



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

California Endangered Species Act
Incidental Take Permit No. 2081-2020-029-02

SPANISH RANCH ROAD BRIDGE REPLACEMENT

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:	Plumas County Department of Public Works
Principal Officer:	Robert A. Perreault, Jr., Director
Contact Person:	Robert Perreault, 530-283-6498
Mailing Address:	1634 East Main Street Quincy, CA 95971

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 June 5, 2025.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 7.7 of this ITP.

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 project is located at Spanish Creek, in the County of Plumas, State of California; Latitude 39.946110°, Longitude -121.053989°; Section 14, Township 24N, Range 8E, U.S. Geological Survey (USGS) map Meadow Valley 7.5 minute quadrangle, MDBM (Figure 1).

Project Description:

The Project is limited to the replacement of an existing bridge over Spanish Creek. The current bridge is an approximately 50-foot-long, single lane bridge with steel stringers and laminated timber deck. The new bridge will occupy the same alignment as the existing structure. The new bridge will be two (2) lanes, approximately 114 feet long and 29 feet wide with metal tube bridge railings mounted on curbs. The bridge will be constructed of precast concrete voided slab elements supported on cast-in-place concrete substructures on driven pile supported foundations. The piles will consist of two (2) abutments and one (1) pier, which will be driven approximately 30 to 60 feet deep.

The existing Spanish Creek banks will be recontoured to improve hydrology and conform to the new bridge abutments. To prevent scouring, rock slope protection will be placed along the channel banks in the recontoured areas adjacent to the new bridge abutments (Figure 2).

Traffic will be routed away from the bridge during construction utilizing an existing low water crossing detour just downstream of the bridge. This crossing will need to be improved to accommodate large gravel trucks and emergency vehicles. The detour roadway through the creek will be constructed with clean gravel and will include temporary culverts to carry any low flow that may occur during construction.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
1. Sierra Nevada yellow-legged frog (<i>Rana sierrae</i>)	Threatened ³
2. Foothill yellow-legged frog (<i>Rana boylei</i>) Feather River Clade	Threatened ⁴

These species and only these species are the “Covered Species” for the purposes of this ITP.

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

⁴See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(3)(J).

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 temporary water diversions and creek dewatering, temporary channel and berm construction, equipment operations, bridge installation, temporary road construction, grading, fence and sign placement, and relocation of Covered Species (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 water diversion and dewatering, relocation of tadpoles and/or adults from stream into temporary channel, potential crushing of individuals during equipment operations and removal and installation of other Project features as described above. 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 during relocation of individual adults and tadpoles outside of the Project location. The areas where authorized take of the Covered Species is expected to occur within and adjacent to the Spanish Creek channel (collectively, the Project Area).

The Project is expected to cause the permanent loss of 0.01 acres of habitat for the Covered Species, and temporary loss of 0.30 acres of habitat for the Covered Species. Permanent impacts would occur as a result of placement of the new bridge piers and rock slope protection. Temporary impacts would occur during temporary dewatering of Spanish Creek within the work area and installation of a temporary detour across the creek. Removal of the existing bridge abutments and recontouring of the channel banks adjacent to the new bridge would result in a post-project net increase of 0.06 acre of suitable breeding and foraging habitats. 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 Covered Activities 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.

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 cause take. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration and Initial Study (SCH No.: 2013092039) adopted by Plumas County on October 31, 2013, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. 1600-2016-0090-R2) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
4. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Biological Opinion for Three Bridge Replacement Project on Spanish Creek, Quincy, California (08ESMF00-2016-F-1498) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
5. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
6. **General Provisions:**
 - 6.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall

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notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.

- 6.2. Designated Biologist.** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least three (3) calendar days before starting Covered Activities. Permittee shall ensure the Designated Biologist is knowledgeable in the biology, has the valid handling authorizations for the Covered Species, is experienced in the natural history, and collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed.
- 6.3. Designated Biologist Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.
- 6.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal 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 every 30 calendar days for permanent employees that will be conducting work in the Project Area.
- 6.5. Construction Monitoring Notebook.** The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which

shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.

- 6.6. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 6.7. 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 10 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 6.8. 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.
- 6.9. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 6.10. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 6.11. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse,

including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

7. Monitoring, Notification and Reporting Provisions:

- 7.1. Notification Before Commencement.** The Designated Representative shall notify CDFW 3 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 7.2. Notification of Non-compliance.** The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 7.3. Compliance Monitoring.** The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.
- 7.4. Monthly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is CESA Desk, (R2CESA@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.

7.5. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.

7.6. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.

7.7. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.

7.8. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (916) 358-2930. The initial notification to CDFW shall include information regarding the location, species, and

number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

- 8. Take Minimization Measures:** The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Area during Covered Activities. Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:
- 8.1. Pre-Construction Surveys.** The Permittee shall ensure a Designated Biologist surveys for Covered Species (including egg masses, tadpoles, sub-adults and adults) prior to stream diversion within a 200-foot radius of the Project Area. The purpose of the survey shall be to determine if and where the Covered Species are breeding in the Project Area. The Designated Biologist shall prepare and submit to the CDFW for review a written report of the survey results three (3) days before beginning work.
- 8.2. Daily Surveys During Construction.** The Permittee shall ensure a Designated Biologist conduct daily surveys for the Covered Species prior to construction where Covered Activities are to take place, and within a 200-foot radius of the Project Area. If the Designated Biologist encounters any Covered Species adults or tadpoles, the Designated Biologist shall relocate the Covered Species, following protocol identified in Condition of Approval 8.6 below.
- 8.3. Covered Species Checks.** Before the start of work each morning, the Designated Biologist shall check for the Covered Species individuals under all vehicles, equipment, materials, or otherwise suitable locations for the Covered Species to hide. Workers shall inspect under vehicles and equipment for the Covered Species before the vehicles and equipment are moved.
- 8.4. Avoid Covered Species Entrapment.** Permittee shall ensure all excavated locations, steep-walled holes, or trenches more than six (6) inches deep are completely covered or one or more escape ramps of earth fill or wooden planks are installed at the end of each workday or 30 minutes prior to sunset, whichever occurs first. All steep-walled holes or trenches will be inspected by the Designated Biologist each morning to ensure that Covered Species, or other wildlife, has not become entrapped. All construction pipes, culverts, similar structures, construction equipment, and construction debris left overnight will be inspected for Covered Species by the Designated Biologist prior to being moved.

8.5. Covered Species Relocation Plan. Permittee shall ensure the Designated Biologist prepares a Relocation Plan (Relocation Plan) for all life stages of the Covered Species. The Relocation Plan shall include the name(s) of the Designated Biologist who will relocate the Covered Species; pre-construction habitat assessment methodology; identification of refuge areas, capture, handling, and relocation methods; a map and description of the relocation area(s) for captured Covered Species, including relative location, quality of habitat, distance to aquatic habitat, and potential barriers for movement; written permission from the landowner to use their land as a relocation site; and identification of a CDFW-approved wildlife rehabilitation center or veterinary facility that routinely evaluates or treats Covered Species. Permittee shall submit the Relocation Plan to CDFW at least 3 days prior to the beginning of any Covered Activities.

8.6. Relocation. If Covered Species are found during Covered Activities, they shall be relocated to suitable habitat outside of the Project limits. The procedure for relocating species shall be consistent with the following protocol: 1) leave the non-injured Covered Species alone or (2) move the Covered Species to a nearby location. These options are described in detail as follows:

8.6.1. Leave Covered Species Alone. When a Covered Species is encountered in the Project Area, the first priority will be to temporally stop activities in the immediate surrounding area that may result in injury, or death of the individual as determined by the Designated Biologist. The Designated Biologist will then assess the situation to select a course of action that will minimize adverse effects to the Covered Species. The Designated Biologist will determine if the appropriate course of action is to avoid contact with the Covered Species and allow it to move out of the hazardous situation on its own volition to a safe location. The Covered Species shall not be moved solely because it is not moving fast enough, or it is inconvenient for the Project schedule. This protocol only applies to situations where a Covered Species is encountered on the move to a location that contains habitat that will not be damaged or destroyed by the Project.

8.6.2. Relocation Methodology. The Designated Biologist will ensure the Relocation Plan described in Condition of Approval 8.5 includes all the necessary components of this Condition of Approval. If the Designated Biologist determines the appropriate course of action to prevent the immediate injury or death of a Covered Species is to move it, it will be captured and moved to a location with suitable habitat that is not proposed for construction, tree or vegetation removal, timber harvest, borrow excavation, or other activities. The relocation shall be along the same waterbody that it was captured and outside

of the 200-foot radius used for daily surveys outline in Conditions of Approval 8.2. The Designated Biologist will monitor the Covered Species for an appropriate period of time to ensure it does not re-enter a work area. If secure suitable habitat is located immediately adjacent to, or close to, where the Covered Species was captured, the preferred action is relocation to that location. A general guidance is the Covered Species shall not be moved outside of the area it would have traveled on its own. The Covered Species shall only be relocated to a property with the landowner's written permission. Only the Designated Biologist may capture and handle Covered Species. Nets or bare hands may be used to capture the Covered Species. Soaps, oils, creams, lotions, repellents, or solvents of any sort shall not be used on hands within two (2) hours before and during periods when the Designated Biologist is capturing and relocating a Covered Species. To avoid transferring disease or pathogens between sites when handling the Covered Species, the Designated Biologist will follow the appropriate recommendations in the Declining Amphibian Population Task Force Fieldwork Code of Practice (<https://www.fws.gov/ventura/docs/species/protocols/DAFTA.pdf>).

- 8.7. Invasive Species.** Permittee shall conduct Project activities in a manner that prevents the introduction, transfer and spread of aquatic, riparian, and terrestrial invasive species from one work site and/or water body to another. Prevention Best Management Practices and guidelines for invasive plants can be found on the California Invasive Plant Council's website at: <http://www.cal-ipc.org/ip/prevention/index.php> and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: <http://www.protectyourwaters.net/>. Permittee shall notify the Department immediately if an invasive species not previously known to occur within the work site is discovered during work activities by contacting the Department's Invasive Species Program by email at Invasives@wildlife.ca.gov.
- 8.8. Gear and Equipment Decontamination.** Prior to entering the stream or initiating any aquatic species removal, all gear and equipment will be decontaminated in a designated location where runoff can be contained and not allowed to pass into water courses and other sensitive habitat areas.
- 8.9. 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.
- 8.10. No Equipment in Flowing Water.** No equipment shall operate, or any excavation take

place, in the portion of the stream where flowing water is present. Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily to prevent leaks of materials that could be deleterious to aquatic and terrestrial life or riparian habitat.

8.11. Covered Species Injury. The Permittee shall immediately notify the Designated Biologist if a Covered Species is injured or killed 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 shall immediately take the injured Covered Species to a CDFW-approved wildlife rehabilitation or veterinary facility (identified in Condition of Approval 8.5. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Designated Biologist shall provide initial notification to CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is R2CESA@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured, the name of the facility where the animal was taken, and reference ITP# 2081-2020-029-02. Following initial notification, Permittee shall send CDFW a written report within two (2) 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.

9. Habitat Restoration and Enhancement:

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.

9.1. Cost Estimates. Restoration and enhancement of Covered Species habitat as described in Condition of Approval 9.2 is estimated at **\$13,392.00** (Attachment 4).

9.2. Habitat Restoration and Enhancement. Permittee shall restore and enhance 0.33 acres of Covered Species habitat within the Project Area. Within 90 days of issuance of this ITP, the Permittee shall prepare a Habitat Restoration and Enhancement Plan and submit that plan to CDFW for approval. The Plan shall include detailed specifications for restoring and enhancing the Project area, such as planting methods

or seed mixes and application methods, invasive species removal, and cobble bar construction. The Plan shall also indicate the best time of year for planting or seeding to occur. Plantings shall include regular watering or contingency planting as appropriate to ensure success criteria is met. The plan shall ensure enhancement of impacted habitat and include use of a local California native plant palette, success criteria, and corrective actions to be taken if success criteria is not met.

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

10.1. Security Amount. The Security shall be in the amount of **\$13,392.00**. (Attachment 4) This amount is based on the cost estimates identified in Condition of Approval 9.1 above.

10.2. Security Form. The Security shall be in the form of an Escrow Agreement (see Attachment 2) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.

10.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.

10.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.

10.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 3) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.

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

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

- Restoration Plan compliance;
- Timely submission of all required reports.

Even if Security is provided, the Permittee must submit the Restoration and Enhancement Plan required in Condition 9.1 no later than 90 days from the effective date of the ITP and finish implementation of the Restoration and Enhancement Plan within 5 years of beginning restoration activities. CDFW may require the Permittee to provide additional mitigation and/or additional funding after the Restoration and Enhancement Plan is reviewed, to ensure the impacts of the taking are minimized and fully mitigated, as required by law.

Amendment:

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

Stop-Work Order:

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

Compliance with Other Laws:

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

Notices:

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

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program

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SPANISH RANCH ROAD BRIDGE REPLACEMENT

Post Office Box 944209
Sacramento, CA 94244-2090

Alternatively, the Permittee shall email the digitally signed ITP to CESA@wildlife.ca.gov.

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or 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 (2081-2020-029-02) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

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

and a copy to:

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

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

Region 2, CESA Desk
California Department of Fish and Wildlife
1701 Nimbus Road
Rancho Cordova, CA 95670
Telephone (916) 358-2930
Fax (916) 358-2912

Incidental Take Permit
No. 2081-2020-029-02
PLUMAS COUNTY DEPARTMENT OF PUBLIC WORKS
SPANISH RANCH ROAD BRIDGE REPLACEMENT

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, Plumas County (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Spanish Ranch Road Bridge (No. 9C-0039) Replacement Project, (SCH No.: 2013092039) dated September 20, 2013, that Plumas County adopted on October 31, 2013, for Spanish Ranch Road Bridge (No. 9C-0039) Replacement Project on October 31, 2013. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, Spanish Ranch Road Bridge (No. 9C-0039) Replacement Project Mitigated Negative Declaration, site visits, and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) additional biological monitoring; (2) Covered Species relocation; (3) implementation of a Restoration Plan (4) aquatic invasive species removal; (5)

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Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat. Based on this evaluation, CDFW determined that restoration and enhancement of habitat, 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 Location
FIGURE 2	Project Impacts
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHEMNT 2	Escrow Agreement
ATTACHMENT 3	Mitigation Payment Transmittal Form
ATTACHMENT 4	Restoration and Enhancement Cost Estimate

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

On 8/13/2020

DocuSigned by:
Kevin Thomas
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Kevin Thomas, Regional Manager
NORTH CENTRAL REGION

ACKNOWLEDGMENT

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

By: *Bob Perreault* Date: 8/13/2020
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Printed Name: Bob Perreault Title: Director of public works

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