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CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
NORTH CENTRAL REGION
1701 NIMBUS ROAD
RANCHO CORDOVA, CA 95670

HABITAT CONSERVATION
PLANNING BRANCH



AMENDMENT NO. 1
(A Minor Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2017-050-02-A1
Hansen Bros. Enterprises
Greenhorn Plant Gravel Extraction Project in Nevada County

INTRODUCTION

On April 24, 2018, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2017-050-02 (ITP) to Hansen Bros. Enterprises (Permittee), authorizing take of foothill yellow legged frog (*Rana boylei*) (the Covered Species) associated with and incidental to the Greenhorn Plant Gravel Extraction Project in Nevada County, California (Project). The Project as described in the ITP as originally issued by CDFW includes aggregate material extraction within Greenhorn Creek. Project activities include a stream diversion, temporary culvert placement, temporary road construction, exclusionary fence placement, side-channel enhancement, and gate and sign placement and removal. 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 of the taking on the Covered Species and that issuance of the ITP would not jeopardize the continued existence of the Covered Species.

On November 11, 2019, Hansen Bros. Enterprises requested an extension of the ITP expiration date, from December 31, 2019, until December 31, 2024. In addition to the extension, the Permittee requested minor changes to the Mitigation and Monitoring Report (MMRP, Attachment 1 of the ITP).

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

First, this Amendment extends the expiration date from December 31, 2019, to December 31, 2024.

Second, this Amendment adds extension of time to the work period language, in order to be consistent with the Streambed Alteration Agreement No. 1600-2017-0074-R2.

Third, this Amendment makes minor corrections to the MMRP, to be incorporated as permanent changes.

AMENDMENT

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

- 1) In the 2nd paragraph of the ITP, Effective Date and Expiration Date of this ITP, page 1, shall be amended to read:

Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on December 31, ~~2019~~ **2024**.

- 2) The following changes to the ITP Conditions and to Attachment 1 (MMRP), shall be incorporated into the final Amendment:

- a) Mitigation Measure 4 and ITP Condition 5.5, shall be amended to include:
Permittee shall ensure a copy of the construction monitoring notebook is available for review at the Project site (***hard-copy or electronic***), upon request by CDFW.
- b) Mitigation Measure 5 and ITP Condition 5.6, shall be amended to state:
Permittee shall clearly delineate ***the constructed channel as*** the habitat of the Covered Species within the Project Area with ***berms***, posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance to Covered Species' habitat.
- c) Mitigation Measure 6 and ITP Condition 5.7, shall be amended to state:
Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species ***until the habitat protection berm is in place and water outside of the channel has dried up or the area has been cleared by a biologist that there are no occurrences of FYLF*** on or traversing the roads.
- d) Mitigation Measure 8 and ITP Condition 7.4, shall be amended to state:
~~Each year~~ ***Prior*** to stream diversions and gravel extraction, the Permittee is responsible for surveying for Covered Species (including egg masses, tadpoles, sub-adults, and adults). The purpose of the survey shall be to determine if and where the Covered Species are breeding in the Project Area. The Designated Biologist shall prepare and submit to the CDFW for review a written report of the survey results ~~ten days before beginning work.~~
- e) Mitigation Measure 9 and ITP Condition 8.3 shall be amended to state:
No Trespassing. No trespassing signs and barriers will be erected at the beginning of each construction season ~~and removed at the end of each~~

~~season.~~ ***Signs and barriers that are anticipated to be mobilized by winter creek flows will be removed at the end of each season.***

- f) Mitigation Measure 16 and ITP Condition 6.3 shall be amended to state:
The Designated Biologist shall be on-site daily during the initial ~~water diversion, channel relocation, and berm construction~~ in-stream work. 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; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area, and outside of the boundaries of the realigned channel. ~~A~~ The Designated Representative or Designated Biologist 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.
- g) Mitigation Measure 17 and ITP Condition 6.4 shall be amended to state:
The Designated Representative or Designated Biologist shall compile the observation and inspection records identified above, into a ~~Monthly~~ ***Quarterly*** 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. ***Quarterly*** ~~Monthly~~ Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative can be contacted by emailing R2CESA@wildlife.ca.gov or calling 916-358-2930 and Headquarters CESA Program email is CESA@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.
- h) Mitigation Measure 20 and ITP Condition 7.1 shall be amended to state:
Work within Covered Species habitat shall be confined to the period April 1 to December 1. ***Requests for an extension of the time frame may be submitted in writing to the CDFW, at least two weeks prior to the work period end date, identifying reasons for the requested extension.***
- i) Mitigation Measure 21 and ITP Condition 7.2 shall be amended to state:
The Designated Biologist will be onsite daily within the Project Area when dewatering and diversion of Greenhorn Creek occurs. If the biologist

encounters any Covered Species adults, or tadpoles, **egg masses, or any life forms** the biologist shall capture and move them into the newly constructed side channel, or tributary where no work will occur.

j) Mitigation Measure 23 and ITP Condition 7.5 shall be amended to state:

The realigned channel shall be designed to mimic a meandering channel to provide a more suitable and diverse breeding and rearing habitat throughout the breeding and/or operational season. The realigned channel shall be constructed as follows:

- a. Where the channel would be straight for more than 500 feet, create meanders to provide varying flow velocities in the channel
- b. Clusters of three to five medium to large size cobbles (2.5 to 10.1 inches in diameter) will be placed approximately 300 feet apart within the ± 5 mile long reconstructed channel, **where cobbles are not already present.**
- c. Placement of large logs or tree limbs will be placed within the reconstructed channel to provide shade and cover or substrate for FYLF to attach egg masses
- d. The depth of the channel shall vary between 5 and 7 feet deep to provide varying flow velocities and mimic natural creek conditions
- e. The width of the channel shall vary between 5 and 15 feet wide.

k) Mitigation Measure 27 and ITP Condition 7.9 shall be amended to state:

Three Environmentally Sensitive Areas (ESAs), or "no-work zones" shall be established to provide safe refuge for Covered Species in specific areas where suitable Covered Species breeding habitat exists and will be avoided during the duration of the ITP. Aggregate extraction, stream channelization, culvert installation, material stockpile, and vehicle/equipment entry are prohibited in the "no-work zones". ~~Access~~ **Access points** to the "no-work zones" will be clearly marked with exclusionary fencing or berms at the beginning of each aggregate extraction season and personnel will be trained to avoid the areas. The three no work zones are at the following locations:

1. Zone No.1 consists of approximately 1.2 acres of habitat and is located approximately 1600 feet east of Greenhorn Creek in a canyon adjacent to Red Dog Road and surrounds an unnamed tributary to Greenhorn Creek (ITP Figure 3).
2. Zone No. 2 consists of approximately 6.5 acres of habitat and is located immediately west of Greenhorn Creek in a canyon between Red Dog Road to the north and Missouri Canyon to the south and surrounds an unnamed tributary to Greenhorn Creek (ITP Figure 4).

3. Zone No. 3 consists of approximately 15 acres of habitat and is located approximately 2700 feet east of Greenhorn Creek in Missouri Canyon and surrounds an unnamed tributary to Greenhorn Creek (ITP Figure 5).

The “no-work zones” that include tributaries that feed directly into the Project area will include a temporary culvert(s) that will be installed at the confluence of the tributary and the channel which will allow water from that tributary to reach the reconstructed channel where necessary. Where applicable, exclusionary fencing will be placed in a “V” shape to guide Covered Species from the tributary into and through the culvert to reach the channel. Culverts and exclusionary fencing or aggregate berms will be removed from the Project Area and properly stored or disposed of at the end of each aggregate extraction season. Photographs will be taken of the exclusionary **berms**, fencing, **and culverts** at each “no work zone” and this information will be included in a final Mitigation and Monitoring Report.

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.

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 12 specific changes to the ITP as originally issued. Changes include an extension of the current ITP until December 31, 2024 and clarifying language to the Mitigation and Monitoring Report and ITP conditions throughout the document. The resulting impacts to the Covered Species, however, including the number of acres of habitat that will be lost as a result of the Project, will remain the same.

CDFW has determined that changes to circumstances and conditions of approval will not increase the amount of take or 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 an extension of time on the ITP, as well as clarifying language in the Mitigation and Monitoring Report and ITP 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 April 2018 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: 1) will have no effect on the amount or severity of Project Impacts on the Covered Species, as discussed above, and 2) does not substantively alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on the Covered Species. 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.

Discussion: CDFW issued the ITP in April 2018 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) After, among other things, considering the negative declaration adopted by the Nevada County Planning Department 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 Nevada County Planning Department 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 modifies the expiration date of the original ITP and makes changes to language in the ITP and MMRP Conditions, for clarification purposes. These changes to the ITP will not: (1) significantly 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).

Attachments:

ATTACHMENT 1 Revised Mitigation and Monitoring Report

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, California 94244-2090

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on

Feb 7, 2020

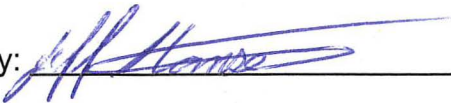


Kevin Thomas
Regional Manager
North Central Region

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:

2/12/2020

Printed Name:

Jeff Hansen

Title:

Pres / GM

Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) CALIFORNIA ENDANGERED SPECIES ACT

INCIDENTAL TAKE PERMIT NO. 2081-2017-050-02-A1

PERMITTEE: Hansen Bros. Enterprises

PROJECT: Greenhorn Creek Gravel Extraction Project

PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure that the impact 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 mitigation measures required by CDFW is attached. This table is a tool for use in monitoring and reporting on implementation of mitigation measures, but the descriptions in the table do not supersede the mitigation measures set forth in the California Incidental Take Permit (ITP) and in attachments to the ITP, and the omission of a permit requirement from the attached table does not relieve the Permittee of the obligation to ensure the requirement is performed.

OBLIGATIONS OF PERMITTEE

Mitigation measures must be implemented within the time periods indicated in the table that appears below. Permittee has the primary responsibility for monitoring compliance with all mitigation 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 MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Source, Implementation Schedule, Responsible Party, and Status/Date/Initials. The Mitigation Measure column summarizes the mitigation requirements of the ITP. The Source column identifies the ITP condition that sets forth the mitigation measure. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation 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 mitigation measure, the date that status was determined, and the initials of the person determining the status.

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the 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 the ITP.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling 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.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	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 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 # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	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 (hard copy or electronic) upon request by CDFW.	ITP Condition # 5.5	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
5	Permittee shall clearly delineate the constructed channel as the habitat of the Covered Species within the Project Area with berms , 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 # 5.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
6	Project-related personnel shall access the Project Area using 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 <i>until the habitat protection berm is in place and water outside the channel has dried up or the area has been cleared by a biologist that there are no occurrences of FYLF</i> 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 # 5.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	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.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
8	Each-year p Prior to stream diversion and gravel extraction, the Permittee is responsible for surveying for Covered Species (including egg masses, tadpoles, sub-adults and adults). The purpose of the survey shall be to determine if and where the Covered Species are breeding in the Project Area. The Designated Biologist shall prepare and submit to the CDFW for review a written report of the survey results 10 days before beginning work. If Covered Species egg masses are found, the Designated Biologist or Permittee shall submit a breeding area avoidance plan and/or relocation plan to CDFW for approval prior to initiation of mining in the vicinity of the breeding area. The plan shall demonstrate how the Project activities shall be altered or redesigned to avoid negative impact to breeding areas.	ITP Condition # 7.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
9	No Trespassing. No trespassing signs and barriers will be erected at the beginning of each construction season and removed at the end of each season. <i>Signs and barriers that are anticipated to be mobilized by winter creek flows will be removed at the end of each season.</i>	ITP Condition #8.3	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
10	<p>The Permittee may continue with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8. Permittee shall provide Security as follows:</p> <p>The Security shall be in the amount of \$26,355. This amount is based on the cost estimates identified in Condition of Approval 8 above;</p> <p>The Security shall be in the form of a funding assurance letter or another form of Security approved in advance in writing by CDFW's Office of the General Counsel. The funding assurance letter shall reference the estimated security and provide a commitment to the full cost of all ITP measures;</p> <p>The Security shall be provided to CDFW prior to the start of any Covered Activities;</p> <p>Even if Security is provided, the Permittee must complete the enhancement required in Condition 8.2. and 8.3 no later than 18 months from the effective date of the ITP. CDFW may require the Permittee to provide additional mitigation 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.</p>	ITP Condition #9.1 - 9.3	Prior to the start of any Covered Activities	Permittee	
DURING CONSTRUCTION					
11	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.	ITP Condition #5.3	Entire Project	Permittee	
12	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.	ITP Condition # 5.8	Entire Project	Permittee	
13	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 #5.9	Entire Project	Permittee	
14	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 material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.11	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
15	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.	ITP Condition # 6.2	Entire Project	Permittee	
16	The Designated Biologist shall be on-site daily during the initial water diversion, channel relocation, and berm construction in-stream work . 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; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area, and outside of the boundaries of the realigned channel. A The Designated Representative or Designated Biologist 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.	ITP Condition # 6.3	Entire Project	Permittee	
17	The Designated Representative or Designated Biologist shall compile the observation and inspection records identified above, into a Quarterly 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. Quarterly Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative can be contacted by emailing R2CESA@wildlife.ca.gov or calling 916-358-2900 and Headquarters CESA Program email is CESA@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.	ITP Condition # 6.4	Entire Project	Permittee	
18	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 quarterly compliance reports for that year identified in Condition of Approval 6.4; (2) amounts of gravel extracted; (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 # 6.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
19	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 916-358-2900. 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 # 6.7	Entire Project	Permittee	
20	Work within Covered Species habitat shall be confined to the period April 1 to December 1. <i>Requests for an extension of the time frame may be submitted in writing to the CDFW at least two weeks prior to the work period end date identifying reasons for the requested extension.</i>	ITP Condition # 7.1	Entire Project	Permittee	
21	The Designated Biologist will be onsite daily within the Project Area when dewatering and diversion of Greenhorn Creek occurs. If the biologist encounters any Covered Species adults, or tadpoles, <i>egg masses, or any life forms</i> the biologist shall capture and move them into the newly constructed side channel, or tributary where no work will occur.	ITP Condition # 7.2	Entire Project	Permittee	
22	Covered Species mitigation and monitoring will be done according to the <i>March 21, 2018 Mitigation and Monitoring Plan</i> found in Attachment 2 as well as all additional conditions listed in this ITP	ITP Condition # 7.3	Entire Project	Permittee	
23	The realigned channel shall be designed to mimic a meandering channel to provide a more suitable and diverse breeding and rearing habitat throughout the breeding and/or operational season. The realigned channel shall be constructed as follows: a. Where the channel would be straight for more than 500 feet, create meanders to provide varying flow velocities in the channel b. Clusters of three to five medium to large size cobbles (2.5 to 10.1 inches in diameter) will be placed approximately 300 feet apart within the ±5 mile long reconstructed channel <i>where cobbles are not already present</i> c. Placement of large logs or tree limbs will be place within the reconstructed channel to provide shade and cover or substrate for FYLF to attach egg masses d. The depth of the channel shall vary between 5 and 7 feet deep to provide varying flow velocities and mimic natural creek conditions e. The width of the channel shall vary between 5 and 15 feet wide.	ITP Condition # 7.5	Entire Project	Permittee	
24	If Covered Species are found during Covered Activities, they shall be relocated either to the realigned channel or to a nearby tributary outside of the Project limits.	ITP Condition # 7.6	Entire Project		

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
25	Permittee will implement annual opportunistic invasive aquatic species removal of potential predator species (i.e. American bullfrog (<i>Lithobates catesbeianus</i>), invasive nongame fish species, crayfish, etc.). Predator removal will be conducted under the direction of the Designated Biologist during the channelization process and in the area this is proposed for work during each operational season. Identification and quantity of invasive species encountered and removed will be recorded in the construction monitoring notebook and included in the quarterly and annual reports.	ITP Condition # 7.7	Entire Project	Permittee	
26	Visual encounter surveys (VES) will be conducted following construction of the new channel, to monitor breeding success of Covered Species. Surveys will be conducted in accordance with the Visual Encounter Survey Protocol for <i>Rana boylei</i> in Lotic Environments (Peek et al. 2017) and will be focused in areas where suitable habitat and/or enhancement features exist (i.e., logs, cobbles, meanders). Surveys will be scheduled as follows: a. Immediately following the construction of the new channel to verify the site is ready for aggregate extraction to begin. b. During the first month following the completion of the new channel: weekly (4x per month). c. During the second month through July or August of each year (the metamorphosis of FYLF): monthly (1x per month). Breeding in the newly constructed channel will be confirmed. Data collection to document the effectiveness of the habitat enhancement measures in the channel shall be conducted. This information will be included in a final Mitigation and Monitoring Report to be submitted to CDFW.	ITP Condition # 7.8	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
27	<p>Three Environmentally Sensitive Areas (ESAs), or "no-work zones" shall be established to provide safe refuge for Covered Species in specific areas where suitable Covered Species breeding habitat exists and will be avoided during the duration of the ITP. Aggregate extraction, stream channelization, culvert installation, material stockpile, and vehicle/equipment entry are prohibited in the "no-work zones". Access points to the "no-work zones" will be clearly marked with exclusionary fencing or berms at the beginning of each aggregate extraction season and personnel will be trained to avoid the areas. The three no work zones are at the following locations:</p> <p>1. Zone No.1 consists of approximately 1.2 acres of habitat and is located approximately 1600 feet east of Greenhorn Creek in a canyon adjacent to Red Dog Road and surrounds an unnamed tributary to Greenhorn Creek (Figure 3)</p> <p>2. Zone No. 2 consists of approximately 6.5 acres of habitat and is located immediately west of Greenhorn Creek in a canyon between Red Dog Road to the north and Missouri Canyon to the south and surrounds an unnamed tributary to Greenhorn Creek (Figure 4)</p> <p>3. Zone No. 3 consists of approximately 15 acres of habitat and is located approximately 2700 feet east of Greenhorn Creek in Missouri Canyon and surrounds an unnamed tributary to Greenhorn Creek (Figure 5).</p> <p>The "no-work zones" that include tributaries that feed directly into the Project area will include a temporary culvert(s) that will be installed at the confluence of the tributary and the channel which will allow water from that tributary to reach the reconstructed channel where necessary. Where applicable, exclusionary fencing will be placed in a "V" shape to guide Covered Species from the tributary into and through the culvert to reach the channel. Culverts and exclusionary fencing or aggregate berms will be removed from the Project Area and properly stored or disposed of at the end of each aggregate extraction season. Photographs will be taken of the exclusionary berms, fencing, and culverts at each "no work zone" and this information will be included in a final Mitigation and Monitoring Report.</p>	ITP Condition # 7.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	<p>Control of unauthorized/illicit vehicle trespassing within the Project area to prevent further impacts to Covered Species via public use of the area during the aggregate extraction season has been developed. The proposed plan includes installation or maintenance of new or existing signs, installation of seasonal gates, and seasonal placement of large boulders, concrete blocks, K-rail, fencing, or other effective barricade across the Greenhorn Creek streambed as necessary to control public access in the non-public portions of the Project area. Unless otherwise required by United States Forest Service or other agency, the northern border of the Project area would not include a gate as access in or out of the Tahoe National Forest.</p> <p>A minimum of 25, 18-inch by 24-inch, "No Trespassing" signs are proposed to be located at each common public access location and periodically throughout the Project area. A map of the proposed sign locations is included in Figure 6.</p> <p>In addition, the Permittee will implement security patrols throughout the Project area during operational months to control trespassing. Security patrol will take place daily during the aggregate extraction season. Trespassers will be asked to leave. If trespassers are not willing to leave, law enforcement will be notified. Records shall be maintained of any enforcement actions.</p>	ITP Condition # 7.10	Entire Project	Permittee	
POST-CONSTRUCTION					
29	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 material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.11	Post-construction	Permittee	
30	No later than 45 days after completion of 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. of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 6.6	Post-construction and after completion of mitigation	Permittee	