate individuals of the Covered Species could subject these animals to stresses that could result in adverse effects. Take avoidance and minimization

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measures have been recommended to protect the Covered Species and are included in Section 6 of this permit.

Ground Disturbance/Excavation.

When excavation is necessary, the work space will be clearly marked and will include space for supplies (such as sand and pipe), equipment, topsoil salvage and protection, spoil storage, erosion control, and vehicle parking. Work requiring excavation will normally be conducted by a private contractor. Equipment expected to be used includes a rubber-tired backhoe (for minor excavations), front-end loader, tracked excavator (for deep or large excavations), dump truck (to deliver sand or haul away excess spoil), and pickup trucks. Pipe delivery, if needed, will be by semi-truck. The contract documents for such work will contain provisions for environmental protection such as topsoil salvage and replacement, environmental training, erosion control, and restoration with plant species appropriate for the site.

Routine Maintenance.

Routine maintenance and unforeseen repairs may also require vegetation removal and ground disturbance in localized areas. This includes periodic erosion-control work and maintenance of dirt/gravel access roads. Buried structures may occasionally need to be excavated for inspection, repairs, or access. Such excavations will generally involve removal of topsoil followed by excavation of a sloped pit large enough to safely access the structure in question. The disturbance will occur in areas previously disturbed by construction and will be limited to several hundred square feet in most cases, but could be 0.2 acre or more if structures need to be replaced. Other than inspections, repair work is not to be routine, and the ITP may need to be amended to authorize such repairs.

Covered Species Subject to Take Authorization Provided by this ITP.

This ITP covers the following species:

Name	CESA Status
California tiger salamander (<i>Ambystoma californiense</i>)	Threatened ³

This species and only this species is the "Covered Species" for the purposes of this ITP.

Impacts of the Taking on Covered Species.

Project-related activities (Covered Activities) and their resulting impacts are expected to result in the incidental take of individuals of the California Tiger salamander (Covered Species).

Estimated Take of Covered Species.

The activities described above that are expected to result in take of individuals of the Covered Species include aspects related to road construction; excavation, clearing and grubbing of vegetation, and staging (Covered Activities). Incidental take of individuals of the Covered Species may occur from the Covered Activities in the form of mortality ("kill") from; 1) collision with Project vehicles on Project access roads; 2) ground disturbance and excavation activities associated with road construction; and incidental take of individuals of the Covered Species may occur in the form of pursue and or capture of the Covered Species.

³See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(3)(G).

Additionally, take of an unknown number of animals may occur from excavation activities, or trapped individuals unnoticed in excavation areas. The areas where authorized take of the Covered Species is expected to occur include: the Caltrans right-of-way (ROW) along SR-246 approximately 0.1 miles east of Purisma Road at Post Mile (PM) 12.3 to 0.4 miles west of Santa Rita Road at PM 16.7 (collectively, the Project Area). The activities described above are expected to result in incidental take of individuals of the Covered Species.

Santa Barbara County.

The Project is expected to cause permanent impacts to 15.35 acres of the Covered Species upland habitat; and an additional 28.56 acres of temporary impacts. Please see Appendix B of the ITP Application which provides detailed mapping of all anticipated permanent and temporary impacts associated with the Project.

Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations during tunneling operations, capture and relocation, and long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

Cumulative Effects Analysis.

The California Environmental Quality Act (CEQA) defines a cumulative effect as "two or more individual effects which, when considered together, are considerable or compound or increase other environmental impacts." While construction activities could contribute to cumulative effects (e.g., injury and/or mortality, disturbance and/or habitat loss) that could adversely affect the Covered Species, the potential for cumulative effects are estimated to be low considering the avoidance of impacts to breeding habitat, the creation of habitat, the small amount of potential upland habitat that would be affected, and the low amount of take (e.g., injury and/or mortality to the Covered Species) that is anticipated to occur as a result of the Project. Providing the extensive under-crossings at Site 3/LOAL-64 and Site 4/LOAL-43 (Please see Appendix G of the ITP Application) would compensate for the potential direct losses, thereby eliminating any contribution to the cumulative effect.

Given the relatively small percentage of a potential local population that would be affected, the project is not expected to jeopardize the continued existence of the Covered Species. The greatest impact to the Covered Species upland habitat in the Project vicinity during the last two decades is the conversion of grazing land to more intensive agriculture, including row crops and vineyards. Livestock grazing is generally compatible with sustained use of upland habitat by the Covered Species. Conversion to intensive agriculture eliminates or greatly reduces availability of small mammal burrows that are essential for refuge of the Covered Species.

The Santa Barbara County Planning and Development Department provided a list of projects under construction and those approved without entitlement to begin construction for the area defined by the Lompoc Community Plan (McCurdy, 2013 pers. comm.). At least one project may result in a net increase in breeding habitat through the creation of aquatic features (retention ponds, reservoirs, and stock ponds). Other projects may result in a net

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loss of the Covered Species habitat due to fragmentation of uplands. All development in the vicinity has the potential to increase traffic volume on SR-246, thereby increasing the potential for Covered Species mortality on the roadway and furthering the value of the under-crossings proposed with the Project.

Incidental Take Authorization of Covered Species.

This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes the Permittee, its employees, contractors, and agents to take Covered Species incidentally in carrying out the Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. This ITP does not authorize take of Covered Species from activities outside the scope of the Covered Activities, take of Covered Species outside of the Project Area, take of Covered Species resulting from violation of this ITP, or intentional take of Covered Species except for the inadvertent crushing of one Covered Species within the Project Area during Covered Activities and the capture and relocation of Covered Species as authorized by this ITP.

Conditions of Approval.

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for vehicle ingress and egress, vehicle parking, staging and storage of construction equipment, staging and storage of materials, and noise- and vibration-generating activities that may/will cause take. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

1. **Legal Compliance.** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance.** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section Initial Study with Mitigated Negative Declaration and Finding of No Significant Impact (SCH No.: 2009081063) adopted by Caltrans in June of 2010 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). After the final Environmental document was approved in June 2010 California tiger Salamander became a Covered Species. Subsequently, the Lead Agency revalidated the June 2010 environmental document in 2013 and included avoidance and minimization measures, as-well-as monitoring, notification, and reporting measures.

Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the HCP for the Project pursuant to the Federal Endangered Species Act (FESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species

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or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.

LSA Agreement Compliance. It is anticipated several culverts will be upgraded or improved as part of the Project-related activities. An LSA Agreement, No. 1600-2013-0292-R5 has been/will be issued for the Project. Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA for the Project executed by CDFW pursuant to Fish and Game Code section 1600 *et seq.*).

3. **ESA Compliance.** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Biological Opinion for the Highway 246 Passing Lanes Project (8-8-1-F-13) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.

4. **ITP Time Frame Compliance.** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as part of the ITP Application (Please see Section 4.1.2 items 15-23) and included herein to this ITP.

5. **General Provisions.**

5.1. **Designated Representative.** Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.

5.2. **Designated Biologist.** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 14 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, and proper capturing and handling techniques of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed.

6.3 **Designated Biologist Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately

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stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Neither the Designated Biologist, Designated Monitors, nor CDFW shall be liable for any costs incurred in complying with the terms and conditions of the ITP, including cease-work orders issued by CDFW.

- 6.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist, Designated Monitor, or Designated Representative that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. 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 work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.
- 6.5. Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.
- 6.6. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles.
- 6.8. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.

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- 6.9. Delineation of Property Boundaries. Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area. To ensure the environmentally sensitive area (ESA) fencing (orange plastic mesh) is placed and maintained. Contract plans will include the ESA fencing and therefore the contractor must install the fencing.
- 6.10. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 6.11. Project Access. Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 6.12. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.11 (Project Access) of this ITP. Caltrans shall confine project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities within the Caltrans right-of-way to previously disturbed area, to the greatest extent possible.
- 6.13. Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 6.14. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 6.15. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove

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from the Project Area and properly dispose of all temporary fill and 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.

6. Monitoring, Notification and Reporting Provisions.

Monitoring will be required to ensure compliance with all avoidance and minimization measures to protect the Covered Species.

- 6.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 6.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 6.3. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities include ground disturbance or potential for handling and relocation of the Covered Species exists. Designated Monitor shall be on site daily. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; (5) ensure that signs, stakes, ESA fencing and other fencing are intact, (6) that human activities are restricted to outside of any protective zones; and (7) that Covered Activities are only occurring in the Project Area. The Designated Biologist, Designated Monitor, or Designated Representative shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist, Designated Monitor, or Designated Representative shall conduct compliance inspections a minimum of once per week during periods of inactivity and after clearing, grubbing, and grading are completed.
- 6.4. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 (Compliance Monitoring) into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative. At the time of this ITP's minor amendment approval, the CDFW Regional Representative Mr. Matt Chirdon (matthew.chirdon@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW

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determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 6.5. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.4 (Monthly Compliance Report); (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 6.6. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 6.7. Final Mitigation Report. No later than 45 days after completion of the Project, including all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 6.8. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (858) 467-4201. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or

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carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

7. Take Minimization Measures.

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

- 8.1 California Tiger Salamander (Covered Species) Relocation Plan. The Designated Biologist shall prepare a Covered Species relocation plan and submit to CDFW for review at least 14 days prior to Covered Activities occurring within 1.24 miles of known and/or potential Covered Species breeding ponds. Covered Activities within these areas may not proceed until CDFW has given written authorization to the Permittee that the relocation plan has been reviewed and accepted.
- 8.2 Pre-Work Surveys. Permittee shall conduct pre-work surveys in Project Areas where ground disturbance would occur to characterize the habitat (e.g., number of burrows) and photograph pre-work conditions. Fiber optic cameras may be used to inspect burrows for presence of Covered Species. If Covered Species are discovered or likely to be present a site-specific plan for avoiding or minimizing effects shall be developed and implemented prior to the work. This plan may include hand excavation of burrows to the depth allowed by soil conditions with capture (by hand) and relocation of any individuals found to nearby burrows.
- 8.3 Pre-construction Surveys. Prior to any activities, a CDFW-approved Designated Biologist shall survey the work site. If any life stages of the Covered Species (adults, eggs, or larvae) are found, the approved Designated Biologist shall contact CDFW. Only the approved Designated Biologist is authorized to capture and handle Covered Species. The Designated Biologist may be assisted by the Designated Monitors.
- 8.4 Surface Disturbance. Initial surface disturbing actions that occur in the vicinity of any ponds potentially occupied by the Covered Species shall be monitored by a Designated Biologist. The Designated Biologist shall be on site until all Covered Species have been relocated (if necessary), workers are instructed, and disturbance of habitat is completed. After that time, the state or local sponsoring agency may retain the Designated Biologist on site or designate a Designated Monitor to monitor on-site compliance with all avoidance and minimization measures. In the event a Covered Species is observed by the Designated Monitor, the Designated Biologist shall be recalled to the site.
- 8.5 Area of Disturbance. Permittee shall minimize the area to be disturbed whenever vegetation must be cleared, underground structures need to be excavated, or access roads need to be repaired. The need to minimize the area disturbed and the limits of the work area shall be clearly explained to all contractors and equipment operators by Permittee inspectors, the Designated Representative, the Designated Biologist, or Designated Monitor.

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- 8.6 Covered Species Occurrence. If any Covered Species are found in the project footprint during construction, all work that could potentially harm the Covered Species shall stop immediately. Caltrans shall immediately contact CDFW regarding the sighting to determine if relocation of the Covered Species is required before work may recommence. All Covered Species sightings confirmed by the Designated Biologist shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS), the name of the party that identified the animal, circumstances of the incident, the general condition and health of each individual, any diagnostic markings, sex, age (juvenile or adult), and actions undertaken. Caltrans shall submit this information to the CNDDDB.
- 8.7 Covered Species Relocation. Covered Species found within the project Area of Potential Impact (API) shall be relocated to an active rodent burrow system in a CDFW-approved relocation area. Relocation areas shall be identified by the Designated Biologist prior to the start of construction, and are subject to CDFW approval pursuant to Condition 8.1(California Tiger Salamander Relocation Plan) of this ITP.
- 8.8 Work in Dry Weather. Activities within potential Covered Species habitat shall be restricted to periods of low rainfall (less than ½ inch per 24 hour period), or time periods with less than a 70% forecasted chance of rain. Caltrans shall monitor the National Weather Service (NWS) 24-hour forecast for the project area. If work must continue when greater than 70% chance of rain is forecast, then a Designated Biologist must survey the Project site before construction begins each day that rain is forecast. If a Designated Monitor is used to conduct surveys, a Designated Biologist must still be available to capture and relocate any Covered Species that are discovered during the surveys. If rain exceeds ½ inch during a 24 hour period, work shall cease until no further rain (greater than 70% chance) is forecast.
- 8.9 Ground Clearing. All Covered Activities where there is potential upland habitat for the Covered Species shall be restricted to the dry season (May 7 to October 31), or periods of low rainfall (less than ½ inch per 24 hour period, or time periods with less than 70% forecasted chance of rain).
- 8.10 Work During Day Light. All Covered Activities within Covered Species potential upland habitat shall terminate 30 minutes before sunset and shall not resume until 30 minutes after sunrise during the Covered Species migration/active season from November 1 to June 14. Caltrans shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department for the geographic area where the project is located. If night work cannot be avoided during this time period then a Designated Biologist must survey the project site before construction begins each night. If a Designated Monitor is used to conduct surveys, a Designated Biologist must still be available to capture and relocate any Covered Species that are discovered during the surveys.
- 8.11 Work on Wet Nights Prohibited. Ground-disturbing night work within potential Covered Species habitat shall be strictly prohibited when a 70% or greater chance of

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rainfall is predicted within 24 hours of project activity. Ground disturbing night work may not resume until a 70% or greater chance of rainfall is not predicted within 24 hours.

8.12 Soil Stockpiles. Soil stockpiles shall be placed where soil shall not pass into potential Covered Species breeding pools; nor shall it pass into any other waters of the state as per Fish and Game Code sections 5650 and 5652. Stockpiles shall be appropriately protected to prevent soil erosion.

8.13 Disease Prevention. To ensure that disease are not conveyed between work sites by the Designated Biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force (Attachment 5) must be followed at all times. All equipment that may come in contact with aquatic habitat must first be disinfected with ethanol solution. The Designated Biologist may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care must be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.

8.14 Inspection of Excavated Areas. The Designated Monitor(s) shall inspect all open trenches, auger holes, and other excavations that may trap Covered Species prior to any work in or around them and before they are backfilled. Designated Biologist shall safely remove and relocate any Covered Species they find in accordance with this ITP and as conditioned in Measure 8.1 (California Tiger Salamander Relocation Plan).

8.15 Injured Covered Species. If a Covered Species is injured as a result of project-related activities, it shall be immediately taken to a CDFW approved wildlife rehabilitation or veterinary facility. Caltrans shall identify the facility prior to the start of ground or vegetation disturbing activities and provide this information as part of the Relocation Plan as Conditioned in Measure 8.1 (California Tiger Salamander Relocation Plan) of this ITP. Caltrans shall bear any costs associated with the care or treatment of such injured Covered Species. Caltrans shall notify CDFW of the injury to the Covered Species immediately unless the incident occurs outside of normal business hours. In that event CDFW shall be notified no later than 12 PM on the next business day. Notification to CDFW shall be via telephone or email, followed by a written incident report. Notification shall include the date, time, location and circumstances of the incident and the name of the facility where the animal was taken.

8.16 Existing and New Construction Activities. Within 1.24 miles of known occupied, or potential occupied Covered Species breeding pond site(s) (including but not limited to the sites shown in Figures 2 and 3 [Covered Species Breeding Locations and Covered Species Critical Habitat]) Caltrans shall follow their Standard Plan Type E curbs and Type D and Type E Dikes designs as the preferred designs (refer to Caltrans Standard Plan A87, Curbs, Dikes, and Driveways) when such structures require replacement, rehabilitation, or new construction.

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8. Impacts and Mitigation Analysis.

The impact areas for the Project are represented as the API. The API includes potential disturbance areas for both permanent and temporary impacts and assumes the maximum amount of disturbance/impact associated with the grading, cut/fill limits, and construction of the project. Since the Covered Species potentially use the annual grassland habitat within the project API, impacts to Covered Species upland habitat will require mitigation. Caltrans is proposing a mitigation strategy for temporary and permanent impacts to the Covered Species upland habitat with three components: (1) conversion of pavement within the project limits to annual grassland (creation of Covered Species upland habitat); (2) purchase of credits at a CDFW-approved mitigation bank; and (3) construction of six amphibian under-crossings to facilitate movement of the Covered Species under SR-246. Caltrans is proposing a 2:1 mitigation ratio for all permanent impacts and a 0.5:1 mitigation ratio for all temporary impacts.

Figures 4-11, pages 31-38, illustrates the API for the entire project length.

- 9.1 Breeding Ponds. No impacts to Covered Species aquatic habitat are anticipated to occur as a result of the Project. There is no aquatic habitat for the Covered Species within the Project limits. Please see Figure 2 and 3 (Covered Species Breeding Locations and Covered Species Critical Habitat),
- 9.2 Permanent Impacts. Permanent impacts of 15.35 acres are anticipated to occur within potential upland Covered Species habitat. Caltrans proposes compensation for the permanent loss of 15.35 acres of potential upland Covered Species habitat by acquiring 30.7 acres of quality upland habitat in known occupied Covered Species territory at an approved mitigation bank. This is at a rate of two compensation acres for every one acre of permanent impacts (2:1).
- 9.3 Temporary Impacts. Temporary Impacts of 28.56 acres are anticipated to occur within potential upland Covered Species habitat. The required compensation for the temporary loss of 28.56 acres of potential upland Covered Species habitat is 14.28 acres. This is at a rate of one-half compensation acre for every one acre of temporary impacts (0.5:1).
- 9.4 Creation Component. Approximately 6.15 acres of pavement within the Project API will be removed and restored to annual grassland and managed as quality Covered Species upland habitat (refer to Appendix B for location). Based on early coordination with CDFW, this "habitat creation" could offset required mitigation for permanent impacts at the rate of two habitat creation acres for every one acre of required compensation for permanent impacts (2:1) Using this ratio, the pavement obliteration/habitat restoration will reduce the requirement for permanent impacts mitigation by 12.3 acres. A total of 12.3 acres will be reduced from the 30.7 acres required compensation for the permanent loss of potential upland Covered Species habitat bringing the total required off site compensation for permanent impacts to Covered Species upland habitat to 18.4 acres.

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- 9.5 Amphibian Under-Crossings. Caltrans proposes to construct six amphibian under-crossings clustered in closest proximity to known occupied breeding ponds. Please see Figures 4-11 and Exhibit G.

9. Habitat Management Land Acquisition and Restoration.

CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation.

To meet this requirement, the Permittee, Caltrans shall implement the following Measures to provide for both the permanent protection and management of 32.68 acres of Habitat Management (HM) lands pursuant to Condition of Approval 10.1-10.3 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the signing of the ITP.

Table 1. Summary of potential impacts, proposed mitigation ratios, and required mitigation acres.

	<i>Area (Acres)</i>	<i>Mitigation Ratio</i>	<i>Required Mitigation (Acres)</i>
Potential Impacts			
Permanent Impacts (new roadway, RSP, drainage features)	15.35	2:1	30.7
Temporary Impacts (cut/fill, drainage features, and stockpiles)	28.56	0.5:1	14.28
Credits for Creation			
Pavement restored to upland habitat (credit toward required mitigation)	6.15	1:2	(-)12.3 credit
Total required mitigation acres			32.68

- 9.1. Mitigation at an approved Conservation Bank. Permittee shall purchase 32.68 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 11 (Performance Security) below. Mitigation funding for offsite habitat acquisition will involve mitigation by purchase of lands, according to Measures 1-5 of Mitigation Compensation for Take (Section 4.2 of the ITP Application). Caltrans will ensure funding to complete

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activities by providing to CDFW written documentation that Caltrans has allocated sufficient funds in the Expenditure Authorization for the Project to ensure implementation of the Conditions of Approval. Covered Species Credits. To mitigate for permanent and temporary loss of Covered Species upland habitat, Caltrans shall provide compensatory mitigation in the form of 32.68 acres of Habitat Management Lands (HM Lands). As part of this ITP, Caltrans plans to purchase credits at a CDFW-approved mitigation bank, The La Purisima Conservation Bank (Bank). The Bank site is located in the Purisima Hills, and approximately 2.3 miles due north of the Project. Caltrans has conducted early coordination with CDFW South Coast Region Mitigation Banking Coordinator David Lawhead, CDFW Senior Environmental Scientist (Specialist) Martin Potter, and USFWS Biologist Andrea Adams, all of whom have conducted site visits to the Bank. Although the Bank has not been formally approved to sell credits at the time of this application, CDFW staff has indicated they believe the Bank will be approved within the current calendar year. Refer to Appendix F for the La Purisima Conservation Bank Proposal and mapping. Caltrans intends to purchase the required credits at a CESA certified and CDFW-approved Covered Species Conservation Bank. Ground- or vegetation-disturbing activities in Covered Species potential habitat are not authorized to commence until credits are purchased or no later than 18 months from the effective date of the ITP, if an approved bank cannot be found Caltrans shall move forward using Conditions of Approval 11 (Performance Security) of this ITP. Cost Estimates. Caltrans shall estimate the cost of acquisition, protection, and perpetual management of 32.68 acres of HM lands, including restoration of 6.15 acres, according to the following guidelines:

- 9.3.1. Land Acquisition. Costs for HM lands identified in Condition of Approval 10.5 (Habitat Acquisition and Protection). Caltrans must provide an estimate of acquisition price per acre for 32.68 acres. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements.
- 9.3.2. Start-Up Costs. Caltrans must provide an estimate for start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 10.5.5 (Start-up Activities) below.
- 9.3.3. Interim Management. Caltrans must provide an estimate for an Interim management period as described in Condition of Approval 10.5.6 (Interim Management [Initial and Capital]) below.
- 9.3.4. Long-Term Management. Caltrans must provide an estimate for the long-term management funding as described in Condition of Approval 10.6 (Endowment Fund) below, with an estimate \$XX/acre for 32.68 acres: Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
- 9.3.5. Transaction Fees. Caltrans must provide an estimate for related transaction fees including but not limited to account set-up fees, administrative fees, title

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and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 10.7 (Reimburse CDFW) below.

- 9.3.6. Restoration. Caltrans must provide an estimate for restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 10.8 (Habitat Mitigation Monitoring and Restoration Plan) calculated at \$XX/acre for 6.15 acres.

- 9.4. Covered Species Credits. Permittee shall purchase 32.68 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 11 (Performance Security) below.

OR

- 9.5. Habitat Acquisition and Protection. To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall:

- 9.5.1. Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-6598, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);

- 9.5.2. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2B) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;

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- 9.5.3. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2A). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 9.5.4. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.
- 9.5.5. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <http://www.dfg.ca.gov/habcon/conplan/mitbank/>); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage.
- 9.5.6. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.
- 9.6. Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 10.5 (Habitat Acquisition and Protection), the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in

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this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 10.8 (Habitat Mitigation Monitoring and Restoration Plan). Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.

10.6.1 Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).;

10.6.2 Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and

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approval the results of the PAR before transferring funds to the Endowment Manager.

- 10.6.2.1 Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.
- 10.6.2.2 Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:
 - 10.6.2.2.1 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.
 - 10.6.2.2.2 Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.
 - 10.6.2.2.3 Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.
- 10.6.3 Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.
- 10.7 Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.
- 10.8 Habitat Mitigation Monitoring and Restoration Plan (HMMP). Permittee shall create on-site 6.15 acres of Covered Species habitat that will be maintained as optimal upland habitat for the Covered Species. Within 6 months of issuance of this ITP, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of the

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6.15 acres and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The plan shall also indicate the best time of year for seeding to occur. Plantings undertaken between May and October shall include regular watering to ensure adequate growth. Described below are the minimum avoidance, minimization, restoration measures and success criteria that must be included in the Vegetation Restoration Plan. The HMMP must be approved by the Department in writing prior to any Project related disturbances at the Project site. Described below are the minimum avoidance, minimization, restoration measures and success criteria that must be included in the HMMP

- The Covered Species Habitat Restoration (HR) site shall include no more than 5% non-native percent cover in any vegetation layer (tree, shrub, liana, herb, forbs, and grass) in any year.
- The HMMP shall contain measurements of species diversity, abundance, cover, etc., to ensure the health of the habitat is at least as healthy as that of an identified, healthy, reference site. This data shall be collected for each vegetation layer (tree, shrub, liana, herb, forbs, and grass) every year.
- The HMMP shall contain a detailed plan to monitor the success of the Covered Species HR lands, including the use of a reference site and scientifically accepted sampling methodology for assessing success.

11. Performance Security.

If Caltrans fails to implement Condition 10 (Habitat Management Land Acquisition and Restoration) of this ITP prior to the issuance of the Executed ITP, or any portion of Condition of Approval 10 (Habitat Management Land Acquisition and Restoration) that have not been completed before Covered Activities begin, Caltrans may only proceed with Covered Activities after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 10 (Habitat Management Land Acquisition and Restoration); Caltrans shall provide Security as follows:

- 11.1 Security Amount. The Security for all uncompleted obligations shall be in the form of an Irrevocable Letter of Credit (See Conditions of Approval 11.2 [Security Form]) in the amount of \$2,600,000.00, to include the purchase of 32.68 acres of HM lands and perform an additional restoration of 6.15 acres HM lands.
- 11.2 Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3 [Letter of Credit Form]) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 11.3 Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 11.4 Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.

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11.5 Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.

11.6 Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.

11.7 Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:

- Written documentation of the acquisition of the HM lands;
- Copies of all executed and recorded conservation easements;
- Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
- Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

Amendment.

This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

Stop-Work Order.

CDFW may issue Permittee a written stop-work order requiring Permittee to suspend any Covered Activity for an initial period of up to 25 days to prevent or remedy a violation of this ITP, including but not limited to the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 25 additional days. Suspension and revocation of this ITP shall be governed by California Code of Regulations, Title 14, section 783.7, and any other applicable law. Neither the Designated Biologist nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

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Compliance with Other Laws.

This ITP sets forth CDFW's requirements for the Permittee to implement the Project pursuant to CESA. This ITP does not necessarily create an entitlement to proceed with the Project. Permittee is responsible for complying with all other applicable federal, state, and local law.

Notices.

The Permittee shall deliver a fully executed duplicate original ITP by registered first class mail or overnight delivery to the following address:

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
1416 Ninth Street, Suite 1260
Sacramento, CA 95814

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2013-064-05) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Edmund J Pert, Regional Manager
California Department of Fish and Wildlife
3883 Ruffin Road
San Diego, CA 92123
Telephone (858) 467-4201
Fax (858) 467-4299

Unless Permittee is notified otherwise, CDFW's Regional Representative for purposes of addressing issues that arise during implementation of this ITP is:

Mr. Matt Chirdon, Senior Environmental Scientist (Specialist)
P.O. BOX 891
Ojai, CA 93024
Telephone (805) 640-1165
Fax (805) 640-1165

Compliance with CEQA.

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Caltrans. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Initial Study with Mitigated Negative Declaration and Finding of No Significant Impact (SCH No.: 2009081063) dated June 2010 that Caltrans adopted for the Highway 246 Passing Lanes. The MND was revalidated in September of 2013 and at the time the lead agency adopted various mitigation measures for the Covered Species as conditions of Project approval.

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This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's Mitigated Negative Declaration for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

Findings Pursuant to CESA.

These findings are intended to document CDFW's compliance with the specific findings requirements set forth in CESA and related regulations. (Fish & G. Code § 2081, subs. (b)-(c); Cal. Code Regs., tit. 14, §§ 783.4, subds, (a)-(b), 783.5, subd. (c)(2).)

CDFW finds based on substantial evidence in the ITP application, Initial Study with Mitigated Negative Declaration and Finding of No Significant Impact (SCH No.: 2009081063), and subsequent revalidation of the MND in 2013, the results of 3 site visits and numerous consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 32.68 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest

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extent possible;

- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

List of Tables and Figures.

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Attachments.

ATTACHMENT 1	Mitigation Monitoring and Reporting Program	pg. 38-49
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ATTACHMENT 5	Declining Amphibian Code of Practice	pg. 58
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Exhibits.

- A. CTS Upland Habitat

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- B. Potential Impacts to Uplands
- C. CTS Critical Habitat
- D. CNDDDB Records
- E. CTS Study
- F. FLP Mitigation Bank Proposal
- G. CTS Under-Crossing Design Sheets

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 1-10-19



Edmund J Pert, Regional Manager
South Coast Region – Region Five

ACKNOWLEDGMENT

The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of this ITP, and (3) agrees on behalf of the Permittee to comply with all terms and conditions

By: _____ Date: _____

Printed Name: _____ Title: _____

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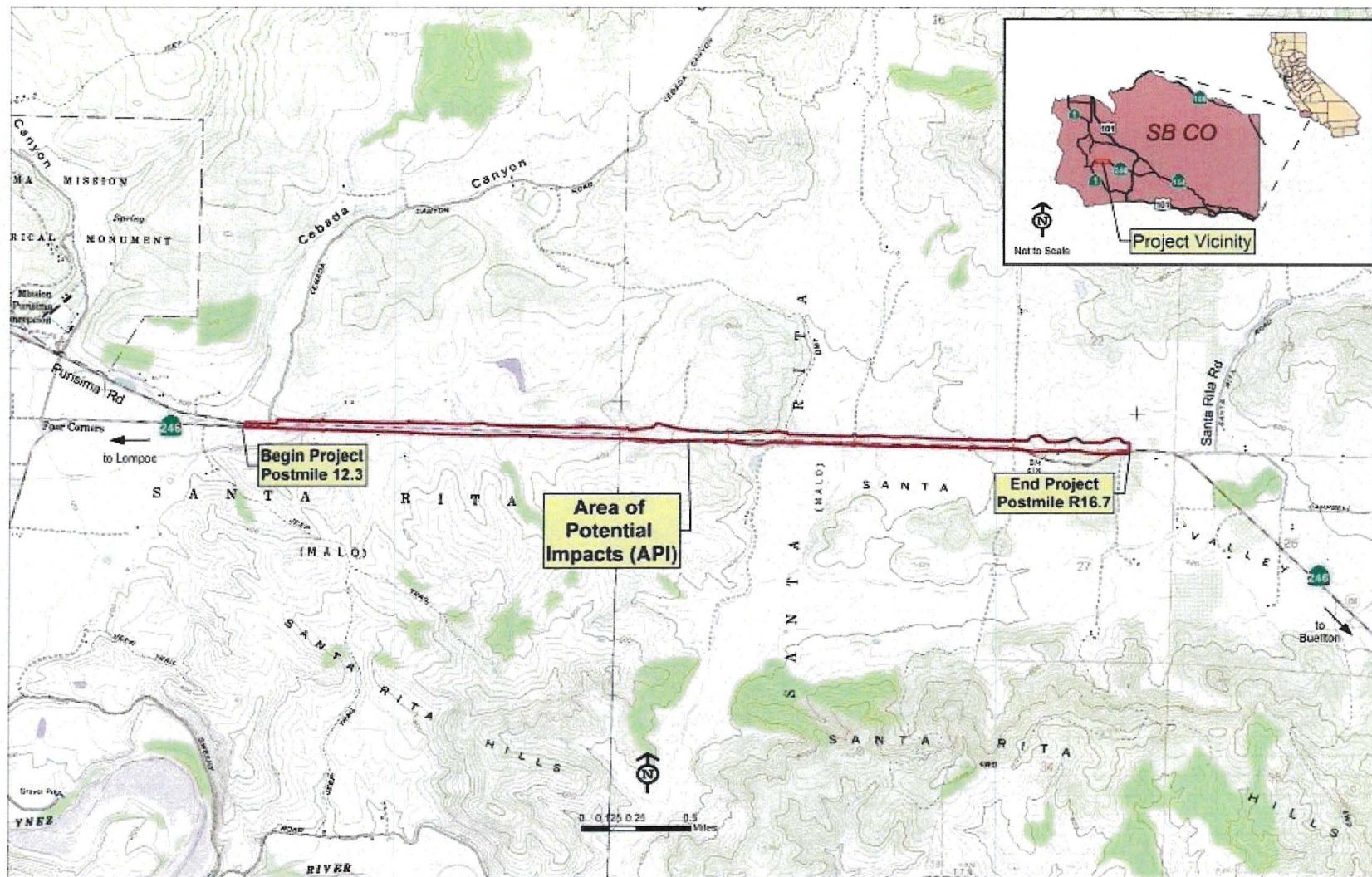


Figure 1. Project Vicinity - Location Map

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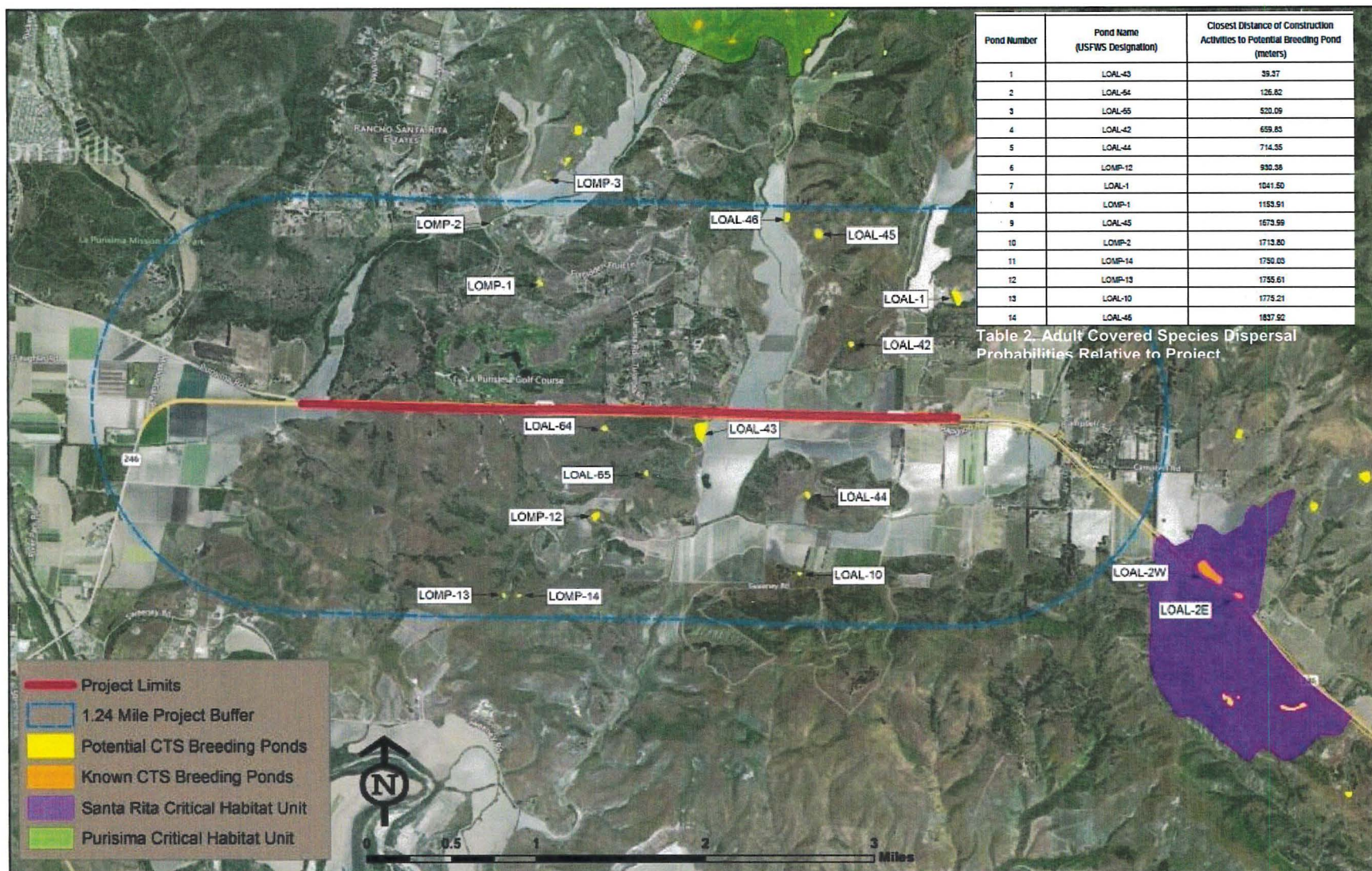


Figure 2. Nearest Known and Potential Covered Species Breeding Sites

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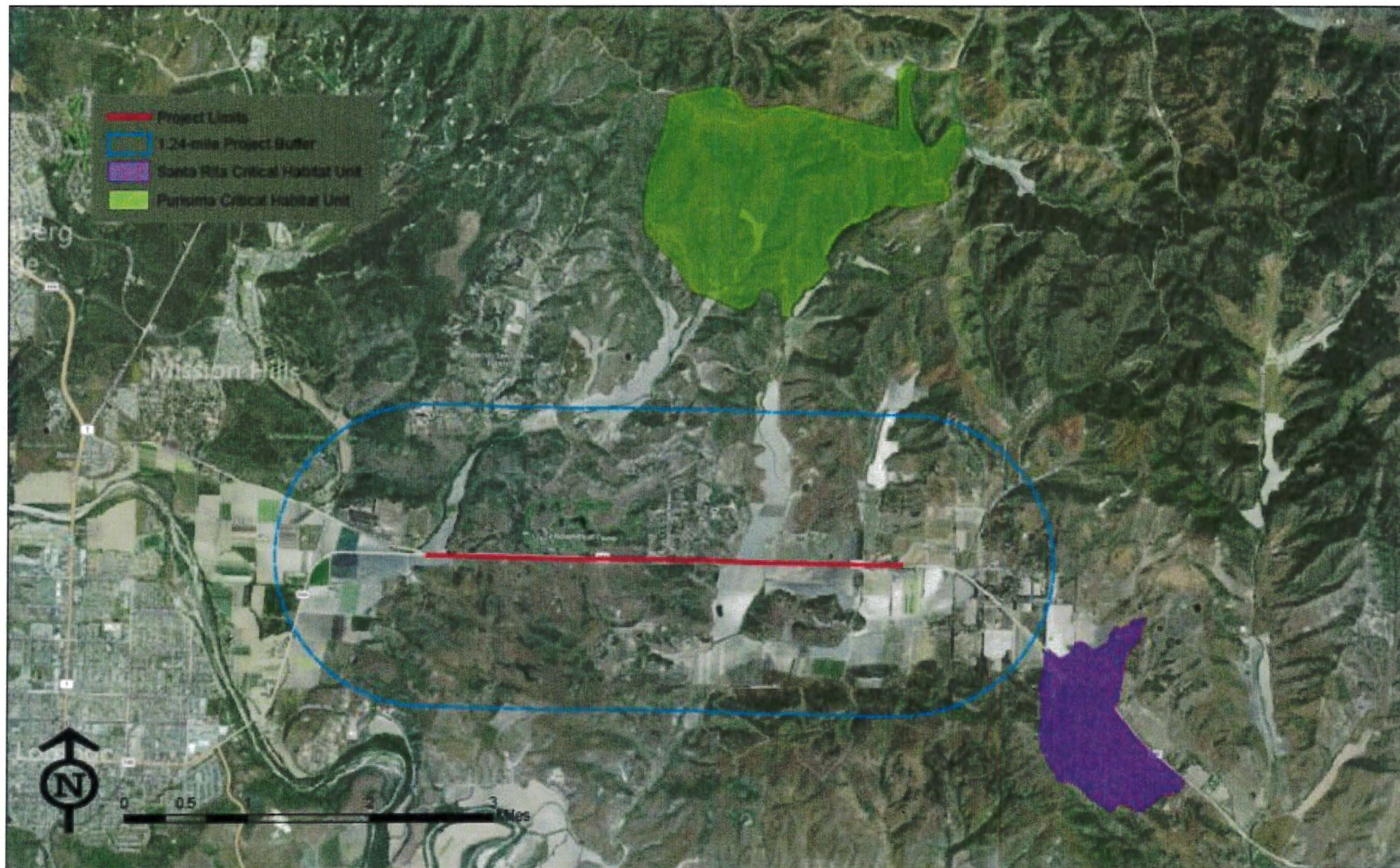


Figure 3. Covered Species Critical Habitat Near Project Vicinity.

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Figure 5. Project Impacts

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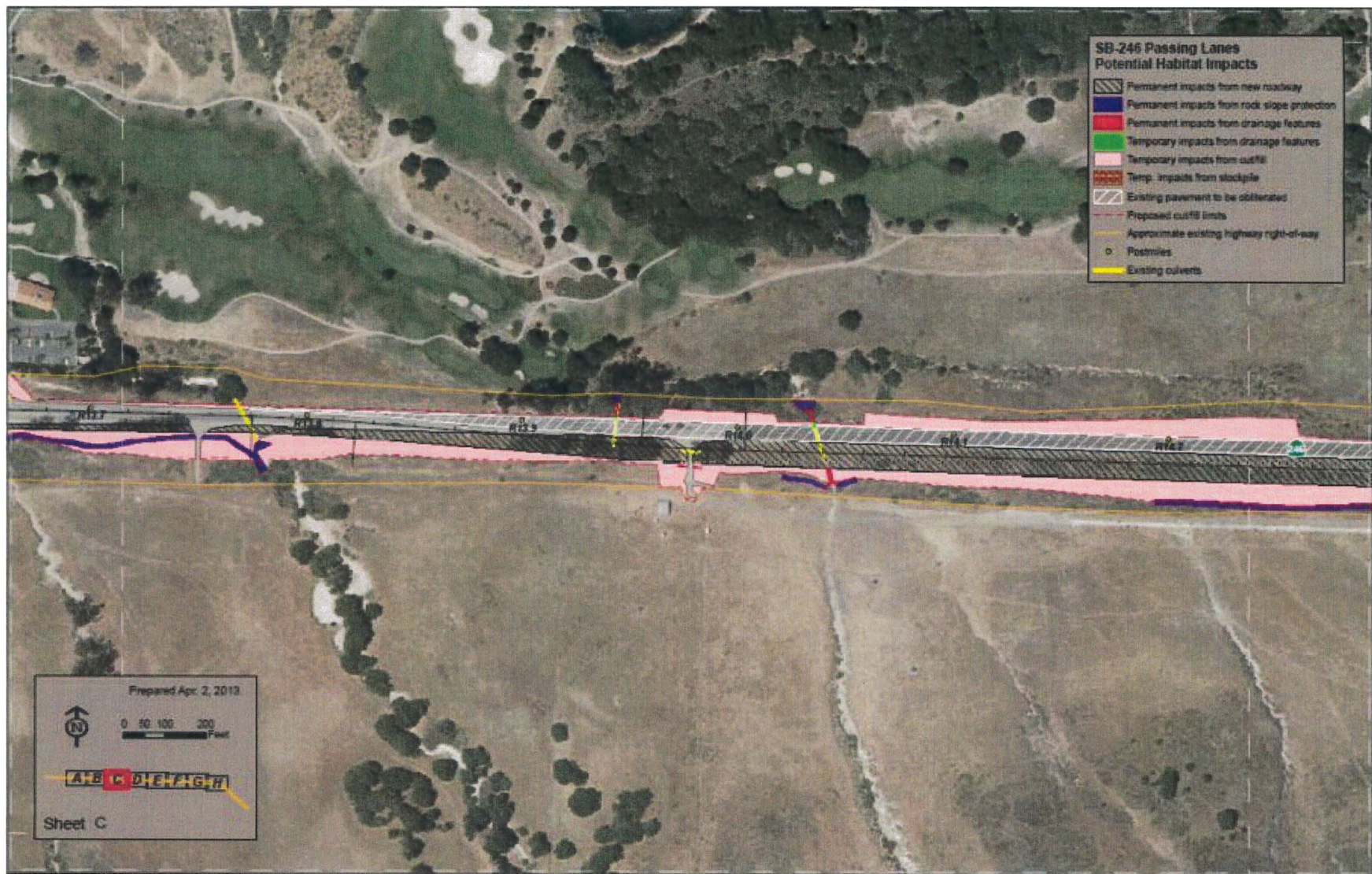


Figure 6. Project Impacts

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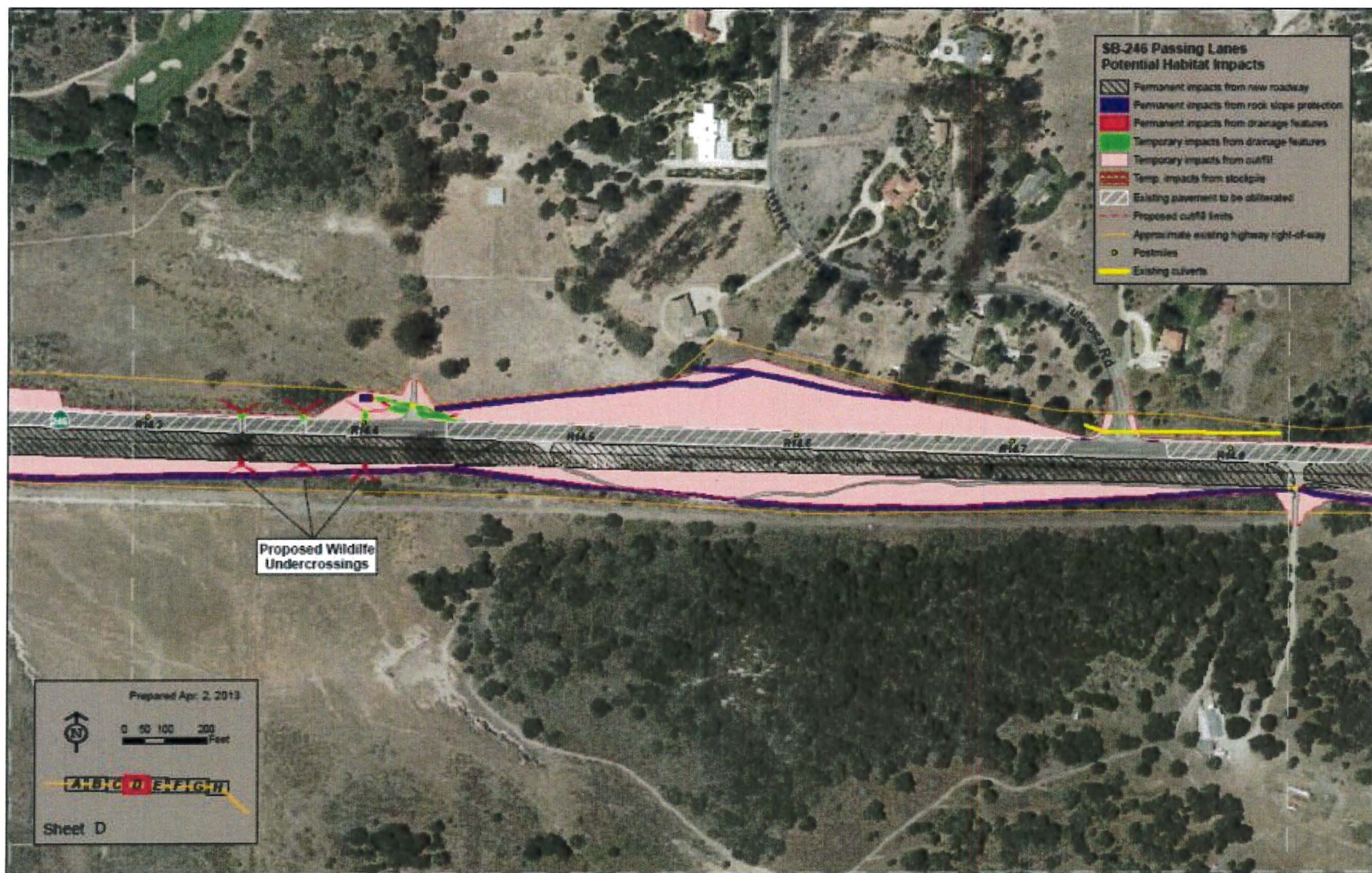


Figure 7. Project Impacts

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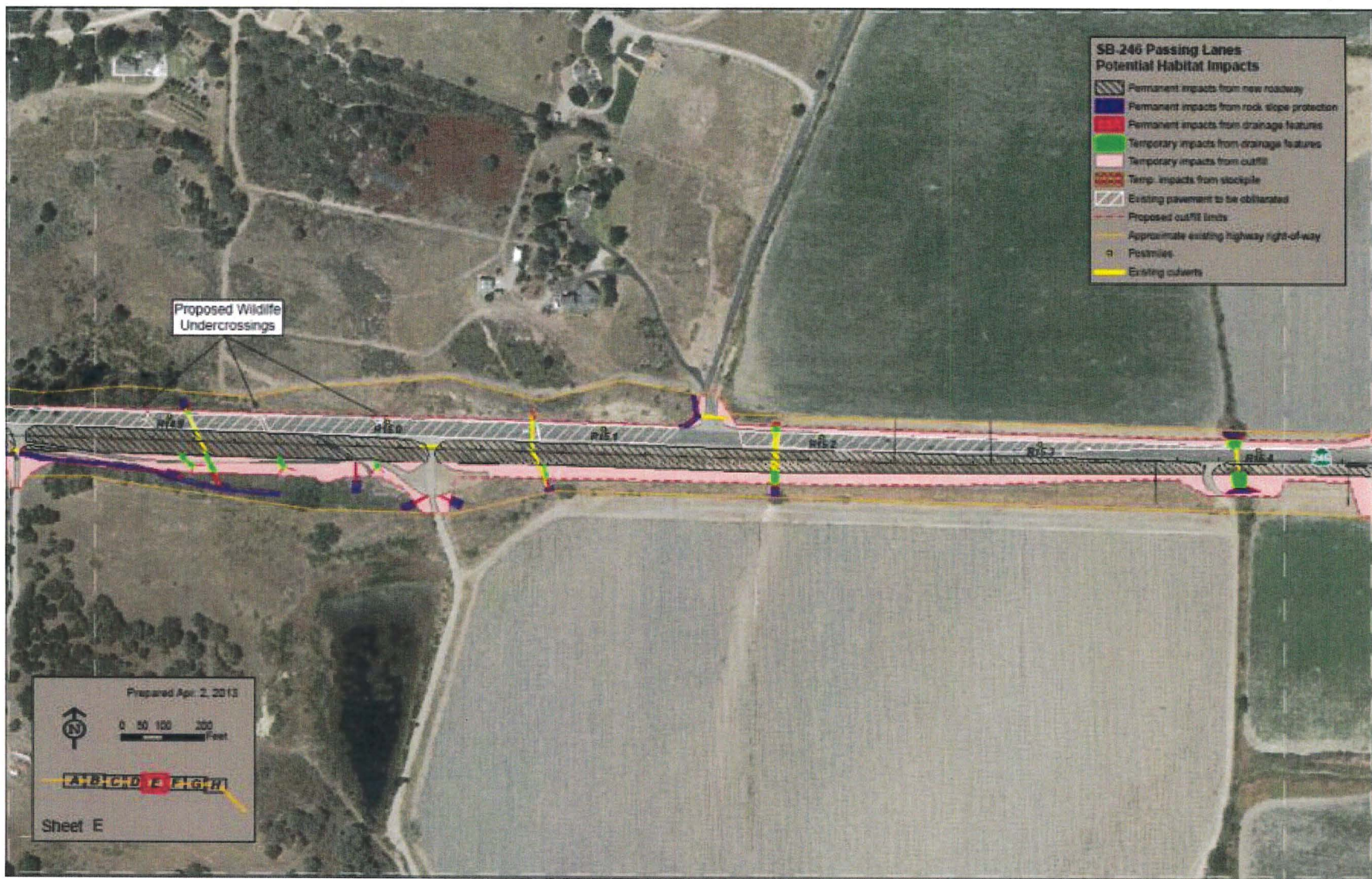


Figure 8. Project Impacts

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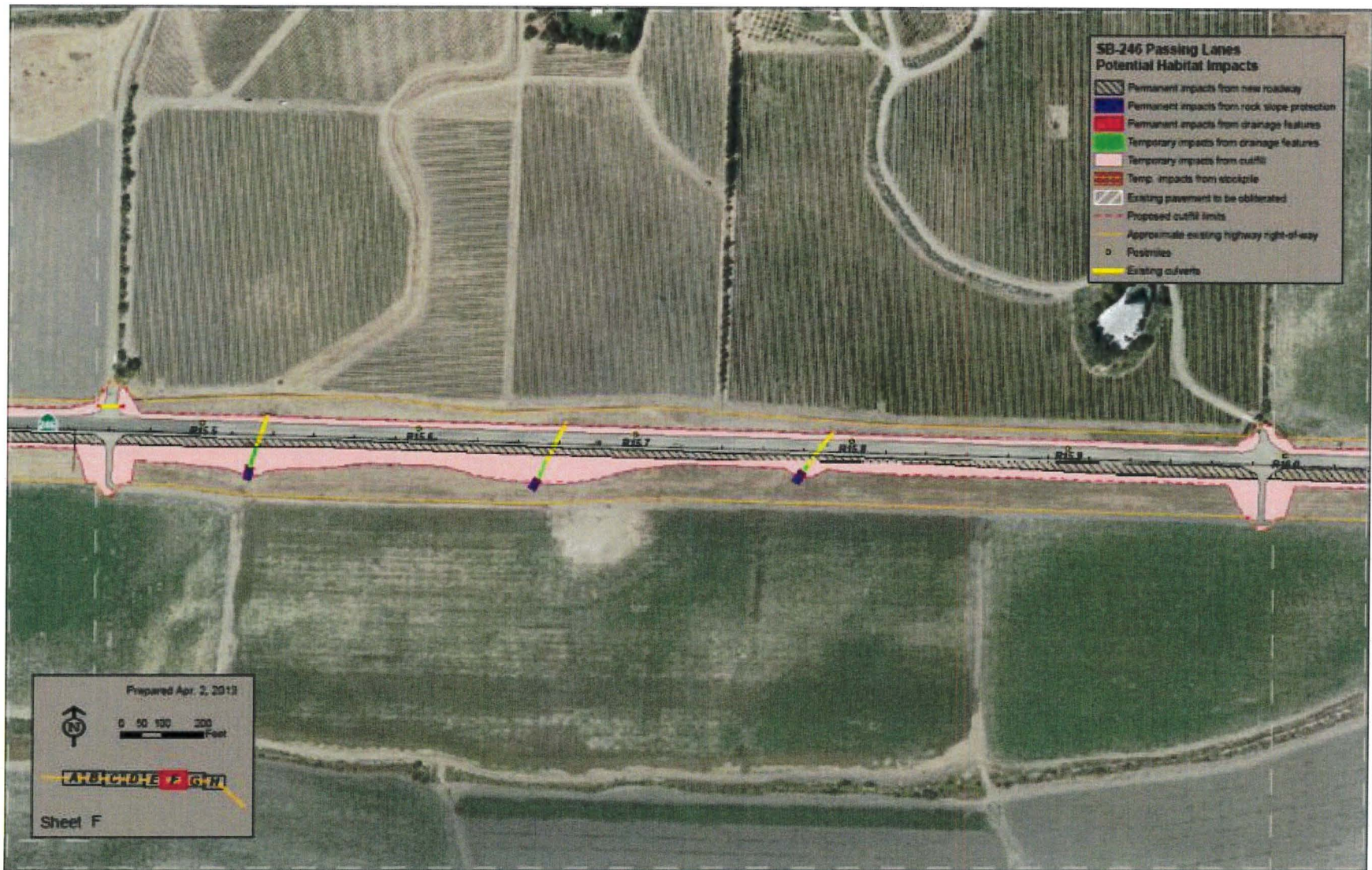


Figure 9. Project Impacts

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Figure 10. Project Impacts

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Figure 11. Project Impacts

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**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
CALIFORNIA ENDANGERED SPECIES ACT
INCIDENTAL TAKE PERMIT NO. 2081-2013-064-05**

PERMITTEE: California Department of Transportation (Caltrans)

PROJECT: Highway 246 (SR-246) Passing Lanes Project

PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure that the impacts minimization and mitigation measures required by the Department of Fish and Wildlife (CDFW) for the above-referenced Project are properly implemented, and thereby to ensure compliance with section 2081(b) of the Fish and Game Code and section 21081.6 of the Public Resources Code. A table summarizing the measures required by CDFW is attached. This table is a tool for use in monitoring and reporting in implementation of minimization and mitigation measures set forth in the California Incidental Take Permit (ITP) and in attachments to the ITP, and the omission of an ITP requirement from the attached table does not relieve the Permittee of the obligation to ensure the requirement is performed.

OBLIGATIONS OF PERMITTEE

Minimization and mitigation measures must be implemented within the time periods indicated in the table that appears below. Permittee has the primary responsibility for monitoring compliance of all measures and for reporting to CDFW on the progress in implementing those measures. These monitoring and reporting requirements are set forth in the ITP itself and are summarized at the front of the attached table.

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

CDFW may, at its sole discretion, verify compliance with any mitigation measure or independently assess the effectiveness of any mitigation measure.

TABLE OF MINIMIZATION AND MITIGATION MEASURES

The following items are identified for each measure: Minimization/Mitigation Measure, Source, Implementation Schedule, Responsible Party, and Status/Date/Initials. The Minimization/Mitigation Measure column summarizes the requirements of the ITP. The Source column identifies the ITP condition that sets form the measure. The Implementation Schedule column shows the date or phase when each measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the measure. The status/Date/Initials column shall be completed by the Permittee during preparation of each Status Report and the Final Mitigation Report, and must identify the implementation status of each measure, the date that status was determined, and the initials of the person determining the status.

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	Minimization/Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status/Date/Initials
PRIOR TO START OF COVERED ACTIVITIES					
1	Permittee shall purchase 32.68 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 11 below. Mitigation funding for offsite habitat acquisition will involve mitigation by purchase of lands, according to Measures 1-5 of Mitigation Compensation for Take (Section 4.2 of the ITP Application). Caltrans will ensure funding to complete activities by providing to CDFW written documentation that Caltrans has allocated sufficient funds in the Expenditure Authorization for the Project to ensure implementation of the Conditions of Approval.	ITP Condition #10.1	Before starting Covered Activities	Permittee	
2	To mitigate for permanent and temporary loss of COVERED Species upland habitat, Caltrans shall provide compensatory mitigation in the form of 32.68 acres of Habitat Management Lands (HM Lands). As part of this ITP, Caltrans plans to purchase credits at a CDFW-approved mitigation bank, The La Purisima Conservation Bank (Bank). The Bank site is located in the Purisima Hills, and approximately 2.3 miles due north of the Project. Caltrans has conducted early coordination with CDFW South Coast Region Mitigation Banking Coordinator David Lawhead, CDFW Senior Environmental Scientist (Specialist) Martin Potter, and USFWS Biologist Andrea Adams, all of whom have conducted site visits to the Bank. Although the Bank has not been formally approved to sell credits at the time of this application, CDFW staff has indicated they believe the Bank will be approved within the current calendar year. Refer to Appendix F for the La Purisima Conservation Bank Proposal and mapping. Caltrans intends to purchase the required credits at a CESA certified and CDFW-approved CTS Conservation Bank. Ground- or vegetation-disturbing activities in Covered Species potential habitat are not authorized to commence until credits are purchased or no later than 18 months from the effective date of the ITP, if an approved bank cannot be found Caltrans shall precede using Conditions of Approval 11 of this ITP.	ITP Condition #10.2	Before starting Covered Activities	Permittee	
3	Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute	ITP Condition #6.1	Before starting Covered Activities	Permittee	

	Minimization/Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status/Date/Initials
	Designated Representative is selected or identified at any time during the term of this ITP.				
4	Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 14 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, and proper capturing and handling techniques of the Covered. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed.	ITP Condition #6.2	At least 14 days before starting Covered Activities	Permittee	
5	Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist, Designated Monitor, or Designated Representative that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. 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 work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition #6.4	Before starting Covered Activities	Permittee	
6	Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid	ITP Condition #6.6	Before starting Covered Activities	Permittee	

	Minimization/Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status/Date/Initials
	attracting opportunistic predators such as ravens, coyotes, and feral dogs.				
7	Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area. To ensure the environmentally sensitive area (ESA) fencing (orange plastic mesh) is placed and maintained. Contract plans will include the ESA fencing and therefore the contractor must install the fencing.	ITP Condition #6.9	Before starting Covered Activities	Permittee	
8	Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition #6.10	Before starting Covered Activities	Permittee	
9	Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition #6.11	Before starting Covered Activities	Permittee	
10	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.11 of this ITP. Caltrans shall confine project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities within the Caltrans right-of-way to previously disturbed area, to the greatest extent possible.	ITP Condition #6.12	Before starting Covered Activities	Permittee	
11	The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all	ITP Condition	Before starting Covered Activities	Permittee	

	Minimization/Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status/Date/Initials
	pre-Project Conditions of Approval before starting Covered Activities.	#7.1			
12	<p>The Designated Biologist shall prepare a Covered Species relocation plan and submit to CDFW for review at least 14 days prior to Covered Activities</p> <p>occurring within 1.24 miles of known and/or potential Covered Species breeding ponds. Covered Activities within these areas may not proceed until CDFW has given written authorization to the Permittee that the relocation plan has been reviewed and accepted.</p>	<p>ITP Condition #8.1</p>	<p>At least 14 days before starting</p> <p>Covered Activities</p>	Permittee	
13	<p>Permittee shall conduct pre-work surveys in Project Areas where ground disturbance would occur to characterize the habitat (e.g., number of burrows) and photograph pre-work conditions. Fiber optic cameras may be used to inspect burrows for presence of Covered Species. If Covered Species are discovered or likely to be present, a site-specific plan for avoiding or minimizing effects shall be developed and implemented prior to the work. This plan may include hand excavation of burrows to the depth allowed by soil conditions with capture (by hand) and relocation of any individuals found to nearby burrows.</p>	<p>ITP Condition #8.2</p>	<p>Before starting</p> <p>Covered Activities</p>	Permittee	
DURING COVERED ACTIVITIES					
14	<p>To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Neither the Designated Biologist, Designated Monitors, nor CDFW shall be liable for any costs incurred in complying with the terms and conditions of the ITP, including cease-work orders issued by CDFW.</p>	<p>ITP Condition #6.3</p>	<p>During Covered Activities</p>	Permittee	
15	<p>The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.</p>	<p>ITP Condition #6.5</p>	<p>During Covered Activities</p>	Permittee	
16	<p>Permittee shall continue the trash abatement program for the duration of Covered Activities. Permittee shall ensure that trash and food items are contained in closed (animal-proof) containers and removed regularly (at least once a week) to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.</p>	<p>ITP Condition #6.6</p>	<p>During Covered Activities</p>	Permittee	
17	<p>Permittee shall restrict all Covered Activities to within the fenced, staked,</p>	<p>ITP</p>	<p>During Covered</p>	Permittee	

	Minimization/Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status/Date/Initials
	or flagged areas. Permittee shall maintain all fencing, stakes, and flags until completion of Covered Activities in that area.	Condition #6.10	Activities		
18	<p>Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.</p>	ITP Condition #6.11	During Covered Activities	Permittee	
19	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.11 of this ITP. Caltrans shall confine project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities within the Caltrans right-of-way to previously disturbed area, to the greatest extent possible.	ITP Condition #6.12	During Covered Activities	Permittee	
20	Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition #6.13	During Covered Activities	Permittee	
21	Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	ITP Condition #6.14	During Covered Activities	Permittee	
22	Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as mono-filament netting (erosion control matting) or similar material, in potential Covered	ITP Condition #6.8	During Covered Activities	Permittee	

	Minimization/Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status/Date/Initials
	Species' habitat.				
23	<p>The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP</p> <p>and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.</p>	ITP Condition #7.2	During Covered Activities	Permittee	
24	<p>The Designated Biologist shall be on-site daily when Covered Activities include ground disturbance or potential for handling and relocation of the Covered Species exists. Designated Monitor shall be on site daily. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; (5) ensure that signs, stakes, ESA fencing and other fencing are intact, (6) that human activities are restricted to outside of any protective zones; and (7) that Covered Activities are only occurring in the Project Area. The Designated Biologist, Designated Monitor, or Designated Representative shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist, Designated Monitor, or Designated Representative shall conduct compliance inspections a minimum of once per week during periods of inactivity and after clearing, grubbing, and grading are completed.</p>	ITP Condition #7.3	During Covered Activities	Permittee	
25	<p>The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative. At the time of this ITP's minor amendment, the CDFW Regional Representative Mr. Matt Chirdon (matthew.chirdon@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance</p>	ITP Condition #7.4	During Covered Activities	Permittee, CDFW	

	Minimization/Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status/Date/Initials
	inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.				
26	Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.	ITP Condition #7.5	During Covered Activities	Permittee	
27	The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition #7.6	During Covered Activities	Permittee	
28	Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (858) 467-4201. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition #7.8	During Covered Activities	Permittee	
29	Permittee shall minimize the area to be disturbed whenever vegetation	ITP	During Covered	Permittee	

	Minimization/Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status/Date/Initials
	must be cleared, underground structures need to be excavated, or access roads need to be repaired. The need to minimize the area disturbed and the limits of the work area shall be clearly explained to all contractors and equipment operators by Permittee inspectors, the Designated Representative, or the Designated Biologist, or the Designated Monitor.	Condition #8.5	Activities		
30	Covered Species found within the project API shall be relocated to an active rodent burrow system in a CDFW-approved relocation area. Relocation areas shall be identified by the Designated Biologist prior to the start of construction, and are subject to CDFW approval pursuant to Condition 8.1 of this ITP.	ITP Condition #8.7	During Covered Activities	Permittee	
31	Activities within potential Covered Species habitat shall be restricted to periods of low rainfall (less than ½ inch per 24 hour period), or time periods with less than a 70% forecasted chance of rain. Caltrans shall monitor the National Weather Service (NWS) 24hour forecast for the project area. If work must continue when greater than 70% chance of rain is forecast, then a Designated Biologist must survey the Project site before construction begins each day that rain is forecast. If a Designated Monitor is used to conduct surveys, a Designated Biologist must still be available to capture and relocate any Covered Species that are discovered during the surveys. If rain exceeds ½ inch during a 24 hour period, work shall cease until no further rain (greater than 70% chance) is forecast.	ITP Condition #8.8	During Covered Activities	Permittee	
32	All Covered Activities where there is potential upland habitat for the Covered Species shall be restricted to the dry season (May 7 to October 31), or periods of low rainfall (less than ½ inch per 24 hour period, or time periods with less than 70% forecasted chance of rain).	ITP Condition #8.9	During Covered Activities	Permittee	
33	All Covered Activities within Covered Species potential upland habitat shall terminate 30 minutes before sunset and shall not resume until 30 minutes after sunrise during the Covered Species migration/active season from November 1 to June 14. Caltrans shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department for the geographic area where the project is located. If night work cannot be avoided during this time period then a Designated Biologist must survey the project site before construction begins each night. If a Designated Monitor is used to conduct surveys, a	ITP Condition #8.10	During Covered Activities	Permittee	

	Minimization/Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status/Date/Initials
	Designated Biologist must still be available to capture and relocate any Covered Species that are discovered during the surveys.				
34	Ground-disturbing night work within potential Covered Species habitat shall be strictly prohibited when a 70% or greater chance of rainfall is predicted within 24 hours of project activity. Ground disturbing night work may not resume until a 70% or greater chance of rainfall is not predicted within 24 hours.	ITP Condition #8.11	During Covered Activities	Permittee	
35	To ensure that disease are not conveyed between work sites by the Designated Biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force must be followed at all times. All equipment that may come in contact with aquatic habitat must first be disinfected with ethanol solution. The Designated Biologist may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care must be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.	ITP Condition #8.13	During Covered Activities	Permittee	
36	The Designated Monitor(s) shall inspect all open trenches, auger holes, and other excavations that may trap Covered Species prior to any work in or around them and before they are backfilled. Designated Biologist shall safely remove and relocate any Covered Species they find in accordance with this ITP and as conditioned in 8.1.	ITP Condition #8.14	During Covered Activities	Permittee	
37	If a Covered Species is injured as a result of project-related activities, it shall be immediately taken to a CDFW approved wildlife rehabilitation or veterinary facility. Caltrans shall identify the facility prior to the start of ground or vegetation disturbing activities and provide this information as part of the Relocation Plan as Conditioned in Measure 8.1 of this ITP. Caltrans shall bear any costs associated with the care or treatment of such injured Covered Species. Caltrans shall notify CDFW of the injury to the Covered Species immediately unless the incident occurs outside of normal business hours. In that event CDFW shall be notified no later than noon on the next business day. Notification to CDFW shall be via telephone or email, followed by a written incident report. Notification shall include the date, time, location and circumstances of the incident and the name of the facility where the animal was taken.	ITP Condition #8.15	During Covered Activities	Permittee	
POST COVERED ACTIVITIES					
38	Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping	ITP Condition #6.15	After Covered Activities Completed	Permittee	

	Minimization/Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status/Date/Initials
	material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.				
39	<p>No later than 45 days after completion of the Project, including all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking</p> <p>on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.</p>	ITP Condition #7.7	After Covered Activities Completed	Permittee	
40	Within 1.24 miles of known occupied, or potential occupied Covered Species breeding pond site(s) (including but not limited to the sites shown in Figure 3) Caltrans shall follow their Standard Plan Type E curbs and Type D and Type E Dikes designs as the preferred designs (refer to Caltrans Standard Plan A87, Curbs, Dikes, and Driveways) when such structures require replacement, rehabilitation, or new construction.	ITP Condition #8.16	After Covered Activities Completed	Permittee	
41	Approximately 6.15 acres of pavement within the Project API will be obliterated and restored to annual grassland and managed as quality Covered Species upland habitat (refer to Appendix D for location). Based on early coordination with CDFW, this "habitat creation" could offset required mitigation for permanent impacts at the rate of two habitat creation acres for every one acre of required compensation for permanent impacts (2:1) Using this ratio, the pavement obliteration/habitat restoration will reduce the requirement for permanent impacts mitigation by 12.3 acres. A total of 12.3 acres will be reduced from the 30.7 acres required compensation for the permanent loss of potential upland Covered Species habitat bringing the total required off site compensation for permanent impacts to Covered Species upland habitat to 18.4 acres.	ITP Condition 9.4	After Covered Activities Completed	Permittee	

	Minimization/Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status/Date/Initials
42	Caltrans proposes to construct six amphibian under-crossings clustered in closest proximity to known occupied breeding ponds. See Figures 4-11 for locations of proposed under-crossings.	ITP Condition 9.5	After Covered Activities Completed	Permittee	
43	<p>Habitat Mitigation Monitoring and Restoration Plan (HMMP). Permittee shall create on-site 6.15 acres of Covered Species habitat that will be maintained as optimal upland habitat for the Covered Species. Within 6 months of issuance of this ITP, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of the 6.15 acres and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The plan shall also indicate the best time of year for seeding to occur. Plantings undertaken between May and October shall include regular watering to ensure adequate growth. Described below are the minimum avoidance, minimization, restoration measures and success criteria that must be included in the Vegetation Restoration Plan. The HMMP must be approved by the Department in writing prior to any Project related disturbances at the Project site. Described below are the minimum avoidance, minimization, restoration measures and success criteria that must be included in the HMMP</p> <ul style="list-style-type: none"> •The creation habitat site shall include no more than 5% non-native percent cover in any vegetation layer (tree, shrub, liana, herb, forbs, and grass) in any year. •The HMMP shall contain measurements of species diversity, abundance, cover, etc., to ensure the health of the habitat is at least as healthy as that of an identified, healthy, reference site. This data shall be collected for each vegetation layer (tree, shrub, liana, herb, forbs, and grass) every year. •The HMMP shall contain a detailed plan to monitor the success of the Covered Species HR lands, including the use of a reference site and scientifically accepted sampling methodology for assessing success. 	ITP Condition 10.8	After Covered Activities Completed	Permittee	

ATTACHMENT 2A

DEPARTMENT OF FISH AND WILDLIFE

HABITAT MANAGEMENT LAND ACQUISITION PACKAGE CHECKLIST FOR PROJECT APPLICANTS

The following checklist is provided to inform you of what documents are necessary to expedite the Department of Fish and Wildlife (CDFW) processing of your Habitat Management Land acquisition proposal. Any land acquisition processing requests which are incomplete when received, will be returned. The Region contact will review and approve the document package and forward it to the Habitat Conservation Planning Branch Senior Land Agent with a request to process the land acquisition for formal acceptance.

To: _____
Regional Manager, Region Name

From: _____
Project Applicant

Phone: _____

Tracking #: _____
CDFW assigned permit or agreement #

Project Name: _____

Enclosed is the complete package for the ☐ Conservation Easement OR ☐ Grant Deed
Documents in this package include:

☐ Fully executed, approved as to form Conservation Easement Deed or Grant Deed.

Date executed: _____

☐ Proposed Lands for Acquisition Form (PLFAF)

☐ Phase I Environmental Site Assessment Report Date on report: _____

(An existing report may be used, but it must be less than two years old.)

☐ Preliminary Title Report(s) for subject property is enclosed and has been reviewed for encumbrances and other easements. The title report must be less than six months old when final processing is conducted.

Included are additional documents:

☐ document(s) to support title exceptions

☐ document(s) to explain title encumbrances

☐ a plot or map of easements/encumbrances on the property

☐ Policy of Title Insurance (an existing title policy is not acceptable)

☐ County Assessor Parcel Map(s) for subject property

☐ Site Location Map (Site location with property boundaries outline on a USGS 1:24,000 scale topo)

☐ Final Permit or Agreement (or other appropriate instrument)

Type of agreement: ☐ Bank Agreement ☐ Mitigation Agreement

☐ Permit _____ Other: _____
(write in type of permit)

☐ Final Management Plan (if required prior to finalizing permit or agreement or if this package is for a Grant Deed)

☐ Biological Resources Report

☐ Draft Summary of Transactions ☐ hard copy ☐ electronic copy (both are required)

ATTACHMENT 2B

PROPOSED LANDS FOR ACQUISITION FORM ("PLFAF")

Date: _____

TO: Regional Representative

Facsimile:

FROM: _____

Applicant proposes that the following parcel of land be considered for approval by the CDFW as suitable for purposes of habitat management lands to replace the adverse environmental impacts of the Project:

Section

Township

Range

Number of Acres

Current Legal Owner(s), include Parcel Number(s):

Location of Parcel:

APPROVED _____

By: _____

DATE: _____

REJECTED _____

Region

Explanation: _____

IRREVOCABLE STANDBY LETTER OF CREDIT
NO. [**Number issued by financial institution**]

Issue Date: [**date**]

Beneficiary:

Department of Fish and Wildlife
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
Attn: HCPB Mitigation Account Coordinator

Amount: U.S. \$[**dollar number**] [(**dollar amount**)]

Expiry: [**Date**] at our counters

Dear Sirs:

1. At the request and on the instruction of our customer, [**name of applicant**] ("Applicant"), we, [**Name of financial institution**] ("Issuer"), hereby establish in favor of the beneficiary, the California Department of Fish and Wildlife ("CDFW"), this irrevocable standby letter of credit ("Credit") in the principal sum of U.S. \$[**dollar number**] [(**dollar amount**)] ("Principal Sum").
2. We are informed this Credit is and has been established for the benefit of the CDFW pursuant to the terms of the incidental take permit for the [**name of project**] issued by the CDFW to the Applicant on [**date**] (No. [**number**]) ("Permit").
3. We are further informed that pursuant to the Permit, the Applicant has agreed to complete certain mitigation requirements, as set forth in Conditions [**numbers**] in the Permit ("Mitigation Requirements").
4. We are finally informed that this Credit is intended by the CDFW and the Applicant to serve as a security device for the performance by the Applicant of the Mitigation Requirements.
5. The CDFW shall be entitled to draw upon this Credit only by presentation of a duly executed Certificate for Drawing ("Certificate") in the same form as Attachment A, which is attached hereto, at our office located at [**name and address of financial institution**].
6. The Certificate shall be completed and signed by an "Authorized Representative" of the CDFW as defined in paragraph 12 below. Presentation by the CDFW of a completed Certificate may be made in person or by registered mail, return receipt requested, or by overnight courier.

7. Upon presentation of a duly executed Certificate as above provided, payment shall be made to the CDFW, or to the account of the CDFW, in immediately available funds, as the CDFW shall specify.
8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give the CDFW prompt notice that the demand for payment was not effected in accordance with the terms and conditions of this Credit, state the reasons therefore, and await further instruction.
9. Upon being notified that the demand for payment was not effected in conformity with the Credit, the CDFW may correct any such non-conforming demand for payment under the terms and conditions stated herein.
10. All drawings under this Credit shall be paid with our funds. Each drawing honored by us hereunder shall reduce, *pro tanto*, the Principal Sum. By paying to the CDFW an amount demanded in accordance herewith, we make no representations as to the correctness of the amount demanded.
11. This Credit will be cancelled upon receipt by us of Certificate of Cancellation, which: (i) shall be in the form of Attachment B, which is attached hereto, and (ii) shall be completed and signed by an Authorized Representative of the CDFW, as defined in paragraph 12 below.
12. An "Authorized Representative" shall mean either the Director of the Department of Fish and Wildlife, the General Counsel of the Department of Fish and Wildlife, or a Regional Manager of the Department of Fish and Wildlife.
13. This Credit shall be automatically extended without amendment for additional periods of one year from the present or any future expiration date hereof, unless at least sixty (60) days prior to any such date, we notify the CDFW in writing by registered mail, return receipt requested, or by overnight courier that we elect not to consider this Credit extended for any such period.
14. Communications with respect to this Credit shall be in writing and addressed to us at **[name and address of financial institution]**, specifically referring upon such writing to this credit by number. The address for notices with respect to this Credit shall be: (i) for the CDFW: Department of Fish and Wildlife, Habitat Conservation Planning Branch, 1416 Ninth Street, 12th Floor, Sacramento, California 95814-2090 Attn: HCPB Mitigation Account Coordinator; and (ii) for the Applicant: **[name and address of applicant]**.
15. This Credit may not be transferred.
16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the Uniform Commercial Code, Article 5 of the State of California.
17. This Credit shall, if not canceled, expire on **[expiration date]**, or any extended expiration date.

18. We hereby agree with the CDFW that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.

19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

[Name of financial institution]

By: _____
Name: _____
Title: _____

Attachment A (PART OF ATTACHMENT 3)

IRREVOCABLE STANDBY LETTER OF CREDIT NO. [**Number issued by financial institution**]
CERTIFICATE FOR DRAWING

To:

[**Name and address of financial institution**]

Re: Incidental Take Permit No. [**permit number**]

The undersigned, a duly Authorized Representative of the Department of Fish and Wildlife ("CDFW"), as defined in paragraph 12 in the above-referenced Irrevocable Standby Letter of Credit ("Credit"), hereby certifies to the Issuer that:

1. [**Insert one of the following statements:** "In the opinion of the CDFW, the Applicant has failed to complete the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "As set forth in paragraph 13, the Issuer has informed the CDFW that the Credit will not be extended and the Applicant has not provided the CDFW with an equivalent security approved by the CDFW to replace the Credit."]
2. The undersigned is authorized under the terms of the Credit to present this Certificate as the sole means of demanding payment on the Credit.
3. The CDFW is therefore making a drawing under the Credit in amount of U.S. \$_____.
4. The amount demanded does not exceed the Principal Sum of the Credit.

Therefore, the CDFW has executed and delivered this Certificate as of the ____ day of _____, _____.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY: _____

[**Insert one of the following:** "DIRECTOR" **or** "GENERAL COUNSEL" **or** "REGIONAL MANAGER, [**NAME OF REGIONAL OFFICE**"]

Attachment B (PART OF ATTACHMENT 3)
IRREVOCABLE LETTER OF CREDIT NO. **[Number issued by financial institution]**
CERTIFICATE FOR CANCELLATION

To:

[Name of financial institution and address]

Re: Incidental Take Permit No. **[permit number]**

The undersigned, a duly Authorized Representative of the California Department of Fish and Wildlife ("CDFW"), as defined in the paragraph 12 in the above-referenced Irrevocable Standby Letter of Credit ("Credit"), hereby certifies to the Issuer that:

1. **[Insert one of the following statements:** "The Applicant has presented documentary evidence of full compliance with the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "The natural expiration of this Credit has occurred."]
2. The CDFW therefore requests the cancellation of the Credit.

Therefore, the CDFW has executed and delivered this Certificate for Cancellation as of the ____ day of _____, _____.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY:

[Insert one of the following: "DIRECTOR" or "GENERAL COUNSEL" or "REGIONAL MANAGER, [NAME OF REGIONAL OFFICE]"

California Department of Fish and Wildlife
Mitigation Payment Transmittal Form

Project Applicant Instructions: Please fill out and attach this form to payment. For conservation banks, also attach the Bill(s) of Sale for credits sold. One form may be used for multiple transactions, **BUT YOU MUST USE A SEPARATE FORM FOR EACH CHECK YOU TRANSMIT.** Make sure to include Project Name, Project Tracking Number, and FASB Mitigation Tracking Number (if available) on the attached payment type.

(1) **DATE:** _____

TO: _____
 [CDFW Regional Manager]

 [CDFW Region Office Address]

(2) **FROM:** _____
 Name

 Mailing Address

 City, State, Zip

 Telephone Number/FAX Number

(3) **RE:** _____
 [Project Name as appears on permit/agreement]

(4) **AGREEMENT/ACCOUNT INFORMATION:**
 (Check the applicable type)

☐ 2081 Permit ☐ Conservation Bank ☐ 1802 Agreement

☐ 2835 NCCP ☐ Other _____

 XXXX-XXXX-XXX-XX
 [Project Tracking Number]

 [FASB Mitigation Tracking Number (if available)]

Index _____ PCA _____

(5) **PAYMENT TYPE** (One check per form only): The following funds are being remitted in connection with the above referenced project:

Check information:

Total \$ _____ Check No. _____

Account No. _____ Bank Routing No. _____

a. Endowment: for Long-Term Management Subtotal \$ _____

b. Habitat Enhancement Subtotal \$ _____

c. Security:

1. Cash Refundable Security Deposit Subtotal \$ _____

2. Letter of Credit Subtotal \$ _____

1. Financial Institution: _____

2. Letter of Credit Number: _____

3. Date of Expiration: _____

The Declining Amphibian Task Force Fieldwork Code of Practice

A code of practice, prepared by the Declining Amphibian Task Force (DAPTF) to provide guidelines for use by anyone conducting field work at amphibian breeding sites or in other aquatic habitats. Observations of diseased and parasite-infected amphibians are now being frequently reported from sites all over the world. This has given rise to concerns that releasing amphibians following a period of captivity, during which time they can pick up unapparent infections of novel disease agents, may cause an increased risk of mortality in wild populations. Amphibian pathogens and parasites can also be carried in a variety of ways between habitats on the hands, footwear, or equipment of fieldworkers, which can spread them to novel localities containing species which have had little or no prior contact with such pathogens or parasites. Such occurrences may be implicated in some instances where amphibian populations have declined. Therefore, it is vitally important for those involved in amphibian research (and other wetland/pond studies including those on fish, invertebrates and plants) to take steps to minimize the spread of disease and parasites between study sites.

1. Remove mud, snails, algae, and other debris from nets, traps, boots, vehicle tires and all other surfaces. Rinse cleaned items with sterilized (e.g. boiled or treated) water before leaving each study site.
2. Boots, nets, traps, etc., should then be scrubbed with 70% ethanol solution (or sodium hypochlorite 3 to 6%) and rinsed clean with sterilized water between study sites. Avoid cleaning equipment in the immediate vicinity of a pond or wetland.
3. In remote locations, clean all equipment as described above upon return to the lab or "base camp". Elsewhere, when washing machine facilities are available, remove nets from poles and wash with bleach on a "delicates" cycle, contained in a protective mesh laundry bag.
4. When working at sites with known or suspected disease problems, or when sampling populations of rare or isolated species, wear disposable gloves and change them between handling each animal. Dedicate sets of nets, boots, traps, and other equipment to each site being visited. Clean and store them separately at the end of each field day.
5. When amphibians are collected, ensure the separation of animals from different sites and take great care to avoid indirect contact between them (e.g. via handling, reuse of containers) or with other captive animals. Isolation from un-sterilized plants or soils which have been taken from other sites is also essential. Always use disinfected/disposable husbandry equipment.
6. Examine collected amphibians for the presence of diseases and parasites soon after capture. Prior to their release or the release of any progeny, amphibians should be quarantined for a period and thoroughly screened for the presence of any potential disease agents.
7. Used cleaning materials (liquids, etc.) should be disposed of safely and if necessary taken back to the lab for proper disposal. Used disposable gloves should be retained for safe disposal in sealed bags.

Incidental Take Permit
No. 2081-2013-064-05

California Department of Transportation (Caltrans)
HIGHWAY 246 PASSING LANES PROJECT (EA 05-0C640)

ATTCHMENT 6
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
SOUTH COAST REGION
3883 RUFFIN ROAD
SAN DIEGO, CA 92123



AMENDMENT NO. 1
(A Minor Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2013-064-05
California Department of Transportation
Highway 246 Passing Lanes Project (EA 05-0C640) in Santa Barbara County

INTRODUCTION

On January 22, 2014, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2013-064-05 (ITP) to California Department of Transportation (Permittee), authorizing take of California tiger salamander (*Ambystoma californiense*) (collectively, the Covered Species) associated with and incidental to the Highway 246 Passing Lanes Project (EA 05-0C640) in Santa Barbara County, California (Project). The Project as described in the ITP as originally issued by CDFW includes construction of two sets of passing lanes between Post-mile (PM) 12.3 and 16.7 on State Route (SR) 246 (between Purisima Road and Santa Rita Road), left turn pocket improvements at four locations, and improvements to correct the road profile and realign the highway at Tularosa Road. In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate Project impacts for the taking of the Covered Species and that issuance of the ITP would not jeopardize the continued existence of the Covered Species.

The Project initiated activities authorized by the ITP on June 5, 2015, and through various periods of starting and stopping activities completed all work related to the construction and improvements of SR-246. The Project transitioned into the final landscaping phase on December 10, 2018, with no Covered Species taken or observed. The landscaping portion of the Project will require at least 80 working days to complete, during which time native plant installation, trash abatement, and final erosion control will be accomplished.

Due to severe weather during the winter of 2017-2018 the construction schedule was delayed (i.e. stop work occurred prior to and after qualifying events). The cumulative delays from winter 2017- 2018 resulted in four (4) months when construction was unable to be implemented and activities completed which caused delays in the Project schedule. The Permittee is requesting an amendment of the ITP

Incidental Take Permit
No. 2081-2013-064-05

California Department of Transportation (Caltrans)
HIGHWAY 246 PASSING LANES PROJECT (EA 05-0C640)

expiration date from January 10, 2019, to October 20, 2019, because take of Covered Species during final landscaping phase may reasonably occur. The proposed expiration date of October 20, 2019, was selected because the Permittee also has a current Streambed Alteration Agreement (1600-2013-0292-R5) that expires on this date. Based on coordination with CDFW in December 2018 this revised expiration date was preferred to maintain consistency in Project expectations for environmental commitments and promote efficient, effective, and productive reporting.

This Minor Amendment No. 1 (Amendment) makes the following changes to the existing ITP:

First, this Amendment alters the expiration date (page 1, 2nd paragraph) to October 20, 2019.

Second, this Amendment alters the CDFW Regional Representative in ITP Condition of Approval 7.4 (page 9) and Notices section of ITP (Page 24, 1st Paragraph) to:

Mr. Matt Chirdon, Senior Environmental Scientist (Specialist)
PO Box 891 Ojai, CA 93024
Telephone (805) 640-1165
Fax (805) 640-1165)

AMENDMENT

The ITP is amended as follows (amended language in ***bold italics***; deleted language in ~~strikethrough~~):

1. The second paragraph on ITP page 1 shall be amended to read:

Effective Date and Expiration Date of this ITP.

On January 22, 2014, CDFW issued the original ITP to Permittee. This ITP has been amended in response to request received December 12, 2018. This amended ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on ~~01/10/2019~~ ***10/20/2019***.

2. The CDFW Regional Representative in ITP Condition of Approval 7.4 (page 9) and Notices section of ITP (Page 24, 1st Paragraph) shall be amended to read:

Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3

Incidental Take Permit
No. 2081-2013-064-05

California Department of Transportation (Caltrans)
HIGHWAY 246 PASSING LANES PROJECT (EA 05-0C640)

(Compliance Monitoring) into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative. At the time of this ITP's *minor amendment* approval, the CDFW Regional Representative **Mr. Matt Chirdon** (matthew.chirdon@wildlife.ca.gov) ~~Ms. Jamie Jackson~~ (jamie.jackson@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

The last paragraph on ITP page 24 and first paragraph on ITP page 25 shall be amended to read:

Mr. Matt Chirdon ~~Ms. Jamie Jackson~~, Senior Environmental Scientist (Specialist)
P.O. BOX 891 ~~P.O. BOX 1179~~
Ojai, CA 93024 ~~Ventura, CA 90012~~
Telephone **(805) 640-1165** ~~(805) 382-6906~~
Fax **(805) 640-1165** ~~(805) 382-6906~~

The corresponding MMRP Measure 25, (ITP page 44) shall be amended to read the same as Condition of Approval 7.4 and the Minimization/Mitigation Measure column shall amend third sentence to read:

The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 (Compliance Monitoring) into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative. At the time of this ITP's *minor amendment* approval, the CDFW Regional Representative **Mr. Matt Chirdon** (matthew.chirdon@wildlife.ca.gov) ~~Ms. Jamie Jackson~~ (jamie.jackson@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

All terms and conditions of the ITP and MMRP that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittee.

Incidental Take Permit
No. 2081-2013-064-05

California Department of Transportation (Caltrans)
HIGHWAY 246 PASSING LANES PROJECT (EA 05-0C640)

FINDINGS

Issuance of this Amendment will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this Amendment increase other Project impacts on the Covered Species (i.e., “impacts of taking” as used in Fish and Game Code Section 2081, subd. (b)(2)).

Discussion: This Amendment makes two (2) specific changes to the ITP as originally issued. The ITP expiration date would be extended from January 10, 2019, to October 20, 2019, because take that was anticipated to potentially occur during final landscaping phase may still reasonably occur. The second specific change only alters the CDFW Regional Representative to reflect current staff conducting oversight of the Project. The resulting impacts to the Covered Species, however, including the permanent and temporary impacts amounts will remain the same.

CDFW has determined that extending the expiration date will not increase the amount of take or substantially increase the severity of other impacts of the taking on the Covered Species. Given the circumstances of this Project, CDFW believes that the changes to the Project or Conditions of the ITP described in this Amendment, including extending the expiration date approximately 9 months (October 20, 2019), will not increase impacts to the Covered Species.

Issuance of this Amendment does not affect CDFW’s previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

Discussion: CDFW determined in January 2014 that the Project, as approved, met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to this Amendment because the Project and ITP as amended does not increase the amount of take, areas where take may occur, or probability for Project Activities to come into contact with Covered Species. Additionally, the previous four (4) years of Project Activities have not resulted in any observations or documented take of Covered Species. Based on Project history and current trends in Covered Species regional abundance CDFW has reasonably concluded that extending the expiration date will not increase amount of take or result in substantial increase in severity. Permittee’s continued adherence to and implementation of the avoidance and minimization measures set forth in the ITP’s Conditions of Approval and MMRP will minimize and fully mitigate impacts of the taking on the Covered Species.

None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of this Amendment.

Incidental Take Permit
No. 2081-2013-064-05

California Department of Transportation (Caltrans)
HIGHWAY 246 PASSING LANES PROJECT (EA 05-0C640)

Discussion: CDFW issued the ITP in January 2014 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) After, among other things, considering the mitigated negative declaration adopted by California Department of Transportation as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment is a minor change to the original ITP. CDFW finds for the same reasons under CEQA that approval of the Amendment will not result in and does not have the potential to create any new significant or substantially more severe environmental effects than previously analyzed and disclosed by California Department of Transportation during its lead agency review of the Project, particularly with respect to the impacts authorized by CDFW pursuant to the ITP as amended. As a result, CDFW finds that no additional subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of this Amendment.

CDFW finds that this Amendment is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

Discussion: This Amendment alters the expiration date from January 10, 2019, to October 20, 2019, because Project was delayed from conducting work during winter of 2017-2018, and changes CDFW's Regional Representative. These changes to the ITP will not: (1) increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP, (2) affect Permittee's substantive mitigation obligations under the ITP, (3) require further environmental review under CEQA, or (4) increase temporal impacts on the Covered Species. Therefore, this Amendment will not significantly modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Minor Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

The resulting Amendments to the ITP and MMRP are incorporated into the ITP (attached). Alterations to the ITP are incorporated without special treatments identified in this Amendment (i.e. amended language in ***bold italics***; deleted language in ~~striketrough~~).

The authorization provided by this Amendment is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment by registered first class mail to CDFW at:

Department of Fish and Wildlife
Habitat Conservation Planning Branch
Attention: CESA Permitting Program
Post Office Box 944209
Sacramento, CA 94244-2090

Incidental Take Permit
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California Department of Transportation (Caltrans)
HIGHWAY 246 PASSING LANES PROJECT (EA 05-0C640)

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on

1-10-19

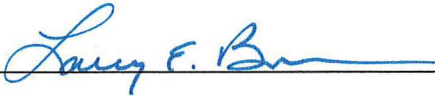


Ed Pert
Regional Manager
South Coast Region

ACKNOWLEDGMENT

The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of the original ITP and this Amendment, and (3) agrees on behalf of the Permittee to comply with all terms and conditions of the ITP as amended.

By:



Date:

2-4-19

Printed Name:

Larry E. Banner

Title:

Senior Env. Planner

Incidental Take Permit
No. 2081-2013-064-05

California Department of Transportation (Caltrans)
HIGHWAY 246 PASSING LANES PROJECT (EA 05-0C640)