

State of California
Department of Fish and Wildlife



Memorandum

Date: September 22, 2020

To: Ahmad Rahimi
California Department of Transportation
111 Grand Avenue
Oakland, CA 94912
Ahmad.Rahimi@dot.ca.gov

DocuSigned by:

Gregg Erickson

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From: Mr. Gregg Erickson, Regional Manager
California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: Incidental Take Permit for 2081-2018-087-03 Huichica Creek Bridge Replacement and Fish Passage Project, Napa County

Enclosed is the Incidental Take Permit for the above referenced project, which has been signed by the California Department of Fish and Wildlife (CDFW). Please read the permit carefully and sign the acknowledgement on the permit no later than 30 days from CDFW signature and prior to initiation of ground-disturbing activities. Alternatively, a signed hardcopy can be mailed to:

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

You are advised to keep a copy of the signed permit in a secure location and distribute copies to appropriate project staff responsible for ensuring compliance with the conditions of the permit. Note that you are required to comply with certain conditions of approval prior to continuation of ground-disturbing activities. Additionally, a copy of the permit must be maintained at the project work site and made available for inspection by CDFW staff when requested.

The permit will not take effect until the signed acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the permit, please contact Mr. Robert Stanley, Senior Environmental Scientist (Specialist), at Robert.Stanley@wildlife.ca.gov; or Mr. Craig Weightman, Environmental Program Manager, at Craig.Weightman@wildlife.ca.gov.

Enclosures



California Department of Fish and Wildlife
Bay Delta Region
2825 CORDELIA ROAD, SUITE 100
FAIRFIELD, CA 94534

California Endangered Species Act

Incidental Take Permit No. 2081-2018-087-03

HUICHICA CREEK BRIDGE REPLACEMENT AND FISH PASSAGE 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 species² 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: California Department of Transportation

Principal Officer: Ahmad Rahimi, Project Manager

Contact Person: Robert Blizard, (510) 286-6238

Mailing Address: 111 Grand Avenue, Oakland, CA 94912

Effective Date and Expiration Date of this ITP:

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **December 31, 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.

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

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 on State Route 121 in unincorporated Napa County from Post Mile (PM) 0.5 to PM 1.0, in the state of California. Latitude: 38.255960, longitude: -122.367002, in the Napa USGS 7.5 Minute Quad Map, in the Mt. Diablo meridian (Figure 1).

Project Description:

The California Department of Transportation (Permittee) proposes to widen State Route (SR) 121 over Huichica Creek by removing the existing triple metal culverts (Bridge No. 21-0001), replace them with a single span bridge, and incorporate fish passage improvements and creek restoration along approximately 460 feet of Huichica Creek, with an additional 20 feet at each end for conform grading as specified in Figure 2 and 3.

Single Span Bridge

The existing roadway is 35-foot-wide with two 12-foot lanes and shoulders that vary from 5 to 6 feet. The proposed bridge will be approximately 46-foot-long and 44-foot-wide to accommodate 8-foot shoulders with bridge railings. The new bridge will be approximately 9 feet wider than the existing structure (35 feet), with a 2- to 3-foot structural cross section. The abutments will be built on a concrete pile foundation. The abutments will consist of a secant type pile wall with a cast-in-place pile cap. The depth of excavation for each abutment is anticipated to be a maximum of 7 feet and its foundation is anticipated to be supported by approximately 60-foot-long, 24-inch diameter cast-in-drilled-hole piles. The roadway shoulder will be widened to 8 feet on both sides of the bridge. The proposed centerline will be offset south from the existing centerline by 2 feet maximum.

Fish Passage Improvement

The fish passage improvements will include removing approximately 70-foot-long section of grouted and rock lined channel located downstream of the existing culverts. Fish passage improvements will occur over approximately 460 feet of the channel. Longitudinal slope in the restored area will be 2.5 percent, constructing a roughened channel by incorporating a mix of natural creek bed material and engineered streambed fill. In addition, 15 subgrade rock weirs will be included as grade control structures to reduce potential creek bed scour. The rock weirs will result in seven step-pools with a maximum 0.5-foot hydraulic drop. The width of the channel bottom will be approximately 14 feet. A maximum of 2 feet of cut and 6 feet of fill are proposed. In order to produce the 2.5 percent longitudinal grade, the downstream section of the creek, south of the triple culverts, will require the placement of fill throughout, while cut and fill will occur on the upstream side. Along the proposed channel bottom, the creek's typical section consists of 14:1 transverse slope, then 2:1 upslope for 3 feet, then 4:1 upslope to intersect with the existing bank slopes. Low benches along the channel bank width at 4:1 slope will provide floodplains where riparian vegetation can be established on both sides of the channel. Rock weirs forming the step-pools will be keyed in along the toe of the channel

Incidental Take Permit
No. 2081-2018-087-03

CALIFORNIA DEPARTMENT OF TRANSPORTATION
HUICHICA CREEK BRIDGE REPLACEMENT AND FISH PASSAGE PROJECT

side-slopes. Exposure of the rock surface will be at the streambed finished grade to provide a low flow channel to aid fish passage. The fish passage elements and habitat enhancements will extend approximately 145 feet upstream and approximately 270 feet downstream of the existing culverts. Reconstructing this 460-foot reach to a 2.5 percent slope.

Approximately 20 feet upstream and downstream of the fish passage improvements may need to be recontoured to conform to the existing creek channel. Various instream features will be included throughout the channel to enhance in-stream channel features. Intermittent grade control using buried rock weirs across the channel bottom will be incorporated to stabilize the installation and to prohibit any head cut from migrating upstream throughout the proposed improvements. Riparian vegetation (trees and understory and erosion control vegetation) planted on the banks at the 4:1 slope area will aid in bank stabilization and habitat enhancement.

Creek Diversion

A temporary water diversion system will be installed to allow for work in the creek during the dry season. The temporary water diversion system may consist of a diversion pipe or a pump system with temporary cofferdams located at the upstream and downstream ends. The cofferdams will be constructed across the existing creek channel with gravel filled bags wrapped in impermeable plastic sheeting or a similar system. A cut off wall will be provided at both upstream and downstream of the cofferdams to reduce seepage into the work area. The cofferdams will be assembled and removed for each of the 2 years that construction activities occur. Temporary work zones in Huichica Creek will be located up to approximately 60 feet upstream and downstream of the proposed activities to place the temporary cofferdams.

Utility Relocation

Pacific Gas and Electric Company will relocate the two 12-kilovolt utility poles on the south side of SR 121 in the spring or summer of 2020. They will be temporarily relocated along the southerly side with taller posts to a location in the same vicinity as the existing location within State right of way. AT&T will place 8 poles temporarily on the south side within temporary construction easement.

Existing Three Metal Culvert Removal

The three metal culverts will be demolished and removed off site after construction of the new bridge has been completed above the existing culverts. Part of the roadway will be removed and structural section in the first year after installing new precast structural sections. The rest of the bridge will be constructed in the second season and the existing roadway fill and culverts will be removed entirely.

Incidental Take Permit
No. 2081-2018-087-03

CALIFORNIA DEPARTMENT OF TRANSPORTATION
HUICHICA CREEK BRIDGE REPLACEMENT AND FISH PASSAGE PROJECT

Site Restoration Work

Site restoration and enhancement work shall be conducted upon the completion of Project activity and shall include but not be limited to on-site restoration plantings, hydro-seeding, stream grading and bank re-contouring to areas of temporary and permanent impacts.

Equipment and Machinery

The equipment needed for this Project may include, but is not limited to; bulldozers, cranes, excavators, concrete trucks and pumps, backhoes, pile driving rigs, saw cutters, light weight trucks, lifts, generators, pavers, and jackhammers and hand tools.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
1. California freshwater shrimp (<i>Synaris pacifica</i>)	Endangered ³

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

Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include dewatering an approximately 620-foot-long channel reach of bed, bank and channel, as well as removing riparian vegetation and complex riparian canopy, complex root structure and/or overhanging vegetation in the stream (Covered Activities), resulting in approximately 0.266 acres of temporary impact to aquatic Covered Species habitat and 0.03 acres of permanent impact to riparian Covered Species habitat (See Figure 3).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as in-channel demolition, dewatering and Project-related habitat alteration. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of catch and capture of the Covered Species during temporary dewatering, fish rescue operations, and monitoring. Additional indirect impacts may occur due to minor changes in local drainage patterns, reducing water quality due to increased turbidity, inhibiting movement and potential changes in flow velocities. The areas where authorized take of the Covered Species is expected to occur are within and immediately adjacent to the wetted channel throughout the Project site (collectively, the Project Area).

³ See Cal. Code Regs. tit. 14 § 670.5, subd. (a)(1)(A).

The Project is expected to cause the temporary loss of approximately 620 linear feet of in-stream habitat as a result of dewatering, and permanent removal of complex root structure and/or overhanging 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: capture and relocation, capture and release for monitoring, harassment resulting from noise and ground vibration during heavy equipment operation in Huichica Creek, long-term effects due to increased manmade substrate, and increased vulnerability to predation and displacement from preferred habitat.

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 to Covered Species Habitat, staging and parking within Covered Species Habitat, and construction 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 (SCH No.: 2017092069) certified by the California Department of Transportation on June 28, 2018, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. 1600-2018-0410-R3) 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 U. S. Fish and Wildlife Service (USFWS) Biological Opinion for the Formal Consultation on the State Route 121 Huichica Creek Bridge Replacement and Fish Passage Project, Napa County, California (Caltrans EA 04-4G210); File No. 08ESMF00- 2016-F-2295-1 and the National Marine Fisheries Service (NMFS) NMFS No. WCR-2018-8643, Biological Opinion for the State Route 121 Huichica Creek Bridge Replacement for the Project pursuant to the Federal Endangered Species Act. For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
- 5. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
- 6. General Provisions:**
- 6.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 6.2. Designated Biologist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed.
- 6.3. Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist, through the Resident Engineer, 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.

Incidental Take Permit
No. 2081-2018-087-03

CALIFORNIA DEPARTMENT OF TRANSPORTATION
HUICHICA CREEK BRIDGE REPLACEMENT AND FISH PASSAGE PROJECT

- 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.
- 6.5. Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.
- 6.6. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles and conform to all dust control strategies covered under Caltrans Standard Specification 10-5.
- 6.8. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 6.9. Delineation of Project Boundaries. Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.

- 6.10. 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. If Permittee determines additional access routes for travel are necessary, 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.
- 6.11. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.10 of this ITP.
- 6.12. 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.
- 6.13. 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.
- 6.14. 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. Consultation with Conservation Engineering Branch. All final design plan sets shall be submitted to the CDFW Conservation Engineering Branch a minimum of 30 days prior to the initiation of construction for written approval. Work may not proceed without the authorization and approval in writing on the final design plan set from the CDFW Conservation Engineering Branch. At the discretion of CDFW, plan modifications may require an amendment to this ITP. The Final Design Plan Set is subject to change, modification or replacement based on Permittee consultation with CDFW Conservation Engineering Branch on design plan set review and acceptance noted in this Condition of Approval.
- 7.2. Notification Before Commencement. The Designated Representative shall notify CDFW 5 calendar days, via email, before starting Covered Activities. The notification

Incidental Take Permit
No. 2081-2018-087-03

CALIFORNIA DEPARTMENT OF TRANSPORTATION
HUICHICA CREEK BRIDGE REPLACEMENT AND FISH PASSAGE PROJECT

shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.

- 7.3. 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 and follow up with a written report within 5 business/working days.
- 7.4. 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 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 shall conduct compliance inspections a minimum of once a week during periods of inactivity and after de-watering and riparian vegetation removal are completed.
- 7.5. 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.
- 7.6. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than December 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report (Condition of Approval 7.8). Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.7; (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 square feet subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance, (7) information about other Project impacts on the Covered Species; and

Incidental Take Permit
No. 2081-2018-087-03

CALIFORNIA DEPARTMENT OF TRANSPORTATION
HUICHICA CREEK BRIDGE REPLACEMENT AND FISH PASSAGE PROJECT

(8) all monitoring and reporting requirements in Condition of Approval 9.3 and 9.4. Upon the completion of construction, the ASR shall be provided pursuant to the monitoring and reporting schedule in Condition of Approval 9.4.

- 7.7. Monthly Compliance Reporting. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.4 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 CDFW's Regional Office at the office listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative. At the time of this ITP's approval, the CDFW Regional Representative is Robert Stanley (Robert.Stanley@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.
- 7.8. Final Mitigation Report. No later than 60 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 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; (8) all monitoring and reporting requirements in Condition of Approval 9.4; and (9) any other pertinent information.
- 7.9. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (707) 428-2002 and the regional representative within 24 hours. 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 business 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. The report and notification shall also be submitted to CDFW's Regional Representative Robert Stanley (Robert.Stanley@wildlife.ca.gov).

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. Work Period. Work within the Project Area shall be confined to the period of June 15 to October 31. Any extension of the work period will require an amendment to this ITP. The amendment request for a work period extension shall: 1) describe the extent of work already completed; 2) detail the activities that remain to be completed; 3) detail the time required to complete each of the remaining activities; 4) provide photographs of both the current work completed and the proposed site for continued work; and 5) include an assessment of the impacts of the work extension of Covered Species.
- 8.2. Work in Isolation from Flowing Water. All in-water work within Huichica Creek shall be conducted in isolation from flowing water utilizing a temporary creek diversion system approved in advance by CDFW as specified in this ITP.
- 8.3. Covered Species Checks. Before the start of work each day, the Designated Biologist shall check all areas inundated with water for any Covered Species. If found, Covered Species shall be removed by the Designated Biologist and translocated to a safe location (see Condition of Approval 8.5).
- 8.4. Covered Species Entrainment. Permittee shall minimize the potential for Covered Species to be entrained during de-watering activities. Pump intakes shall be placed away from complex vegetated banks that may contain habitat for the Covered Species. The Permittee shall implement the use of a screen in accordance with the NMFS 1996 Juvenile Fish Screen Criteria for Pump Intakes. Screen material may be constructed of any rigid woven, perforated, or slotted material that provides water passage while physically excluding fish. Round openings in the screen shall not exceed 0.093-inch diameter, square openings shall not exceed 0.093-inch measured diagonally, and slotted openings shall not exceed 0.069 inches in width. Approach velocity shall not exceed 0.33 feet per second.
- 8.5. Covered Species Dewatering and Rescue Plan. The Permittee shall implement a detailed Dewatering and Covered Species Rescue Plan to include, at a minimum, the following measures:
 - a) Only a CDFW-approved biologist with experience in Covered Species capture and handling shall participate in the capture, handling, and monitoring of Covered Species.

Incidental Take Permit
No. 2081-2018-087-03

CALIFORNIA DEPARTMENT OF TRANSPORTATION
HUICHICA CREEK BRIDGE REPLACEMENT AND FISH PASSAGE PROJECT

- b) Relocation activities shall be performed during the morning when temperatures are coolest. Hourly air and water temperatures shall be measured and recorded.
- c) Before removal and relocation of Covered Species, the Designated Biologist shall identify the most appropriate release location(s). Release locations shall provide suitable habitat for Covered Species and shall be selected to minimize the likelihood of reentering the work area. Suitable habitat is defined as creek sections that will remain wet over the summer and where banks are structurally diverse with undercut banks, exposed fine root systems, overhanging woody debris or overhanging vegetation.
- d) Following installation of water diversion structures, and prior to project activities, a CDFW-approved biologist shall perform surveys for Covered Species in the Project Area, collect, and relocate them to the nearest predetermined suitable habitat. During holding and transportation, Covered Species shall be held in stream water collected from the site.
- e) Prior to fully dewatering the project area, remaining Covered Species in the work area shall be rescued. Dewatering efforts shall be monitored by the Designated Biologist at all times. The Designated Biologist shall reduce the rate of dewatering if it appears that Covered Species may be stranded.
- f) Efforts shall be made to reduce collecting and handling stress, minimize the time that Covered Species are held in buckets, and minimize handling stress during processing and release. Covered Species shall not be held in containers with other species. Immediately after collection, Covered Species shall be identified and counted. Capture methods may include dip nets. All nets shall be made of a soft braded nylon material that is non-abrasive. Mesh sizing shall be matched to species and the life stages likely encountered.
- g) No employee or contractor shall remove any Covered Species, dead or alive, from the site for personal use. All efforts to reduce the time that live Covered Species are out of the water shall be made to reduce the chances of incidental take during the rescue. All Covered Species are to be promptly returned to the water with the exception of mortality.
- h) Covered Species shall be processed first and released as soon as possible. Species name and length data will be recorded on data sheets, as well as time, date, location, gear type, water temperature, and any other pertinent observations of the Covered Species.
- i) Rescue operations may result in Covered Species mortality. If Covered Species suffer mortality, the Permittee shall preserve individuals by freezing or placing in a sealed container with 10 percent formalin solution. Information on time and

Incidental Take Permit
No. 2081-2018-087-03

CALIFORNIA DEPARTMENT OF TRANSPORTATION
HUICHICA CREEK BRIDGE REPLACEMENT AND FISH PASSAGE PROJECT

exact location of any incidental take, method of take, length of time from death to preservation, water temperature, and any other relevant information will be recorded in writing. Permittee shall contact the CDFW regional representative for instructions on transmitting preserved individuals.

- j) After completing the rescue, a brief documentation report shall be prepared. The report shall include information on the personnel conducting the Covered Species rescue, methods used, numbers of Covered Species collected and relocated, length data, and estimate of the survival of Covered Species immediately after release. Photographs of the site and rescue operations shall be included. Any take of non-Covered Species shall be documented. The report shall be provided by the Permittee to CDFW in the next Monthly Compliance Report required by Condition of Approval 7.7.
- k) After the Covered Species rescue effort is completed, if additional Covered Species are observed, Project activities shall cease until those individuals have been relocated. The Designated Biologist shall remain at the site during dewatering to rescue additional Covered Species as necessary.
- l) Reintroduction of stream flows shall be gradual to the isolated work area, so as to prevent stranding, channel instability, or excessive scour. The Designated Biologist shall monitor upstream and downstream reaches to ensure no Covered Species are stranded or in distress during reintroduction of flows. If conditions causing or contributing to stress and/or injury are observed, the Permittee shall take immediate remedial actions directed at lessening sources of stress. This may include a more gradual reintroduction of flows, to avoid abrupt water surface elevation changes both downstream and upstream of the Project Area.

9. Habitat Creation, Restoration and Management:

CDFW has determined that habitat creation, restoration and long term 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 square foot area required to provide for adequate compensation.

To meet this requirement, the Permittee shall restore the temporarily impacted area of Covered Species habitat on-site, including restoration and enhancement of 0.356 acres of in-stream aquatic habitat and management of restored areas to Conditions of Approval 9.1 and 9.2 below. Restored, created and managed habitats are collectively referred to as the Habitat Management Lands (HM lands). Long-term funding, for monitoring and management of created Covered Species habitat and vegetation

Incidental Take Permit
No. 2081-2018-087-03

CALIFORNIA DEPARTMENT OF TRANSPORTATION
HUICHICA CREEK BRIDGE REPLACEMENT AND FISH PASSAGE PROJECT

management, must be secured before starting Covered Activities or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. The Permittee shall also restore on-site 0.356 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 9.6 below.

- 9.1. Cost Estimates. CDFW has estimated the cost of habitat creation, restoration, and long-term management of the shrimp habitat structure and restoration of temporarily disturbed habitat as follows:
 - 9.1.1. Habitat creation costs for 200 linear feet of Covered Species willow structure habitat, estimated at **\$40,000.00**.
 - 9.1.2. Habitat Remediation costs for 200 linear feet of Covered Species willow structure habitat, estimated at **\$10,000.00**.
 - 9.1.3. Habitat restoration and enhancement costs for a total of 0.356 acres of Covered Species riparian and aquatic habitat, estimated at **\$26,676.00**.
 - 9.1.4. Long-term management funding as described in Condition of Approval 9.2, estimated at **\$42,275.00**. Management funding is estimated initially for the purpose of providing Security to ensure implementation of habitat creation, restoration, monitoring and management.
- 9.2. Management Fund. The Permittee shall ensure that HM lands are managed, maintained, and monitored as described in this ITP. Permittee shall provide ten years of monitoring and management funding for activities outlined in the final accepted Habitat Enhancement and Long-Term Management Plan consistent with Measure 9.3 below.
- 9.3. Habitat Restoration and Mitigation Monitoring Plan (HMMP). The Permittee shall prepare a HMMP for CDFW review and written acceptance 60 days prior to the initiation of construction. The Plan shall outline the restoration of the 0.356-acre area. The Plan shall also include construction level designs for 200 linear feet of Covered Species willow planting structures. The structure does not have to be continuous over 200 linear feet, but should cumulatively add up to 200 linear feet. Restoration and enhancement shall be completed by October 31 in the year of Project completion. The Plan shall be submitted to CDFW for written approval and shall include the following elements:
 - 9.3.1. Engineered construction-level design plans for Covered Species willow planting structure.
 - 9.3.2. A protocol and schedule for conducting Covered Species monitoring.

Incidental Take Permit
No. 2081-2018-087-03

CALIFORNIA DEPARTMENT OF TRANSPORTATION
HUICHICA CREEK BRIDGE REPLACEMENT AND FISH PASSAGE PROJECT

9.3.3. A detailed planting plan and pallet for the 0.356-acre area. The planting plan's key focus shall be to create overhanging habitat within the creek bed and restore tree canopy cover to the riparian site. The planting plan shall include a map to scale, installation methods of plantings, seed mixes and application methods, species, quantity, size and spacing. At a minimum the success criteria shall be as follows:

- Installation of trees, shrubs and vegetation as specified in Figure 4.
- All tree plantings shall have 75% survivorship after ten years with no supplemental watering during the final two years of monitoring.
- A minimum ground cover of 50% after ten years for all herbaceous species.
- If success criteria are not achieved, the Permittee shall be responsible for additional replacement planting, watering, weeding, invasive/exotic species eradication, etc. Replacement plants shall be monitored with the same survival and cover requirements for an additional five years after replanting. If success criteria are not met, additional mitigation requirements may be required by CDFW and an Amendment to this ITP may be required.

9.3.4. An invasive/exotic plant species removal plan with a list of actions and schedule of timing for proposed actions (chemical application, hand removal, grazing, etc.). The success criterion shall be as follows:

- A 10% or less ground cover of Cal-IPC Exotic/Invasive plant species rated as "High" by the end of ten years. (<http://www.cal-ipc.org/plants/inventory/>)

9.3.5. A baseline assessment to serve as the year 0 baseline (pre-construction) for subsequent annual monitoring reports (see Condition of Approval 9.4) consisting of the following:

- Photographic documentation of the immediate pre-construction and post-construction condition of the Project Area.
- Baseline vegetation conditions, including items specified under Condition of Approval 9.4.1.
- Baseline and annual presence/absence surveys conducted by a Qualified Biologist as specified in Condition of Approval 9.4.2 for Covered Species.
- As built construction plans describing post-Project channel characteristics listed under Condition of Approval 9.4.3.

Incidental Take Permit
No. 2081-2018-087-03

CALIFORNIA DEPARTMENT OF TRANSPORTATION
HUICHICA CREEK BRIDGE REPLACEMENT AND FISH PASSAGE PROJECT

9.4. HMMP Monitoring. Restoration and enhancement monitoring identified in Condition of Approval 9.3 shall be conducted in years 0 for baseline (pre-construction) and years (post-construction) 1, 2, 3, 5, 7 and 10. Monitoring reports shall include the following three sections: Vegetation Monitoring; Species Monitoring; and Enhancement Site Monitoring. All reports shall be submitted by December 31 of the year in which they are required.

9.4.1. *Vegetation Monitoring*. Monitoring reports shall be submitted in years 0 for baseline (pre-construction) years (post-construction) 1, 2, 3, 5, 7 and 10 shall include: 1) as-built plans/map of restoration and enhancement areas, including the Covered Species habitat structures, specifying the species and locations of plantings; 2) information necessary to show compliance with Condition of Approval 9.3.3 and 9.3.4; 3) an updated map identifying the species and location of replacement plantings; 4) a schedule for future remediation actions.

9.4.2. *Species Monitoring*. Monitoring reports shall be submitted years 0 for baseline (pre-construction), years (post-construction) 1, 2, 3, 5, 7 and 10 and shall include the results of surveys conducted pursuant to Condition of Approval 9.3.2, and copies of CNDDDB reports documenting Covered Species occurrences.

9.4.3. *Covered Species Habitat Monitoring*. Monitoring reports shall be submitted in years 0 for baseline (pre-construction) and years (post-construction) 1, 2, 3, 5, 7 and 10 and shall include:

9.4.3.1. Results from a longitudinal (thalweg) and cross-section survey of Huichica Creek between each weir downstream of the bridge and one cross section every 20 feet upstream of the bridge. The survey shall indicate pools, riffles, large woody debris, slope change, baffles, or other natural or manmade channel features. The thalweg survey points shall be taken continually throughout the thalweg, in addition to where cross-sections are captured. Cross-sections shall be recorded at the following locations at the locations noted above.

9.4.3.2. The following data and information shall be included in the report:

- A site map with photo-documentation points clearly marked. At a minimum, photo points shall clearly capture the locations where channel cross sections are surveyed (see Condition of Approval 9.4.3.1);
- A narrative describing observed and recorded changes to the surveyed channel and Covered Species habitat structure. As applicable, the narrative should include geomorphic trends observed,

Incidental Take Permit
No. 2081-2018-087-03

CALIFORNIA DEPARTMENT OF TRANSPORTATION
HUICHICA CREEK BRIDGE REPLACEMENT AND FISH PASSAGE PROJECT

channel stability issues, stability or instability of the upstream and downstream retaining walls, baffle stability, bank erosion, movement of bed substrates that could threaten vertical or lateral channel stability, and knickpoint formation;

- Average water depth along the Covered Species habitat structure;
- Stream-bank undercut depth;
- Density of viable pole plantings
- Recommendations for on-going adaptive management of the Covered Species habitat structure and associated vegetation.

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 **\$118,951.00**. This amount is based on the cost estimates identified in Condition of Approval 9.1.1, 9.1.2, 9.1.3 and 9.1.4 above.
- 10.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 2) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 10.3. Security Timeline. The Security shall be provided to CDFW no less than 30 days before Covered Activities begin.
- 10.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 10.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 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

Incidental Take Permit
No. 2081-2018-087-03

CALIFORNIA DEPARTMENT OF TRANSPORTATION
HUICHICA CREEK BRIDGE REPLACEMENT AND FISH PASSAGE PROJECT

received confirmation that all secured requirements have been satisfied, as evidenced by:

- Installation of Plantings as specified in Figure 4.
- Achievement of success criteria noted in the terms of this ITP and the HMMP.
- Timely submission of all required reports over the 10-year monitoring period in years 1, 2, 3, 5, 7 and 10.

Even if Security is provided, the Permittee must complete the required Mitigation and Restoration Activities no later than October 31 of the year construction of the Project ends. CDFW may require the Permittee to provide additional Mitigation and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

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.

Incidental Take Permit
No. 2081-2018-087-03

CALIFORNIA DEPARTMENT OF TRANSPORTATION
HUICHICA CREEK BRIDGE REPLACEMENT AND FISH PASSAGE PROJECT

Compliance with Other Laws:

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

Notices:

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

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

Alternatively, the Permittee shall email the digitally signed ITP to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5.

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 (2081-2018-087-03) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Gregg Erickson, Regional Manager
California Department of Fish and Wildlife – Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
Telephone: (707) 428-2002
R3CESA@wildlife.ca.gov

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:

Robert Stanley, Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife, Bay Delta Region – 3
2825 Cordelia Road, Suite 100, Fairfield, CA 94534
Telephone (707) 428-2093
Robert.Stanley@wildlife.ca.gov

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, California Department of Transportation (See generally Pub. Resources Code, §§ 21067, 21069). The lead agency's prior environmental review of the Project is set forth in the Mitigated Negative Declaration and Initial Study (State Clearinghouse No. 2017092069) dated April 9, 2018 for the Huichica Creek Bridge Replacement and Fish Passage Project that the California Department of Transportation adopted on April 23, 2018. 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 and Game 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, the Mitigated Negative Declaration Huichica Creek Bridge Replacement and Fish Passage Project, 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:

Incidental Take Permit
No. 2081-2018-087-03
CALIFORNIA DEPARTMENT OF TRANSPORTATION
HUICHICA CREEK BRIDGE REPLACEMENT AND FISH PASSAGE PROJECT

- (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) long-term habitat creation and restoration; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the long-term creation of a 200 linear foot Covered Species habitat willow structure and restoration of the temporally impacted 620 linear feet area over 0.356 acres on-site, 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.

Incidental Take Permit
No. 2081-2018-087-03

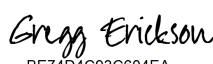
CALIFORNIA DEPARTMENT OF TRANSPORTATION
HUICHICA CREEK BRIDGE REPLACEMENT AND FISH PASSAGE PROJECT

Attachments:

FIGURE 1	Project Location State Route SR-121 Huichica Bridge Replacement
FIGURE 2	Habitat Types Map SR-121 Huichica Bridge Replacement Project
FIGURE 3	Project Impacts Map at Huichica Creek
FIGURE 4	Huichica Planting Pallet Design Plan Set, Dated March 3, 2020 (5 Pages)
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Letter of Credit Form
ATTACHMENT 3	Mitigation Payment Transmittal Form


ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 9/22/2020.

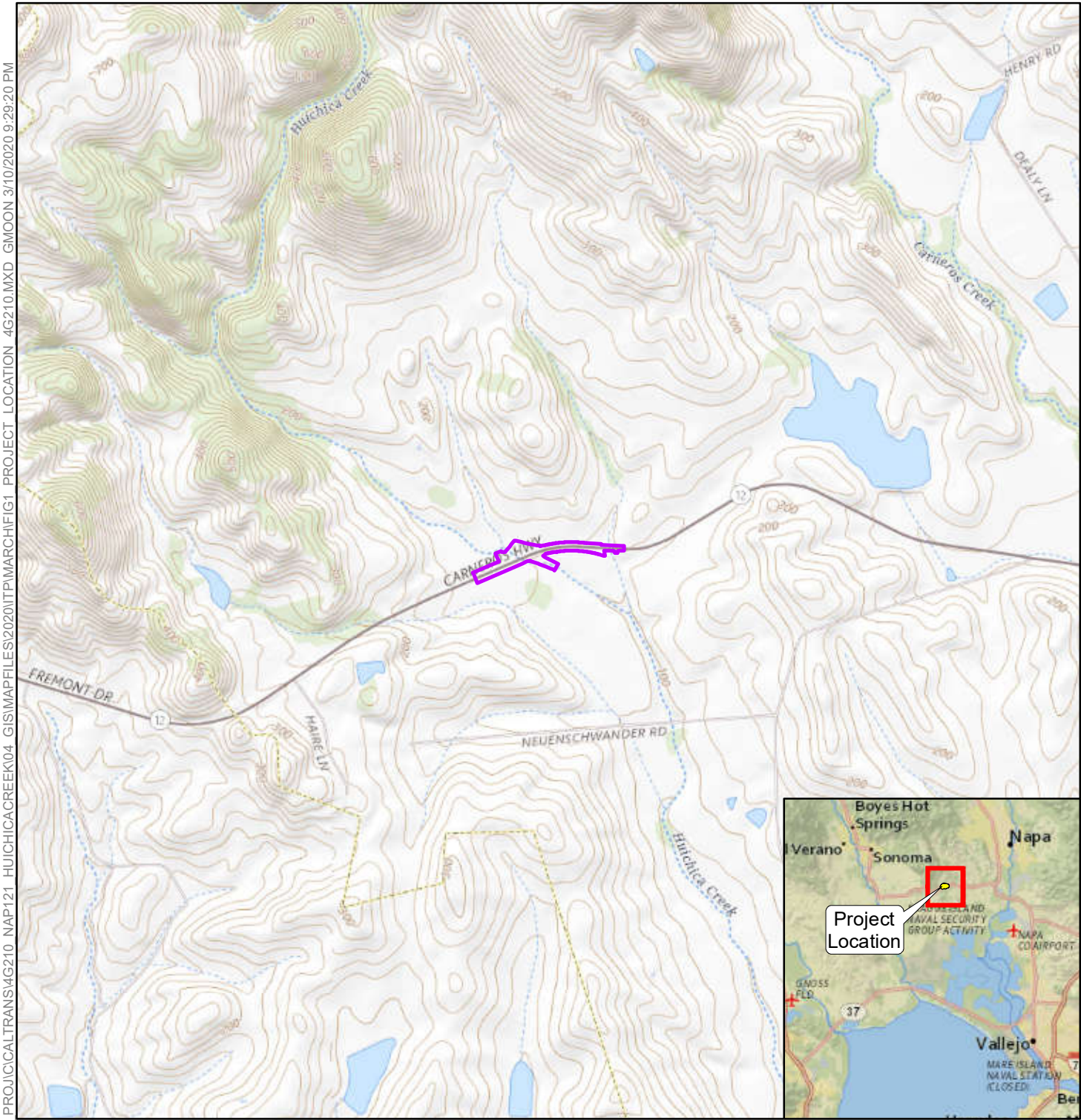
DocuSigned by:

BE74D4C93C604EA...
Gregg Erickson, Regional Manager
Bay Delta 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:

30FAE38E45964BD
By: _____ Date: 9/29/2020
Printed Name: Ahmad Rahimi Title: Caltrans Project Manager

Incidental Take Permit
No. 2081-2018-087-03
CALIFORNIA DEPARTMENT OF TRANSPORTATION
HUICHICA CREEK BRIDGE REPLACEMENT AND FISH PASSAGE PROJECT



LEGEND

 Project Footprint (6.34 acres)

Service Layer Credits: USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed October 2018.

National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.

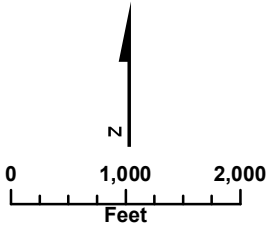


FIGURE 1
Project Location Map
Huichica Creek Bridge Replacement
and Fish Passage Project
EA 04-4G210, 04-NAP-121-PM 0.5/1.0
Napa County, California



LEGEND

- Project Footprint (6.34 acres)
- Ruderal Habitat (2.83 acres)
- Waters of the U.S. (0.25 acre, 575 lf)
- Riparian Habitat (0.79 acre)
- Tree Canopy (0.056 acre)

Post Miles

0.7 0.8 0.9

FIGURE 2
Habitat Types

Huichica Creek Bridge Replacement and Fish Passage Project
EA 04-4G210, 04-NAP-121-PM 0.5/1.0
Napa County, California

Caltrans

Note:
lf = linear feet

0 50 100 200
Feet

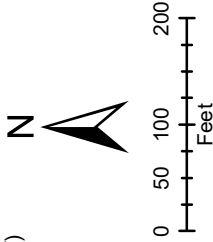
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LEGEND

- Project Footprint (6.34 acres)
- Temporary Impacts Ruderal Habitat (2.49 acres)
- Permanent Impacts Ruderal Habitat (0.34 acre)
- Temporary Impact Waters of the U.S. (0.25 acre, 575 ft)
- Temporary Impact Riparian Habitat (0.76 acre)
- Permanent Impact Riparian Habitat (0.03 acre)
- Temporary Impact Tree Canopy (0.056 acre)

- Enhancement (0.65 acre, 415 lf)
- Re-establishment (0.02 acre, 45 lf)
- Post Miles



Note:
lf = linear feet
Temporary Impacts will occur over two years.

FIGURE 5
Impacts to Huichica Creek and
Adjacent Habitat



Huichica Creek Bridge
Replacement and Fish
Passage Project
EA 04-4G210, 04-NAP-121-PM 0.5/1.0
Napa County, California

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

SENIOR LANDSCAPE ARCHITECT

SUSAN LINDSAY

CHECKED BY

ALEX McDONALD

DATE REVISD

03-03-20

DESIGNED BY

CHRIS PADICK

REVISD BY

CP

04

County

ROUTE

121

POST MILES

TOTAL PROJECT

0.5/1.0

SHEET TOTALS

NO. SHEETS

LICENCED LANDSCAPE ARCHITECT

PLANS APPROVAL DATE

1-10-2020

THE STATE OF CALIFORNIA OR ITS OFFICERS

ON BEHALF OF THE LANDSCAPE ARCHITECT

THE ACCURACY OF THE INFORMATION

COPIES OF THIS PLAN SHEET.

03-03-20

DATE PLOTTED => 03-MAR-2020

03-03-20

LAST REVISION

PLANT LEGEND

PL-1

04120003101

PROJECT NUMBER & PHASE

UNIT 0792

04120003101

PLANT LEGEND

PLANT GROUP (SIZE)	PLANT No.	SYMBOL	BOTANICAL NAME	COMMON NAME	HOLE SIZE		BASIN TYPE	APPLICATION RATES						MINIMUM PLANTING DISTANCE FROM:						REMARKS			
					DIAMETER	DEPTH		WOOD MULCH	SOIL AMENDMENT	SLOW-RELEASE FERTILIZER		FOLIAGE PROTECTOR	PACKET FERTILIZER	ON CENTER SPACING	FTW	FENCE	WALL	PAVED DITCH	EARTH DITCH				
										PLT	OZ										PLT	ESTB	EA
A (No. 1)	1		CALYCANTHUS OCCIDENTALIS	SPICE BUSH		12	12	1	0.5	0.5		1	1	5	ft	ft	ft	ft	ft	ft	SHRUB		
	2		MIMULUS AURANTIACUS	STICKY MONKEYFLOWER		12	12	1	0.5	0.5		1	1	5	ft	ft	ft	ft	ft	ft	SHRUB		
	3		RUBUS URSINUS	PACIFIC BLACKBERRY		12	12	1	0.5	0.5		1	1	5	ft	ft	ft	ft	ft	ft	VINE		
	4		SYMPHORICARPUS BIVULGARIS	SNOWBERRY		12	12	1	0.5	0.5		1	1	5	ft	ft	ft	ft	ft	ft	SHRUB		
	5		VITIS CALIFORNICA	CALIFORNIA GRAPE		12	12	1	0.5	0.5		1	1	5	ft	ft	ft	ft	ft	ft	VINE		
H (CUTTING)	6		SALEX LAEVIGATA	RED WILLOW		12	12	1							ft	ft	ft	ft	ft	ft	CUTTING		
	7		ACER MACROPHYLLUM	BIG LEAF MAPLE		18	24	1	0.8	1		2	4	1	30	ft	ft	ft	ft	ft	ft	TREE	
I (POT) 5	8		AESCULUS CALIFORNICA	CALIFORNIA BUCKEYE		18	24	1	0.8	1		2	1	30	ft	ft	ft	ft	ft	ft	TREE		
	9		ALNUS RUBRA	RED ALDER		18	24	1	0.8	1		2	4	1	35	ft	ft	ft	ft	ft	ft	TREE	
	10		ERAXINUS LATIFOLIA	OREGON ASH		18	24	1	0.8	1		2	4	1	15	ft	ft	ft	ft	ft	ft	TREE	
	11		QUERCUS AGRIFOLIA	COAST LIVE OAK		18	24	1	0.8	1		2	4	1	30	ft	ft	ft	ft	ft	ft	TREE	

NOTES: APPLICABLE WHERE CIRCLED

1 WOOD MULCH MUST BE WOOD CHIP

2 SOIL AMENDMENT MUST BE COMPOST

3 AS SHOWN ON THE PROJECT PLANS

4 REQUIRED, SEE STANDARD PLANS

5 POT SIZE - 4" X 4" SQUARE X 14" DEEP Min

6 QUANTITIES SHOWN ARE 'PER' PLANT

7 SEE SHEET IRRIGATION DETAIL ID-1

DIS#	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
04	Ngd	121	0.5/1.0		

LICENSED LANDSCAPE ARCHITECT

PLANS APPROVAL DATE

THE STATE OF CALIFORNIA OR ITS OFFICERS
IN ANY MANNER, THE ACCURACY OR COMPLETENESS OF ANY
COPIES OF THIS PLAN SHEET.

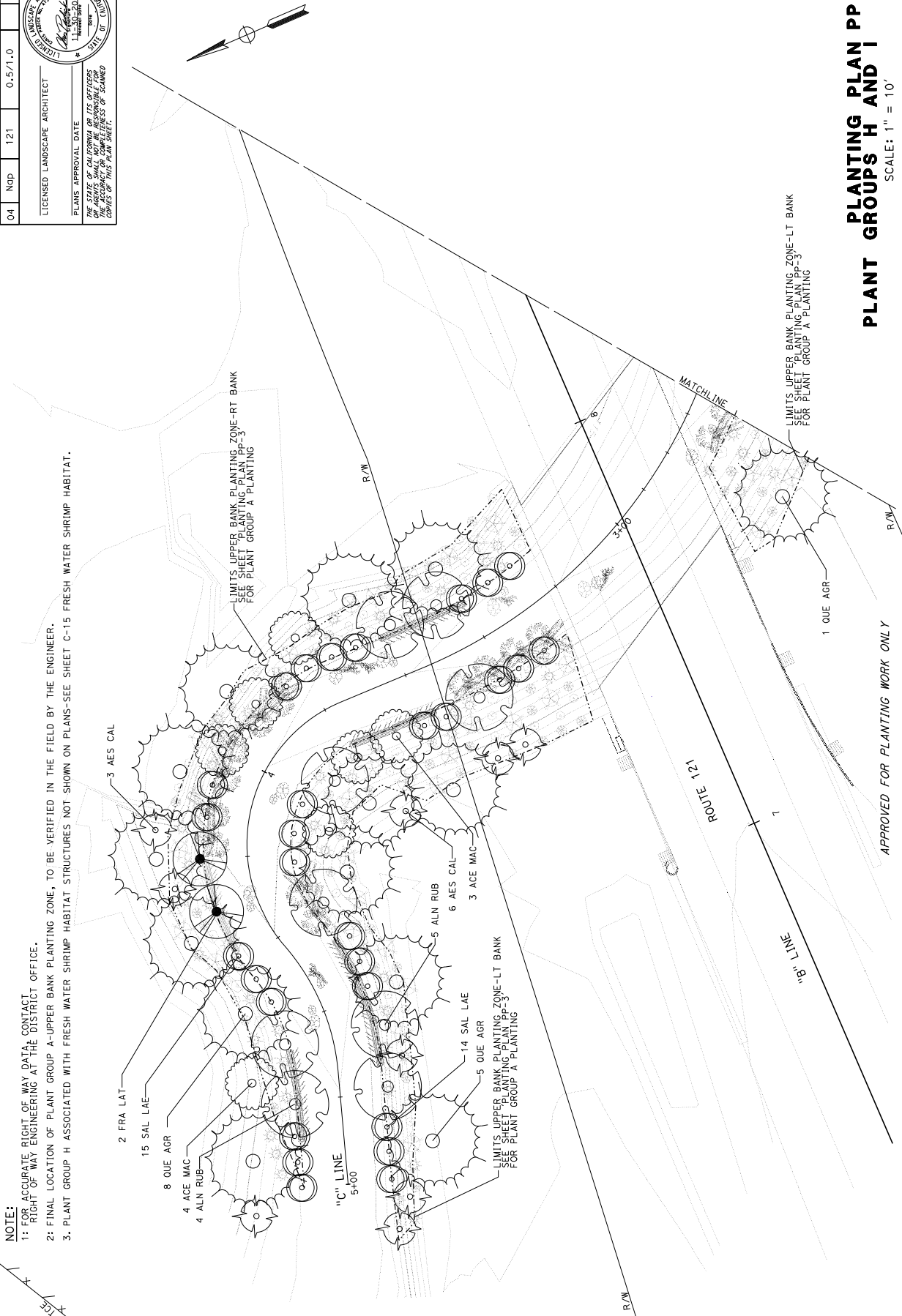
LANDSCAPE ARCHITECT

1-10-2020

DATE OF PLAN SHEET

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	SENIOR LANDSCAPE ARCHITECT	DESIGNED BY	CHRIS PADICK	REVISD BY	CP	DATE REVISD	03-03-20
CH2M HILL	LANDSCAPE ARCHITECTURE	CHECKED BY	ALEX McDONALD				

NOTE:
1: FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.
2: FINAL LOCATION OF PLANT GROUP A-UPPER BANK PLANTING ZONE, TO BE VERIFIED IN THE FIELD BY THE ENGINEER.
3: PLANT GROUP H ASSOCIATED WITH FRESH WATER SHRIMP HABITAT STRUCTURES NOT SHOWN ON PLANS-SEE SHEET C-15 FRESH WATER SHRIMP HABITAT.



PLANTING PLAN PP-1
PLANT GROUPS H AND I
SCALE: 1" = 10'



Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET TOTALS
04	Ngp	121	0.5/1.0	NO. SHEETS

LICENSED LANDSCAPE ARCHITECT

PLANS APPROVAL DATE: 11-30-20

THE STATE OF CALIFORNIA OR ITS OFFICERS
DO NOT GUARANTEE THE ACCURACY OR COMPLETENESS OF ANY
COPIES OF THIS PLAN SHEET.

LANDSCAPE ARCHITECT

DATE: 11-30-20

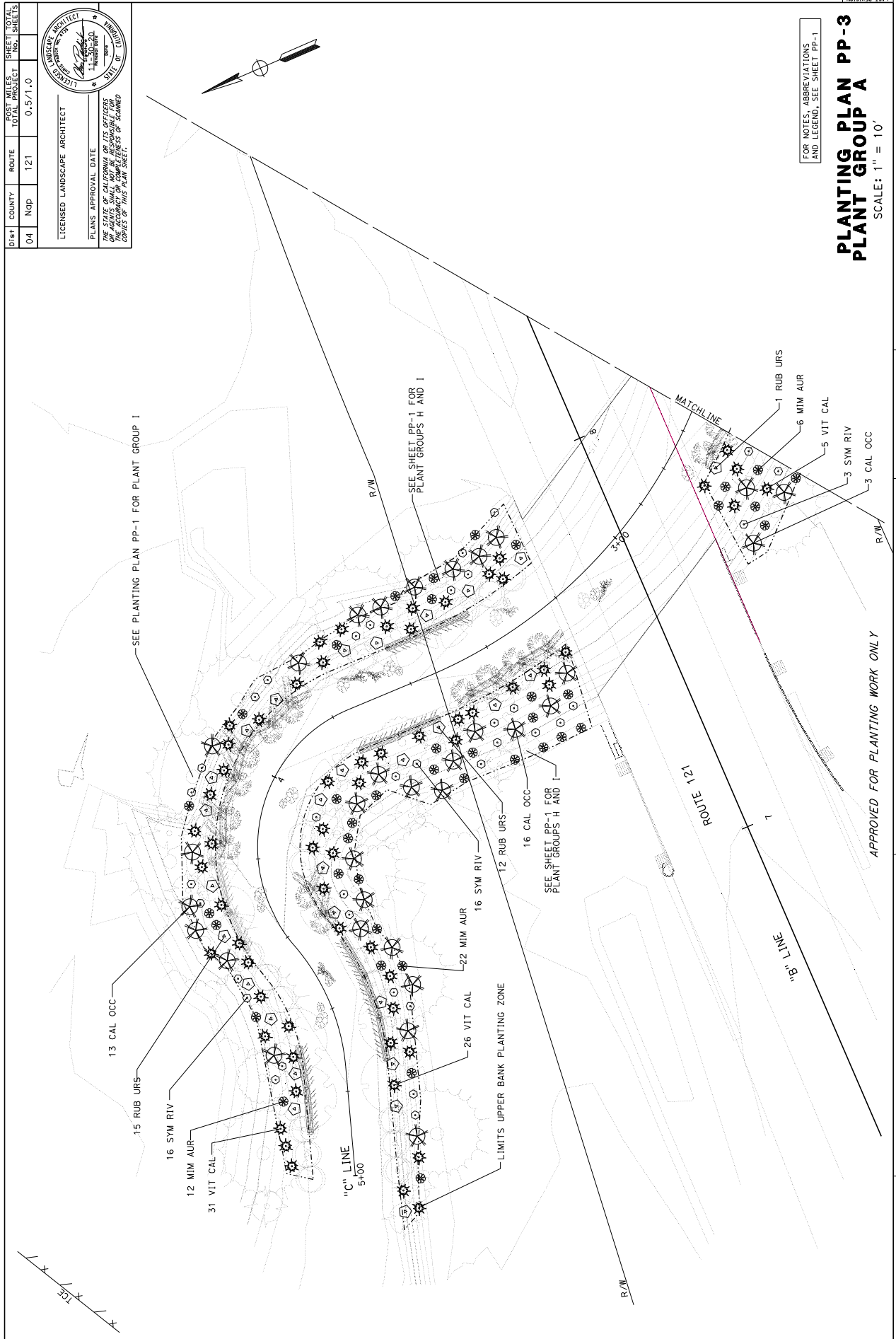
SCALE: 1" = 10'

PLANTING PLAN
PLANT GROUPS H AND I PP-2
SCALE: 1" = 10'

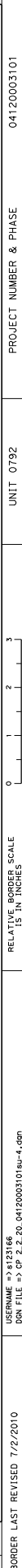
FOR NOTES, ABBREVIATIONS
AND LEGEND, SEE SHEET PP-1

APPROVED FOR PLANTING WORK ONLY

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	SENIOR LANDSCAPE ARCHITECT	SUSAN LINDAY	CHECKED BY	ALEX McDONALD	DATE REVISED	03-03-20
			DESIGNED BY	CHRIS PADOCK	REVISED BY	CP



STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	SUSAN LINDSAY	03-03-20
SENIOR LANDSCAPE ARCHITECT	CHECKED BY	DATE REVISED
DESIGNED BY	ALEX McDONALD	03-03-20
CHRIS PADICK	REVISD BY	CP



Attachment 1**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
CALIFORNIA ENDANGERED SPECIES ACT****INCIDENTAL TAKE PERMIT NO. 2081-2018-087-03****PERMITTEE: California Department of Transportation****PROJECT: Huichica Creek Bridge Replacement and Fish Passage Project****PURPOSE OF THE MMRP**

The purpose of the MMRP is to ensure that the impact minimization and mitigation measures required by the California 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	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.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
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.	ITP Condition # 6.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist, through the Resident Engineer, shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.	ITP Condition # 6.3	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
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.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
5	Delineation of Project Boundaries. Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.	ITP Condition # 6.9	Before Commencing Covered Activities	Permittee	
6	Consultation with Conservation Engineering Branch. All final design plan sets shall be submitted to the CDFW Conservation Engineering Branch a minimum of 30 days prior to the initiation of construction for written approval. Work may not proceed without the authorization and approval in writing on the final design plan set from the CDFW Conservation Engineering Branch. At the discretion of CDFW, plan modifications may require an amendment to this ITP. The Final Design Plan Set is subject to change, modification or replacement based on Permittee consultation with CDFW Conservation Engineering Branch on design plan set review and acceptance noted in this Condition of Approval.	ITP Condition # 7.1	Before commencing Covered Activities	Permittee	
7	Notification Before Commencement. The Designated Representative shall notify CDFW 5 calendar days, via email, before starting Covered Activities. The notification shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 7.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
8	<p>Habitat Creation, Restoration and Management: CDFW has determined that habitat creation, restoration and long term 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 square foot area required to provide for adequate compensation.</p> <p>To meet this requirement, the Permittee shall restore the temporarily impacted area of Covered Species habitat on-site, including restoration and enhancement of 0.356 acres of in-stream aquatic habitat and management of restored areas to Conditions of Approval 9.1 and 9.2 below. Restored, created and managed habitats are collectively referred to as the Habitat Management Lands (HM lands). Long-term funding, for monitoring and management of created Covered Species habitat and vegetation management, must be secured before starting Covered Activities or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. The Permittee shall also restore on-site 0.356 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 9.6 below.</p>	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	
9	<p>Cost Estimates. CDFW has estimated the cost of habitat creation, restoration, and long-term management of the shrimp habitat structure and restoration of temporarily disturbed habitat as follows:</p> <p>Habitat creation costs for 200 linear feet of Covered Species willow structure habitat, estimated at \$40,000.00.</p> <p>Habitat Remediation costs for 200 linear feet of Covered Species willow structure habitat, estimated at \$10,000.00.</p> <p>Habitat restoration and enhancement costs for a total of 0.356 acres of Covered Species riparian and aquatic habitat, estimated at \$26,676.00.</p> <p>Long-term management funding as described in Condition of Approval 9.2, estimated at \$42,275.00. Management funding is estimated initially for the purpose of providing Security to ensure implementation of habitat creation, restoration, monitoring and management.</p>	ITP Condition # 9.1	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	
10	Management Fund. The Permittee shall ensure that HM lands are managed, maintained, and monitored as described in this ITP. Permittee shall provide ten years of monitoring and management funding for activities outlined in the final accepted Habitat Enhancement and Long-Term Management Plan consistent with Measure 9.3 below.	ITP Condition # 9.2	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	
11	<p>Habitat Restoration and Mitigation Monitoring Plan (HMMP). The Permittee shall prepare a HMMP for CDFW review and written acceptance 60 days prior to the initiation of construction. The Plan shall outline the restoration of the 0.356-acre area. The Plan shall also include construction level designs for 200 linear feet of Covered Species willow planting structures. The structure does not have to be continuous over 200 linear feet, but should cumulatively add up to 200 linear feet. Restoration and enhancement shall be completed by October 31 in the year of Project completion. The Plan shall be submitted to CDFW for written approval and shall include the following elements:</p> <p>Engineered construction-level design plans for Covered Species willow planting structure.</p> <p>A protocol and schedule for conducting Covered Species monitoring.</p> <p>A detailed planting plan and pallet for the 0.356-acre area. The planting plan's key focus shall be to create overhanging habitat within the creek bed and restore tree canopy cover to the</p>	ITP Condition # 9.3	30 Days Prior to Construction, During Construction, Post Construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>riparian site. The planting plan shall include a map to scale, installation methods of plantings, seed mixes and application methods, species, quantity, size and spacing. At a minimum the success criteria shall be as follows:</p> <ul style="list-style-type: none"> o Installation of trees, shrubs and vegetation as specified in Figure 4. o All tree plantings shall have 75% survivorship after ten years with no supplemental watering during the final two years of monitoring. o A minimum ground cover of 50% after ten years for all herbaceous species. o If success criteria are not achieved, the Permittee shall be responsible for additional replacement planting, watering, weeding, invasive/exotic species eradication, etc. Replacement plants shall be monitored with the same survival and cover requirements for an additional five years after replanting. If success criteria are not met, additional mitigation requirements may be required by CDFW and an Amendment to this ITP may be required. <p>An invasive/exotic plant species removal plan with a list of actions and schedule of timing for proposed actions (chemical application, hand removal, grazing, etc.). The success criterion shall be as follows:</p> <ul style="list-style-type: none"> o A 10% or less ground cover of Cal-IPC Exotic/Invasive plant species rated as "High" by the end of ten years. (http://www.cal-ipc.org/plants/inventory/) <p>A baseline assessment to serve as the year 0 baseline (pre-construction) for subsequent annual monitoring reports (see Condition of Approval 9.4) consisting of the following:</p> <ul style="list-style-type: none"> o Photographic documentation of the immediate pre-construction and post-construction condition of the Project Area. o Baseline vegetation conditions, including items specified under Condition of Approval 9.4.1. o Baseline and annual presence/absence surveys conducted by a Qualified Biologist as specified in Condition of Approval 9.4.2 for Covered Species. o As-built construction plans describing post-Project channel characteristics listed under Condition of Approval 9.4.3. 				
12	<p>HMMP Monitoring. Restoration and enhancement monitoring identified in Condition of Approval 9.3 shall be conducted in years 0 for baseline (pre-construction) and years (post-construction) 1, 2, 3, 5, 7 and 10. Monitoring reports shall include the following three sections: Vegetation Monitoring; Species Monitoring; and Enhancement Site Monitoring. All reports shall be submitted by December 31 of the year in which they are required.</p> <p>Vegetation Monitoring. Monitoring reports shall be submitted in years 0 for baseline (pre-construction) years (post-construction) 1, 2, 3, 5, 7 and 10 shall include: 1) as-built plans/map of restoration and enhancement areas, including the Covered Species habitat structures, specifying the species and locations of plantings; 2) information necessary to show compliance with Condition of Approval 9.3.3 and 9.3.4; 3) an updated map identifying the species and location of replacement plantings; 4) a schedule for future remediation actions.</p> <p>Species Monitoring. Monitoring reports shall be submitted years 0 for baseline (pre-construction), years (post-construction) 1, 2, 3, 5, 7 and 10 and shall include the results of surveys conducted pursuant to Condition of Approval 9.3.2, and copies of CNDDDB reports documenting Covered Species occurrences.</p> <p>Covered Species Habitat Monitoring. Monitoring reports shall be submitted in years 0 for baseline (pre-construction) and years (post-construction) 1, 2, 3, 5, 7 and 10 and shall include: Results from a longitudinal (thalweg) and cross-section survey of Huichica Creek between each weir downstream of the bridge and one cross section every 20 feet upstream of the bridge. The survey shall indicate pools, riffles, large woody debris, slope change, baffles, or other natural or</p>	ITP Condition # 9.4	30 Days Prior to Construction, During Construction, Post Construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>manmade channel features. The thalweg survey points shall be taken continually throughout the thalweg, in addition to where cross-sections are captured. Cross-sections shall be recorded at the following locations at the locations noted above.</p> <p>The following data and information shall be included in the report:</p> <ul style="list-style-type: none"> • A site map with photo-documentation points clearly marked. At a minimum, photo points shall clearly capture the locations where channel cross sections are surveyed (see Condition of Approval 9.4.3.1); • A narrative describing observed and recorded changes to the surveyed channel and Covered Species habitat structure. As applicable, the narrative should include geomorphic trends observed, channel stability issues, stability or instability of the upstream and downstream retaining walls, baffle stability, bank erosion, movement of bed substrates that could threaten vertical or lateral channel stability, and knickpoint formation; • Average water depth along the Covered Species habitat structure; • Stream-bank undercut depth; • Density of viable pole plantings • Recommendations for on-going adaptive management of the Covered Species habitat structure and associated vegetation. 				
13	<p>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:</p> <p>Security Amount. The Security shall be in the amount of \$118,951.00. This amount is based on the cost estimates identified in Condition of Approval 9.1.1, 9.1.2, 9.1.3 and 9.1.4 above.</p> <p>Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 2) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.</p> <p>Security Timeline. The Security shall be provided to CDFW no less than 30 days before Covered Activities begin.</p> <p>Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</p> <p>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.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • Installation of Plantings as specified in Figure 4. • Achievement of success criteria noted in the terms of this ITP and the HMMP. • Timely submission of all required reports over the 10-year monitoring period in years 1, 2, 3, 5, 7 and 10. <p>Even if Security is provided, the Permittee must complete the required Mitigation and Restoration Activities no later than October 31 of the year construction of the Project ends.</p>	ITP Condition # 10	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	CDFW may require the Permittee to provide additional Mitigation and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.				
	DURING CONSTRUCTION				
14	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.	ITP Condition # 6.5	Entire Project	Permittee	
15	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.	ITP Condition # 6.6	Entire Project	Permittee	
16	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 and conform to all dust control strategies covered under Caltrans Standard Specification 10-5.	ITP Condition # 6.7	Entire Project	Permittee	
17	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.	ITP Condition # 6.8	Entire Project	Permittee	
18	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. If Permittee determines additional access routes for travel are necessary, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 6.10	Entire Project	Permittee	
19	Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.10 of this ITP.	ITP Condition # 6.11	Entire Project	Permittee	
20	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.	ITP Condition # 6.12	Entire Project	Permittee	
21	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.	ITP Condition # 6.13	Entire Project	Permittee	
22	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 and follow up with a written report within 5 business/working days.	ITP Condition # 7.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
23	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 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 shall conduct compliance inspections a minimum of once a week during periods of inactivity and after de-watering and riparian vegetation removal are completed.	ITP Condition # 7.4	Entire Project	Permittee	
24	Monthly Compliance Reporting. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.4 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 CDFW's Regional Office at the office listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative. At the time of this ITP's approval, the CDFW Regional Representative is Robert Stanley (Robert.Stanley@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 7.7	Entire Project	Permittee	
25	Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than December 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report (Condition of Approval 7.8). Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.7; (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 square feet subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance, (7) information about other Project impacts on the Covered Species; and (8) all monitoring and reporting requirements in Condition of Approval 9.3 and 9.4. Upon the completion of construction, the ASR shall be provided pursuant to the monitoring and reporting schedule in Condition of Approval 9.4.	ITP Condition # 7.6	Entire Project	Permittee	
26	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.	ITP Condition # 7.5	Entire Project	Permittee	
27	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 (707) 428-2002 and the regional representative within 24 hours. 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 business 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	ITP Condition # 7.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	as to cause of take or injury, and any other pertinent information. The report and notification shall also be submitted to CDFW's Regional Representative Robert Stanley (Robert.Stanley@wildlife.ca.gov).				
28	Work Period. Work within the Project Area shall be confined to the period of June 15 to October 31. Any extension of the work period will require an amendment to this ITP. The amendment request for a work period extension shall: 1) describe the extent of work already completed; 2) detail the activities that remain to be completed; 3) detail the time required to complete each of the remaining activities; 4) provide photographs of both the current work completed and the proposed site for continued work; and 5) include an assessment of the impacts of the work extension of Covered Species.	ITP Condition # 8.1	Entire Project	Permittee	
29	Work in Isolation from Flowing Water. All in-water work within Huichica Creek shall be conducted in isolation from flowing water utilizing a temporary creek diversion system approved in advance by CDFW as specified in this ITP.	ITP Condition # 8.2	Entire Project	Permittee	
30	Covered Species Checks. Before the start of work each day, the Designated Biologist shall check all areas inundated with water for any Covered Species. If found, Covered Species shall be removed by the Designated Biologist and translocated to a safe location (see Condition of Approval 8.5).	ITP Condition # 8.3	Entire Project	Permittee	
31	Covered Species Entrainment. Permittee shall minimize the potential for Covered Species to be entrained during de-watering activities. Pump intakes shall be placed away from complex vegetated banks that may contain habitat for the Covered Species. The Permittee shall implement the use of a screen in accordance with the NMFS 1996 Juvenile Fish Screen Criteria for Pump Intakes. Screen material may be constructed of any rigid woven, perforated, or slotted material that provides water passage while physically excluding fish. Round openings in the screen shall not exceed 0.093-inch diameter, square openings shall not exceed 0.093-inch measured diagonally, and slotted openings shall not exceed 0.069 inches in width. Approach velocity shall not exceed 0.33 feet per second.	ITP Condition # 8.4	Entire Project	Permittee	
32	Covered Species Dewatering and Rescue Plan. The Permittee shall implement a detailed Dewatering and Covered Species Rescue Plan to include, at a minimum, the following measures: a) Only a CDFW-approved biologist with experience in Covered Species capture and handling shall participate in the capture, handling, and monitoring of Covered Species. b) Relocation activities shall be performed during the morning when temperatures are coolest. Hourly air and water temperatures shall be measured and recorded. c) Before removal and relocation of Covered Species, the Designated Biologist shall identify the most appropriate release location(s). Release locations shall provide suitable habitat for Covered Species and shall be selected to minimize the likelihood of reentering the work area. Suitable habitat is defined as creek sections that will remain wet over the summer and where banks are structurally diverse with undercut banks, exposed fine root systems, overhanging woody debris or overhanging vegetation. d) Following installation of water diversion structures, and prior to project activities, a CDFW-approved biologist shall perform surveys for Covered Species in the Project Area, collect, and relocate them to the nearest predetermined suitable habitat. During holding and transportation, Covered Species shall be held in stream water collected from the site. e) Prior to fully dewatering the project area, remaining Covered Species in the work area shall be rescued. Dewatering efforts shall be monitored by the Designated Biologist at all times. The Designated Biologist shall reduce the rate of dewatering if it appears that Covered Species may be stranded. f) Efforts shall be made to reduce collecting and handling stress, minimize the time that	ITP Condition # 8.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>Covered Species are held in buckets, and minimize handling stress during processing and release. Covered Species shall not be held in containers with other species. Immediately after collection, Covered Species shall be identified and counted. Capture methods may include dip nets. All nets shall be made of a soft braded nylon material that is non-abrasive. Mesh sizing shall be matched to species and the life stages likely encountered.</p> <p>g) No employee or contractor shall remove any Covered Species, dead or alive, from the site for personal use. All efforts to reduce the time that live Covered Species are out of the water shall be made to reduce the chances of incidental take during the rescue. All Covered Species are to be promptly returned to the water with the exception of mortality.</p> <p>h) Covered Species shall be processed first and released as soon as possible. Species name and length data will be recorded on data sheets, as well as time, date, location, gear type, water temperature, and any other pertinent observations of the Covered Species.</p> <p>i) Rescue operations may result in Covered Species mortality. If Covered Species suffer mortality, the Permittee shall preserve individuals by freezing or placing in a sealed container with 10 percent formalin solution. Information on time and exact location of any incidental take, method of take, length of time from death to preservation, water temperature, and any other relevant information will be recorded in writing. Permittee shall contact the CDFW regional representative for instructions on transmitting preserved individuals.</p> <p>j) After completing the rescue, a brief documentation report shall be prepared. The report shall include information on the personnel conducting the Covered Species rescue, methods used, numbers of Covered Species collected and relocated, length data, and estimate of the survival of Covered Species immediately after release. Photographs of the site and rescue operations shall be included. Any take of non-Covered Species shall be documented. The report shall be provided by the Permittee to CDFW in the next Monthly Compliance Report required by Condition of Approval 7.7.</p> <p>k) After the Covered Species rescue effort is completed, if additional Covered Species are observed, Project activities shall cease until those individuals have been relocated. The Designated Biologist shall remain at the site during dewatering to rescue additional Covered Species as necessary.</p> <p>l) Reintroduction of stream flows shall be gradual to the isolated work area, so as to prevent stranding, channel instability, or excessive scour. The Designated Biologist shall monitor upstream and downstream reaches to ensure no Covered Species are stranded or in distress during reintroduction of flows. If conditions causing or contributing to stress and/or injury are observed, the Permittee shall take immediate remedial actions directed at lessening sources of stress. This may include a more gradual reintroduction of flows, to avoid abrupt water surface elevation changes both downstream and upstream of the Project Area.</p>				
	POST-CONSTRUCTION				
33	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.	ITP Condition # 6.14	Post-construction	Permittee	
34	Final Mitigation Report. No later than 60 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 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	ITP Condition # 7.8	During and Post Construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	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; (8) all monitoring and reporting requirements in Condition of Approval 9.4; and (9) any other pertinent information.				

[Financial institution letterhead]

IRREVOCABLE STANDBY LETTER OF CREDIT
NO. **[number issued by financial institution]**

Issue Date: **[date]**

Beneficiary:

Department of Fish and Wildlife
Habitat Conservation Planning Branch
Post Office Box 944209
Sacramento, CA 94244-2090
Attn: HCPB Contract Coordinator

Amount: U.S. \$**[dollar number]** **[(dollar amount)]**

Expiry: **[Date]** at our counters

Dear Sirs:

1. At the request and on the instruction of our customer, **[name of applicant]** ("Applicant"), we, **[name of financial institution]** ("Issuer"), hereby establish in favor of the beneficiary, the California Department of Fish and Wildlife ("CDFW"), this irrevocable standby letter of credit ("Credit") in the principal sum of U.S. \$**[dollar number]** **[(dollar amount)]** ("Principal Sum").
2. We are informed this Credit is and has been established for the benefit of CDFW pursuant to the terms of the incidental take permit for the **[name of project]** issued by CDFW to the Applicant on **[date]** (No. **[number]**) ("Permit").
3. We are further informed that pursuant to the Permit, the Applicant has agreed to complete certain mitigation requirements, as set forth in Conditions **[numbers]** in the Permit ("Mitigation Requirements").
4. We are finally informed that this Credit is intended by CDFW and the Applicant to serve as a security device for the performance by the Applicant of the Mitigation Requirements.
5. CDFW shall be entitled to draw upon this Credit only by presentation of a duly executed Certificate for Drawing ("Certificate") in the same form as Attachment A,

which is attached hereto, at our office located at [***name and address of financial institution***].

6. The Certificate shall be completed and signed by an “Authorized Representative” of CDFW as defined in paragraph 12 below. Presentation by CDFW of a completed Certificate may be made in person or by registered mail, return receipt requested, or by overnight courier.
7. Upon presentation of a duly executed Certificate as above provided, payment shall be made to CDFW, or to the account of CDFW, in immediately available funds, as CDFW shall specify.
8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give CDFW prompt notice that the demand for payment was not effected in accordance with the terms and conditions of this Credit, state the reasons therefore, and await further instruction.
9. Upon being notified that the demand for payment was not effected in conformity with the Credit, CDFW may correct any such non-conforming demand for payment under the terms and conditions stated herein.
10. All drawings under this Credit shall be paid with our funds. Each drawing honored by us hereunder shall reduce, *pro tanto*, the Principal Sum. By paying to CDFW an amount demanded in accordance herewith, we make no representations as to the correctness of the amount demanded.
11. This Credit will be cancelled upon receipt by us of Certificate of Cancellation, which: (i) shall be in the form of Attachment B, which is attached hereto, and (ii) shall be completed and signed by an Authorized Representative of CDFW, as defined in paragraph 12 below.
12. An “Authorized Representative” shall mean the Director of CDFW; the General Counsel of CDFW; a Regional Manager of CDFW; or the Branch Chief of CDFW’s Habitat Conservation Planning Branch.
13. This Credit shall be automatically extended without amendment for additional periods of one year from the present or any future expiration date hereof, unless at least sixty (60) days prior to any such date, we notify CDFW in writing by registered mail, return receipt requested, or by overnight courier that we elect not to consider this Credit extended for any such period.
14. Communications with respect to this Credit shall be in writing and addressed to us at [***name and address of financial institution***], specifically referring upon such writing to this credit by number. The address for notices with respect to this Credit shall be: (i) for CDFW: Department of Fish and Wildlife, Habitat

Conservation Planning Branch, Post Office Box 944209, Sacramento, CA 94244-2090, Attn: HCPB Contract Coordinator; and (ii) for the Applicant: [***name and address of applicant***].

15. This Credit may not be transferred.
16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the Uniform Commercial Code, Article 5 of the State of California.
17. This Credit shall, if not canceled, expire on [***expiration date***], or any extended expiration date.
18. We hereby agree with CDFW that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.
19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

[***Name of financial institution***]

By: _____
Name: _____
Title: _____
Telephone: _____

ATTACHMENT A

IRREVOCABLE STANDBY LETTER OF CREDIT NO. [***number issued by financial institution***]
CERTIFICATE FOR DRAWING

To:

[Name and address of financial institution]

Re: **[Insert: "Lake" or "Streambed"]** Alteration Agreement (No. **[permit number]**)

The undersigned, a duly Authorized Representative of the California Department of Fish and Wildlife ("CDFW"), as defined in paragraph 12 in the above-referenced Irrevocable Standby Letter of Credit ("Credit"), hereby certifies to the Issuer that:

1. **[Insert one of the following statements:** "In the opinion of CDFW, the Applicant has failed to complete the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "As set forth in paragraph 13, the Issuer has informed CDFW that the Credit will not be extended and the Applicant has not provided CDFW with an equivalent security approved by CDFW to replace the Credit."]
2. The undersigned is authorized under the terms of the Credit to present this Certificate as the sole means of demanding payment on the Credit.
3. CDFW is therefore making a drawing under the Credit in amount of U.S. \$_____.
4. The amount demanded does not exceed the Principal Sum of the Credit.

Therefore, CDFW has executed and delivered this Certificate as of the ____ day of **[month]**, **[year]**.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY: _____

[Insert one of the following: "DIRECTOR" or "GENERAL COUNSEL" or "REGIONAL MANAGER, [NAME OF REGIONAL OFFICE]" or "BRANCH CHIEF, HABITAT CONSERVATION PLANNING BRANCH"]

ATTACHMENT B

IRREVOCABLE LETTER OF CREDIT NO. **[number issued by financial institution]**
CERTIFICATE FOR CANCELLATION

To:

[Name of financial institution and address]

Re: **[Insert: "Lake" or "Streambed"]** Alteration Agreement (No. **[permit number]**)

The undersigned, a duly Authorized Representative of the California Department of Fish and Wildlife ("CDFW"), as defined in the paragraph 12 in the above-referenced Irrevocable Standby Letter of Credit ("Credit"), hereby certifies to the Issuer that:

1. **[Insert one of the following statements:** "The Applicant has presented documentary evidence of full compliance with the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "The Applicant has provided CDFW with an equivalent security approved by CDFW to replace the Credit."]
2. CDFW therefore requests the cancellation of the Credit.

Therefore, CDFW has executed and delivered this Certificate for Cancellation as of the ____ day of **[month]**, **[year]**.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY: _____

[Insert one of the following: "DIRECTOR" **or** "GENERAL COUNSEL" **or** "REGIONAL MANAGER, [NAME OF REGIONAL OFFICE]" **or** "BRANCH CHIEF, HABITAT CONSERVATION PLANNING BRANCH"]

State of California - Department of Fish and Wildlife

MITIGATION PAYMENT TRANSMITTAL FORM

DFW 1057 (NEW 07/28/17)

Project Applicant Instructions: Please fill out and attach this form to payment. For conservation banks, also attach the Bill(s) of Sale for credits sold. One form may be used for multiple transactions, **BUT YOU MUST USE A SEPARATE FORM FOR EACH CHECK YOU TRANSMIT.** Make sure to include Project Name, Project Tracking Number, and ASB Mitigation Tracking Number (if available) on the attached payment type.

1. DATE: _____ TO: _____ Regional Manager _____ Region Office Address	2. FROM: _____ Name _____ Mailing Address _____ City, State, Zip _____ Telephone Number/FAX Number
3. RE: _____ Project Name as appears on permit/agreement	

4. AGREEMENT/ACCOUNT INFORMATION: (check the applicable type)
☐ 2081 Permit ☐ Conservation Bank ☐ 2835 NCCP ☐ 1802 Agreement ☐ 1600 Agreement ☐ Other _____

 Project Tracking Number
5. PAYMENT TYPE (One check per form only): The following funds are being remitted in connection with the above referenced project:Check information:

Total \$ _____ Check No. _____

Account No. _____ Bank Routing No. _____

a. Endowment: for Long-Term Management Subtotal \$ _____

b. Habitat Enhancement Subtotal \$ _____

c. Security:

1. Cash Refundable Security Deposit Subtotal \$ _____

2. Letter of Credit Subtotal \$ _____

1. Financial Institution: _____

2. Letter of Credit Number: _____

3. Date of Expiration: _____

ACCOUNTING OFFICE USE ONLY	
Description	FI\$Cal Coding
Speedchart (Project, Program, Reference, Fund)	
Reporting Structure	
Category	
Date Established: _____ By: _____	