



California Department of Fish and Wildlife
Central Region
1234 EAST SHAW AVENUE
FRESNO, CALIFORNIA 93710

California Endangered Species Act
Incidental Take Permit No. 2081-2019-030-04

SAN FELIPE SYSTEM CALAVERAS FAULT LEVEE/ACCESS ROAD REPAIR PROJECT

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

Permittee:	Santa Clara Valley Water District
Principal Officer:	Aaron Baker, Deputy Operating Officer
Contact Person:	Scott Akin, (408) 630-2060
Mailing Address:	5750 Almaden Expressway San Jose, California 95118

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 31, 2021**.

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 6.8 of this ITP.

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

²The 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 San Felipe System Calaveras Fault Levee/Access Road Repair Project (Project) is located within an unincorporated area of San Benito County, California, between the cities of Gilroy and Hollister, approximately 1.2 miles south of California State Highway 152 (Figure 1). The Project is within the San Felipe United States Geological Survey 7.5-minute quadrangle map. The Project work areas will occur within the following Township Range and Sections: N ½ SE ½ Sec. 18, T. 11 S., R. 5 E., MDBM and W ½ SW ¼ Sec. 17, T. 11 S., R. 5 E., MDBM.

Project Description:

The levee/access road and pipeline are part of the Central Valley Project, maintained by the Permittee. The Project is intended to address repeated slope failures due to culvert failures resulting from corrosion, erosion, and/or seismic activity to maintain adequate flow through these culverts and prevent degradation of the levee/access road. The Permittee will replace seven existing 36-inch corrugated steel culverts at seven locations with 36-inch high density polyethylene (HDPE) pipe culverts that will be between 50 and 60 feet long. Prior to construction, Permittee's land surveying unit will take elevation shots of the existing culvert elevations. During construction, a grade checker will be in the field to verify that the crew are at the same elevation and have the same slope. Following replacement, crews will backfill over the new culvert using a mixture consisting of 6-inch Class II road base with 3-inch topping stone. The backfill will be compacted using a vibratory tamper to match the existing levee/access road toe, slope, and elevation. Table 1 below and Figures 2 and 3 describe this work. Work will be completed from the levee/access road and will include:

- Replacement of seven culverts and repair of associated energy dissipation structures;
- Repair of energy dissipation structures around the northern outlets of four existing culverts;
- Replacement of the apron around both outlets of one existing culvert; and
- Repositioning telemetry cable, and insertion of new splice boxes as needed, beneath the levee/access road.

Table 1: Project Description Summary

Culvert #	Location	Activity	Approximate Fill Volume
#0	STA 80+66	Replace culvert and repair dissipation structures	<ul style="list-style-type: none"> • Culvert and apron replacement – 225 cu-yd • Energy dissipation structures – 80 cu-yd
#1	STA 81+14	Replace culvert and repair dissipation structures	<ul style="list-style-type: none"> • Culvert and apron replacement – 225 cu-yd • Energy dissipation structures – 80 cu-yd

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Culvert #	Location	Activity	Approximate Fill Volume
#2	STA 81+65	Replace culvert and repair dissipation structures	<ul style="list-style-type: none"> • Culvert and apron replacement – 225 cu-yd • Energy dissipation structures – 80 cu-yd
#3	STA 82+12	Replace culvert and repair dissipation structures	<ul style="list-style-type: none"> • Culvert and apron replacement – 225 cu-yd • Energy dissipation structures – 80 cu-yd
#4	STA 82+63	Replace culvert and repair dissipation structures	<ul style="list-style-type: none"> • Culvert and apron replacement – 225 cu-yd • Energy dissipation structures – 80 cu-yd
#5	STA 83+13	Replace culvert and repair dissipation structures	<ul style="list-style-type: none"> • Culvert and apron replacement – 225 cu-yd • Energy dissipation structures – 80 cu-yd
#6	STA 83+62	Replace culvert and repair dissipation structures	<ul style="list-style-type: none"> • Culvert and apron replacement – 225 cu-yd • Energy dissipation structures – 80 cu-yd
#7	STA 84+16	Replace apron only	<ul style="list-style-type: none"> • N/A – use existing material
#8	STA 84+61	Repair energy dissipation structure around northern outlet	<ul style="list-style-type: none"> • Energy dissipation structure (north side only) – 40 cu-yd
#9	STA 85+09	Repair energy dissipation structure around northern outlet	<ul style="list-style-type: none"> • Energy dissipation structure (north side only) – 40 cu-yd
#10	STA 85+58	Repair energy dissipation structure around northern outlet	<ul style="list-style-type: none"> • Energy dissipation structure (north side only) – 40 cu-yd
#11	STA 86+08	No action	N/A
#12	STA 86+52	Repair energy dissipation structure around northern outlet	<ul style="list-style-type: none"> • Energy Dissipation Structure (north side only) – 40 cu-yd

Under the Project, up to 225 cubic-yards (cu-yd) of road base, soil, and armor stone will be excavated during replacement of each of the seven culverts. Where culverts are to be replaced, dewatering may be required to remove standing water in the culvert, drain potholes located at the culvert inlets and outlets, or to remove water from replacement culverts. If

dewatering is required, a sump area will be prepared, one or more 4-inch gasoline pump(s) will be placed on the road within a spill containment berm, and water will be pumped out of the work area. Hose discharges will be fitted with energy dissipation devices and monitored. New culverts will be installed along the alignment of the existing culverts.

Repair of each of the eighteen energy dissipation structures will require the removal of any existing energy dissipation materials and replacement with 40 cu-yd of native materials, gravel, and ½ ton rock at each location. A mixture of gravel, ¼ ton rock, ½ ton rock, and native material will be used at the energy dissipation structures. The larger rock provides the needed weight and surface area for erosion protection, while the smaller gravel and native material will fill any voids and lock the rock together once compacted. The energy dissipation structures will prevent scouring and the formation of water pools at the base of the culverts.

All work is scheduled to occur during the dry season to avoid impacts to aquatic species or habitat. Work on upland areas will be completed first if there is water present in the slough area, where only the energy dissipation structures are to be repaired. Waters pumped from the slough will be returned to the channel on the north side of the levee/access to allow continued flow at a rate estimated to be about 5 to 10 gallons per minute.

Coffer dams are not anticipated to be necessary for possible dewatering activities because water levels typically draw down during the dry season. If water remains at the work area, it is generally contained entirely within potholes at the culvert inlets/outlets with no surface flow connection. If flows are present or water extends beyond the potholes, a coffer dam and silt fence will be installed to isolate and dewater the work area. If water is within a replacement culvert, water will be pumped out and discharged to uplands.

Coarse-grained base and geofabric will be placed at the work sites if the substrate remained saturated during excavation work.

Staging and Access:

The pasture south of the levee/access road west of Tequisquita Slough and a disked agricultural field west/northwest of Lake Road will serve as a temporary construction staging, stockpiling, and refueling areas. The primary access route during construction is over an existing access road at the end of Lake Road, southwest of the Project area, that continues east through the Project and terminates immediately west of Pacheco Creek. Access to the Project area is limited to authorized personnel by locked gates, one on Lake Road and another at the intersection of the northwest terminus of Lake Road and the Project access road. Construction will be performed from the top of the levee/access road and activities will be limited to twelve work areas along the levee/access road (i.e., seven culvert replacements, repair of energy dissipation structures at these seven culverts and the northern outlets of four other culverts, and culvert apron replacement) and the two staging areas.

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Material/Equipment:

New culverts and the new apron will be made of corrosion resistant HDPE. Armor stone and soil excavated from the levee/access road will be segregated and temporarily stockpiled in the staging areas. Materials will be re-used, if possible, when reconstructing the levee/access road. Backfill material will include 6-inch Class II road base with 3-inch topping stone. New energy dissipation mechanisms will consist of native materials, gravel, and ½ ton rock. Temporary cofferdams will consist of sandbag fill.

Principal equipment will include a dump truck, excavator, wheel loader, multiple skip loaders, a vibratory tamper, pumps (as applicable), and a crew truck.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

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

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

Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include excavation; heavy equipment staging; stockpiling of soils; materials transport, laydown, and storage; trench digging and backfilling to install culverts; coffer dam installation, and capture and relocation of Covered Species as required in this ITP (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 vehicle/equipment strikes during site preparation and hauling of materials and spoils; collapse or excavation of occupied burrows that results in crushing or suffocation of underground individuals during vegetation removal, excavation, compaction, and trenching; entombment of individuals from deposition of stockpiled material or spoils over occupied burrows and during vegetation removal, top soil, or soil compaction; entrapment and desiccation within trenches; and burial within trenches for culverts, open pipelines, or uncovered excavations; crushing by equipment; and vehicle strikes on access roads due to increased Project-related traffic. 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 in the form of pursue, catch, capture, or attempt to

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

do so through the capture or entrapment in holes or trenches, and when individuals are relocated out of harm's way for mortality reduction as required by this ITP.

The Project is expected to cause the permanent loss of 0.168 acres of upland habitat for the Covered Species, and temporary loss of 0.74 acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from compacting and capture and relocation, and long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation. The areas where authorized take of the Covered Species is expected to occur include the staging areas, access and levee roads, and culvert replacement, apron replacement, and energy dissipater sites (collectively, Project Area).

Incidental Take Authorization of Covered Species:

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

Conditions of Approval:

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for 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 Environmental Impact Report (SCH No.: 2005101047) certified by the Santa Clara Valley Water District on November 15, 2007, as lead agency for the Project pursuant to the California Environmental Quality Act (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 related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. 1600-2019-0160-R4 for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.

4. ITP Time Frame Compliance: Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

5. General Provisions:

- 5.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 5.2. Designated Biologist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed. Permittee has the option of utilizing a Designated Monitor to assist the Designated Biologist in compliance monitoring under direction/supervision of the Designated Biologist. If Permittee chooses to utilize a Designated Monitor, the Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, contact information, and references of the proposed Designated Monitor. Designated Monitors assist the Designated Biologist as specified in advance and approved in writing by CDFW. Designated Monitors and their activities shall be approved in advance and in writing by CDFW. No agreement/contract between the Permittee, its contractors, and/or the Designated Biologist and/or Designated Monitor shall prohibit open communication with CDFW.

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- 5.3. Designated Biologist/Designated Monitor Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist and Designated Monitor 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.
- 5.4. 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.
- 5.5. 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.
- 5.6. 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.
- 5.7. 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.

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- 5.8. 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.
- 5.9. Delineation of Property Boundaries. Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Work Area with fencing, stakes, or flags. A Work Area is defined as the discrete zone(s) within the Project Site where Covered Activities will actively occur. 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 each Work Area.
- 5.10. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 5.11. Project Access. Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 5.12. 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 5.11 of this ITP.
- 5.13. 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

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and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off site.

- 5.14. 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.
- 5.15. 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.

6. Monitoring, Notification and Reporting Provisions:

- 6.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 6.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 6.3. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities 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. The Designated Biologist(s) and/or Biological Monitor(s) shall conduct compliance inspections a minimum of once per week during periods of inactivity and after clearing, grubbing, and grading are completed.

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- 6.4. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.3 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 on the 15th of each month, to CDFW's Regional Office, and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Office email is R4CESA@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.
- 6.5. Annual Status Report. If the Project continues beyond 2020, the Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31, 2020. The ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.4; (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 since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 6.6. Covered Species Mortality Reduction and Relocation Plan. The Designated Biologist shall prepare a Covered Species Mortality Reduction and Relocation Plan (Mortality Reduction and Relocation Plan) and submit it to CDFW for approval prior to the beginning of Covered Activities. The Mortality Reduction and Relocation Plan shall include, but not be limited to, a discussion (and map) of the portion of the Project Area which represents potential upland habitat; the area within 1.3 miles of known or potential breeding habitat for the Covered Species; an identification of survey, capture, handling, and relocation methods; identification of relocation areas; and identification of a wildlife rehabilitation center or veterinary facility and submit it to CDFW for written approval prior to the start of Covered Activities. Covered Activities within the Project Area may not proceed until the Mortality Reduction and Relocation Plan is approved in writing by CDFW. Designated Monitors are prohibited from capturing and handling the

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Covered Species unless approved in writing by CDFW and under the direct supervision of the Designated Biologist(s).

- 6.7. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 6.8. 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.
- 6.9. 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 (559) 243-4005. 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.
- 6.10. Notification of Relocated Covered Species. The Designated Biologist or Designated Representative shall notify CDFW if any Covered Species are relocated pursuant to the Mortality Reduction and Relocation Plan and/or per Condition of Approval 6.6 above. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of Covered Species taken or injured

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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. For relocated animals, the report shall include photos and information regarding the size, weight, life history stage, location of release and any other details required by the Mortality Reduction and Relocation Plan.

7. Take Minimization Measures:

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

- 7.1. Delineation of Ingress and Egress Routes. All access roads shall be flagged in the field from the paved road and vehicle operation shall be limited by the Permittee to these designated ingress and egress routes.
- 7.2. Work Hours. Permittee shall confine all construction to daylight hours (sunrise to sunset).
- 7.3. Pre-Activity Clearance Surveys. No more than 14 days prior to starting ground-disturbing Covered Activities in each Work Area, the Designated Biologist shall survey any portions of the Work Area for Covered Species. These surveys shall provide 100 percent visual coverage of the Work Area and a 50-foot buffer zone. If any life stages (adults, eggs, or larvae) of the Covered Species are found, the Designated Biologist(s) shall relocate them from the Work Area in accordance with the CDFW-approved Mortality Reduction and Relocation Plan prepared in accordance with Condition of Approval 6.6 above. The Permittee shall provide the survey results to CDFW in a written report no more than two days after performing pre-construction surveys.
- 7.4. Flag Burrows. The Designated Biologist(s) shall flag all potential small mammal burrows identified during the Pre-Activity Clearance Survey (Condition of Approval 7.3) within any Work Area and its 50-foot buffer. After flagging is complete, the Designated Biologist(s) shall map all flagged burrows.
- 7.5. Small Mammal Burrow Surveys and Excavation. The small mammal burrows flagged within the Work Area and burrows that cannot be completely avoided by equipment and vehicles within the 50-foot buffer per Condition of Approval 7.4 shall be fully excavated by the Designated Biologist(s). The Designated Biologist(s) shall relocate any live Covered Species discovered during burrow excavation in accordance with the CDFW-approved Covered Species Mortality

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Reduction and Relocation Plan required in Condition of Approval 6.6 above. Excavation shall occur no more than 14 days after the completion of the Pre-Activity Clearance Surveys as described in Condition of Approval 7.3 above. The Designated Biologist(s) shall include the locations of all mammal burrow excavations on the burrow map as required in Condition of Approval 7.4 above. The burrow map(s) shall be submitted with the Monthly Compliance Report in accordance with Condition of Approval 6.4

- 7.6. Covered Species Exclusion Fencing. Exclusion fencing shall be installed to prevent the Covered Species from moving into the active Work Area(s) prior to any surface disturbance or active use of storage/laydown areas. The Permittee shall submit the exclusion fence design to CDFW for written approval. The Permittee shall also avoid small mammal burrows to the maximum extent possible during the installation of the exclusion fencing. Permittee shall install temporary exclusion fencing in accordance with the CDFW approved fence design and only in the particular Work Area where Covered Activities are planned to occur in the immediate future. For example, temporary fencing shall not be installed simultaneously at all Work Areas and shall be removed immediately upon completion of Covered Activities in each fenced Work Area. Exclusion fencing shall not be installed along lengthy linear Work Areas (e.g., access roadways) to prevent impacts to Covered Species dispersing through the area during migratory activities.
- 7.7. Exclusion Fencing Installation. The Designated Biologist shall accompany the exclusion fence construction crew(s) to ensure that Covered Species are not killed or injured during fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the active construction period. Permittee shall check the exclusion fence at least once weekly and maintain/repair the fence when necessary. Exclusion fence shall be removed immediately upon completion of Covered Activities in each fenced Work Area.
- 7.8. Record of Handling and Covered Species Reporting. All Covered Species captures, relocations, and observations by the Designated Biologist(s) shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the animal; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDb as per Condition of Approval 6.7. This information should also be included in the Monthly and Final Compliance Reports.

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- 7.9. Fieldwork Code of Practice. To ensure that the Designated Biologist(s) do not convey disease between Work Areas, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 2) shall be followed at all times. The Designated Biologist(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.
- 7.10. Covered Species Observations. During all Covered Activities, all workers shall inform the Designated Biologist(s) if a Covered Species is seen within or near the Project Area. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Work Area of its own accord or the Designated Biologist can relocate the Covered Species following the CDFW-approved Mortality Reduction and Relocation Plan specified in Condition of Approval 6.6 above.
- 7.11. Stockpiles. Permittee shall place soil stockpiles where soil shall not pass into any other "Waters of the State," in accordance with Fish and Game Code section 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion.
- 7.12. Materials Inspection. Workers shall thoroughly inspect for Covered Species in all construction pipe, culverts, or similar structures with a diameter of 7.6 centimeters (3 inches) or greater that are stored for one or more overnight periods before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and allow the animal to safely escape that section of the structure before moving and utilizing the structure. Covered Species may be relocated by the Designated Biologist pursuant to the CDFW-approved Mortality Reduction and Relocation Plan required in Condition of Approval 6.6.
- 7.13. Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside the fenced Work Area, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Mortality Reduction and Relocation Plan required in Condition of Approval 6.6.

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- 7.14. Open Excavation Inspection. The Designated Biologist(s) shall inspect all open holes, sumps, and trenches within the Project Area at the beginning, middle, and end of each day for trapped Covered Species. To prevent inadvertent entrapment of Covered Species, all open trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. The Designated Biologist(s) shall thoroughly inspect all trenches, holes, sumps, and other excavations for Covered Species (or other wildlife) before they are back-filled. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Project-related activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall provide the opportunity for the Covered Species to escape unimpeded out of the Work Area before allowing work to continue. Alternatively, if the Covered Species will not leave the Project Area unimpeded, the Designated Biologist(s) shall capture and relocate the Covered Species as per the CDFW-approved Covered Species Mortality Reduction and Relocation Plan described in Condition of Approval 6.6, after receiving approval from the CDFW Regional Representative. If, at any time, a Covered Species is found incidentally trapped in the Project Area, the Permittee shall contact CDFW's Regional Representative within one (1) working day of the incident.
- 7.15. Rain Forecast. The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area if Covered Activities within Covered Species habitat are scheduled to occur from October 15 through January 15. If a 70 percent or greater chance of rainfall is predicted within 24 hours of Project activity, the Designated Biologist(s) shall survey the Project Area before Covered Activities begin each day rain is forecast in order to capture and relocate Covered Species that are discovered during the surveys. If precipitation begins during Covered Activities, the Designated Biologist(s) shall remain at the Project Area for the duration of the rain event in order for Covered Activities to continue. If rain exceeds ½ inch during a 24-hour period, all Covered Activities shall cease until it is no longer raining, and no further rain is forecast. Covered Activities may continue during rainfall events within Work Areas that have been cleared of Covered Species and enclosed with Covered Species exclusion fencing, in accordance with Conditions of Approval 7.6 and 7.7 above.
- 7.16. Night Work. All Covered Activities shall terminate 30 minutes before sunset and shall not resume until 30 minutes after sunrise except when night work is associated with an emergency response (defined by an imminent threat to life or significant property). Permittee shall ensure that all vehicle traffic necessary during nighttime hours associated with an emergency response shall be conducted with extra caution to minimize impacts to the Covered Species.

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Permittee shall use sunrise and sunset times established by the United States Naval Observatory Astronomical Applications Department for the geographic area where the Project is located.

7.17. Covered Species Injury. Permittee shall bear any costs associated with the care or treatment of Covered Species injured as a result of Project-related activities. Permittee shall identify a CDFW-approved wildlife rehabilitation or veterinary facility or other qualified individual before starting Covered Activities to bring such injured Covered Species for care or treatment. Live injured Covered Species shall be handled and assessed according to the Restraint and Handling of Live Amphibians (USGS National Wildlife Health Center, 2001). If an injured Covered Species is found during Project construction, the individual shall be evaluated by the Designated Biologist(s) who shall then immediately contact the CDFW Regional Representative, via e-mail and telephone, to discuss the next steps. If the CDFW Regional Representative cannot be contacted immediately, injured Covered Species shall be placed in a shaded container and kept moist, then the following steps shall be taken:

1. If the injury is minor or healing and the Covered Species is likely to survive, the Covered Species shall be released immediately in accordance with the Mortality Reduction and Relocation Plan prepared in accordance with Condition of Approval 6.6. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.9.
2. If it is determined that the Covered Species has major or serious injuries as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility followed by notification as described in Condition of Approval 6.9. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.9.

8. 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.

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To meet this requirement, the Permittee shall purchase 1 acre of Covered Species upland habitat credit from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.1). Purchase of Covered Species credits must be complete before starting Covered Activities.

- 8.1. Covered Species Credits. Permittee shall (1) purchase 1 acre of Covered Species credits from a CDFW-approved mitigation or conservation bank, and (2) provide CDFW with a copy of the mitigation or conservation credit certificate issued by the CDFW-approved mitigation or conservation banks. A copy of the credit certificate shall be kept at the Project site while conducting Covered Activities.

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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SAN FELIPE SYSTEM CALAVERAS FAULT LEVEE/ACCESS ROAD REPAIR PROJECT

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
Post Office Box 944209
Sacramento, California 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 (2081-2019-030-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager
California Department of Fish and Wildlife
Region 4 – Central Region
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4005
Fax (559) 243-4022

and a copy to:

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

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

Craig Bailey, Senior Environmental Scientist (Supervisory)
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4014
Fax (559) 243-3004

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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, Santa Clara Valley Water District. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the San Felipe System Calaveras Fault Levee/Access Road Repair Project, (SCH No.: 2005101047) dated September 2007 that the Santa Clara Valley Water District certified for San Felipe System Calaveras Fault Levee/Access Road Repair Project on November 15, 2007. At the time the lead agency certified the EIR 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 EIR 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 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) credit purchase from a CDFW-approved Conservation Bank; (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

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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 acre 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 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 Site Vicinity Map
FIGURE 2	Project Location
FIGURE 3	Project Detail
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Declining Amphibian Populations Task Force Fieldwork Code of Practice

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SAN FELIPE SYSTEM CALAVERAS FAULT LEVEE/ACCESS ROAD REPAIR PROJECT

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 7/27/2020

DocuSigned by:

Bob Stafford

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for Julie A. Vance, Regional Manager
REGION 4 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

DocuSigned by:

Aaron Baker

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By: _____ Date: 7/28/2020

Printed Name: Aaron Baker Title: Deputy Operating Officer

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Figure 1: Vicinity Map
Santa Clara Valley Water District's San Felipe System:
Calaveras Fault Levee/Access Road Repair Project

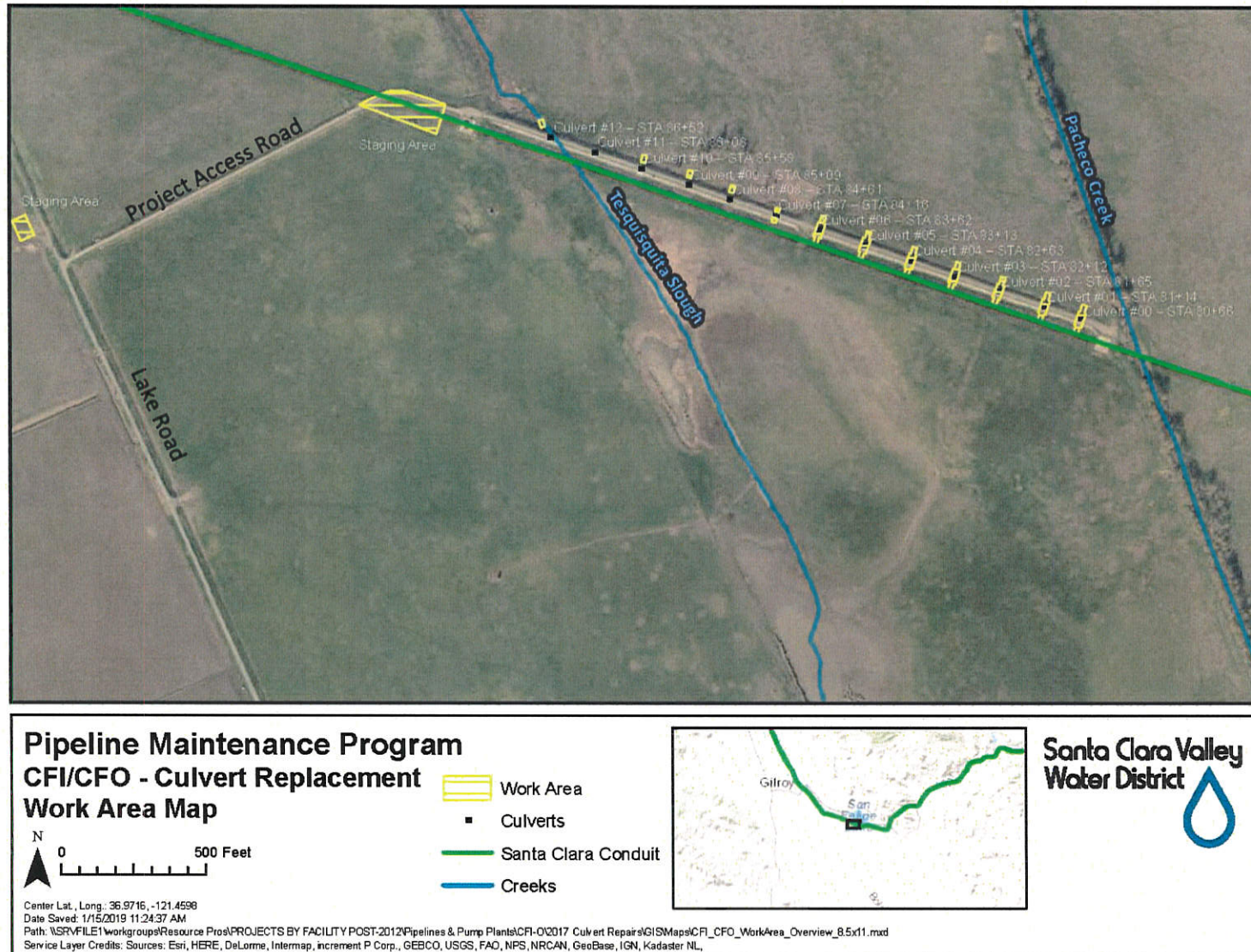


Figure 2. Project Location

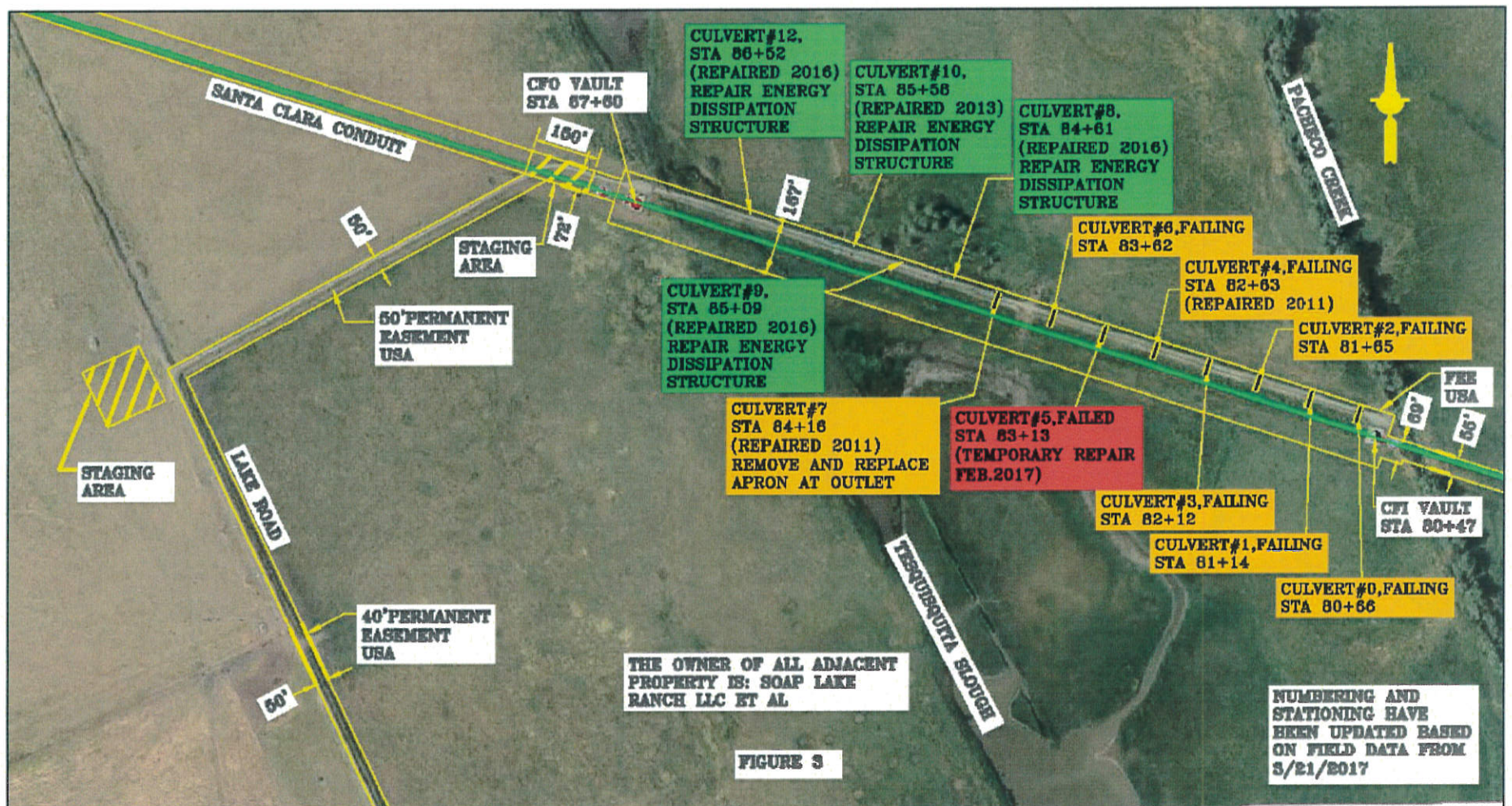


Figure 3. Project Detail

Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2019-030-04

PERMITTEE: Santa Clara Valley Water District

**PROJECT: San Felipe System Calaveras Fault Levee/Access
Road Repair Project**

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	<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 # 5.1	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, 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. Permittee has the option of utilizing a Designated Monitor to assist the Designated Biologist in compliance monitoring under direction/supervision of the Designated Biologist. If Permittee chooses to utilize a Designated Monitor, the Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, contact information, and references of the proposed Designated Monitor. Designated Monitors assist the Designated Biologist as specified in advance and approved in writing by CDFW. Designated Monitors and their activities shall be approved in advance and in writing by CDFW. No agreement/contract between the Permittee, its contractors, and/or the Designated Biologist and/or Designated Monitor shall prohibit open communication with CDFW.	ITP Condition # 5.2	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. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	<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 # 5.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
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 # 5.7	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 Work Area with fencing, stakes, or flags. A Work Area is defined as the discrete zone(s) within the Project Site where Covered Activities will actively occur. 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 each Work Area.	ITP Condition # 5.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
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 # 5.10	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 # 6.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	<u>Habitat Management Land Acquisition</u> . 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 acre of Covered Species upland habitat credit from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.1). Purchase of Covered Species credits must be complete before starting Covered Activities.	ITP Condition # 8	Before commencing ground- or vegetation-disturbing activities	Permittee	
10	<u>Covered Species Credits</u> . Permittee shall (1) purchase 1 acre of Covered Species credits from a CDFW-approved mitigation or conservation bank, and (2) provide CDFW with a copy of the mitigation or conservation credit certificate issued by the CDFW-approved mitigation or conservation banks. A copy of the credit certificate shall be kept at the Project site while conducting Covered Activities.	ITP Condition # 8.1	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<u>Covered Species Mortality Reduction and Relocation Plan</u> . The Designated Biologist shall prepare a Covered Species Mortality Reduction and Relocation Plan (Mortality Reduction and Relocation Plan) and submit it to CDFW for approval prior to the beginning of Covered Activities. The Mortality Reduction and Relocation Plan shall include, but not be limited to, a discussion (and map) of the portion of the Project Area which represents potential upland habitat; the area within 1.3 miles of known or potential breeding habitat for the Covered Species; an identification of survey, capture, handling, and relocation methods; identification of relocation areas; and identification of a wildlife rehabilitation center or veterinary facility and submit it to CDFW for written approval prior to the start of Covered Activities. Covered Activities within the Project Area may not proceed until the Mortality Reduction and Relocation Plan is approved in writing by CDFW. Designated Monitors are prohibited from capturing and handling the Covered Species unless approved in writing by CDFW and under the direct supervision of the Designated Biologist(s).	ITP Condition # 6.6	Before commencing ground- or vegetation-disturbing activities	Permittee	
12	<u>Delineation of Ingress and Egress Routes</u> . All access roads shall be flagged in the field from the paved road and vehicle operation shall be limited by the Permittee to these designated ingress and egress routes.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
13	<u>Pre-Activity Clearance Surveys</u> . No more than 14 days prior to starting ground-disturbing Covered Activities in each Work Area, the Designated Biologist shall survey any portions of the Work Area for Covered Species. These surveys shall provide 100 percent visual coverage of the Work Area and a 50-foot buffer zone. If any life stages (adults, eggs, or larvae) of the Covered Species are found, the Designated Biologist(s) shall relocate them from the Work Area in accordance with the CDFW-approved Mortality Reduction and Relocation Plan prepared in accordance with Condition of Approval 6.6. The Permittee shall provide the survey results to CDFW in a written report no more than two days after performing pre-construction surveys.	ITP Condition # 7.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
14	<u>Flag Burrows</u> . The Designated Biologist(s) shall flag all potential small mammal burrows identified during the Pre-Activity Clearance Survey (Condition of Approval 7.3) within any Work Area and its 50-foot buffer. After flagging is complete, the Designated Biologist(s) shall map all flagged burrows.	ITP Condition # 7.4	Before commencing ground- or vegetation-disturbing activities	Permittee	
15	<u>Small Mammal Burrow Surveys and Excavation</u> . The small mammal burrows flagged within the Work Area and burrows that cannot be completely avoided by equipment and vehicles within the 50-foot buffer per Condition of Approval 7.4 shall be fully excavated by the Designated Biologist(s). The Designated Biologist(s) shall relocate any live Covered Species discovered during burrow excavation in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 6.6. Excavation shall occur no more than 14 days after the completion of the Pre-Activity Clearance Surveys as described in Condition of Approval 7.3. The Designated Biologist(s) shall include the locations of all mammal burrow excavations on the burrow map as required in Condition of Approval 7.4. The burrow map(s) shall be submitted with the Monthly Compliance Report in accordance with Condition of Approval 6.4.	ITP Condition # 7.5	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
16	<u>Covered Species Exclusion Fencing</u> . Exclusion fencing shall be installed to prevent the Covered Species from moving into the active Work Area(s) prior to any surface disturbance or active use of storage/laydown areas. The Permittee shall submit the exclusion fence design to CDFW for written approval. The Permittee shall also avoid small mammal burrows to the maximum extent possible during the installation of the exclusion fencing. Permittee shall install temporary exclusion fencing in accordance with the CDFW approved fence design and only in the particular Work Area where Covered Activities are planned to occur in the immediate future. For example, temporary fencing shall not be installed simultaneously at all Work Areas and shall be removed immediately upon completion of Covered Activities in each fenced Work Area. Exclusion fencing shall not be installed along lengthy linear Work Areas (e.g., access roadways) to prevent impacts to Covered Species dispersing through the area during migratory activities.	ITP Condition # 7.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
17	<u>Exclusion Fencing Installation</u> . The Designated Biologist shall accompany the exclusion fence construction crew(s) to ensure that Covered Species are not killed or injured during fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the active construction period. Permittee shall check the exclusion fence at least once weekly and maintain/repair the fence when necessary. Exclusion fence shall be removed immediately upon completion of Covered Activities in each fenced Work Area.	ITP Condition # 7.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
18	<u>Fieldwork Code of Practice</u> . To ensure that the Designated Biologist(s) do not convey disease between Work Areas, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 2) shall be followed at all times. The Designated Biologist(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.	ITP Condition # 7.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
DURING CONSTRUCTION					
19	<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. The Designated Biologist(s) and/or Biological Monitor(s) shall conduct compliance inspections a minimum of once per week during periods of inactivity and after clearing, grubbing, and grading are completed.	ITP Condition # 6.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
20	<u>Monthly Compliance Report</u> . The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.3 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 the CDFW offices listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative on the 15th of each month, to CDFW's Regional Office, and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Office email is R4CESA@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 # 6.4	Entire Project	Permittee	
21	<u>Annual Status Report</u> . If the Project continues beyond 2020, the Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31, 2020. The ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.4; (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 since ITP issuance; and (7) information about other Project impacts on the Covered Species.	ITP Condition # 6.5	Entire Project	Permittee	
22	<u>CNDDDB Observations</u> . The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 6.7	Entire Project	Permittee	
23	<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 # 6.2	Entire Project	Permittee	
24	<u>Construction Monitoring Notebook</u> . 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 # 5.5	Entire Project	Permittee	
25	<u>Erosion Control Materials</u> . 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.	ITP Condition # 5.8	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
26	<u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 5.11	Entire Project	Permittee	
27	<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 as described in Condition of Approval 5.11 of the ITP.	ITP Condition # 5.12	Entire Project	Permittee	
28	<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 # 5.13	Entire Project	Permittee	
29	<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 # 5.14	Entire Project	Permittee	
30	<u>Notification of Take or Injury.</u> 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 (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 6.9	Entire Project	Permittee	
31	<u>Notification of Relocated Covered Species.</u> The Designated Biologist or Designated Representative shall notify CDFW if any Covered Species are relocated pursuant to the Mortality Reduction and Relocation Plan and/or per Condition of Approval 6.6. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of Covered Species 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. For relocated animals, the report shall include photos and information regarding the size, weight, life history stage, location of release and any other details required by the Mortality Reduction and Relocation Plan.	ITP Condition # 6.10	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
32	<u>Work Hours</u> . Permittee shall confine all construction to daylight hours (sunrise to sunset).	ITP Condition # 7.2	Entire Project	Permittee	
33	<u>Record of Handling and Covered Species Reporting</u> . All Covered Species captures, relocations, and observations by the Designated Biologist(s) shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the animal; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDDB as per Condition of Approval 6.7. This information should also be included in the Monthly and Final Compliance Reports.	ITP Condition # 7.8	Entire Project	Permittee	
34	<u>Covered Species Observations</u> . During all Covered Activities, all workers shall inform the Designated Biologist(s) if a Covered Species is seen within or near the Project Area. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Work Area of its own accord or the Designated Biologist can relocate the Covered Species following the CDFW-approved Mortality Reduction and Relocation Plan specified in Condition of Approval 6.6.	ITP Condition # 7.10	Entire Project	Permittee	
35	<u>Stockpiles</u> . Permittee shall place soil stockpiles where soil shall not pass into any other "Waters of the State," in accordance with Fish and Game Code section 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion.	ITP Condition # 7.11	Entire Project	Permittee	
36	<u>Materials Inspection</u> . Workers shall thoroughly inspect for Covered Species in all construction pipe, culverts, or similar structures with a diameter of 7.6 centimeters (3 inches) or greater that are stored for one or more overnight periods before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and allow the animal to safely escape that section of the structure before moving and utilizing the structure. Covered Species may be relocated by the Designated Biologist pursuant to the CDFW-approved Mortality Reduction and Relocation Plan required in Condition of Approval 6.6.	ITP Condition # 7.12	Entire Project	Permittee	
37	<u>Equipment Inspection</u> . Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside the fenced Work Area, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Mortality Reduction and Relocation Plan required in Condition of Approval 6.6.	ITP Condition # 7.13	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
38	<u>Open Excavation Inspection.</u> The Designated Biologist(s) shall inspect all open holes, sumps, and trenches within the Project Area at the beginning, middle, and end of each day for trapped Covered Species. To prevent inadvertent entrapment of Covered Species, all open trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. The Designated Biologist(s) shall thoroughly inspect all trenches, holes, sumps, and other excavations for Covered Species (or other wildlife) before they are back-filled. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Project-related activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall provide the opportunity for the Covered Species to escape unimpeded out of the Work Area before allowing work to continue. Alternatively, if the Covered Species will not leave the Project Area unimpeded, the Designated Biologist(s) shall capture and relocate the Covered Species as per the CDFW-approved Covered Species Mortality Reduction and Relocation Plan described in Condition of Approval 6.6, after receiving approval from the CDFW Regional Representative. If, at any time, a Covered Species is found incidentally trapped in the Project Area, the Permittee shall contact CDFW's Regional Representative within one (1) working day of the incident.	ITP Condition # 7.14	Entire Project	Permittee	
39	<u>Rain Forecast.</u> The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area if Covered Activities within Covered Species habitat are scheduled to occur from October 15 through January 15. If a 70 percent or greater chance of rainfall is predicted within 24 hours of Project activity, the Designated Biologist(s) shall survey the Project Area before Covered Activities begin each day rain is forecast in order to capture and relocate Covered Species that are discovered during the surveys. If precipitation begins during Covered Activities, the Designated Biologist(s) shall remain at the Project Area for the duration of the rain event in order for Covered Activities to continue. If rain exceeds ½ inch during a 24-hour period, all Covered Activities shall cease until it is no longer raining, and no further rain is forecast. Covered Activities may continue during rainfall events within Work Areas that have been cleared of Covered Species and enclosed with Covered Species exclusion fencing, in accordance with Conditions of Approval 7.6 and 7.7.	ITP Condition # 7.15	Entire Project	Permittee	
40	<u>Night Work.</u> All Covered Activities shall terminate 30 minutes before sunset and shall not resume until 30 minutes after sunrise except when night work is associated with an emergency response (defined by an imminent threat to life or significant property). Permittee shall ensure that all vehicle traffic necessary during nighttime hours associated with an emergency response shall be conducted with extra caution to minimize impacts to the Covered Species. Permittee shall use sunrise and sunset times established by the United States Naval Observatory Astronomical Applications Department for the geographic area where the Project is located.	ITP Condition # 7.16	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
41	<p><u>Covered Species Injury</u>. Permittee shall bear any costs associated with the care or treatment of Covered Species injured as a result of Project-related activities. Permittee shall identify a CDFW-approved wildlife rehabilitation or veterinary facility or other qualified individual before starting Covered Activities to bring such injured Covered Species for care or treatment. Live injured Covered Species shall be handled and assessed according to the Restraint and Handling of Live Amphibians (USGS National Wildlife Health Center, 2001). If an injured Covered Species is found during Project construction, the individual shall be evaluated by the Designated Biologist(s) who shall then immediately contact the CDFW Regional Representative, via e-mail and telephone, to discuss the next steps. If the CDFW Regional Representative cannot be contacted immediately, injured Covered Species shall be placed in a shaded container and kept moist, then the following steps shall be taken:</p> <ol style="list-style-type: none"> 1) If the injury is minor or healing and the Covered Species is likely to survive, the Covered Species shall be released immediately in accordance with the Mortality Reduction and Relocation Plan prepared in accordance with Condition of Approval 6.6. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.9. 2) If it is determined that the Covered Species has major or serious injuries as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility followed by notification as described in Condition of Approval 6.9. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.9. 	ITP Condition # 7.17	Entire Project	Permittee	
42	<u>Designated Biologist/Designated Monitor Authority</u> . To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist and Designated Monitor shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.	ITP Condition # 5.3	Entire Project	CDFW	
POST-CONSTRUCTION					
43	<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 # 5.15	Post-construction	Permittee	
44	<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 # 6.8	Post-construction and after completion of mitigation	Permittee	

Attachment 2

The Declining Amphibian Task Force Fieldwork Code of Practice

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

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