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HABITAT CONSERVATION  
PLANNING BRANCH

California Department of Fish and Wildlife  
North Central Region  
1701 NIMBUS ROAD  
RANCHO CORDOVA, CA 95670

California Endangered Species Act  
Incidental Take Permit No. 2081-2019-015-02

**GLENN COUNTY ROAD 67 BRIDGE REPLACEMENTS,  
GLENN COUNTY, CALIFORNIA**

**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 take<sup>1</sup> of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.<sup>2</sup> 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).

<b>Permittee:</b>	<b>Glenn County Public Works Agency</b>
<b>Principal Officer:</b>	<b>Cole Grube, Director</b>
<b>Contact Person:</b>	<b>Kevin Cook-Guteriez, (530) 934-6530</b>
<b>Mailing Address:</b>	<b>777 North Colusa Street Willows, CA 95988</b>

**Effective Date and Expiration Date of this ITP:**

This 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 **October 1, 2024**.

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

<sup>1</sup>Pursuant 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").)

<sup>2</sup>"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.

**Project Location:**

The Project is located at 4 locations on County Road 67 over Branch Howard Slough in the County of the Glenn, State of California. The Project is located approximately 1.5 miles east of Road Z in Sections 7 and 18, Township 18, North, Range 1 East of the Butte City United States Geological Survey (USGS) 7.5-minute quadrangle map. The bridges are located at the following coordinates:

Bridge No.	Latitude	Longitude
11C-15	39.420241°	-121.905415°
11C-16	39.420197°	-121.902124°
11C-17	39.420159°	-121.898130°
11C-179	39.420084°	-121.894553°

The Project is bounded by rice agriculture and a duck club (Figure 1).

**Project Description:**

The Project will replace four existing structurally deficient bridges over the Branch Howard Slough with four new two-lane multi-span continuous concrete slab bridges. The project also includes the replacement and reconstruction of roadway approaches that will allow a smooth transition between the new bridge construction and the existing roadway.

The four bridges that will be replaced are single lane, reinforced concrete slab bridges, approximately 18-ft wide, and varying in length from 40-ft to 500-ft. The new bridges will be positioned in approximately the same locations. The proposed bridges will be two lane structures approximately 32'-8" wide, with Type 215 metal beam railing. The exact lengths of each structure, along with pier and span configurations, are depicted in Figures 3 Project Plans.

The roadway will be closed at the project site during construction and traffic will be detoured around the site on existing roadways for the duration of the project. The new roadway embankment will be approximately 60-ft wide at its base for the entire length of the project centered on the existing centerline of the roadway. All vegetative material within these limits will be removed during the clearing and grubbing process. It is anticipated that the clearing limits will extend another 10-ft beyond the roadway embankment catch point for an overall disturbance width of approximately 80-ft centered on the existing roadway centerline for the entire length of the project.

Dewatering is expected to be accomplished using earthen berms (cofferdams) of soil material covered with plastic. After the cofferdams are installed, water would be pumped from the intervening area. This area would also be used to access the existing bridge for removal.

Construction staging will occur within the areas that are identified as permanently or temporarily impacted in Figure 2.

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Each bridge may be constructed at different times in different years during the term of this ITP.

**Covered Species Subject to Take Authorization Provided by this ITP:**

This ITP covers the following species:

Name	CESA Status
1. Giant garter snake ( <i>Thamnophis gigas</i> )	Threatened <sup>3</sup>

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

**Impacts of the Taking on Covered Species:**

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above that are expected to result in incidental take of individuals of the Covered Species include removal of existing bridge structures, earth grading activities, soil compaction, pavement overlay, excavation, temporary water diversions, dewatering, water pollution control activities, and bridge construction (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities including impacts in the Covered Species’ aquatic habitat and the upland habitat adjacent to the canal and along the roadside and levee areas. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from construction activities obstructing movement of the Covered Species or direct take of individuals from crushing or injury from contact with vehicles or construction equipment. Covered Species may be adversely affected as a result of the dewatering of their aquatic habitat, removal of the prey base and vegetative cover and destruction of basking sites necessary for thermoregulation. Construction activities may result in filling or crushing burrows or crevices occupied by snakes. Disturbance from construction activities could cause snakes to move into areas of unsuitable habitat where they may experience greater risk of predation or other sources of mortality. Additionally, stored equipment or materials could be used by snakes as a place for cover during the evening hours and snakes could get trapped or injured when the equipment or stored material is moved in the morning. The areas where authorized take of the Covered Species is expected to occur are depicted in Figure 2 and include all project constructions activities and staging areas (collectively, the Project Area).

Table below shows the Project impacts at each bridge location:

<sup>3</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(4)(E).

Bridge No.	Covered Species Impacts (acres)			
	Permanent		Temporary	
	Aquatic Habitat	Upland Habitat	Aquatic Habitat	Upland Habitat
11C-15	0.04	0.06	0.42	0.18
11C-16	0.08	0.11	0.59	0.13
11C-17	0.07	0.11	0.31	0.24
11C-179	0.02	0.13	0.22	0.19
<b>Total</b>	<b>0.21</b>	<b>0.41</b>	<b>1.54</b>	<b>0.74</b>

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 construction-related vibrations, capture and relocation, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

### **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.

### **Conditions of Approval:**

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for vehicular ingress and egress, staging and parking, and noise and vibration generating activities that may 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 of the Initial Study/Mitigated Negative Declaration (IS/MND)(SCH No.: 2016012036) adopted by Glenn County Planning and Public Works Agency on May 31, 2016, as lead agency for the Project pursuant to CEQA (Pub. Resources Code, § 21000 et seq.).

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- 3. LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions in the Notifications submitted to CDFW for the Project (Notification Nos. 1600-2019-0144-R2, 1600-2019-0145-R2, 1600-2019-0146-R2, and 1600-2019-0147-R2).
- 4. ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the U.S. Fish and Wildlife Service (Service) February 10, 2015, "Formal Consultation on the County Road 67 Bridge Replacement Project, Glenn County, California (Biological Opinion No. 2015-F-0042-1)" 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.
- 5. 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 Attachment 1 to this ITP.
- 6. General Provisions:**
- 6.1. Designated Representative. Before starting any Covered Activities at each bridge location, 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.
- 6.2. 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 30 days before starting Covered Activities at each bridge location. 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.
- 6.3. Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately

stop any activity that is not in compliance with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species, or any rare, special-status, or sensitive species. If there is a threat of harm to any sensitive species, the biologist shall halt construction and notify CDFW. Consultation with CDFW is required before re-commencing work in that area.

- 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 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 at each bridge location 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, if necessary, 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 or runoff from road or construction surfaces.
- 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.

- 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.
- 6.10. Environmentally Sensitive Areas (ESAs). No later than 15 days prior to its installation Permittee shall submit to CDFW project plans depicting the ESAs for review and approval. No more than five (5) days prior to the commencement of Covered Activities at each bridge location, the Permittee shall install ESAs as shown in the approved plan to prevent encroachment of construction personnel and equipment into areas of Covered Species habitat that are outside of or adjacent to the Project footprint. All potential Covered Species habitat that can be reasonably avoided during construction activities shall be identified as ESAs. The Permittee shall install exclusionary fencing and orange construction barrier fencing along the portions of the Project Area that are located within the Covered Species habitat. The exclusionary fencing will consist of 3-foot-tall silt fencing buried 6 inches below ground level. All construction personnel shall avoid ESAs. The Permittee shall avoid ESAs when siting all staging areas, spoils disposal areas, borrow pits, and construction equipment access routes. The ESAs will be identified on all engineering plans or construction specifications. The Designated Biologist or Designated Representative shall inspect the fencing before the start of each workday and the Permittee shall maintain the fencing until the completion of the Project.
- 6.11. Project Access. Project-related personnel shall access the Project Area using existing routes, and shall not cross Covered Species' habitat outside of or in-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 10 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.
- 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. 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.

- 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. All workers will be informed of the importance of preventing spills and appropriate measures to take should a spill occur. All heavy equipment, vehicles, and supplies will be stored at the designated staging area at the end of each work period.
- 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 at each bridge location, 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.

## **7. Monitoring, Notification and Reporting Provisions:**

- 7.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities at each bridge location and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 7.2. 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.
- 7.3. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall be present throughout all phases of construction that may result in adverse effects to the Covered Species, including, but not limited to all earth work occurring within 200-feet of rice fields or other aquatic habitat. 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. The Designated



Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species, including injury, mortality or transport off site of Covered Species, survey results, and monitoring activities required by this ITP. The Designated Biologist shall conduct compliance inspections a minimum of once per month during periods of inactivity and after clearing, grubbing, and grading are completed.

- 7.4. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in 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 the CDFW offices listed in the Notices section of this ITP and via e-mail to R2CESA@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.
- 7.5. 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 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) disclosure of all occurrences of non-compliance and measures implemented to remedy the non-compliance; (5) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (6) all available information about Project-related incidental take of the Covered Species; (7) 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 (8) information about other Project impacts on the Covered Species.
- 7.6. 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 Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.7. Final Mitigation Report. 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 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.

- 7.8. Final Monitoring Report. No later than one year following completion of the site restoration Permittee shall provide CDFW with a Final Monitoring Report. The Final Monitoring Report shall include the status of the restored portions of the Project, including any additional remedial measures taken to ensure the successful establishment of targeted vegetation on the restoration site.
- 7.9. 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 (916) 358-2930. 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.

## **8. 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. Construction Window. All construction and ground disturbing activities will be initiated during the active season and will commence prior to September 15.
- 8.2. Pre-construction Survey. No more than 24 hours prior to the commencement of construction activities at each location, the Designated Biologist shall survey for the Covered Species within 200-feet of suitable aquatic habitat. The Designated Biologist will provide the CDFW with a written report that adequately documents the

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monitoring efforts within 24 hours of commencement of construction activities. The Project Area shall be re-inspected by the Designated Biologist whenever a lapse in construction activity of two weeks or greater has occurred.

- 8.3. Dewatering Habitat. If construction occurs during the Covered Species active season, between May 1 and October 1, Permittee shall ensure that dewatered habitat remains dry for at least fifteen (15) consecutive days and prior to excavating or filling of dewatered habitat. The dewatered habitat shall remain dry until work in the dewatered habitat is complete.
- 8.4. Check for Wildlife in Construction Materials. The Permittee shall visually check all construction materials for the presence of wildlife sheltering within them prior to their use. Rock Slope Protection that will be removed shall be checked to ensure that no wildlife is harmed during its removal.
- 8.5. Escape Ramp in Trench. At the end of each workday, Permittee shall place an escape ramp at each end of the open trench to allow any animals that may have become entrapped in the trench to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30 degrees.
- 8.6. Covered Species Encounter. If a Covered Species is encountered during the course of Covered Activities, Project activities in the immediate vicinity shall cease and the Permittee shall contact the Designated Biologist. The Covered Species should be allowed to leave the area on its own accord and construction activities shall not resume until the Covered Species has safely moved out of harm's way. If the Covered Species is not able to move out of harm's way on its own, then the Designated Biologist shall relocate the Covered Species in accordance with the Covered Species Relocation Plan (Condition of Approval 8.7).
- 8.7. Covered Species Relocation Plan. Permittee shall develop a Covered Species Relocation and Rehabilitation Plan that includes all bridge locations and submit it to CDFW for review and approval at least 30 days prior to initiating Covered Activities. For each proposed relocation site, the Permittee shall quantify the amount, relative location, and quality of suitable habitat (aquatic and terrestrial) including invasive and non-native species present, available upland burrows/refugia, suitable prey items, and potential barriers for movement.
- 8.8. Covered Species Relocation. The Designated Biologist shall relocate Covered Species found within the Project area to appropriate habitat in accordance with the approved Covered Species Relocation and Rehabilitation Plan (Condition of Approval 8.7) and monitor the Covered Species until it is determined that the Covered Species is not imperiled by predators or other dangers. The Designated

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Biologist shall notify CDFW immediately or no later than noon of the next business day of any Covered Species relocation. Notification shall be via telephone, or email, followed by a written incident report. Notification shall include the ITP number, date, time, location, circumstances of the incident, and any associated data (pictures, weight, length, sex, tag #, etc.).

- 8.9. Covered Species Handling. The Designated Biologist may capture Covered Species by hand or the use of a snake stick. Covered Species may be pinned down by placing a hand or snake stick directly behind the head and applying gentle pressure. The amount of pressure required will depend on the size of the Covered Species, but it should be sufficient to prevent it from moving its head without injury. Grasp the Covered Species by the tail, handling firmly but with great care. Pick the Covered Species up gently mid-body and deposit the Covered Species in the bottom of a snake bag. Support the body of the Covered Species in addition to holding the head. Following capture, tie the top of the snake bag with a cord. Captured Covered Species shall be released as soon as practicable.
- 8.10. Covered Species Transport. During transport, all equipment used for capturing, handling and transportation shall be well maintained and checked before use. If a container other than a snake bag is used, the container shall be inspected to ensure no sharp edges, protrusions, or rough surfaces are present that could cause injury. Covered Species shall be protected from exposure to inclement weather, harsh environmental conditions, and major temperature fluctuations and extremes. Covered Species shall be observed periodically to determine their state of well-being during transport. Following use of transport containers, all items used shall be cleaned thoroughly and disinfected or discarded, as appropriate.
- 8.11. Injured Covered Species. If a Covered Species is injured as a result of Covered Activities, the Designated Biologist shall immediately take the injured animal to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the wildlife care facility in the Covered Species Relocation and Rehabilitation Plan (Condition of Approval 8.7) and receive CDFW approval before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the snake immediately by telephone (916) 358-2930 and e-mail to [R2CESA@wildlife.ca.gov](mailto:R2CESA@wildlife.ca.gov) followed by a written incident report (Condition of Approval 7.9). Notification shall include the ITP number, date, time, location, circumstances of the incident, any associated data (pictures, weight, length, sex, tag #, etc.) and the name of the facility or individual caring for the snake.
- 8.12. Deceased Covered Species. Permittee shall notify CDFW of any dead Covered Species observed on or adjacent to the Project, as described in Condition of Approval 7.9. Any dead Covered Species shall be preserved and held in a secure



location until instructions are received from CDFW regarding the disposition of the specimen or until CDFW or the United States Fish and Wildlife Service (USFWS) takes custody of the specimen.

- 8.13. Vegetation Removal. Vegetation clearing shall be limited to the minimum area necessary within 200 feet of the banks of any aquatic habitat. Equipment staging or the storage of vehicles and other equipment within 200 feet of aquatic habitat will be minimized to the greatest extent practicable.
- 8.14. Water Quality. Permittee shall retain runoff from dust control, oil, and other chemicals used in construction activities at the construction site and prevent it from flowing into areas containing Covered Species habitat. Permittee shall retain the runoff in the construction areas by creating small earthen berms, installing silt fences or hay-bale dikes, or implementing other measures on the construction site to prevent runoff from entering Covered Species habitat.
- 8.15. Best Management Practices. Best Management Practices (BMPs), including a Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP), will be implemented to minimize effects to the Covered Species during construction. BMPs will be implemented to prevent sedimentation from entering ESAs and to reduce erosion, dust, noise, and other deleterious aspects of construction related activities. These BMPs may include, but are not limited to, silt fencing, temporary berms, restrictions on cleaning equipment in or near ESAs, installation of vegetative strips, and temporary sediment disposal. Runoff from dust control and hazardous materials will be retained on the construction site and prevented from flowing into the ESAs and other purposes at the Project site to ensure that the Covered Species is not trapped or become entangled.
- 8.16. Erosion Control. Permittee shall install erosion control structures concurrently with construction. Permittee shall construct these structures, so runoff is directed away from ESAs. Permittee shall use tightly woven fiber netting (mesh size less than 0.25 inch) or similar material for erosion control or other purposes at the Project site to ensure the Covered Species and other reptiles or amphibians are not trapped by the erosion control material. Permittee shall communicate this limitation to the contractor through use of Special Provisions included in the bid solicitation package. Coconut coir matting is an acceptable erosion control material. Permittee shall not use plastic monofilament or wire mesh in the straw wattles or erosion control blankets. Only erosion control materials (blankets, rolls, mats, etc.) with natural coir fibers or other netting approved by the wildlife agencies shall be used. The edge of the material shall be buried in the ground to prevent the Covered Species and other reptiles and amphibians from crawling underneath the material. Erosion control measures shall direct water flow into existing drainages or disperse water across vegetated areas in order to avoid concentrating water. Erosion control measures shall include the proper

installation of BMPs and may include applications of seed, certified weed free straw, compost, fiber, commercial fertilizer, stabilizing emulsion mulch, or combinations thereof. Following construction all disturbed upland areas shall be stabilized and re-seeded with an erosion control mix consisting of regionally appropriate, native grass and forb species. Revegetation of such sites shall be completed as soon as possible after Project activities in those areas cease.

- 8.17. Remove Temporary Flagging, Fencing, and Barriers. Permittee shall remove all temporary flagging, fencing, and/or barriers from the Project site upon completion of Covered Activities.

## **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 purchased 3 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.1). The Permittee shall also restore on-site 0.74 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 9.3 below.

- 9.1. Cost Estimates. CDFW has estimated the cost of the restoration of temporarily disturbed habitat as follows:

9.1.1. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 9.3 are estimated at **\$40,000.00**.

- 9.2. Covered Species Credits. Permittee shall purchase 3 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating any Covered Activities. Proof of payment shall be submitted to CDFW no later than 15 days prior to initiating any Covered Activities.

- 9.3. Habitat Restoration. Permittee shall restore on-site the 0.74 acres of Covered Species upland habitat that will be temporarily disturbed during construction to pre-Project conditions.

9.3.1. No later than 90 days prior to starting any Covered Activities, Permittee will prepare a Restoration Plan and submit it to CDFW for review and approval.

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Written approval needs to be obtained prior to starting any construction activities. The plan shall include: (1) Replacement habitat for upland and aquatic habitat components; (2) Removal of construction debris and stockpiled materials; (3) Regrading the Project area to pre-existing contour; (4) Replanting and hydro-seeding the restoration area with low-growing native perennial species on or adjacent to the canal banks, and upland plantings and hydroseeding with native species to stabilize the soils.

9.3.2. All areas within the bank and channel of the canal or the agricultural ditches that are temporarily disturbed by Project construction shall be restored as close as practicable to the original contour and conditions within 10 days of Project completion at each site.

9.3.3. After completion of construction activities, the applicant will remove any temporary fill and construction debris and, wherever feasible, restore disturbed areas to pre-Project conditions. Restoration work includes such activities as re-vegetating the banks and active channels with a seed mix similar as described in the Project plans.

9.3.4. A photo documentation report showing post-Project area conditions will be submitted to CDFW one (1) month after the implementation of the restoration.

9.4. Monitoring Report. Permittee shall submit one monitoring report to CDFW by October 31 of the year after completion of each restoration. The report shall discuss the mitigation performance as it relates to the success criteria. The report shall include the success of revegetation establishment, survival, and percent cover. The number by species of plants replaced (if applicable), an overview of the revegetation effort, and the method used to assess these parameters shall also be included. Monitoring reports should include photographs from designated photo stations.

## **10. Performance Security:**

The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

10.1 Security Amount. The Security shall be in the amount of \$40,000.00. This amount is based on the cost estimates identified in Condition of Approval 9.1 above.

10.2 Security Form. The Security shall be in the form of an escrow account or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.

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- 10.3 Security Timeline. The Security shall be provided to CDFW no later than 60 days before Covered Activities begin.
- 10.4 Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 10.5 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.
- 10.6 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.
- 10.7 Security Release. The Security (or any portion of the Security 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:
- Restoration efforts occurred as required by this ITP;
  - Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the habitat restoration immediately after completing construction activities. CDFW may require the Permittee to provide 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.

**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  
Post Office Box 944209  
Sacramento, CA 94244-2090

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 2081-2019-015-02 in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Kevin Thomas, Regional Manager  
c/o CESA Desk  
California Department of Fish and Wildlife  
North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670  
Telephone (916) 358-2930  
Fax (916) 358-2912

And a copy to:

Habitat Conservation Planning Branch  
California Department of Fish and Wildlife

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Attention: CESA Permitting Program  
PO Box 944209  
Sacramento, CA 94244-2090

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

CESA Program  
R2CESA@wildlife.ca.gov  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670  
Phone (916) 358-2930  
Fax (916) 358-2912

**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, Glenn County Planning and Public Works Agency (See generally Pub. Resources Code, §§ 21067, 21069). The lead agency's prior environmental review of the Project is set forth in the County Road 67 Bridge Replacement Projects over the Branch Howard Slough – Bridge Nos. 11C0015, 11C0016, 11C0017, 11C0179 Project Initial Study/Mitigated Negative Declaration (SCH No. 2016012036) dated January 19, 2016, that the Glenn County Planning and Public Works Agency adopted for the Project on May 31, 2016. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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);

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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, County Road 67 Bridge Replacement over the Branch Howard Slough – Bridge Nos. 11C0015, 11C0016, 11C0017, 11C0179 Project Mitigated Negative Declaration, the Biological Opinion No. 2015-F-0042-1, 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 0.297 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 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

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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.

**Attachments:**

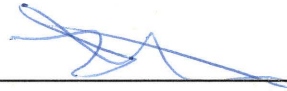
FIGURE 1	Project Location
FIGURE 2	Project Impacts
FIGURE 3	Project Plans
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Irrevocable Letter of Credit Form
ATTACHMENT 3	Mitigation Payment Transmittal Form



**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

on

2/13/2020



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 this ITP, and (3) agrees on behalf of the Permittee to comply with all terms and conditions.

By:



Date:

2/24/20

Printed Name:

COLE GRUBE

Title:

DIRECTOR, PWA

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