

## Memorandum

Date: April 11, 2019

To: Mr. Doug Lange  
California Department of Transportation  
District 3  
703 B Street  
Marysville, CA 95901

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 2081-2018-017-03 Caltrans Bridge Seismic Retrofit-Paintersville (03-SAC-160-3F090) Project, Sacramento County

Enclosed are two originals of the Incidental Take Permit for the above referenced project, which have been signed by the California Department of Fish and Wildlife (CDFW). Please read the permit carefully, sign the acknowledgement on both copies of the permit, and return one original no later than 30 days from CDFW signature and prior to initiation of ground-disturbing activities 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 the other original signature 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 initiation 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 acknowledgment 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 (707) 428-2093; or Mr. Craig Weightman, Environmental Program Manager, at (707) 944-5577.

Enclosures

cc: California Department of Fish and Wildlife  
Ryan Mathis – Habitat Conservation Planning Branch, Sacramento  
Craig Weightman – Bay Delta Region, Napa  
Robert Stanley – Bay Delta Region, Fairfield



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**APR 29 2019**

**HABITAT CONSERVATION  
PLANNING BRANCH**

**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. 2081-2018-017-03

**CALTRANS BRIDGE SEISMIC RETROFIT – PAINTERSVILLE (03-SAC-160-3F090) 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 take<sup>1</sup> of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.<sup>2</sup> CDFW may authorize the take of any such species by permit if the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) are met. (See Cal. Code Regs., tit. 14, § 783.4).

<b>Permittee:</b>	<b>California Department of Transportation, District 3</b>
<b>Principal Officer:</b>	<b>Doug Lange, Project Manager</b>
<b>Contact Person:</b>	<b>Michele Lukkarila (530) 741-4239</b>
<b>Mailing Address:</b>	<b>California Department of Transportation, District 3 Environmental Management 703 B Street Marysville, CA 95901</b>

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

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **December 31, 2028**.

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 7.8 of this ITP.

**Project Location:** The Caltrans Bridge Seismic Retrofit – Paintersville (03-SAC-160-3F090) Project (Project) is located on the Paintersville Bridge (Bridge No. 24-0053) over the Sacramento River and the associated floodplain on State Route 160 north and southbound lanes at Post Mile (PM) 20.87, Sacramento County, in the State of California. Latitude 38.318673; Longitude: -121.577867, in the Courtland USGS 7.5 minute quadrangle, in the Mt. Diablo meridian as specified in Figure 1 and 2.

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

<sup>2</sup> "The definition of an endangered, threatened, and candidate species for purposes of CESA are found in Fish and Game Code sections 2062, 2067, and 2068, respectively.

**Project Description:** The California Department of Transportation (Caltrans) (Permittee) proposes to retrofit the existing Paintersville River Bridge (Bridge No. 24-0053). The Bridge Inspection Reports for this structure indicate that seismic retrofit work is needed on this bridge. The work will ensure that the structure performs adequately in a seismic event. Proposed Construction will last two seasons beginning July 2019. The following seismic retrofit improvements are proposed at the Paintersville Bridge:

#### Substructure Retrofit - Abutment Retrofit

The abutment retrofit at the Paintersville Bridge will consist of "abutment strengthening" (Figure 4). The existing abutment will be extended (widened) by installing a pair of new 24-inch diameter Cast In Steel Shell (CISS) piles on each side of the existing abutments (eight CISS piles total for the two abutments), (see Figure 5 and 6). Each pile-pair will be topped with a 5-foot deep by 8-foot long by 4-foot wide reinforced concrete pile cap. A 17.6-foot by 2.5-foot by 5-foot reinforced concrete cross beam will also be added to the existing abutment diaphragm between the abutment seats. The new pile caps and the new cross beam will be tied to existing abutment using drill and bond dowels and 1.5-inch diameter steel tension rods. The distance from the land-based piles to the centerline of the river channel is 280 feet.

#### Abutment 1

The abutment retrofit at abutment 6 will consist of installing seven (7) 24-inch CISS land-based piles (five in one roll and two in another). The CISS piles are all capped with a 5-foot by 5-foot reinforced concrete pile cap. A new 17.6-foot by 2.5-foot by 5-foot reinforced concrete cross beam will also be added to the existing abutment diaphragm between the abutment seats. The new pile caps and the new cross beam will be tied to existing abutment using drill and bond dowels and 1.5-inch diameter steel tension rods. The distance from the land-based piles to the centerline of the river channel is 280 feet.

#### Abutment 6

The abutment retrofit at abutment 6 will consist of installing seven (7) 24-inch CISS land-based piles. The CISS piles are all capped with a 5-foot by 5-foot reinforced concrete pile cap. A new 17.6-foot by 2.5-foot by 5-foot reinforced concrete cross beam will also be added to the existing abutment diaphragm between the abutment seats. The new pile caps and the new cross beam will be tied to existing abutment using drill and bond dowels and 1.5-inch diameter steel tension rods. The distance from the land-based piles to the centerline of the river channel is 300 feet.

#### Land Based Piles Construction Methods for Abutment Retrofit

The existing abutments are "seat" type abutments. Land-based CISS piles proposed for the abutment retrofit will be installed by impact pile-driving. The river is over 500 feet wide, impact pile driving would not occur within 200 feet of the centerline of the river channel. The piles may be initially placed ("stabbed") using a vibratory hammer; however, the ultimate CISS pile driving is accomplished using an impact pile driving hammer. For preliminary assessment, it is assumed that a hammer similar to D36-32 or D100-42 may be used to drive the CISS piles. Pile driving equipment is proposed to access the Paintersville Bridge Environmental Study Limit (ESL) and construction site on a tracked crane or tracked long-boomed vehicle along the existing levee access roads and levee banks within the ESL. The construction of the new concrete pile cap abutment extension will require soil excavation, the construction of temporary wooden forms, and concrete pouring. The new pile-cap abutment extension will be tied to the existing abutment and seats by using drill and bond dowels. The bridge may require closure to perform portions of this work.

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### Substructure Retrofit – Pier Retrofit

The existing Paintersville Bridge piers are supported by a pile footing and pile cap (a reinforced concrete slab constructed on top of a group of foundation piles). From above the water, the piers each look like a single support to the bridge while below, rows of piles bear the load of the structure. At the Paintersville Bridge, the bridge pier substructure is proposed to be retrofit by constructing a stabilizing reinforced concrete “collar” at each pier. The new pier collars will each be supported by two (2) 96-inch diameter Cast In Drill Hole (CIDH) piles (4 piers = 8 new 96-inch diameter piles). The new piles and pier collar will resemble a new “bent” with the bent cap forming a collar around the existing pier (See Figure 7 and 8). The pier collar bent cap will be constructed above the high water mark of the Sacramento River. The collars will be tied to existing piers using drill and bond dowels. A similar pier retrofit was recently constructed by Caltrans at the “Steamboat Slough” bridge at highway post mile 19.82 on State Route 160 in Sacramento County, approximately one (1) mile south of the Paintersville Bridge.

### Substructure Retrofit – Pier Retrofit Construction Methods

Construction access to the existing Paintersville Bridge piers will require using the existing levee roads and a Barge. A barge typically is anchored to (tied against) the existing piers to be kept stationary during construction activities at each location. In addition, four vertical anchors (steel or concrete shafts, one at each corner of the barge) are typically used for additional stabilization. Each anchor is installed through a sleeve in each corner of the barge and extended into the mud-line. The anchors are then vibrated into the river bottom until refusal, typically to a depth of 5-10 feet. This system allows the barge to rise and fall with changes in the water level. Buoys with reflective tape will be attached to the anchor ropes for nighttime visibility purposes to designate anchor lines just beneath the water surface.

The 96-inch diameter CIDH piles proposed for the pier collar retrofit will be installed by vibratory hammer, drilling and concrete placement. The approximately 50-foot long permanent steel casing will be placed using a vibratory hammer. Vibratory hammer pile driving equipment will be in operation at the construction site on a tracked crane or tracked long-boomed vehicle on the existing levee road or barge. The construction of the proposed pier collars will require the construction of temporary wooden forms, and concrete pouring.

### Superstructure Retrofit – Steel Truss Strengthening

The existing structural frame steel truss members and truss connections are proposed to be strengthened by installing “gusset plates”. A gusset plate is a thick sheet of steel used for joining structural steel components. The gusset plate is installed at the intersection of two or more adjacent beams, chords, or columns. It may be fastened to each steel framing member using mechanical fasteners like bolts, or permanent bonds, such as welding. The gusset plates serve as both a method of joining the steel together and of adding strength and support to each joint. This work will be performed from the existing bridge deck using small equipment such as a man-lifts or a boom truck.

### Replace Dolphins

The eight existing creosote-treated timber dolphins at the Paintersville Bridge are proposed to be removed and replaced with similar dolphins using timber, plastic, or steel piling. Each existing dolphin is comprised of seven piles. According to “California Nonpoint Source Program, Water Quality Fact Sheet”, the California Coastal Commission and CDFW no longer allow installation of creosote treated pilings. A dolphin is a man-made aquatic structure that extends above the water level and is not

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connected to shore. Typical uses include extending a berth (a berthing dolphin) or providing a point to moor to (a mooring dolphin). Dolphins are also used to display regulatory information like speed limits etc., other information like advertising or directions and navigation information like a day-beacon as well as ranges and lighted aids to navigation. Mooring dolphins can also be used to "cushion" ship impacts, somewhat similar to fenders.

#### Dolphin Replacement Construction Methods

Construction equipment access to the existing dolphins will be from a barge. The existing dolphins are proposed to be removed by cutting them off below the mudline. New timber, plastic, or steel piling will be driven with a vibratory hammer. The existing dolphin piling and lumber are Douglas-fir treated with creosote. Work surface on the barge shall include a containment basin for pile and any sediment removed during cutting. Upon removal from substrate, the piles shall be moved expeditiously from the water into a containment basin. The treated wood waste removed from the existing dolphin system will be collected by the contractor and transported to the contractor's facility before being disposed of in an appropriate landfill (Class 1 facility). The nearest Class 1 landfill facilities include the following:

Placer County: Western Regional Landfill at 3195 Athens Road in Lincoln, CA

Solano County: Hay Road Landfill at 6426 Hay Road near SR 113 in Vacaville, CA

Yuba County: Ostrom Road Landfill at 5900 Ostrom Road in Wheatland, CA

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

This ITP covers the following species:

<b>Name</b>	<b>CESA Status<sup>3</sup></b>
1. Chinook salmon – Central Valley spring-run ( <i>Oncorhynchus tshawytscha</i> )	Threatened <sup>4</sup>
2. Chinook salmon – Sacramento River winter-run ( <i>Oncorhynchus tshawytscha</i> )	Endangered <sup>5</sup>
3. Delta smelt ( <i>Hypomesus transpacificus</i> )	Threatened <sup>6</sup>
4. Longfin smelt ( <i>Spirinchus thaleichthys</i> )	Threatened <sup>7</sup>

These species and only these species are hereinafter referred to as "Covered Species."

#### **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, demolition and removal of the existing support bents, construction of the substructure retrofit, abutment retrofit, superstructure retrofit, installation of sound

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<sup>3</sup> Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species. All other species are "unlisted."

<sup>4</sup> See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(2)(C).

<sup>5</sup> See Cal. Code Regs. tit. 14 § 670.5, subd. (a)(2)(M).

<sup>6</sup> See Cal. Code Regs. tit. 14 § 670.5, subd. (a)(2)(O).

<sup>7</sup> See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(2)(E).

attenuation systems, pile driving, vibratory hammering, construction of work platforms, construction of temporary access routes, excavation of the Project Area, fill of the Project Area, installation and removal of water diversion systems, contaminants, and sediment mobilization (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as exposure to suspended sediments, stranding in isolated pools, relocation from isolated pools, entrapment in temporary water diversion systems, barometric trauma, crushing by heavy equipment, entombment by excavation and fill and contaminants released during demolition and construction. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from exposure to suspended sediments, stranding in isolated pools, relocation from isolated pools, entrapment in temporary water diversion systems, barometric trauma, crushing by heavy equipment, entombment by excavation and fill and contaminants released during demolition and construction. The areas where authorized take of the Covered Species is expected to occur include the bed, bank, channel and upland riparian habitat areas of the Sacramento River (collectively, the Project Area).

The Project is expected to cause the permanent loss of 0.009 acres of in-water habitat for the Covered Species and temporary loss of 0.012 acres of in-water habitat for the Covered Species as well as 0.0005 acres of permanent riparian impacts and 0.148 acres of temporary riparian impacts as specified in Figure 3. 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: potential Covered Species mortality due to displacement from preferred habitat, entrainment through uptake of sediment and water by temporary diversion systems, and the potential for impacts from inadvertent construction-related spills of pollutants (oils, gasoline, diesel, lubricants, etc.).

#### **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 as authorized in this ITP.

#### **Conditions of Approval:**

Unless specified otherwise, the following measures shall pertain to all Covered Activities within the Project Area, including areas used for vehicular ingress and egress routes during dredging activities, staging and parking, and noise and vibration generating activities that may cause take. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.

2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Bridge Seismic Safety Retrofit Project in Sacramento and San Joaquin Counties Mitigated Negative Declaration (SCH No.: 2016072040) adopted by the California Department of Transportation on December 30, 2016 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), unless otherwise conditioned herein.
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 (Notification No. 1600-2017-0346-R2) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
4. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the U.S. Fish and Wildlife Service Formal Consultation on the Biological Opinion for the Proposed Caltrans Bridge Seismic Retrofit Project (03-SAC-05 and 160, EA 03-3F090) (Biological Opinion 08FBDT00-2016-F-0147) and the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) Formal Consultation on the Caltrans Bridge Retrofit Project (03-SAC-05 and 160, EA 03-3F090) (Biological Opinion NMFS No. WCR-2016-5574) for the Project pursuant to the federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
5. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
6. **General Provisions:**
  - 6.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing 15 days prior to 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(s). 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, Biological Monitor or 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. Permittee shall accommodate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP due to a conflict with Project construction, then the Designated Biologist shall notify the CDFW representative immediately.
- 6.4. Training Session for Personnel. Permittee shall ensure that a CDFW-approved qualified biologist conducts an education program for all persons employed on the Project prior to performing Covered Activities. Instruction shall consist of a presentation by the designated qualified biologist that includes a discussion of the biology and general behavior of any sensitive species which may be in the area, how they may be encountered within the work area, and procedures to follow when they are encountered. The status of CESA-listed species including legal protection, penalties for violations and Project-specific protective management measures provided in this Agreement shall be discussed. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to on-site Project activity. Copies of the Agreement for this Project shall be maintained at the worksite with the Project supervisor. Permittee or designated biologist shall prepare and distribute wallet-sized cards or a factsheet handout containing this information for workers to carry on-site. Upon completion of the program, employees shall sign an affidavit stating they attended the program and understand all protection measures. The forms and education pamphlet shall be filed at the Permittee's office and submitted to CDFW prior to the completion of construction.
- 6.5. Construction Schedule. Permittee shall submit a final construction schedule to CDFW within 15 calendar days prior to the start of Project construction activities. The construction schedule shall identify the approximate beginning and completion date of Project activities. During the Project construction period, Permittee shall notify CDFW of any major changes in the construction schedule at least seven (7) days prior to the change being implemented.
- 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. Plastic water bottles and plastic bags shall be picked up and removed daily.
- 6.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles.
- 6.8. Erosion Control. All erosion and sediment control measures shall be installed prior to earth-moving Covered Activities. Permittee shall utilize erosion control measures throughout all phases of the Project where sediment runoff from exposed slopes could leave the Project Area and/or enter a drainage, stream, or ponded area. No phase of the Project that may cause the introduction of sediments into a drainage, stream or ponded area may be started if

that phase and its associated erosion control measures cannot be completed prior to the onset of a storm. Permittee shall consult 72-hour weather forecasts from the National Weather Service prior to the startup of any phase of the Project that may result in sediment runoff to a drainage, stream, or ponded area. The Designated Biologist shall monitor erosion control measures before, during, and after each storm event and Permittee shall repair and/or replace ineffective measures immediately. Following completion of the Project, Permittee shall implement erosion control measures for all disturbed areas, which may include reseeding using a noxious weed-free locally native seed mix, hydroseeding, jute matting, or tackifying agents to stabilize soils, dust control, and prevent erosion.

- 6.9. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as plastic or mono-filament netting (erosion control matting) or similar material. Tightly woven silt fencing material or woven organic materials such as coir logs (without mono-filament netting) shall be permitted.
- 6.10. Firearms and Dogs. Permittee shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, state, or federal law enforcement officials.
- 6.11. Delineation of Property Boundaries. Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area. All fenced, staked, or flagged markers shall be removed upon completion of the Project. If placing of markers is not feasible sensitive areas shall be discussed in the Training Session for Personnel (Condition of Approval 6.4).
- 6.12. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. If placing of markers is not feasible sensitive areas shall be discussed in the Training Session for Personnel (Condition of Approval 6.4). All fenced, staked, or flagged markers shall be removed upon completion of the Project.
- 6.13. Project Access. Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 6.14. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the off-site staging areas outside of sensitive habitat and covered species habitat. All Staging and storage areas

for equipment, materials, fuels, lubricants and solvents, shall be located outside of the creek channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the creek shall be positioned over drip pans. Any equipment or vehicles driven and/or operated within or adjacent to the stream must be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area.

- 6.15. No Dumping. Permittee and all contractors, subcontractors, and employees shall not dump any litter or construction debris within the stream, or where it may pass into the stream.
- 6.16. Wash Water. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.
- 6.17. 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.
- 6.18. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 6.19. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 6.20. Equipment Maintenance and Fueling. All equipment operated within the channel shall be checked and maintained daily to prevent leaks of materials that if introduced to the water could be deleterious to Covered Species. No equipment maintenance or fueling shall be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter these areas unless the appropriate spill prevention measures are in place such as catch basins or drip pans, lined with an impermeable layer that has been placed under the equipment. When exchanging tanks over water or filling the vibratory extractor rig, drip pans shall be used. Fuel and other material stored on the barge shall be stored in a plastic tub to contain leaks or spills. Spill equipment such as booms, drip pans, and absorbent pads shall be on-site and be ready to deploy in case of spill.
- 6.21. Cleaning Equipment Prior to Entering Channel. All equipment that will be entering the active channel shall be cleaned of materials deleterious to aquatic life including oil, grease, hydraulic fluid, soil and other debris. Wash water containing mud or silt from washing or other operations shall not be allowed to enter the channel.

- 6.22. Prevention of Spread of Invasive Species. Permittee shall conduct Project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one Project site and/or waterbody to another. Prevention BMPs and guidelines for invasive plants can be found on the Cal-IPC's website at: <http://www.cal-ipc.org/ip/prevention/index.php> and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: <http://www.protectyourwaters.net/>. Additional resources can be found on the California Invasive Species List from the Invasive Species Council of California.
- 6.23. Spill Prevention. A spill response plan shall be submitted to CDFW for approval in writing at least 7 days prior to the initiation of construction. A designated inspector familiar with the utilized construction equipment shall be on-site during all Project activities in order to monitor equipment operations, prevent waterway contamination and respond to equipment malfunctions. The barge, boat, heavy equipment shall be regularly inspected for wear, leaks, and/or malfunction. Hazardous material leaks and spills shall be attended to immediately as outlined in the Spill Prevention and Response Plan. Prior to entering the work site, all field personnel shall know the location of spill kits and trained in their appropriate use.
- 6.24. Spill Containment. All activities performed in or near a river, stream, or lake shall have absorbent materials designated for spill containment and cleanup activities on-site for use in an accidental spill. The Permittee shall immediately notify the California Emergency Management Agency at 1-800-852-7550 and immediately initiate the cleanup activities. CDFW shall be notified by the Permittee and consulted regarding clean-up procedures.

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

- 7.1. Notification Before Commencement. The Designated Representative shall notify CDFW at least 5 calendar days before starting Covered Activities for each construction season and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 7.2. Notification of Non-compliance. The Designated Representative and Designated Biologist 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 and Designated Biologist shall report any non-compliance with this ITP to CDFW within 24 hours.
- 7.3. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist shall conduct

compliance inspections a minimum of twice per week during periods of inactivity and after clearing, grubbing, and grading are completed.

- 7.4. 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.
- 7.5. Monthly Compliance Reports. 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 detail approximate Project impacts in acres, separated into permanent, and temporary impacts. The reports shall: (1) identify and describe the temporary and permanent impacts to date; and (2) include all monitoring information required by the terms of this ITP. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Robert Stanley ([Robert.Stanley@wildlife.ca.gov](mailto:Robert.Stanley@wildlife.ca.gov)) and Headquarters CESA Program email is [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 7.6. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.5; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species. ASRs 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 Robert Stanley ([Robert.Stanley@wildlife.ca.gov](mailto:Robert.Stanley@wildlife.ca.gov)).
- 7.7. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.

- 7.8. Final Mitigation Report. No later than 30 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; (8) any other pertinent information; and (9) Permittee shall conduct and provide to CDFW an as-built survey upon completion of construction. The survey shall be conducted once excavation is complete. The survey shall include a longitudinal profile beginning above the work area, continue through the sediment removal channel, and end below the work area. Cross sections shall be taken on the upstream and downstream side of the bridge and evenly spaced along the channel. The survey shall capture the slope and grade breaks along the channel. The locations of the profile and cross sections shall be overlaid on a high quality aerial photograph. Permittee shall submit the as-built survey with the On-Site Habitat Enhancement Plan, see Condition of Approval 9.6.
- 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 by email to Robert Stanley at [Robert.Stanley@wildlife.ca.gov](mailto:Robert.Stanley@wildlife.ca.gov). 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.

## **8. Take Minimization Measures**

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

- 8.1. Work Period. All in channel Covered Activities within the bed, bank, and channel shall be limited to occur from July 1 to October 31.
- 8.2. Dry Channel/Work Prohibition. No work within the active channel shall be initiated unless the appropriate avoidance and minimization measure have been installed within the Project Area as required by the terms of this ITP and verified as functioning by the Resident Engineer.

- 8.3. Conduct Work During Daylight Hours. Work is restricted to daylight hours (one hour after sunrise to sunset). Exceptions may be granted upon written request and written approval from CDFW.
- 8.4. Work Period in Dry Weather Only. Permittee shall conduct work within the Project Area, during periods of dry weather. The Permittee shall monitor forecasted precipitation. When 1/2 inch or more of precipitation is forecasted to occur, the Permittee shall stop work before precipitation commences. No Project activities may be started if its associated erosion control measures cannot be completed prior to the onset of precipitation. After any storm event, the Permittee shall inspect all sites currently under construction and all sites scheduled to begin construction within the next 72 hours for erosion and sediment problems and take corrective action as needed. Seventy-two hour weather forecasts from National Weather Service shall be consulted and work shall not start back up until runoff ceases.
- 8.5. Pile Driving Hydro-Acoustic Limits. Sound pressure levels generated by impact pile driving activities, including pile proofing, in the water, or within 200 linear feet of the water's edge in the active channel, that produce injurious sound to Covered Species shall be kept below the interim thresholds, 206 decibel (dB) peak Sound Pressure Level (SPL) and 187 dB cumulative Sound Exposure Level (SEL). If the 206 dB SPL or 187 cumulative SEL thresholds are exceeded for impact pile driving, or pile-proofing activities, the Permittee shall stop all impact pile driving activities and not continue until CDFW has been consulted. Any exceedance in the threshold distances for impact pile driving shall require an Amendment to this ITP. The Permittee shall monitor sound levels for all in-water impact pile install activities, including pile-proofing, as well as for piles installed within 200 linear feet of the water's edge in the active channel, as specified in Condition of Approval 8.7. Monitoring shall only be required during impact pile driving activities occurring within the river channel, as well as for piles within a reasonable distance of the water on dry land (within 200 feet of the water's edge of the active channel) where sound levels may be injurious to Covered Species.
- 8.6. Turbidity, Noise and Vibration Reduction. As necessary for any pile installed via impact hammer, or for pile-proofing activities that have the potential to exceed the Pile Driving Hydro-Acoustic Limits specified in Condition of Approval 8.5, the Permittee will furnish, install, operate and maintain a sound attenuation system for all piles installed in water by impact hammer to reduce noise generated into the water. If the sound attenuation system fails, pile driving shall immediately stop and may not resume at the location until the system is put back into operation. Piles installed by vibratory hammer shall not require sound attenuation. A design of the sound attenuation system shall be submitted to CDFW for written approval no less than 14 days prior to the initiation of construction. The following sound attenuation systems may be employed including but not limited to:
- a. Confined bubble curtain
  - b. An unconfined bubble curtain
  - c. Isolation casings
  - d. Wooden pile cushions
- 8.7. Hydro-Acoustic Monitoring Plan. A minimum of 14 days prior to the initiation of construction an acoustic monitoring plan to evaluate sound levels during pile driving activities shall be

prepared by the designated hydro-acoustic monitoring specialist who is also approved as a Designated Biologist. The acoustic monitoring plan must be approved in writing by CDFW before pile driving activities can proceed. The acoustic monitoring plan must be implemented during all in-water impact pile driving activities including pile-proofing, as well as near water piles within 200 feet of the edge of water in the active channel. At minimum, the plan will include the following:

- Daily acoustical monitoring by the designated hydro-acoustic monitoring specialist.
- Describe the methods necessary to continuously assess underwater noise on a real-time basis, including details on the number, location, distance and depth of hydrophones and associated monitoring equipment.
- Provide a means of recoding the time, number of pile strikes, peak sound energy per strike and interval between strikes.
- A minimum of two hydrophone underwater sound monitoring systems (hydrophone, signal amplifier and calibrator) that utilize current National Institute of Standards and Technology traceable calibration method.
- Require a minimum recording distance of 10 meters from each pile being monitored.
- Position a hydrophone at the proposed limits of peak and cumulative strikes to ensure threshold distances are not surpassed or provide specific analysis on how the proposed limits shall be measured and monitored.
- Provide specific inputs and calculations for cumulative sound exposure limits in the monitoring reports.

The results of hydro-acoustic monitoring shall be made available to CDFW upon request and submitted in the appropriate Monthly Report (See Condition of Approval 7.5) Annual Report (See Condition of Approval 7.6) and the Final Construction Report (See Condition of Approval 7.8).

- 8.8. Soft Start Pile Driving. The initial strikes of all in-water piles activities, including pile-proofing, installed via impact hammer, or piles that occur within 200 linear feet of water's edge of the active channel installed via impact hammer shall occur at less than full impact force for a period of 15 seconds followed by 30 seconds of no activity. This action shall be repeated two additional times and impact shall be gradually brought up to full force blows to reduce the initial sound level and provide warning blows to allow aquatic species adequate time to leave the Project action area.
- 8.9. Minimize Use of Impact Hammer. The amount and duration of the impact hammer activities shall be minimized. Use of the impact hammer shall be limited to daylight hours to allow movement of fish that may be present in the Project vicinity to pass the construction area during the night time hours.
- 8.10. Pile/Pier Removal. Any pile or pier or any sediment or attached debris on a pile or pier set for demolition shall be removed in a manner to prevent any pile, pier or associated mud or debris from entering the active channel. Upon removal the pile, pier or associated mud or debris must be stored in a containment system located outside of Covered Species habitat that is designed so runoff cannot enter the active channel.

- 8.11. Daily Aquatic Species Checks. Before the start of work each day and throughout the course of the day as determined by the Designated Biologist, the Project Area shall be inspected for any Covered Species or aquatic species. Aquatic species shall be removed by the Designated Biologist and translocated to a safe location (see Condition of Approval 8.14).
- 8.12. Fish Salvage. The Designated Biologist shall stop work if fish are stunned or otherwise directly impacted by noise and vibration from pile driving. Work shall not resume until the fish clears the construction area or fish rescue is performed as specified in Condition of Approval 8.14.
- 8.13. Covered Species Entrainment. Permittee shall minimize the potential for Covered Species to be entrained in any equipment intakes, pipes, etc. Permittee shall minimize the potential for aquatic species to be entrained during de-watering activities. Pump intakes shall be placed away from complex vegetated banks that may contain habitat for 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 3/32-inch diameter, square openings shall not exceed 3/32-inch measured diagonally, and slotted openings shall not exceed 0.069 inches in width. Approach velocity shall not exceed 0.33 feet per second.
- 8.14. Covered Fish Species Rescue Plan. The Permittee shall implement a Covered Species Rescue Plan to be implemented during Project exclusion as applicable and as safety shall allow. The Covered Species Rescue Plan shall include at minimum the following:
- 8.14.1. Covered Species capture and relocation shall be conducted by or under the direct supervision of the CDFW-approved Designated Biologist, as required by Condition of Approval 6.2.
  - 8.14.2. Prior to any exclusion activities and subsequent Covered Activities, the Designated Biologist shall capture and relocate Covered Species to the nearest predetermined release location, identified by the Designated Biologist.
  - 8.14.3. Before capture 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 Covered Species reentering the work area.
  - 8.14.4. All dip nets used to capture Covered Species 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.
  - 8.14.5. Relocation activities shall be performed in the morning if maximum daytime air temperatures are expected to exceed 23 °C (~75 °F).
  - 8.14.6. Captured Covered Species must be kept in a closable container in an adequate amount of cool, clean, well-oxygenated water (e.g., a cooler with lid containing stream water and a battery-operated air stone). Water temperature shall be monitored and kept

below 60°F. If necessary, water shall be cooled with ice without introducing ice-borne chemical contaminants. Transport containers shall have a water volume of no-less-than five gallons, preferably more. Covered Species density in the transport container shall not exceed 10 Covered Species (40-80mm) per gallon of water. Collected Covered Species shall not be anesthetized at any point during the rescue operation.

- 8.14.7. 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 capture and relocation. All Covered Species are to be promptly returned to the water with the exception of mortality.
- 8.14.8. Efforts shall be made to reduce capture 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. Covered Species shall be processed first and relocated as soon as possible. Species name and length data shall be recorded on data sheets, as well as time, date, location, gear type, water temperature, and any other pertinent observations of the Covered Species. Permittee shall provide Covered Species capture data to CDFW in the Compliance Report, as required by Condition of Approval 7.4 to Condition of Approval 7.8.
- 8.14.9. Permittee shall preserve dead 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. Any take of non-Covered Species shall be documented and included in the Post-Construction Compliance Report, as required by Condition of Approval 7.4 to Condition of Approval 7.8.
- 8.14.10. After the Covered Species relocation effort is completed, if additional Covered Species are observed, Permittee shall cease Covered Activities until those individuals have been relocated. The Designated Biologist shall remain at the site during Covered Activities to capture and relocate additional Covered Species as necessary.
- 8.14.11. After completing the fish rescue, the Designated Biologist shall prepare a brief documentation report. The report shall include information on the personnel conducting the fish rescue, methods used, numbers of each species collected and relocated, length data, and estimate of the survival of fish immediately after release. Photographs of the site and rescue operations shall be included. The report shall be provided by the Permittee to CDFW in the next Monthly Compliance Report required by Condition 7.5 and in the Final Mitigation Report.
- 8.15. Covered Fish Species Mortality. If the Covered Species is found recently deceased, the carcass shall be immediately bagged, labeled, and preserved in a freezer. The label shall include time and date, GPS location, circumstances surrounding death (if known), and ITP

tracking number. The specimen shall be delivered to the CDFW Wildlife Investigations Lab, Attention: Deana Clifford, 1701 Nimbus Road, Suite D, Rancho Cordova, CA 95670 within two calendar days of the discovery.

- 8.16. Disposal of Debris. Permittee shall use one, but not both, of the following methods to handle natural debris (debris composed of on-site vegetation, usually removed from waterways. Debris does not include spoils from dredging). Debris shall be placed in piles 200 feet or more from aquatic habitat. Debris piles shall be placed within wildlife exclusionary fencing areas and shall not be disturbed or removed once placed. Debris shall be immediately hauled off-site for disposal.

- 9. Habitat Management Land Acquisition and Restoration:** CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall either purchase 0.1885 acres of Covered Species habitat credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.2). The mitigation or conservation bank credits shall consist of 0.039 acres of in-water habitat and 0.1495 acres of stream-bank/riparian habitat OR shall provide for both the permanent protection and management of a minimum of 0.1885 acres of Habitat Management (HM) lands (assuming the HM lands supports the Covered Species) pursuant to Condition of Approval 9.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 below. If multiple species credits are available, the credits can be stacked. If the HM land supports multiple Covered Species the HM land can be stacked. HM lands shall include 0.039 acres of in-water habitat and 0.1495 acres of stream-bank/riparian habitat for All Covered Species through preservation, restoration, enhancement, and/or creation of habitat that is the same or better quality as the in-water habitat that will be impacted. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. The Permittee shall also restore on-site 0.148 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 acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows:

- 9.1.1. Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at \$42,500.00 per acre; for 0.1885 acres: **\$8,011.00**. Land acquisition costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;
- 9.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.3.5 below, estimated at **\$12,114.00**;

- 9.1.3. Interim management period funding as described in Condition of Approval 9.3.6 below, estimated at **\$990.00**;
- 9.1.4. Long-term management funding as described in Condition of Approval 9.4 below, estimated at \$30,906.00 per acre; for 0.1885 acres: **\$5,825.00**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
- 9.1.5. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 9.5, estimated at **\$3,000.00**.
- 9.1.6. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 9.6, calculated at \$2,175.00 per acre; for 0.148 acres: **\$322.00**.
- 9.2. Covered Species Credits. Permittee shall purchase 0.1885 acres of Covered Species in-water and riparian credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP, if Security is provided pursuant to Condition of Approval 10 below.

OR

- 9.3. Habitat Acquisition and Protection. To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall:
  - 9.3.1. Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);
  - 9.3.2. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see

Attachment 2B) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;

- 9.3.3. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2A). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 9.3.4. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.
- 9.3.5. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <https://www.wildlife.ca.gov/Conservation/Planning/Banking>); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;
- 9.3.6. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, vegetation and invasive species management, annual protocol-level Covered Species surveys, and rangeland monitoring. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.
- 9.4. Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 9.3, The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term

land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 9.3.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.

- 9.4.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).;
- 9.4.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.
- 9.4.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.

- 9.4.2.2. Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment: 10 Percent Contingency.
- 9.4.2.3. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.
- 9.4.2.4. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.
- 9.4.2.5. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.
- 9.4.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.
- 9.5. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.
- 9.6. On-Site Restoration/Habitat Enhancement Plan. The Plan shall be prepared by a Qualified Biologist or Stream Restoration Specialist, and address recovery or enhancement of at least 0.148 acres of Covered Species Habitat. The Plan shall include a plant pallet of existing native species known to occur on-site approved in advance by CDFW as specified below. The On-Site Habitat Restoration/Habitat Enhancement Plan for temporary impacts shall also include success criteria, a monitoring and reporting schedule, and corrective actions to be taken if mitigation measures do not meet the approved success criteria. All plantings shall be derived from locally available genotypes. The Permittee shall monitor the survival and vigor of onsite plantings for a period of five years to ensure attainment of a 75% survivorship after five years, with the final two years occurring without supplemental watering, if success criteria are not achieved within 5 years, additional years of enhancement and monitoring shall be required until the criteria is met. Removal of invasive plant species from the California Invasive Species List by the Invasive Species Council of California from the site to a 10% or less ground cover within the restoration area shall also be incorporated into the plan over a period of 5 years, additional management actions occurring over additional years may be required.

**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 **\$30,262.00**. This amount is based on the cost estimates identified in Condition of Approval 9.1 above.
- 10.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 10.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 10.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 10.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.
- 10.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 10.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
  - Written documentation of the acquisition of the HM lands;
  - Copies of all executed and recorded conservation easements;
  - Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
  - Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

**Amendment:**

This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable regulations and law. This ITP may be amended without the

concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

**Stop-Work Order:**

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

**Compliance with Other Laws:**

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

**Notices:**

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

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2018-017-03) 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

Incidental Take Permit  
No. 2081-2018-017-03

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
CALTRANS BRIDGE SEISMIC RETROFIT – PAINTERSVILLE (03-SAC-160-3F090) PROJECT

and a copy to:

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

Unless Permittee is notified otherwise, 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  
2825 Cordelia Road, Suite 100  
Fairfield, CA 94534  
Telephone (707) 428-2093

**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 Bridge Seismic Safety Retrofit Project in Sacramento and San Joaquin Counties Mitigated Negative Declaration (State Clearinghouse #2016072040) dated December and adopted on December 30, 2016.

In fulfilling its obligations as a responsible agency, CDFW's obligations pursuant to CEQA are more limited than those of the lead agency. CDFW, in particular, is responsible for considering only the effects of those Project activities that it is required by law to carry out or approve, and mitigating or avoiding only the direct or indirect environmental effects of those parts of the Project that it decides to carry out, finance, or approve [Pub. Resources Code, § 21002.1, subd. (d); CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g)].<sup>8</sup> Accordingly, because CDFW's exercise of discretion is limited to issuance of this ITP, CDFW is responsible for considering only the environmental effects that fall within its permitting authority pursuant to CESA.

This ITP, along with CDFW's CEQA findings for this ITP and Project, 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, as well as adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will

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<sup>8</sup> The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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, consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) seasonal restrictions; (3) worker education; (4) monitoring; and (5) compliance reporting. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 3.6885 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the

species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

**Attachments:**

FIGURE 1	Project Vicinity Map
FIGURE 2	Project Location Map
FIGURE 3	Estimated Impacts to Waters of the State-Table 1
FIGURE 4	Paintersville Bridge General Plan
FIGURE 5	Paintersville Bridge Abutment 1 Layout
FIGURE 6	Paintersville Bridge Abutment 6 Layout
FIGURE 7	Paintersville Bridge Pier Layout
FIGURE 8	Paintersville Bridge Pier Detail
FIGURE 9	Paintersville Bridge Dolphin Layout
FIGURE 10	Paintersville Bridge Dolphin Details
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Habitat Management Land Acquisition Checklist
ATTACHMENT 3	Irrevocable Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form

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

on 4-11-19.

  
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

By: 

Date: 4-11-19

Printed Name: DOUGLAS H. LANGE

Title: CALTRANS PROJECT MANAGER

Incidental Take Permit  
No. 2081-2018-017-03  
CALIFORNIA DEPARTMENT OF TRANSPORTATION  
CALTRANS BRIDGE SEISMIC RETROFIT – PAINTERSVILLE (03-SAC-160-3F090) PROJECT

Figure 1. Project Vicinity Map

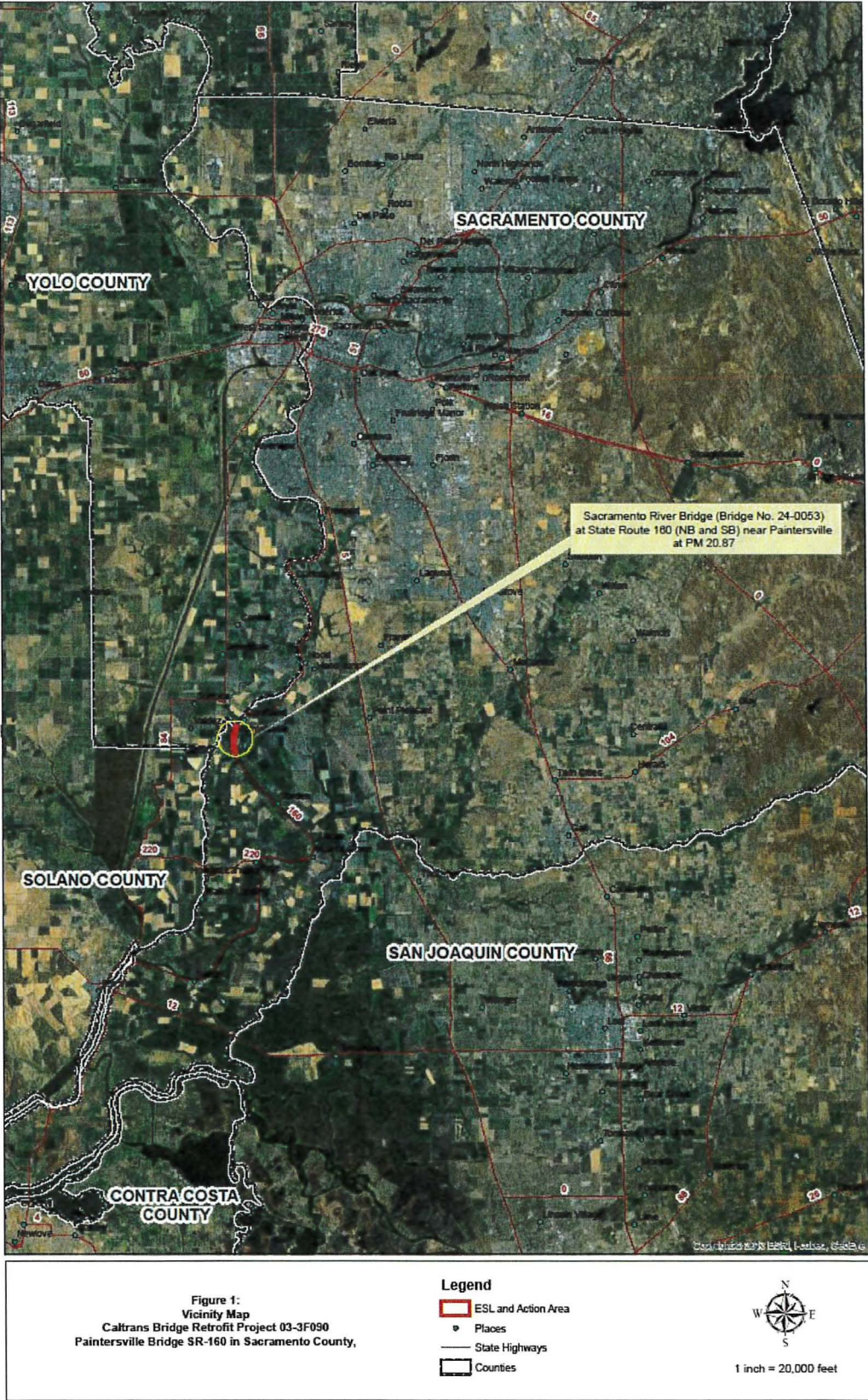
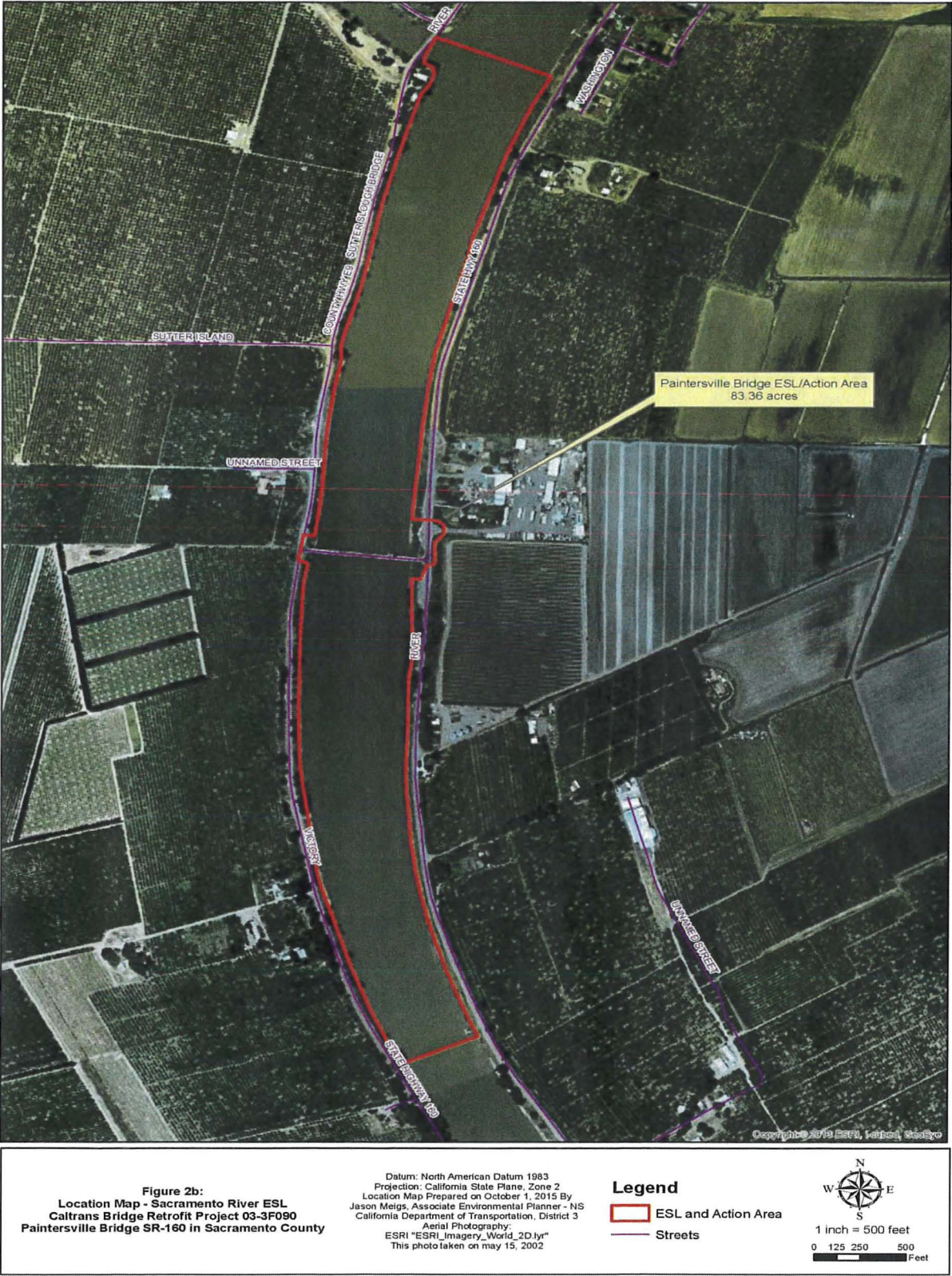


Figure 2. Project Location Map



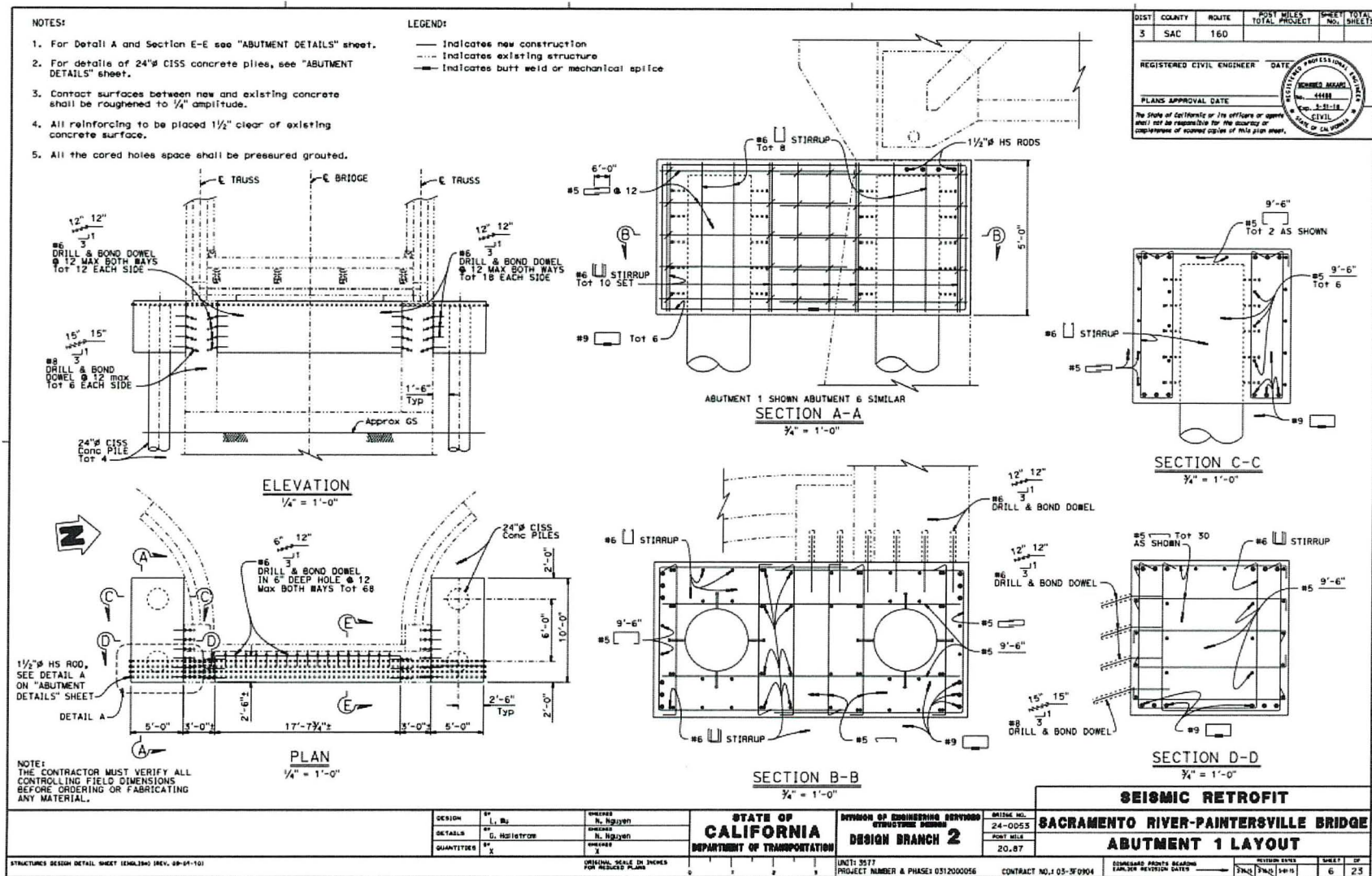
**Table 1. Reference Data and Impact Zones for Fish from Impact Pile Driving 24-inch Steel Shell Piles On Land**

Pile Location	Hammer Type	Piles Per Day	Estimated Strikes per Day	Data Source	Reference Distance for Source Data (m) <sup>1</sup>	Source Data at Reference Distance (dB)			Cumulative SEL at Reference Distance (dB)	Transmission Loss Coefficient	Distance to Threshold (m)			
						Peak	RMS	SEL			Onset of Physical Injury		Behavior	
											Peak	Cumulative SEL		RMS
												Fish≥ 2 g	Fish< 2 g	
206 dB	187 dB	183 dB	150 dB											
On Land	Impact/Vibrate	4	800	5 <sup>th</sup> Street Bridge, Sutter County <sup>1</sup>	14	<195	169	160	189	15	<10	20	35	260
	Impact	4	2,800		14	<195	169	160	194	15	<10	45	65	260

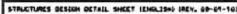
FIGURE 3. TABLE 1

[illegible]

Figure 5. Seismic Retrofit – Sacramento River Paintersville Bridge Abutment 1 Layout



Field	Value	Field	Value
Field 1	1	Field 2	2
Field 3	3	Field 4	4
Field 5	5	Field 6	6
Field 7	7	Field 8	8
Field 9	9	Field 10	10
Field 11	11	Field 12	12
Field 13	13	Field 14	14
Field 15	15	Field 16	16
Field 17	17	Field 18	18
Field 19	19	Field 20	20
Field 21	21	Field 22	22
Field 23	23	Field 24	24
Field 25	25	Field 26	26
Field 27	27	Field 28	28
Field 29	29	Field 30	30
Field 31	31	Field 32	32
Field 33	33	Field 34	34
Field 35	35	Field 36	36
Field 37	37	Field 38	38
Field 39	39	Field 40	40
Field 41	41	Field 42	42
Field 43	43	Field 44	44
Field 45	45	Field 46	46
Field 47	47	Field 48	48
Field 49	49	Field 50	50
Field 51	51	Field 52	52
Field 53	53	Field 54	54
Field 55	55	Field 56	56
Field 57	57	Field 58	58
Field 59	59	Field 60	60
Field 61	61	Field 62	62
Field 63	63	Field 64	64
Field 65	65	Field 66	66
Field 67	67	Field 68	68
Field 69	69	Field 70	70
Field 71	71	Field 72	72
Field 73	73	Field 74	74
Field 75	75	Field 76	76
Field 77	77	Field 78	78
Field 79	79	Field 80	80
Field 81	81	Field 82	82
Field 83	83	Field 84	84
Field 85	85	Field 86	86
Field 87	87	Field 88	88
Field 89	89	Field 90	90
Field 91	91	Field 92	92
Field 93	93	Field 94	94
Field 95	95	Field 96	96
Field 97	97	Field 98	98
Field 99	99	Field 100	100



ORIGINAL SCALE IN INCHES  
FOR REDUCED PLANS

FILE # : 20000340-037-000

Figure 7. Seismic Retrofit – Sacramento River Paintersville Bridge Pier Layout

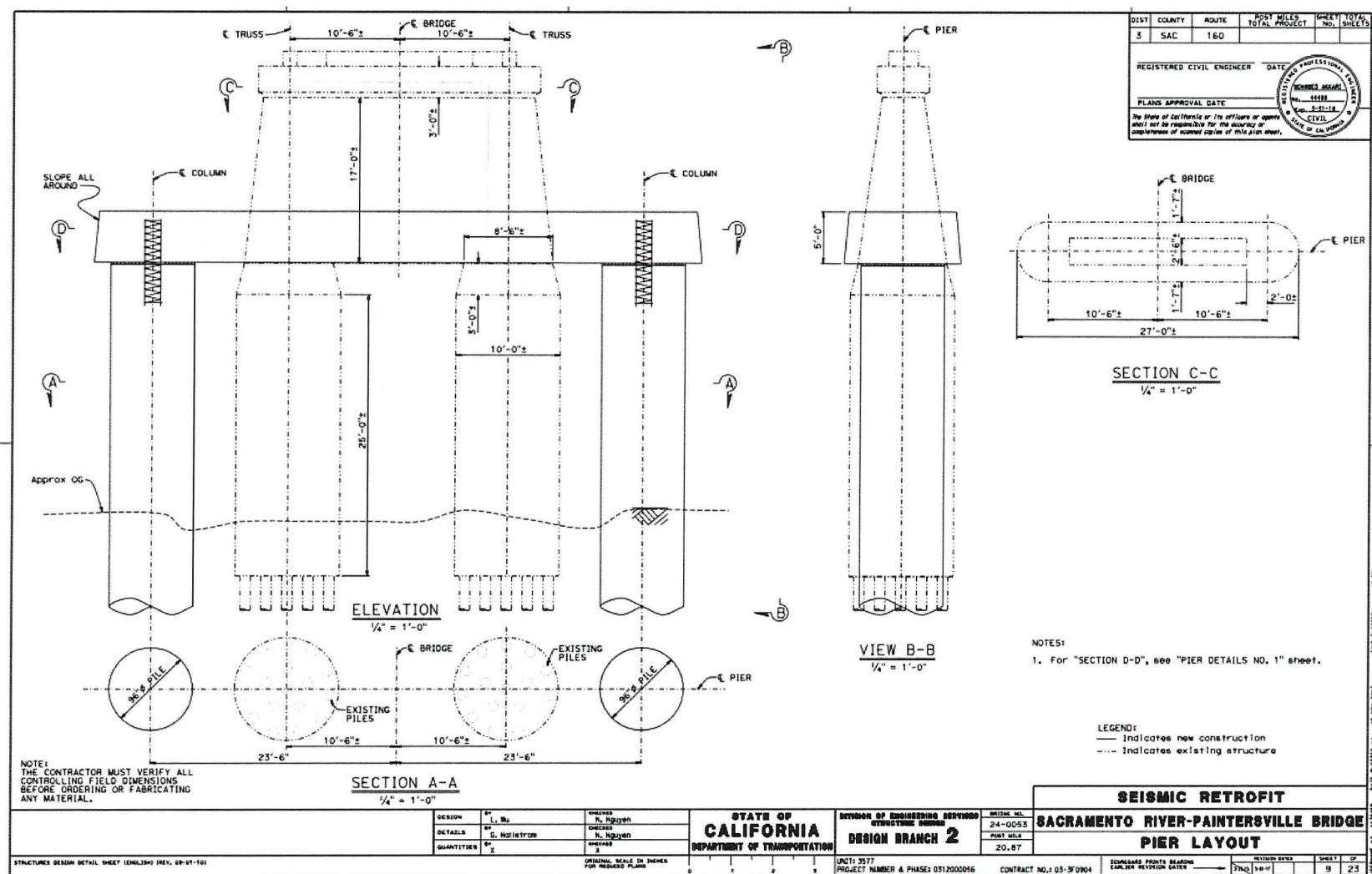


Figure 8. Seismic Retrofit – Sacramento River Paintersville Bridge Pier Details No.1

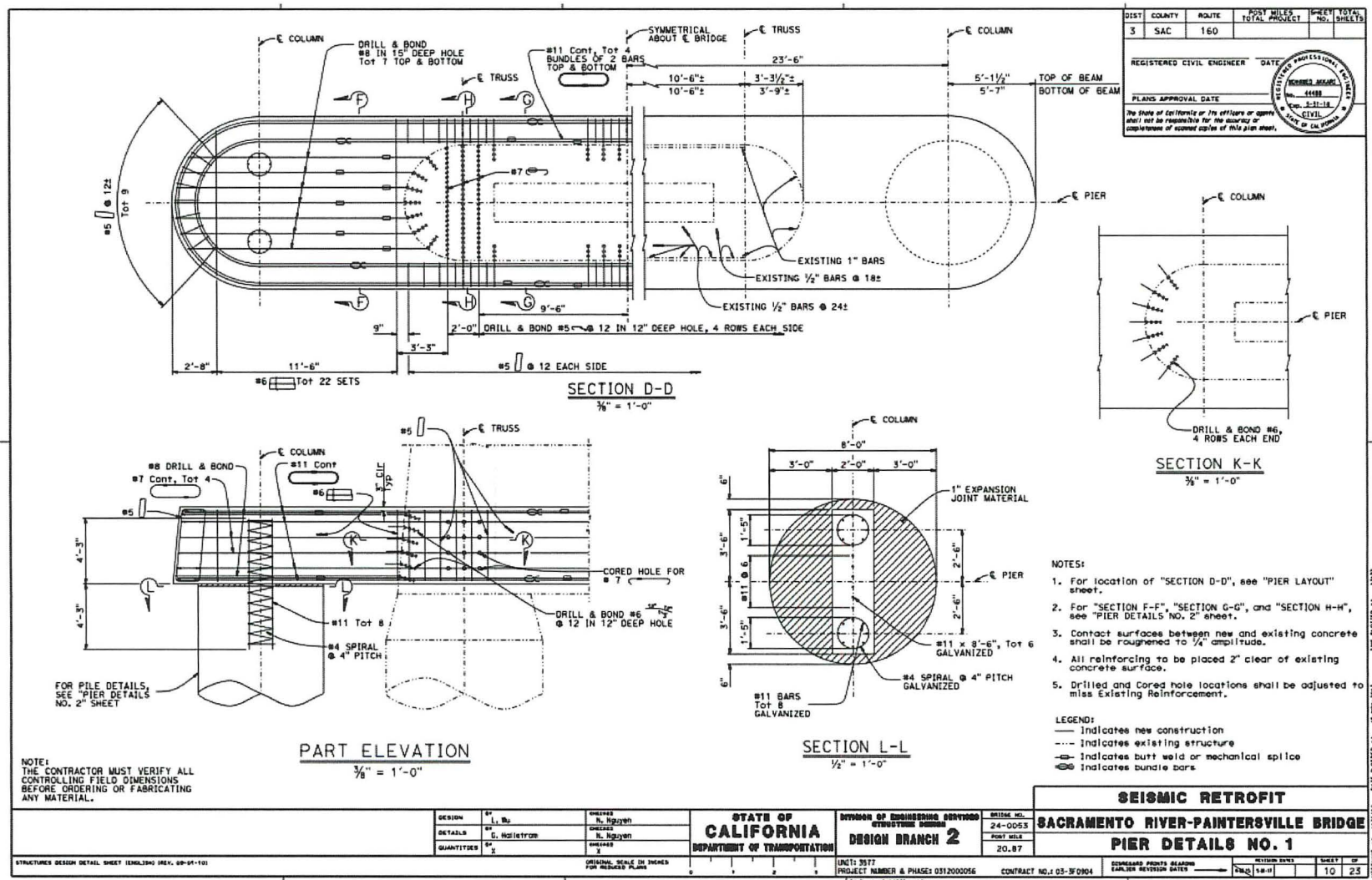


Figure 9. Paintersville Bridge Dolphin Layout

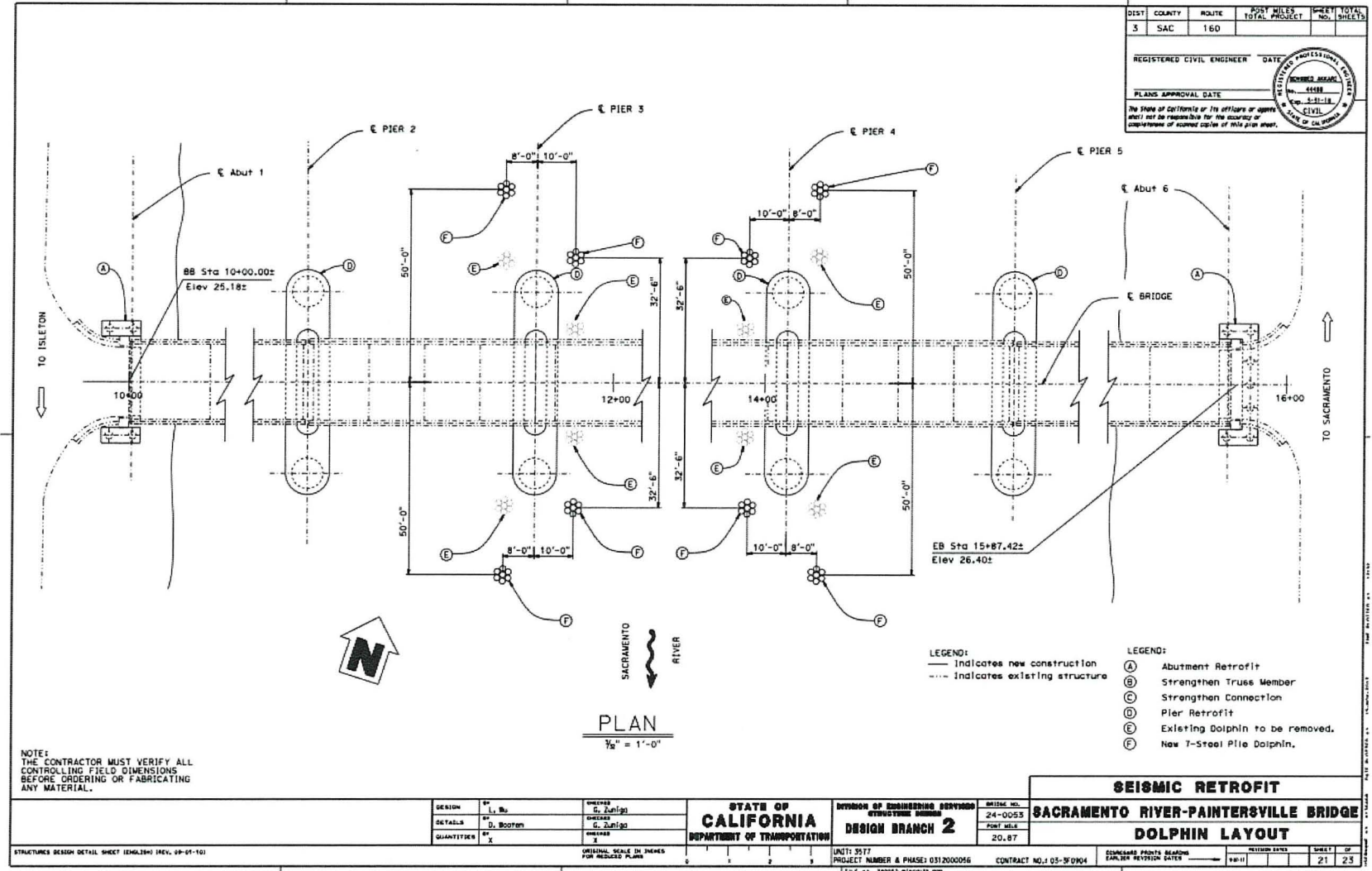


Figure 10. Paintersville Bridge Dolphin Details

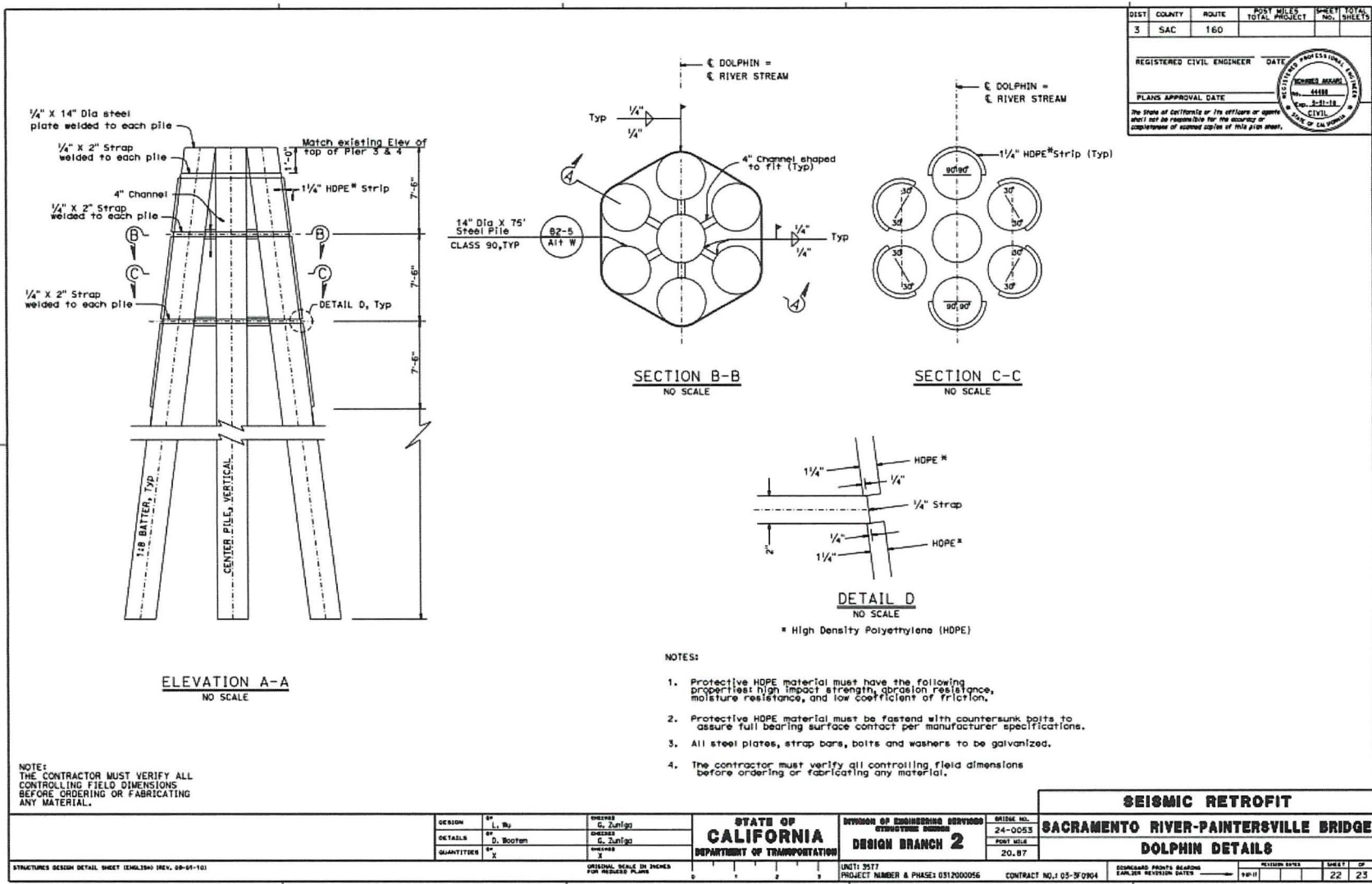


Figure 11. Estimated Surface Area Injurious Sound Levels



Figure 7. Estimated Surface Area for Injurious Sound Levels at the Paintersville Bridge

## Attachment 1

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

**INCIDENTAL TAKE PERMIT NO. 2081-2018-017-03**

**PERMITTEE: California Department of Transportation**

**PROJECT: Caltrans Bridge Seismic Retrofit Project – Paintersville (03-SAC-160-3F090)**

#### **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
<b>BEFORE DISTURBING SOIL OR VEGETATION</b>					
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 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. Permittee shall accommodate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP due to a conflict with Project construction, then the Designated Biologist shall notify the CDFW representative immediately.	ITP Condition # 6.3	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
4	Training Session for Personnel. Permittee shall ensure that a CDFW-approved qualified biologist conducts an education program for all persons employed on the project prior to performing Covered Activities. Instruction shall consist of a presentation by the designated qualified biologist that includes a discussion of the biology and general behavior of any sensitive species which may be in the area, how they may be encountered within the work area, and procedures to follow when they are encountered. The status of CESA-listed species including legal protection, penalties for violations and project-specific protective management measures provided in this Agreement shall be discussed. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to on-site project activity. Copies of the Agreement for this project shall be maintained at the worksite with the project supervisor. Permittee or designated biologist shall prepare and distribute wallet-sized cards or a factsheet handout containing this information for workers to carry on-site. Upon completion of the program, employees shall sign an affidavit stating they attended the program and understand all protection measures. The forms and education pamphlet shall be filed at the Permittee's office and submitted to CDFW prior to the completion of construction.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
5	Construction Schedule. Permittee shall submit a final construction schedule to CDFW within 15 calendar days prior to the start of Project construction activities. The construction schedule shall identify the approximate beginning and completion date of Project activities. During the Project construction period, Permittee shall notify CDFW of any major changes in the construction schedule at least seven (7) days prior to the change being implemented.	ITP Condition # 6.5	Before Commencing Covered Activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
6	Delineation of Property Boundaries. Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area. All fenced, staked, or flagged markers shall be removed upon completion of the Project. If placing of markers is not feasible sensitive areas shall be discussed in the Training Session for Personnel (Condition of Approval 6.4).	ITP Condition # 6.11	Before Commencing Covered Activities	Permittee	
7	Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. If placing of markers is not feasible sensitive areas shall be discussed in the Training Session for Personnel (Condition of Approval 6.4). All fenced, staked, or flagged markers shall be removed upon completion of the Project.	ITP Condition # 6.12	Before Commencing Covered Activities	Permittee	
8	Notification Before Commencement. The Designated Representative shall notify CDFW 5 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
9	<p>Habitat Management Land Acquisition and Restoration: CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation.</p> <p>To meet this requirement, the Permittee shall either purchase 0.1885 acres of Covered Species habitat credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.2). The mitigation or conservation bank credits shall consist of 0.039 acres of in-water habitat and 0.1495 acres of stream-bank/riparian habitat OR shall provide for both the permanent protection and management of a minimum of 0.1885 acres of Habitat Management (HM) lands (assuming the HM lands supports the Covered Species) pursuant to Condition of Approval 9.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 below. If multiple species credits are available, the credits can be stacked. If the HM land supports multiple Covered Species the HM land can be stacked. HM lands shall include 0.039 acres of in-water habitat and 0.1495 acres of stream-bank/riparian habitat for All Covered Species through preservation, restoration, enhancement, and/or creation of habitat that is the same or better quality as the in-water habitat that will be impacted. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. The Permittee shall also restore on-site 0.148 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 before commencing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
10	<p>Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows:</p> <p>Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at \$42,500.00 per acre; for 0.1885 acres: \$8,011.00. Land acquisition costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;</p> <p>Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.3.5 below, estimated at \$12,114.00;</p> <p>Interim management period funding as described in Condition of Approval 9.3.6 below, estimated at \$990.00;</p> <p>Long-term management funding as described in Condition of Approval 9.4 below, estimated at \$30,906.00 per acre; for 0.1885 acres: \$5,825.00. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.</p> <p>Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 9.5, estimated at \$3,000.00.</p> <p>Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 9.6, calculated at \$2,175.00 per acre; for 0.148 acres: \$322.00.</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 before commencing activities	Permittee	
11	<p>Covered Species Credits. Permittee shall purchase 0.1885 acres of Covered Species in-water and riparian credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP, if Security is provided pursuant to Condition of Approval 10 below.</p> <p>OR</p>	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 before commencing activities	Permittee	

12	<p>Habitat Acquisition and Protection. To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall:</p> <p>Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);</p> <p>HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2B) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;</p> <p>HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2A). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;</p> <p>Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.</p> <p>Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <a href="https://www.wildlife.ca.gov/Conservation/Planning/Banking">https://www.wildlife.ca.gov/Conservation/Planning/Banking</a>); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;</p> <p>Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement</p>	ITP Condition # 9.3	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided before commencing activities	Permittee	
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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, vegetation and invasive species management, annual protocol-level Covered Species surveys, and rangeland monitoring. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.				

13	<p>Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 9.3, The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 9.3.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p> <p>Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).;</p> <p>Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.</p> <p>Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.</p>	ITP Condition # 9.4	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided before commencing activities	Permittee	
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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment: 10 Percent Contingency.</p> <p>10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.</p> <p>Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.</p> <p>Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.</p> <p>Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p>				
14	Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.	ITP Condition # 9.5	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided before commencing activities	Permittee	
15	On-Site Restoration/Habitat Enhancement Plan. The Plan shall be prepared by a Qualified Biologist or Stream Restoration Specialist, and address recovery or enhancement of at least 0.148 acres of Covered Species Habitat. The Plan shall include a plant pallet of existing native species known to occur on-site approved in advance by CDFW as specified below. The On-Site Habitat Restoration/Habitat Enhancement Plan for temporary impacts shall also include success criteria, a monitoring and reporting schedule, and corrective actions to be taken if mitigation measures do not meet the approved success criteria. All plantings shall be derived from locally available genotypes. The Permittee shall monitor the survival and vigor of onsite plantings for a period of five years to ensure attainment of a 75% survivorship after five years, with the final two years occurring without supplemental watering, if success criteria are not achieved within 5 years, additional years of enhancement and monitoring shall be required until the criteria is met. Removal of invasive plant species from the California Invasive Species List by the Invasive Species Council of California from the site to a 10% or less ground cover within the restoration area shall also be incorporated into the plan over a period of 5 years, additional management actions occurring over additional years may be required.	ITP Condition # 9.6	Prior to Construction, During Construction, After Construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
16	<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 \$30,262.00. This amount is based on the cost estimates identified in Condition of Approval 9.1 above.</p>	ITP Condition # 10, 10.1	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	
17	<p>Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.</p>	ITP Condition # 10.2	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	
18	<p>Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.</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 4) 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> <p>Written documentation of the acquisition of the HM lands; Copies of all executed and recorded conservation easements; Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and Timely submission of all required reports.</p> <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition # 10.3 to 10.7	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	
<b>DURING CONSTRUCTION</b>					

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
19	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 # 7.4	Entire Project	Permittee	
20	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. Plastic bottles and plastics bags shall be picked up and remove daily.	ITP Condition # 6.6	Entire Project	Permittee	
21	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.	ITP Condition # 6.7	Entire Project	Permittee	
22	Erosion Control. All erosion and sediment control measures shall be installed prior to earth-moving Covered Activities. Permittee shall utilize erosion control measures throughout all phases of the Project where sediment runoff from exposed slopes could leave the Project Area and/or enter a drainage, stream, or ponded area. No phase of the Project that may cause the introduction of sediments into a drainage, stream or ponded area may be started if that phase and its associated erosion control measures cannot be completed prior to the onset of a storm. Permittee shall consult 72-hour weather forecasts from the National Weather Service prior to the startup of any phase of the Project that may result in sediment runoff to a drainage, stream, or ponded area. The Designated Biologist shall monitor erosion control measures before, during, and after each storm event and Permittee shall repair and/or replace ineffective measures immediately. Following completion of the Project, Permittee shall implement erosion control measures for all disturbed areas, which may include reseeding using a noxious weed-free locally native seed mix, hydroseeding, jute matting, or tackifying agents to stabilize soils, dust control, and prevent erosion.	ITP Condition # 6.8	Entire Project	Permittee	
23	Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as plastic or mono-filament netting (erosion control matting) or similar material. Tightly woven silt fencing material or woven organic materials such as coir logs (without mono-filament netting) shall be permitted.	ITP Condition # 6.9	Entire Project	Permittee	
24	Firearms and Dogs. Permittee shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, state, or federal law enforcement officials.	ITP Condition # 6.10	Entire Project	Permittee	
25	Project Access. Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 6.13	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
26	Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the off-site staging areas outside of sensitive habitat and covered species habitat. All Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the creek channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the creek shall be positioned over drip pans. Any equipment or vehicles driven and/or operated within or adjacent to the stream must be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area.	ITP Condition # 6.14	Entire Project	Permittee	
27	No Dumping. Permittee and all contractors, subcontractors, and employees shall not dump any litter or construction debris within the stream, or where it may pass into the stream.	ITP Condition # 6.15	Entire Project	Permittee	
28	Wash Water. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.	ITP Condition # 6.16	Entire Project	Permittee	
29	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 # 6.17	Entire Project	Permittee	
30	CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	ITP Condition # 6.18	Entire Project	Permittee	
31	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 # 6.19			
32	Equipment Maintenance and Fueling. All equipment operated within the channel shall be checked and maintained daily to prevent leaks of materials that if introduced to the water could be deleterious to Covered Species. No equipment maintenance or fueling shall be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter these areas unless the appropriate spill prevention measures are in place such as catch basins or drip pans, lined with an impermeable layer that has been placed under the equipment. When exchanging tanks over water or filling the vibratory extractor rig, drip pans shall be used. Fuel and other material stored on the barge shall be stored in a plastic tub to contain leaks or spills. Spill equipment such as booms, drip pans, and absorbent pads shall be on-site and be ready to deploy in case of spill.	ITP Condition # 6.20	Entire Project	Permittee	
33	Cleaning Equipment Prior to Entering Channel. All equipment that will be entering the active channel shall be cleaned of materials deleterious to aquatic life including oil, grease, hydraulic fluid, soil and other debris. Wash water containing mud or silt from washing or other operations shall not be allowed to enter the channel.	ITP Condition # 6.21	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
34	Prevention of Spread of Invasive Species. Permittee shall conduct Project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one Project site and/or waterbody to another. Prevention BMPs and guidelines for invasive plants can be found on the Cal-IPC's website at: <a href="http://www.cal-ipc.org/ip/prevention/index.php">http://www.cal-ipc.org/ip/prevention/index.php</a> and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: <a href="http://www.protectyourwaters.net/">http://www.protectyourwaters.net/</a> . Additional resources can be found on the California Invasive Species List from The Invasive Species Council of California.	ITP Condition # 6.22	Entire Project	Permittee	
35	Spill Prevention. A spill response plan shall be submitted to CDFW for approval in writing at least 7 days prior to the initiation of construction. A designated inspector familiar with the utilized construction equipment shall be on-site during all Project activities in order to monitor equipment operations, prevent waterway contamination and respond to equipment malfunctions. The barge, boat, heavy equipment shall be regularly inspected for wear, leaks, and/or malfunction. Hazardous material leaks and spills shall be attended to immediately as outlined in the Spill Prevention and Response Plan. Prior to entering the work site, all field personnel shall know the location of spill kits and trained in their appropriate use.	ITP Condition # 6.23	Entire Project	Permittee	
36	Spill Containment. All activities performed in or near a river, stream, or lake shall have absorbent materials designated for spill containment and cleanup activities on-site for use in an accidental spill. The Permittee shall immediately notify the California Emergency Management Agency at 1-800-852-7550 and immediately initiate the cleanup activities. CDFW shall be notified by the Permittee and consulted regarding clean-up procedures.	ITP Condition # 6.24	Entire Project	Permittee	
37	Notification of Non-compliance. The Designated Representative and Designated Biologist 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 and Designated Biologist shall report any non-compliance with this ITP to CDFW within 24 hours.	ITP Condition # 7.2	Entire Project	Permittee	
38	Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist shall conduct compliance inspections a minimum of twice per week during periods of inactivity and after clearing, grubbing, and grading are completed.	ITP Condition # 7.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
39	Monthly Compliance Reports. 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 detail approximate Project impacts in acres, separated into permanent, and temporary impacts. The reports shall: (1) identify and describe the temporary and permanent impacts to date; and (2) include all monitoring information required by the terms of this ITP. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Robert Stanley (Robert.Stanley@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 7.5	Entire Project	Permittee	
40	Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.5; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species. ASRs 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 Robert Stanley (Robert.Stanley@wildlife.ca.gov).	ITP Condition # 7.6	Entire Project	Permittee	
41	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 # 7.7	Entire Project	Permittee	
42	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 by email to Robert Stanley at Robert.Stanley@wildlife.ca.gov. 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.	ITP Condition # 7.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
43	Work Period. All in channel Covered Activities within the bed, bank, and channel shall be limited to occur from July 1 to October 31.	ITP Condition # 8.1	Entire Project	Permittee	
44	Dry Channel/Work Prohibition. No work within the active channel shall be initiated unless the appropriate avoidance and minimization measure have been installed within the Project Area as required by the terms of this ITP and verified as functioning by the Resident Engineer.	ITP Condition # 8.2	Entire Project	Permittee	
45	Conduct Work During Daylight Hours. Work is restricted to daylight hours (one hour after sunrise to sunset). Exceptions may be granted upon written request and written approval from CDFW.	ITP Condition # 8.3	Entire Project	Permittee	
46	Work Period in Dry Weather Only. Permittee shall conduct work within the Project Area, during periods of dry weather. The Permittee shall monitor forecasted precipitation. When 1/2 inch or more of precipitation is forecasted to occur, the Permittee shall stop work before precipitation commences. No Project activities may be started if its associated erosion control measures cannot be completed prior to the onset of precipitation. After any storm event, the Permittee shall inspect all sites currently under construction and all sites scheduled to begin construction within the next 72 hours for erosion and sediment problems and take corrective action as needed. Seventy-two hour weather forecasts from National Weather Service shall be consulted and work shall not start back up until runoff ceases.	ITP Condition # 8.4	Entire Project	Permittee	
47	Pile Driving Hydro-Acoustic Limits. Sound pressure levels generated by impact pile driving activities, including pile proofing, in the water, or within 200 linear feet of the water's edge in the active channel, that produce injurious sound to Covered Species shall be kept below the interim thresholds, 206 decibel (dB) peak Sound Pressure Level (SPL) and 187 dB cumulative Sound Exposure Level (SEL). If the 206 dB SPL or 187 cumulative SEL thresholds are exceeded for impact pile driving, or pile-proofing activities, the Permittee shall stop all impact pile driving activities and not continue until CDFW has been consulted. Any exceedance in the threshold distances for impact pile driving shall require an Amendment to this ITP. The Permittee shall monitor sound levels for all in-water impact pile install activities, including pile-proofing, as well as for piles installed within 200 linear feet of the water's edge in the active channel, as specified in Condition of Approval 8.7. Monitoring shall only be required during impact pile driving activities occurring within the river channel, as well as for piles within a reasonable distance of the water on dry land (within 200 feet of the water's edge of the active channel) where sound levels may be injurious to Covered Species.	ITP Condition # 8.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
48	<p>Turbidity, Noise and Vibration Reduction. As necessary for any pile installed via impact hammer, or for pile-proofing activities that have the potential to exceed the Pile Driving Hydro-Acoustic Limits specified in Condition of Approval 8.5, the Permittee will furnish, install, operate and maintain a sound attenuation system for all piles installed in water by impact hammer to reduce noise generated into the water. If the sound attenuation system fails, pile driving shall immediately stop and may not resume at the location until the system is put back into operation. Piles installed by vibratory hammer shall not require sound attenuation. A design of the sound attenuation system shall be submitted to CDFW for written approval no less than 14 days prior to the initiation of construction. The following sound attenuation systems may be employed including but not limited to:</p> <ul style="list-style-type: none"> <li>• Confined bubble curtain</li> <li>• An unconfined bubble curtain</li> <li>• Isolation casings</li> <li>• Wooden pile cushions</li> </ul>	ITP Condition # 8.6	Entire Project	Permittee	
49	<p>Hydro-Acoustic Monitoring Plan. A minimum of 14 days prior to the initiation of construction an acoustic monitoring plan to evaluate sound levels during pile driving activities shall be prepared by the designated hydro-acoustic monitoring specialist who is also approved as a Designated Biologist. The acoustic monitoring plan must be approved in writing by CDFW before pile driving activities can proceed. The acoustic monitoring plan must be implemented during all in-water impact pile driving activities including pile-proofing, as well as near water piles within 200 feet of the edge of water in the active channel. At minimum, the plan will include the following:</p> <ul style="list-style-type: none"> <li>• Daily acoustical monitoring by the designated hydro-acoustic monitoring specialist.</li> <li>• Describe the methods necessary to continuously assess underwater noise on a real-time basis, including details on the number, location, distance and depth of hydrophones and associated monitoring equipment.</li> <li>• Provide a means of recoding the time, number of pile strikes, peak sound energy per strike and interval between strikes.</li> <li>• A minimum of two hydrophone underwater sound monitoring systems (hydrophone, signal amplifier and calibrator) that utilize current National Institute of Standards and Technology traceable calibration method.</li> <li>• Require a minimum recording distance of 10 meters from each pile being monitored.</li> <li>• Position a hydrophone at the proposed limits of peak and cumulative strikes to ensure threshold distances are not surpassed or provide specific analysis on how the proposed limits shall be measured and monitored.</li> <li>• Provide specific inputs and calculations for cumulative sound exposure limits in the monitoring reports.</li> </ul> <p>The results of hydro-acoustic monitoring shall be made available to CDFW upon request and submitted in the appropriate Monthly Report (See Condition of Approval 7.5) Annual Report (See Condition of Approval 7.6) and the Final Construction Report (See Condition of Approval 7.8).</p>	ITP Condition # 8.7	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
50	Soft Start Pile Driving. The initial strikes of all in-water piles activities, including pile-proofing, installed via impact hammer, or piles that occur within 200 linear feet of water's edge of the active channel installed via impact hammer shall occur at less than full impact force for a period of 15 seconds followed by 30 seconds of no activity. This action shall be repeated two additional times and impact shall be gradually brought up to full force blows to reduce the initial sound level and provide warning blows to allow aquatic species adequate time to leave the Project action area.	ITP Condition # 8.8	Entire Project	Permittee	
51	Minimize Use of Impact Hammer. The amount and duration of the impact hammer activities shall be minimized. Use of the impact hammer shall be limited to daylight hours to allow movement of fish that may be present in the Project vicinity to pass the construction area during the night time hours.	ITP Condition # 8.9	Entire Project	Permittee	
52	Pile/Pier Removal. Any pile or pier or any sediment or attached debris on a pile or pier set for demolition shall be removed in a manner to prevent any pile, pier or associated mud or debris from entering the active channel. Upon removal the pile, pier or associated mud or debris must be stored in a containment system located outside of Covered Species habitat that is designed so runoff cannot enter the active channel.	ITP Condition # 8.10	Entire Project	Permittee	
53	Daily Aquatic Species Checks. Before the start of work each day and throughout the course of the day as determined by the Designated Biologist, the Project Area shall be inspected for any Covered Species or aquatic species. Aquatic species shall be removed by the Designated Biologist and translocated to a safe location (see Condition of Approval 8.14).	ITP Condition # 8.11	Entire Project	Permittee	
54	Fish Salvage. The Designated Biologist shall stop work if fish are stunned or otherwise directly impacted by noise and vibration from pile driving. Work shall not resume until the fish clears the construction area or fish rescue is performed as specified in Condition of Approval 8.14.	ITP Condition # 8.12	Entire Project	Permittee	
55	Covered Species Entrainment. Permittee shall minimize the potential for Covered Species to be entrained in any equipment intakes, pipes, etc. Permittee shall minimize the potential for aquatic species to be entrained during de-watering activities. Pump intakes shall be placed away from complex vegetated banks that may contain habitat for 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 3/32-inch diameter, square openings shall not exceed 3/32-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 # 8.13	Entire Project	Permittee	

56	<p>Covered Fish Species Rescue Plan. The Permittee shall implement a Covered Species Rescue Plan to be implemented during Project exclusion as applicable and as safety shall allow. The Covered Species Rescue Plan shall include at minimum the following:</p> <p>Covered Species capture and relocation shall be conducted by or under the direct supervision of the CDFW-approved Designated Biologist, as required by Condition of Approval 6.2.</p> <p>Prior to any exclusion activities and subsequent Covered Activities, the Designated Biologist shall capture and relocate Covered Species to the nearest predetermined release location, identified by the Designated Biologist.</p> <p>Before capture 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 Covered Species reentering the work area.</p> <p>All dip nets used to capture Covered Species 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>Relocation activities shall be performed in the morning if maximum daytime air temperatures are expected to exceed 23 °C (~75 °F).</p> <p>Captured Covered Species must be kept in a closable container in an adequate amount of cool, clean, well-oxygenated water (e.g., a cooler with lid containing stream water and a battery-operated air stone). Water temperature shall be monitored and kept below 60°F. If necessary, water shall be cooled with ice without introducing ice-borne chemical contaminants. Transport containers shall have a water volume of no-less-than five gallons, preferably more. Covered Species density in the transport container shall not exceed 10 Covered Species (40-80mm) per gallon of water. Collected Covered Species shall not be anesthetized at any point during the rescue operation.</p> <p>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 capture and relocation. All Covered Species are to be promptly returned to the water with the exception of mortality.</p> <p>Efforts shall be made to reduce capture 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. Covered Species shall be processed first and relocated as soon as possible. Species name and length data shall be recorded on data sheets, as well as time, date, location, gear type, water temperature, and any other pertinent observations of the Covered Species. Permittee shall provide Covered Species capture data to CDFW in the Compliance Report, as required by Condition of Approval 7.4 to Condition of Approval 7.8.</p> <p>Permittee shall preserve dead 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</p>	ITP Condition 8.14	Entire Project	Permittee	
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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>representative for instructions on transmitting preserved individuals. Any take of non-Covered Species shall be documented and included in the Post-Construction Compliance Report, as required by Condition of Approval 7.4 to Condition of Approval 7.8.</p> <p>After the Covered Species relocation effort is completed, if additional Covered Species are observed, Permittee shall cease Covered Activities until those individuals have been relocated. The Designated Biologist shall remain at the site during Covered Activities to capture and relocate additional Covered Species as necessary.</p> <p>After completing the fish rescue, the Designated Biologist shall prepare a brief documentation report. The report shall include information on the personnel conducting the fish rescue, methods used, numbers of each species collected and relocated, length data, and estimate of the survival of fish immediately after release. Photographs of the site and rescue operations shall be included. The report shall be provided by the Permittee to CDFW in the next Monthly Compliance Report required by Condition 7.5 and in the Final Mitigation Report.</p>				
57	Covered Fish Species Mortality. If the Covered Species is found recently deceased, the carcass shall be immediately bagged, labeled, and preserved in a freezer. The label shall include time and date, GPS location, circumstances surrounding death (if known), and ITP tracking number. The specimen shall be delivered to the CDFW Wildlife Investigations Lab, Attention: Deana Clifford, 1701 Nimbus Road, Suite D, Rancho Cordova, CA 95670 within two calendar days of the discovery.	ITP Condition 8.15	Entire Project	Permittee	
58	Disposal of Debris. Permittee shall use one, but not both, of the following methods to handle natural debris (debris composed of on-site vegetation, usually removed from waterways. Debris does not include spoils from dredging). Debris shall be placed in piles 200 feet or more from aquatic habitat. Debris piles shall be placed within wildlife exclusionary fencing areas and shall not be disturbed or removed once placed. Debris shall be immediately hauled off-site for disposal.	ITP Condition 8.16	Entire Project	Permittee	
<b>POST-CONSTRUCTION</b>					

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
59	Final Mitigation Report. No later than 30 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; (8) any other pertinent information; and (9) Permittee shall conduct and provide to CDFW an as-built survey upon completion of construction. The survey shall be conducted once excavation is complete. The survey shall include a longitudinal profile beginning above the work area, continue through the sediment removal channel, and end below the work area. Cross sections shall be taken on the upstream and downstream side of the bridge and evenly spaced along the channel. The survey shall capture the slope and grade breaks along the channel. The locations of the profile and cross sections shall be overlaid on a high quality aerial photograph. Permittee shall submit the as-built survey with the On-Site Habitat Enhancement Plan, see Condition of Approval 9.6.	ITP Condition # 7.8	During and Post Construction	Permittee	

ATTACHMENT 2A  
DEPARTMENT OF FISH AND WILDLIFE  
HABITAT MANAGEMENT LAND ACQUISITION PACKAGE CHECKLIST FOR PROJECT APPLICANTS

The following checklist is provided to inform you of what documents are necessary to expedite the Department of Fish and Wildlife (CDFW) processing of your Habitat Management Land acquisition proposal. Any land acquisition processing requests which are incomplete when received, will be returned. The Region contact will review and approve the document package and forward it to the Habitat Conservation Planning Branch Senior Land Agent with a request to process the land acquisition for formal acceptance.

To: \_\_\_\_\_  
Regional Manager, Region Name

From: \_\_\_\_\_  
Project Applicant

Phone: \_\_\_\_\_

Tracking #: \_\_\_\_\_  
CDFW assigned permit or agreement #

Project Name: \_\_\_\_\_

Enclosed is the complete package for the ☐ Conservation Easement OR ☐ Grant Deed

Documents in this package include:

☐ Fully executed, approved as to form Conservation Easement Deed or Grant Deed with legal description stamped by a licensed surveyor. Date executed: \_\_\_\_\_

☐ Proposed Lands for Acquisition Form (PLFAF)

☐ Phase I Environmental Site Assessment Report Date on report: \_\_\_\_\_  
(An existing report may be used, but it must be less than two years old.)

☐ Preliminary Title Report(s) for subject property is enclosed and has been reviewed for Encumbrances, including severed mineral estates, and other easements. The title report must be less than six months old when final processing is conducted.

Included are additional documents:

☐ document(s) to support title exceptions

☐ document(s) to explain title encumbrances

☐ a plot or map of easements/encumbrances on the property

☐ Policy of Title Insurance (an existing title policy is not acceptable)

☐ County Assessor Parcel Map(s) for subject property

☐ Site Location Map (Site location with property boundaries outline on a USGS 1:24,000 scale topo)

☐ Final Permit or Agreement (or other appropriate instrument)

Type of agreement: ☐ Bank Agreement ☐ Mitigation Agreement

☐ Permit \_\_\_\_\_ Other: \_\_\_\_\_  
(write in type of permit)

☐ Final Management Plan (if required prior to finalizing permit or agreement or if this package is for a Grant Deed)

☐ Biological Resources Report

☐ Draft Summary of Transactions ☐ hard copy ☐ electronic copy (both are required)

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
PROPOSED LANDS FOR ACQUISITION FORM ("PLFAF")

Date: \_\_\_\_\_

TO: Regional Representative

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Facsimile:

FROM: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant proposes that the following parcel(s) of land be considered for approval by the California Department of Fish and Wildlife as suitable for purposes of habitat management lands to compensate the adverse environmental impacts of the Project:

<u>Section(s)</u>	<u>Township</u>	<u>Range</u>	<u>County</u>	<u>Acres</u>
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_____	_____	_____	_____	_____
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Current Legal Owner(s), of the surface and mineral estates, include Assessor's Parcel Number(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

General Description of Location of Parcel(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Land Value: \$

For Region Use Only

APPROVED \_\_\_\_

By: \_\_\_\_\_  
Regional Manager's Signature

DATE: \_\_\_\_\_

REJECTED \_\_\_\_

Region: \_\_\_\_\_

Explanation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

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Issue Date: **[date]**

Beneficiary:

California Department of Fish and Wildlife  
Post Office Box 944209  
Sacramento, CA 94244-2090  
Attn: HCPB Mitigation Account 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 the CDFW pursuant to the terms of the incidental take permit for the **[name of project]** issued by the 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 the CDFW and the Applicant to serve as a security device for the performance by the Applicant of the Mitigation Requirements.
5. The 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 the CDFW as defined in paragraph 12 below. Presentation by the 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 the CDFW, or to the account of the CDFW, in immediately available funds, as the CDFW shall specify.

8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give the 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, the 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 the 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 the CDFW, as defined in paragraph 12 below.
12. An "Authorized Representative" shall mean either the Director of the California Department of Fish and Wildlife, the General Counsel of the California Department of Fish and Wildlife, or a Regional Manager of the California Department of Fish and Wildlife.
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 the 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 the CDFW: California Department of Fish and Wildlife, Habitat Conservation Planning Branch, 1416 Ninth Street, 12th Floor, Sacramento, California 95814-2090 Attn: HCPB Mitigation Account 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 the 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: \_\_\_\_\_

ATTACHMENT A

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

To:

[*Name and address of financial institution*]

Re: Incidental Take Permit 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 the 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 the CDFW that the Credit will not be extended and the Applicant has not provided the CDFW with an equivalent security approved by the 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. The 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, the CDFW has executed and delivered this Certificate as of the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY: \_\_\_\_\_

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

ATTACHMENT B

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

To:

[***Name of financial institution and address***]

Re: Incidental Take Permit 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 natural expiration of this Credit has occurred."]
2. The CDFW therefore requests the cancellation of the Credit.

Therefore, the CDFW has executed and delivered this Certificate for Cancellation as of the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY: \_\_\_\_\_

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

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.

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

<b>4. AGREEMENT/ACCOUNT INFORMATION:</b> (check the applicable type)  <input type="checkbox"/> 2081 Permit <input type="checkbox"/> Conservation Bank <input type="checkbox"/> 2835 NCCP <input type="checkbox"/> 1802 Agreement <input type="checkbox"/> 1600 Agreement <input type="checkbox"/> 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: _____	