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California Department of Fish and Wildlife  
Northern Region  
601 LOCUST STREET  
REDDING, CA 96001

California Endangered Species Act  
Incidental Take Permit No. 2081-2019-058-01

**RED BLUFF RIVERFRONT PARK BOAT RAMP – PHASE 2**

**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>City of Red Bluff</b>
<b>Principal Officer:</b>	<b>Richard Crabtree, City Manager</b>
<b>Contact Person:</b>	<b>Terry Hanson, (530) 524-4089</b>
<b>Mailing Address:</b>	<b>555 Washington Street Red Bluff, California 96080</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 **December 31, 2023**.

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 Red Bluff Riverfront Park Boat Ramp – Phase 2 Project (Project) is located on the Sacramento River within the Riverfront Park in the City of Red Bluff, Tehama County (see Figure 1). The Project is located within the southwest quarter of Section 20, Township 27 north, Range 3 west of the Red Bluff East United States Geological Survey 7.5-minute quadrangle at approximate 40.17358° N latitude, and -122.228127° W longitude. The Project site is bounded by the Sacramento River to the east and Riverfront Park to the west.

## **Project Description:**

The Project consists of constructing a two-lane boat ramp designed for motorized boats on the edge of the Sacramento River. The purpose of the Project is to provide permanent boating access to the Sacramento River, separate from an existing boat ramp that will remain in place for canoes, kayaks, and other non-motorized recreational watercraft. The new boat ramp will be a two-lane “V”-groove reinforced concrete ramp approximately 112.5 feet long with a 14 percent slope, and two 15-foot-wide lanes with an 8-foot wide boarding float with solar lighting and/or walkway to accommodate vessel boarding.

A temporary floating turbidity curtain will be utilized for in-water work to minimize downstream migration of suspended sediment. Two curtains, one 15 feet in length and one 10 feet in length, will be joined together parallel to, and downstream of, the worksite to contain sediment discharge. Weighted anchors for the turbidity curtain will be set by boat just upstream of the boat ramp. An anchor line will attach the weighted anchors to a curtain float.

The boat ramp construction includes the placement of native gravel/cobble in the river extending from the top of ramp to within the reach distance of the contractor's excavator. This will provide a work platform for excavating the boat ramp toe trenches for the placement of filter cloth and rock slope protection. The fill will be placed by pushing gravel/cobble fill material into the river in layers, keeping equipment out of and above the river level. A tracked bulldozer or excavator will be used to construct this fill.

The excavator will then work its way back from the river, constructing the boat ramp subgrade slope and lateral rock slope protection anchor trenches. The temporary constructed fill forming the work platform will be removed as the excavator works back constructing the ramp subgrade surface. This will allow the construction of additional ramp subgrade and anchor trenches. The anchor trench will be constructed placing filter cloth and rock slope protection as the process moves upslope. Once the work progresses above the river level, the ramp subgrade will be complete to the top of the ramp without the need of the constructed gravel/cobble fill work platform.

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The next phase of construction once the ramp subgrade and anchor trenched have been completed will be the process of forming and pouring concrete push slabs on the section of ramp subgrade extending above the river level. A sliding surface of metal roofing or plastic sheeting will be placed on the ramp subgrade and the first push slab will be formed and poured then cured. Once cured, a pair of bulldozers will push the slab down the ramp subgrade to a point where the top of the push slab is at least 3 feet above the river level. A second slab will be formed, poured, and cured that will be integrally tied to the first slab. The second slab will be poured directly against the top of the first slab. Once cured, the second slab will be pushed along with the first slab down the ramp to their final position, with the bottom of the first ramp pushed down to contact the rock slope protection in the toe trench. The ramp will be completed by conventional cast-in-place method above the river level.

The remaining in-river work consists of setting the pre-cast anchor block for the guide cable that controls the boarding float assembly. The block will be placed by boat and will sit on the river bottom approximately 35 feet beyond the toe of the ramp.

Approximately 170 cubic yards of rock slope protection and 66 cubic yards of concrete will be placed below the anticipated river level at the time of construction. Rock slope protection will be placed abutting the ramp for bank stabilization. An access road will be constructed and an American Disabilities Act (ADA) compliant parking space and walkway to the boat ramp will also be installed in-channel.

Materials imported and placed in the floodplain will cover approximately 28,725 square feet (0.66 acres) and total approximately 1,319 cubic yards of imported materials. These materials include concrete, aggregate, and stone rip rap for the construction of the access road, maneuver area, ADA parking slab, ADA walkways, boat ramp, and rock slope protection. The construction activities will be conducted in accordance with the *Red Bluff River Front Boat Launching Facility Improvement Project Plans*, dated August 15, 2019, prepared by Stoll Engineering.

Construction of in-channel components of the proposed Project is anticipated to take 75 days or less to complete. Construction of in-water components are expected to require 30 days or less to complete. In-water construction will occur during low flows and will be suspended during storm events or during high water flows. The proposed in-water work window is November 1 through February 15 but may be altered depending on flows.

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

This ITP covers the following species:

Name	CESA Status
1. Sacramento River Winter-Run Chinook Salmon ( <i>Oncorhynchus tshawytscha</i> )	Endangered <sup>3</sup>
2. Central Valley Spring-Run Chinook Salmon ( <i>Oncorhynchus tshawytscha</i> )	Threatened <sup>4</sup>

These species and only these species are 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 installation of the turbidity curtain, placement of gravel/cobble fill, site preparation/construction of the boat ramp, vehicle access to the ramp, construction of the ADA parking area, installation of rock slope protection for bank stabilization, and installation of the boarding float anchor block (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as striking, entrapment, and crushing during the removal of material from the channel and the placement of fill material and rock slope protection. Incidental take of individuals of the Covered Species may also occur from crushing during the installation of the boat ramp, approach road, maneuver area, and anchors for the turbidity curtain and boarding float. The areas where authorized take of the Covered Species is expected to occur include those described under “Project Location” (see also Figure 1), and measure approximately 900 feet on a southwest/northeast axis by 950 feet on a northwest/southeast axis (collectively, the Project Area). The in-channel work in the Project Area will occur directly adjacent to the bank of the Sacramento River.

The Project is expected to cause the permanent loss of 0.66 acres of habitat for the Covered Species, including 0.54 acres of fill material placed below the ordinary high-water mark of the Sacramento river, and 0.12 acre of fill material into riparian wetland. 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

<sup>3</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (a)(2)(M).

<sup>4</sup>See *Id.*, subd. (b)(2)(C).

contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from heavy equipment work, increased sedimentation and turbidity, and long-term effects due to increased pollution, displacement from preferred habitat, loss of cover, 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/will cause take. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

1. **Legal Compliance:** Permittee shall comply with all applicable federal, State, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration and Initial Study (State Clearinghouse No.: 2014072008) adopted by City of Red Bluff on August 19, 2014, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. 1600-2018-0311-R1) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
4. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the National Marine Fisheries Service (NMFS) Biological Opinion for the Red Bluff Riverfront Park Boat Facilities Project (Biological Opinion No. WRCO-2019-01904, dated February 19, 2020) for the Project pursuant to

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

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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.

- 6.5. Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.
- 6.6. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 6.8. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. All erosion control materials shall be 100 percent biodegradable and shall not entrap or harm wildlife.
- 6.9. Delineation of Property Boundaries. Before starting Covered Activities, 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.
- 6.10. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope

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or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.

- 6.11. Project Access. Project-related personnel shall access the Project Area using routes identified in the Project Description and Project Plans 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. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 6.12. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.11 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.
- 6.14. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 6.15. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove 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 and shall document

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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 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 and their sign, survey results, and monitoring activities required by this ITP.
- 7.4. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to 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 is Kristin Hubbard ([kristin.hubbard@wildlife.ca.gov](mailto:kristin.hubbard@wildlife.ca.gov)) and Headquarters CESA Program email is [CESA@wildlife.ca.gov](mailto: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.
- 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 Condition of Approval 7.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected

completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.

- 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 Monthly 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 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. CDFW shall provide concurrence that mitigation is complete or recommend additional remedies to fulfill outstanding mitigation requirements.
- 7.8. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (530) 225-2138. 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.

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- 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:

### **Work Periods**

- 8.1. Instream Work Period. In-water work shall be limited to the period of November 1 through February 15, during low flow conditions, and will be suspended during storm events.
- 8.2. Work During Daylight Hours. All construction activities associated with construction of the new boat ramp, access road, parking area, and maneuver area shall be conducted during daylight hours.

### **Fish Passage**

- 8.3. Fish Passage Through Worksite. Adequate fish passage within the Sacramento River surrounding the Project site shall be maintained at all times. Unless otherwise directed by CDFW, velocities shall be suitable to allow efficient and safe passage of all aquatic organisms and life stages.

### **Turbidity Curtain**

- 8.4. Monitoring of Turbidity Curtain. During utilization, the turbidity curtain shall be inspected on a regular basis and shall be removed in advance of storm events to avoid risk of damage or loss of the turbidity curtain. Inspection shall ensure that the curtain is properly anchored and turbid water is not escaping. The turbidity curtain shall be maintained throughout the excavation, rock placement, and ramp construction phases of the project to ensure proper function.
- 8.5. Removal of Turbidity Curtain. Upon completion of the Project, Permittee shall remove the turbidity curtain in a manner that will not introduce silt into the stream.

### **Stabilization and Fill**

- 8.6. Rock Slope Protection. Un-grouted rock slope protection (RSP) and energy dissipater materials shall consist of clean rock, competent for the application, sized and properly installed to resist washout. RSP slopes shall be supported with competent boulders keyed into a footing trench with a depth sufficient to properly seat the footing course boulders and prevent instability (typically at least 1/3 diameter of footing course boulders).

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- 8.7. Gravels Used as Fill Material. In the event that importation of gravel is necessary, only clean, washed alluvial gravels may be used as fill material along the banks of the stream or placed within the stream channel. Permittee shall remove all silt laden gravels from the Project area upon completion of the Project. They shall not be placed where they may enter any waters of the State.

## Concrete

- 8.8. Concrete – Primary Containment. The Permittee shall install the necessary containment structures to control the placement of wet concrete and to prevent it from entering into the channel outside of those structures. No concrete shall be poured within the ordinary high-water mark (OHWM) if the 15-day weather forecast indicates any chance of rain greater than 30 percent without written approval from CDFW.
- 8.9. Concrete – Designated Monitor. At all times when the Permittee is pouring or working with wet concrete where it may enter the stream channel there shall be a designated monitor to inspect the containment structures and ensure that no concrete or other debris enters into the channel outside of those structures.
- 8.10. Concrete Washout. Concrete washout shall occur in a designated and appropriately prepared area setback at least 100-feet from the riparian area. Washwater and debris shall not be allowed to enter the stream or riparian area. Concrete washout facilities should be inspected daily and after heavy rains to check for leaks, identify if any plastic linings and sidewalls have been damaged by construction activities, and determine whether they have been filled to over 75 percent capacity. When the washout container is filled to over 75 percent of its capacity, the washwater should be vacuumed off or allowed to evaporate to avoid overflows.
- 8.11. Exclude Concrete from Flowing Stream. Poured concrete shall be excluded from the wetted channel for a period of 30 days after it is poured. Commercial sealants may be applied to the poured concrete surface where difficulty in excluding water flow for a long period may occur. If sealant is used, water shall be excluded from the site until the sealant is dry.

## Lighting

- 8.12. Illumination Levels of Riverine Areas. To minimize impacts to juvenile salmonid migration, boat ramp lighting, both temporary and permanent, shall be kept to the absolute minimum necessary to provide safe access. Lighting should only be directed at areas intended for illumination. Lighting reaching the water surface of the Sacramento River immediately below and adjacent to the boat ramp shall be kept as close to 1.0 lux as feasible. Within 45 days of completion of the boat ramp

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construction, Permittee shall provide CDFW with measurements of lighting intensities at water level, immediately adjacent, and at stations 50 feet, 100 feet, and 200 feet upstream and downstream of the boat launch/dock. If 1.0 lux is substantially exceeded at any of these locations, corrective actions shall be made to the boat ramp lighting to achieve the desired illuminance.

### **Delineation of Launch Access and Parking**

- 8.13. Definition of Driving Area. The Project shall include a low-profile rock slope protection border around the approach road, parking area, maneuver area, and boat ramp. The border will be high enough to define the permissible area for driving without affecting hydrology inundating flows.
- 8.14. City Ordinance. The City will adopt an ordinance banning parking in the vicinity of City-owned boat parks except in designated parking spots.
- 8.15. Signage. The Project will include placing appropriate signage informing visitors of the ban on parking outside of designated areas and designating the two in-channel parking spots as a disabled parking authorized parking zone.

### **Access Route**

- 8.16. Design of Access Route. The access route to the boat ramp shall be designed so that it does not pool water upstream of the road and risk potential stranding of juvenile salmonids. Downstream of the access road shall be monitored to ensure that no scour holes form and pool water capable of stranding juvenile salmonids.

### **Erosion Control, Turbidity, and Siltation**

- 8.17. Stormwater Pollution Prevention Plan (SWPPP). Permittee shall prepare and implement a SWPPP for the Project. A copy of the SWPPP shall be provided to CDFW prior to the beginning of Project activities.
- 8.18. No New Project Phase without Erosion Control. No phase of the Project may be started if that phase and its associated erosion control measures cannot be completed prior to the onset of a storm event if that construction phase may cause the introduction of sediments into the stream. Permittee shall consult 72-hour weather forecasts from the National Weather Service prior to start of any phase of the Project that may result in sediment runoff to the stream. Erosion control measures shall be inspected frequently, to minimize failure, and repairs conducted immediately.

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8.19. Turbidity and Regional Water Board Waste Discharge Requirements. The Permittee or Designated Representative shall monitor instream turbidity levels during project activities and shall adhere to those specifications for turbidity set forth by the Regional Water Quality Control Board's Conditional Waiver of Waste Discharge Requirements issued for this Project.

8.20. Turbidity/Siltation Activities Halted. Upon Department determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation shall be halted until effective Department approved control devices are installed or abatement procedures are initiated.

**9. Habitat Management Land Acquisition:** 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 shall purchase 1.2 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.2). Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations.

9.1. Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the 1.2 acres of salmonid and riverine riparian compensatory habitat as follows:

9.1.1. Land acquisition costs for salmonid and riverine riparian compensatory habitat identified in Condition of Approval 9.2 below, estimated at \$150,000/acre for 1.2 acres: **\$180,000**. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;

9.1.2. Permittee has reserved 1.20 acres of salmonid and riverine riparian credits by placing a deposit of \$43,000 on June 14, 2019, at a CDFW-approved mitigation bank. The 1.20 acres will become available upon the completion of the Fourth Release of Credits from the Bank, expected in Spring 2020. Upon release of Credits, the Permittee shall deliver the remaining \$137,000 to Westervelt

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Ecological Services, LLC. If Credit release is delayed beyond the commencement of Project activities, a Performance Security will be required as identified in Condition of Approval 10.1.

- 9.2. Covered Species Credits. Permittee shall purchase 1.2 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below.

**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 **\$180,000**. 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 irrevocable letter of credit (see Attachment 2) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 10.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 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 3) 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 then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
- Written documentation of the purchase of the salmonid and riverine riparian compensatory habitat; and

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- Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required salmonid and riverine riparian compensatory habitat purchase no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

**Amendment:**

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

**Stop-Work Order:**

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

**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:

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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 (2081-2019-058-01) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Tina Bartlett, Regional Manager  
California Department of Fish and Wildlife  
Northern Region  
601 Locust Street  
Redding, CA 96001  
Telephone (530) 225-2300  
Fax (530) 225-2055

and a copy to:

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

Unless Permittee is notified otherwise addressing issues that arise during

Kristin Hubbard  
601 Locust Str  
Redding, CA 9  
Telephone (530)  
Fax (530) 225-  
kristin.hubbard

TO REORDER, REQUEST PRODUCT 74-1

**CITY OF RED BLUFF**  
555 WASHINGTON STREET  
RED BLUFF, CA 96080

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

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### **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, City of Red Bluff. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Mitigated Negative Declaration and Initial Study, (State Clearinghouse No. 2014072008) dated August 2014, that the City of Red Bluff adopted for the Red Bluff Riverfront Park Boat Launching Facility Project on August 19, 2014. 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); 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, Red Bluff Riverfront Park Boat Launching Facility Project Mitigated Negative Declaration, NMFS Biological Opinion, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP.

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Measures include: (1) permanent protection of 1.2 acres of salmonid and riverine riparian habitat; (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 1.2 acres of compensatory salmonid and riverine riparian habitat that is contiguous with other protected Covered Species habitat and 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 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.

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**Attachments:**

FIGURE 1	Map of Project
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Letter of Credit Form
ATTACHMENT 3	Mitigation Payment Transmittal Form

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

on 5/1/2020

DocuSigned by:  
*Tina Bartlett*  
1D82ADE7303A474...

**Tina Bartlett**  
Regional Manager

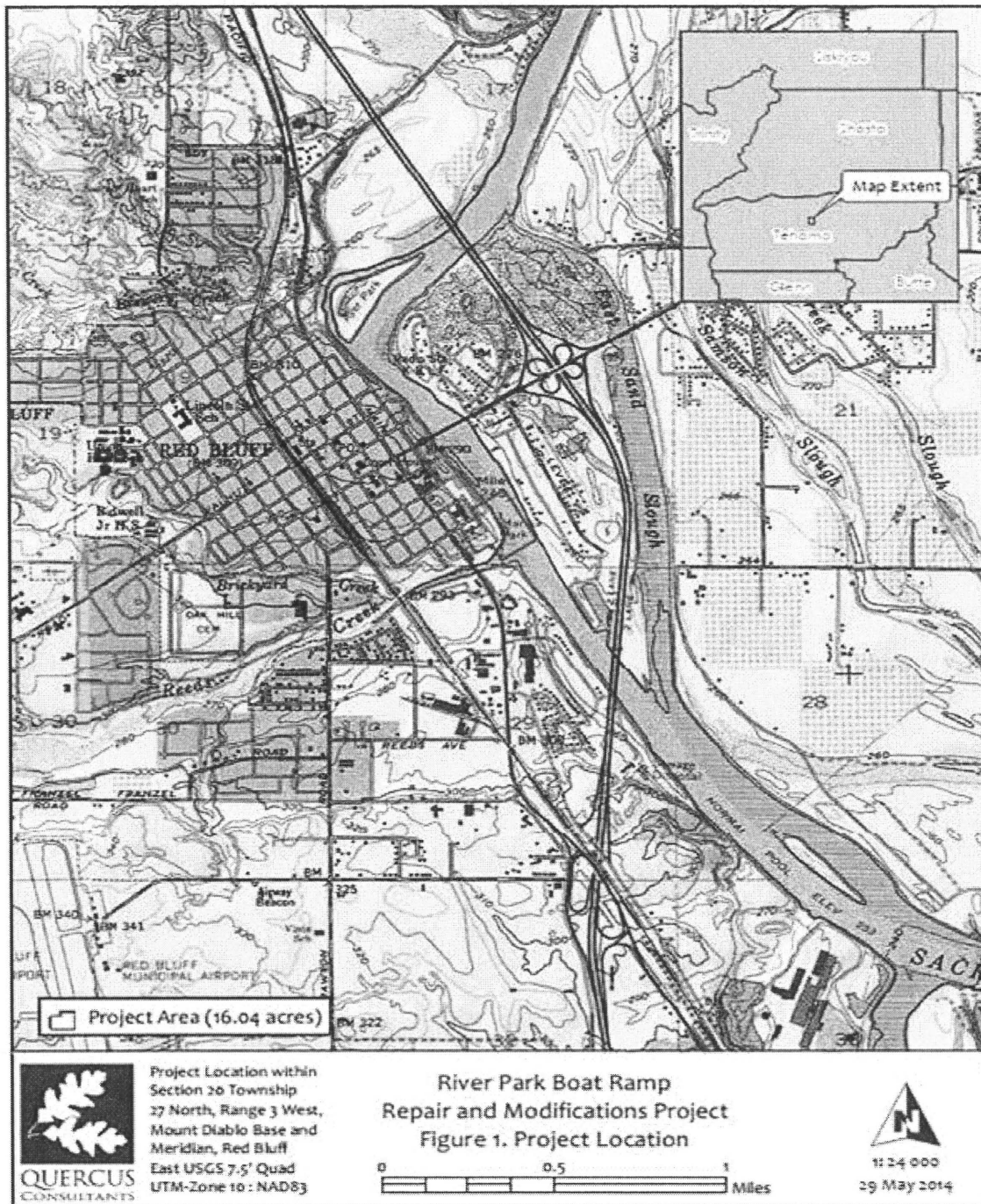
**ACKNOWLEDGMENT**

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: 5-21-2020

Printed Name: Richard Crabtree Title: City Manager  
City Attorney  
Principal Officer

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**Attachment 1**

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
MITIGATION MONITORING AND REPORTING PROGRAM  
CALIFORNIA ENDANGERED SPECIES ACT**

**INCIDENTAL TAKE PERMIT NO. 2081-2019-058-01**

**PERMITTEE: City of Red Bluff**

**PROJECT: Red Bluff Riverfront Park Boat Ramp – Phase 2**

**PURPOSE OF THE MMRP**

The purpose of the Mitigation Monitoring and Reporting Program (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
<b>BEFORE DISTURBING SOIL OR VEGETATION</b>					
1	<u>Designated Representative</u> . 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 # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist</u> . 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 and natural history 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 # 6.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	<u>Education Program</u> . 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 the 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.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	<u>Trash Abatement</u> . Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 6.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
5	<u>Dust Control</u> . Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 6.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	<u>Delineation of Property Boundaries</u> . Before starting Covered Activities, 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.	ITP Condition # 6.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
7	<u>Delineation of Habitat</u> . Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 6.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	<u>Notification Before Commencement</u> . 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 # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	<u>Habitat Protection</u> . Permittee shall purchase 1.2 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition 9.2). Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of the ITP if Security is provided pursuant to Condition 10 below for all uncompleted obligations.	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
10	<u>Cost Estimates</u> . CDFW has estimated the cost of acquisition, protection, and perpetual management of 1.2 acres of salmonid and riverine riparian compensatory habitat as follows: i) Land acquisition costs for salmonid and riverine riparian compensatory habitat identified in Condition of Approval 9.2 below, estimated at \$150,000/acre for 1.2 acres: \$180,000. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements; ii) Permittee has reserved 1.20 acres of salmonid and riverine riparian credits by placing a deposit of \$43,000 on June 14, 2019, at a CDFW-approved mitigation bank. The 1.20 acres will become available upon the completion of the Fourth Release of Credits from the Bank, expected in Spring 2020. Upon release of Credits, the Permittee shall deliver the remaining \$137,000 to Westervelt Ecological Services, LLC. If Credit release is delayed beyond the commencement of Project activities, a Performance Security will be required as identified in Condition of Approval 10.1	ITP Condition # 9.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
11	<u>Covered Species Credits</u> . Permittee shall purchase 1.2 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below.	ITP Condition # 9.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
12	<p><b>Performance Security.</b> 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:</p> <ul style="list-style-type: none"> <li>b) <b>Security Amount.</b> The Security shall be in the amount of <b>\$180,000</b>. This amount is based on the cost estimates identified in Condition 9.1 above;</li> <li>c) <b>Security Form.</b> The Security shall be in the form of an irrevocable letter of credit (see Attachment 2) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel;</li> <li>d) <b>Security Timeline.</b> The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of the ITP, whichever occurs first;</li> <li>e) <b>Security Holder.</b> The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW;</li> <li>f) <b>Security Transmittal.</b> If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 3) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other;</li> <li>g) <b>Security Drawing.</b> 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 the ITP;</li> <li>h) <b>Security Release.</b> The Security (or any portion of the Security then remaining) shall be released to the Permittee after all secured requirements have been met as evidenced by: <ul style="list-style-type: none"> <li>• Written documentation of the purchase of the salmonid and riverine riparian compensatory habitat; and</li> <li>• Timely submission of all required reports.</li> </ul> </li> </ul> <p>Even if Security is provided, the Permittee must complete the required salmonid and riverine riparian compensatory habitat purchase no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition # 10	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
<b>DURING CONSTRUCTION</b>					
13	<b>Designated Biologist Authority.</b> To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist shall have authority to immediately stop any activity that is not in compliance with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species, or a species not covered by the ITP.	ITP Condition # 6.3	Entire Project	Permittee	
14	<b>Construction Monitoring Notebook.</b> The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of the 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.	ITP Condition # 6.5	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
15	<u>Erosion Control Materials</u> . Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as mono-filament netting (erosion control matting) or similar material, in potential Covered Species' habitat. All erosion control materials shall be 100 percent biodegradable and shall not entrap or harm wildlife.	ITP Condition # 6.8	Entire Project	Permittee	
16	<u>Project Access</u> . Project-related personnel shall access the Project Area using routes identified in the Project Description and Project Plans 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. 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 the ITP, among other reasons, if additional take of Covered Species will occur as a result of Project modification.	ITP Condition # 6.11	Entire Project	Permittee	
17	<u>Staging Areas</u> . Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for in Condition 6.11 of the ITP.	ITP Condition # 6.12	Entire Project	Permittee	
18	<u>Hazardous Waste</u> . Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 6.13	Entire Project	Permittee	
19	<u>CDFW Access</u> . 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 the ITP.	ITP Condition # 6.14	Entire Project	Permittee	
20	<u>Notification of Non-compliance</u> . 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 the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 7.2	Entire Project	Permittee	
21	<u>Compliance Monitoring</u> . The Designated Biologist shall be on-site daily when Covered Activities occur. 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 the 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 and their sign, survey results, and monitoring activities required by the ITP.	ITP Condition # 7.3	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
22	<u>Monthly Compliance Report.</u> The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition 7.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to CDFW offices listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Representative is Kristin Hubbard (kristin.hubbard@wildlife.ca.gov) 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 # 7.4	Entire Project	Permittee	
23	<u>Annual Status Report.</u> Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition 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 this MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.	ITP Condition # 7.5	Entire Project	Permittee	
24	<u>CNDDB Observations.</u> The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 7.6	Entire Project	Permittee	
25	<u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist if a Covered Species is killed or taken 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 (530) 225-2138. The initial notification to CDFW shall include information regarding the location, species, number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 7.8	Entire Project	Permittee	
26	<u>Instream Work Period.</u> In-water work shall be limited to the period of November 1 through February 15, during low flow conditions, and will be suspended during storm events.	ITP Condition # 8.1	Entire Project	Permittee	
27	<u>Work During Daylight Hours.</u> All construction activities associated with construction of the new boat ramp, access road, parking area, and maneuver area shall be conducted during daylight hours.	ITP Condition # 8.2	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
28	<u>Fish Passage Through Worksite.</u> Adequate fish passage within the Sacramento River surrounding the Project site shall be maintained at all times. Unless otherwise directed by CDFW, velocities shall be suitable to allow efficient and safe passage of all aquatic organisms and life stages.	ITP Condition # 8.3	Entire Project	Permittee	
29	<u>Monitoring of Turbidity Curtain.</u> During utilization, the turbidity curtain shall be inspected on a regular basis and shall be removed in advance of storm events to avoid risk of damage or loss of the turbidity curtain. Inspection shall ensure that the curtain is properly anchored and turbid water is not escaping. The turbidity curtain shall be maintained throughout the excavation, rock placement, and ramp construction phases of the project to ensure proper function.	ITP Condition # 8.4	Entire Project	Permittee	
30	<u>Rock Slope Protection.</u> Un-grouted rock slope protection (RSP) and energy dissipater materials shall consist of clean rock, competent for the application, sized and properly installed to resist washout. RSP slopes shall be supported with competent boulders keyed into a footing trench with a depth sufficient to properly seat the footing course boulders and prevent instability (typically at least 1/3 diameter of footing course boulders).	ITP Condition # 8.6	Entire Project	Permittee	
31	<u>Gravels Used as Fill Material.</u> In the event that importation of gravel is necessary, only clean, washed alluvial gravels may be used as fill material along the banks of the stream or placed within the stream channel. Permittee shall remove all silt laden gravels from the Project area upon completion of the Project. They shall not be placed where they may enter any waters of the State.	ITP Condition # 8.7	Entire Project	Permittee	
32	<u>Concrete – Primary Containment.</u> The Permittee shall install the necessary containment structures to control the placement of wet concrete and to prevent it from entering into the channel outside of those structures. No concrete shall be poured within the ordinary high-water mark (OHWM) if the 15-day weather forecast indicates any chance of rain greater than 30 percent without written approval from CDFW.	ITP Condition # 8.8	Entire Project	Permittee	
33	<u>Concrete – Designated Monitor.</u> At all times when the Permittee is pouring or working with wet concrete where it may enter the stream channel there shall be a designated monitor to inspect the containment structures and ensure that no concrete or other debris enters into the channel outside of those structures.	ITP Condition # 8.9	Entire Project	Permittee	
34	<u>Concrete Washout.</u> Concrete washout shall occur in a designated and appropriately prepared area setback at least 100-feet from the riparian area. Washwater and debris shall not be allowed to enter the stream or riparian area. Concrete washout facilities should be inspected daily and after heavy rains to check for leaks, identify if any plastic linings and sidewalls have been damaged by construction activities, and determine whether they have been filled to over 75 percent capacity. When the washout container is filled to over 75 percent of its capacity, the washwater should be vacuumed off or allowed to evaporate to avoid overflows.	ITP Condition # 8.10	Entire Project	Permittee	
35	<u>Exclude Concrete from Flowing Stream.</u> Poured concrete shall be excluded from the wetted channel for a period of 30 days after it is poured. Commercial sealants may be applied to the poured concrete surface where difficulty in excluding water flow for a long period may occur. If sealant is used, water shall be excluded from the site until the sealant is dry.	ITP Condition # 8.11	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
36	<u>Illumination Levels of Riverine Areas.</u> To minimize impacts to juvenile salmonid migration, boat ramp lighting, both temporary and permanent, shall be kept to the absolute minimum necessary to provide safe access. Lighting should only be directed at areas intended for illumination. Lighting reaching the water surface of the Sacramento River immediately below and adjacent to the boat ramp shall be kept as close to 1.0 lux as feasible. Within 45 days of completion of the boat ramp construction, Permittee shall provide CDFW with measurements of lighting intensities at water level, immediately adjacent, and at stations 50 feet, 100 feet, and 200 feet upstream and downstream of the boat launch/dock. If 1.0 lux is substantially exceeded at any of these locations, corrective actions shall be made to the boat ramp lighting to achieve the desired illuminance.	ITP Condition # 8.12	Entire Project	Permittee	
37	<u>Definition of Driving Area.</u> The Project shall include a low-profile rock slope protection border around the approach road, parking area, maneuver area, and boat ramp. The border will be high enough to define the permissible area for driving without affecting hydrology inundating flows.	ITP Condition # 8.13	Entire Project	Permittee	
38	<u>City Ordinance.</u> The City will adopt an ordinance banning parking in the vicinity of City-owned boat parks except in designated parking spots.	ITP Condition # 8.14	Entire Project	Permittee	
39	<u>Signage.</u> The Project will include placing appropriate signage informing visitors of the ban on parking outside of designated areas and designating the two in-channel parking spots as a disabled parking authorized parking zone.	ITP Condition # 8.15	Entire Project	Permittee	
40	<u>Design of Access Route.</u> The access route to the boat ramp shall be designed so that it does not pool water upstream of the road and risk potential stranding of juvenile salmonids. Downstream of the access road shall be monitored to ensure that no scour holes form and pool water capable of stranding juvenile salmonids.	ITP Condition # 8.16	Entire Project	Permittee	
41	<u>Stormwater Pollution Prevention Plan (SWPPP).</u> Permittee shall prepare and implement a SWPPP for the Project. A copy of the SWPPP shall be provided to CDFW prior to the beginning of Project activities.	ITP Condition # 8.17	Entire Project	Permittee	
42	<u>No New Project Phase without Erosion Control.</u> No phase of the Project may be started if that phase and its associated erosion control measures cannot be completed prior to the onset of a storm event if that construction phase may cause the introduction of sediments into the stream. Permittee shall consult 72-hour weather forecasts from the National Weather Service prior to start of any phase of the Project that may result in sediment runoff to the stream. Erosion control measures shall be inspected frequently, to minimize failure, and repairs conducted immediately.	ITP Condition # 8.18	Entire Project	Permittee	
43	<u>Turbidity and Regional Water Board Waste Discharge Requirements.</u> The Permittee or Designated Representative shall monitor instream turbidity levels during project activities and shall adhere to those specifications for turbidity set forth by the Regional Water Quality Control Board's Conditional Waiver of Waste Discharge Requirements issued for this Project.	ITP Condition # 8.19	Entire Project	Permittee	
44	<u>Turbidity/Siltation Activities Halted.</u> Upon Department determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation shall be halted until effective Department approved control devices are installed or abatement procedures are initiated.	ITP Condition # 8.20	Entire Project	Permittee	
<b>POST-CONSTRUCTION</b>					
45	<u>Refuse Removal.</u> 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 # 6.15	Post-construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
46	<u>Removal of Turbidity Curtain</u> . Upon completion of the Project, Permittee shall remove the turbidity curtain in a manner that will not introduce silt into the stream.	ITP Condition # 8.5	Post-construction	Permittee	
47	<u>Final Mitigation Report</u> . 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 this 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 the 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.	ITP Condition # 7.7	Post-construction and after completion of mitigation	Permittee	
48	CDFW accepts the Final Mitigation Report as complete.	ITP Condition # 7.7	Post-construction and after completion of mitigation	CDFW	