



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
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Fairfield, CA 94534  
(707) 428-2002  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



September 10, 2020

Mr. Gary Huisingh  
Alameda County Transportation Commission  
1111 Broadway, Suite 800  
Oakland, CA 94607  
[GHuisingh@alamedactc.org](mailto:GHuisingh@alamedactc.org)

Subject: Incidental Take Permit for State Route 84 Expressway Widening and Interstate 680 Interchange Improvements Project, 2081-2019-059-03, Alameda County

Dear Mr. Huisingh:

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

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

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

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

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "Gregg Erickson".  
BE74D4G83G604EA  
Gregg Erickson  
Regional Manager  
Bay Delta Region

*Conserving California's Wildlife Since 1870*



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. 2081-2019-059-03

**STATE ROUTE 84 EXPRESSWAY WIDENING AND  
INTERSTATE 680 INTERCHANGE IMPROVEMENTS 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).

**Permittee:** Alameda County Transportation Commission

**Principal Officer:** Gary Huisingh, Project Manager

**Contact Person:** John Yeakel, (510) 286-5618

**Mailing Address:** 1111 Broadway, Suite 800, Oakland, CA 94607

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

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **December 31, 2025**.

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

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

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

## **Project Location:**

The State Route 84 Expressway Widening and Interstate 680 Interchange Improvements Project (Project) is located along 10 miles of State Route (SR) 84 and Interstate (I) 680 in eastern Alameda County (Figure 1). The Project along SR-84 runs northeast to southwest between Ruby Hill Drive in Pleasanton and the I-680 interchange in Sunol. The western segment of the Project runs north to south/southwest from Sunol Boulevard in the City of Pleasanton in the north, southward along I-680 to 250 feet northeast of Alameda Creek in Sunol, near an access road on the Sunol Aggregates plant site. The Project area falls within the Livermore, La Costa Valley, Niles, and Dublin United States Geological Survey (USGS) 7.5-minute topographic quadrangles.

## **Project Description:**

The Project is the widening of SR-84 from two lanes to four lanes and modifications to expressway standards from south of Ruby Hill Drive and the I-680 interchange. The Project will also improve SR-84/I-680 interchange ramps and extend the existing high-occupancy vehicle (HOV)/express lane on southbound I-680 northward approximately 0.8 miles north of Koopman Road, north of the SR-84/I-680 interchange. The Project includes roadway widening; bridge widening; utility and drainage improvements, new bike lanes, frontage roads, flyover ramp, retaining walls, concrete barriers, HOV/express lane signs and gantries, stormwater treatment facilities, and wildlife movement crossing structures.

### *State Route-84 Widening and Improvements*

The roadway will have 12-foot-wide travel lanes and 10-foot-wide shoulders. A Class II bikeway will be provided in each direction. Concrete barriers will be placed in the median to enhance user safety. The Project will consolidate existing vehicle access openings to private driveways and rural roads at new frontage roads. The frontage roads will connect to a new signal intersection at Vallecitos Atomic Laboratory Road. The frontage road on the south side of SR-84 will be 6,092 feet long and 30 feet wide (from pavement edge to pavement edge (See Figure 2).

### *State Route-84/Interstate-680 Interchange and Auxiliary Lanes*

The Project will modify SR-84/I-680 interchange on southbound I-680 and will construct an approximately 1,000-foot-long auxiliary lane to the south of Calaveras Road/Paloma Way, and realign the on-ramp from Paloma Way to southbound I-680. The existing two-lane ramp meter at the southbound SR-84 to southbound I-680 connector ramp will be converted to a three-lane ramp meter with an HOV preferential lane. On northbound I-680, the existing two-lane off-ramp to eastbound SR-84 will be reconstructed and the existing auxiliary lane will be extended by 1,500 feet from south of Calaveras Road to the northbound I-680/eastbound SR-84 split. The existing on-ramp from Calaveras Road to northbound I-680 will be removed. A new flyover ramp from Calaveras Road to northbound I-680 (Figure 2) will be constructed as

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

will a new slip on-ramp from Calaveras Road to eastbound SR-84. In addition, the westbound SR-84 to northbound I-680 connector will be realigned to merge with the northbound on-ramp to I-680 from Calaveras Road and to add an HOV preferential lane to the existing two-lane westbound SR-84 to southbound I-680 on-ramp. A new Class I bikeway will be provided through the interchange area to connect the westbound SR-84 Class II bikeway with Paloma Way. A new Class II bikeway will be provided along the northbound I-680 on-ramp from Calaveras Road to connect with the eastbound SR-84 Class II bikeway.

### *Interstate-680 Widening and Improvements*

On southbound I-680, the Project will extend the existing HOV/express lane northward from Calaveras Road to approximately 0.8-mile north of Koopman Road. The pavement in the center median of southbound I-680 will be widened to accommodate the HOV/express lane. Widening will involve grading, excavation, paving, restriping, and the addition of a retaining wall on cut. Approximately 14 overhead signs and toll readers will be installed in the median of I-680. The northernmost overhead sign will be approximately 1.8 miles north of Koopman Road. Project activities between the northernmost overhead sign and the I-680/Sunol Boulevard interchange will be limited to the placement of temporary construction signage.

### *New Auxiliary Road*

The Project will construct an approximately 1,000-foot-long auxiliary lane on southbound I-680, to the south of Calaveras Road/Paloma Way. The Project will require acquisition along the frontage of a San Francisco Public Utilities Commission (SFPUC) property, located west of I-680 between Alameda Creek and Paloma Way, to accommodate widening along southbound I-680. The property is under a long-term mining lease [Surface Mining Permit No. 32 (SMP-32)]. To accommodate the widening, an existing dirt access road, a line of Pacific Gas and Electric Company (PG&E) and American Telephone and Telegraph Company (AT&T) poles, and three SFPUC water lines that are parallel to and west of I-680 will be relocated approximately 30 feet to the west of their current locations. The relocated access road will be constructed with aggregate base material placed on compacted native soil. As required by SMP-32 conditions, trees were planted west of the existing access road in the mid-1990s to screen views of SMP-32 mining activities from the highway. Approximately 100 trees adjacent to the existing access road will be removed and 9 will be relocated for the realigned access road and utilities. The on-site 2.5-acre replanting area will consist of a combination of existing trees, coast live oaks that will be relocated, and 290 new coast live oak tree plantings.

### *Undercrossing Widening*

The Calaveras Road Undercrossing (33-0351) bridge where southbound I-680 crosses over Paloma Way will be widened by up to 23 feet toward the outside (west) shoulder to accommodate the proposed southbound auxiliary lane. The Scott's Corner Separation (33-0352) bridge over the I-680 southbound on-ramp connector from SR-84 will be widened by 13

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT



feet toward the outside (west) shoulder to accommodate pavement widening for the new HOV preferential lane. The I-680 northbound Scott's Corner Separation Bridge will be widened by 14 feet toward the outside (east) edge to accommodate a planned future northbound HOV/express lane. A new bridge of approximately 30 feet in width will be constructed over Calaveras Road for the new northbound ramp connection between Calaveras Road and I-680. Finally, the Koopman Road Undercrossing (33-0386L) bridge on southbound I-680 will be widened by 14 feet toward the median (east) to accommodate pavement widening for the HOV/express lane extension, and the northbound I-680 bridge will be widened by 15 feet toward the inside (east) to accommodate a planned future northbound HOV/express lane.

### *Clear-Span Bridge at Vallecitos Creek*

A new single-span bridge will be constructed to accommodate the new northbound I-680 off-ramp to eastbound SR-84. An existing double 8-foot by 7-foot box culvert that conveys Vallecitos Creek under I-680 (CWUS-1) and the eastbound SR-84 off-ramp will be avoided. The existing grade above CWUS-1 will remain unchanged, and the culvert will be protected in place. The bridge will be 150 feet long and 38 feet wide and have a cast-in-place prestressed concrete box girder deck. Bridge abutments will be supported on spread footing foundations with driven steel piles. Construction access will be from the existing highway.

### *Retaining Walls*

Retaining walls will be constructed on the north and south sides of SR-84, west of Little Valley Road and east of Vallecitos Atomic Laboratory Road. Retaining walls will be constructed on both the west and east sides of I-680 near Calaveras Road and the SR-84/I-680 interchange, in the median (east side) of southbound I-680 where the pavement will be widened to accommodate the HOV/express lane extension, and in locations along the north and south sides of SR-84. Rock slope protection (RSP) will be installed along the south creek side of these retaining walls and concrete barrier. Temporary creek diversions will be needed in three locations to construct retaining walls 9 and 17, the concrete barrier, and associated RSP.

### *Concrete Safety Barriers*

Approximately, 4.5 miles of concrete safety barriers will be constructed in the median of SR-84 throughout most of the Project limits except at the new Vallecitos Atomic Laboratory Road intersection. The barriers will have openings to allow wildlife to cross SR-84, as described below. Existing concrete barriers on I-680 will be maintained, and new barriers will be provided on ramps and in the median of southbound I-680 in the HOV/express lane extension area.

### *Interstate-680 High Occupancy Vehicle /Express Lane*

Overhead signs and toll antennas gantries will be installed on I-680, mounted on new cantilever structures supported on cast-in-drilled-hole or driven piles in the median. The tops

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

of the overhead signs and toll antennas will be approximately 26 feet in height. Electronic toll systems and highway lighting will be installed on mast-arm standards in the median of I-680 as well as on overhead signs and toll structures. Traffic operations systems (TOS) equipment; monitoring stations, closed circuit televisions, electrical cabinets, and controllers will be installed along the outside edge of pavement within the existing ROW. Twenty-four maintenance vehicle pullouts will be installed in the I-680 shoulder areas to allow access to the TOS equipment. Trenching will be conducted along the outside edge of pavement for installation of conduits. The depth of trenching will be 3 to 5 feet below the roadway surface. Conduits will be directionally drilled across the freeway to the median.

### *Highway Lighting*

Highway lighting will be installed at intersections, on-ramps, lane merges and exit ramps, on the I-680 express lane entrances and toll zone boundaries. Lighting will be installed on mast-arm standards in the median of I-680 as well as on overhead signs and toll structures. The maximum height of the lighting will be 35 to 40 feet. Within the SR-84/I-680 interchange area, 22 existing highway lights will be replaced within 50 feet of their current locations and approximately 16 new single-mast arm standards will be added, 5 of which would light the new Class I bikeway. On SR-84, 36 new single mast-arm standards will be added on the northbound shoulder near Vallecitos Lane and one will be replaced, and 48 new single-mast arm standards will be added at the new signal intersection at Little Valley Road/Vallecitos Atomic Laboratory Road. The decorative entry lighting at the General Electric-Hitachi Vallecitos Nuclear Center entrance will be reconfigured, removing 6 existing lights and installing 8 new lights. Within the I-680 in the HOV/Express Lane area, 9 double mast-arm standards in the median north of SR-84 and 5 single mast-arm standards in the median near the new HOV/express lane entrance will be added. All lighting installations are illustrated in Figure 3. The Project will require relocating aboveground and underground utilities to outside of the ROW, and within the Project footprint. The relocation of utilities will result in localized construction impacts and could result in temporary service interruptions.

### *Drainage Systems*

The existing drainage systems within the Project limits consist of roadside ditches, cross culverts, longitudinal culverts, asphalt concrete dikes, and concrete curbs with inlets to collect stormwater at shoulders. Vallecitos Creek and its tributaries cross SR-84 and I-680 through underground culverts. A section of Vallecitos Creek also roughly parallels SR-84 and Vallecitos Lane in an earthen channel. Improvements to the existing drainage system consist of changes to cross culverts, drainage ditches, drainage inlets, rock slope protection and stormwater treatment. Drainage ditches that will be affected by the proposed Project will be replaced in kind within the Project footprint.

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

### *Wildlife Movement Crossing Structures*

The Project includes features to support wildlife connectivity across SR-84 and reduce wildlife-vehicle collisions. Five existing culverts will be enlarged, and additional culverts will be constructed under SR-84. Directional fencing will be installed to guide wildlife into and out of culverts, and openings in the ROW fence will be provided to allow wildlife to safely move between the culverts and areas outside of the SR-84 corridor. An existing 4-foot diameter pipe culvert directly adjacent to Vallecitos Creek will be replaced with a 10-foot-wide, 4-foot-tall box culvert to help wildlife to cross under SR-84.

### *Temporary Diversion Systems*

Temporary creek diversions will be installed prior to the start of construction at each location. The diversions will be constructed from the upstream end first, moving downstream and in such a way as to direct flow to the downstream end of the channel. All temporary creek diversion systems will be removed, and creek flows will be restored at the end of the seasonal work window. Cofferdams will be constructed using an impermeable membrane (e.g., visqueen) and clean gravel-filled bags or an inflatable bladder dam. Cofferdams will vary in length from 50 to 150 feet. Prior to placement of each cofferdam, vegetation, sharp objects, boulders, and cobbles will be removed to create a smooth streambed and prevent water passing beneath the dam after it is built. Any water encountered within the cofferdam will be pumped to a baker tank or water tender. All pumps will be screened with ¼-inch mesh to prevent wildlife entering the pump. Cofferdams along SR-84 will be installed from existing paved or unpaved access roads. Localized cofferdams within Vallecitos Creek will require the placement of a total of 250 cubic yards of temporary fill. Temporary impacts to Vallecitos Creek will occur for construction access, vegetation and debris removal to allow for diversion system and work platform installation, and construction of rock slope protection and a headwall in the easternmost diversion area.

### *Roadway Access and Staging*

The median area between the eastbound SR-84 on-ramp and the westbound SR-84 off-ramp to southbound I-680 will be used for staging and laydown. Construction access for the new single-span bridge for the northbound I-680 off-ramp to eastbound SR-84 will be from the south along an existing SFPUC dirt access road to the south of Vallecitos Creek, or directly from I-680. Access for installation of water quality BMPs, ESA fencing, bridge work, and utility line work will require tree and vegetation removal and minor grading to the south bank of Vallecitos Creek. The proposed access route will be approximately 12 feet wide and begin at the eastbound off-ramp to SR-84.

### *Habitat Enhancement Work at Collier Canyon Preserve*

Construction of mitigation features for Covered Species at Collier Canyon Preserve will result in 1.32 acres of permanent impact to annual grassland by construction of a 0.6-acre seasonal

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

wetland and a 0.72-acre seasonal pond (Figure 4). Construction access, staging and storage, and other temporary ground disturbance will result in temporary impacts to a total of 3.06 acres.

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

This ITP covers the following species:

Name	CESA Status
1. California Tiger Salamander ( <i>Ambystoma californiense</i> )	Threatened <sup>3</sup>
2. Alameda Whipsnake ( <i>Masticophis lateralis euryxanthus</i> )	Threatened <sup>4</sup>
also known as Alameda Striped Racer ( <i>Coluber lateralis euryxanthus</i> )	

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

**Impacts of the Taking on Covered Species:**

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include initial site preparation; heavy equipment operation; handling of stockpiles and stored materials; foot traffic; grading; trenching; AC grinding and installation; installation of pullouts, shoulder backing, retaining wall install, median barrier install, bridge construction, frontage road construction, light pole installation, information system installs and culvert repair or replacement activities; and/or relocation activities prescribed by this ITP (Covered Activities). Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as destruction of burrows and dens that the Covered Species inhabit; being crushed under moving vehicles and equipment; disturbance in the vicinity of dens or burrows; desiccation or predation along fence lines and other barriers to movement; and habitat alteration and decreased survivorship resulting from the installation of additional light sources, resulting in increased light pollution to Covered Species habitat. 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 from capture and relocation attempts as required by this ITP. Relocation could result in mortality, injury, and/or disease transmission to Covered Species. The areas where authorized take of the Covered Species is expected to

<sup>3</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(3)(G).  
<sup>4</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(4)(D).

occur are within the Biological Study Area (BSA) of approximately 605.31 acres and includes the section of SR-84 between PM 17.9 to 22.9 and the section of I-680 between PM 10.3 to 15.3 (Figure 1) (collectively, the Project Area).

The Project is expected to impact 98.22 acres of suitable habitat for Covered Species (Figure 2 and 4) within the SR-84/I-680 corridor, impacts to California tiger salamander (CTS) suitable habitat include the permanent loss of 40.33 acres, the temporary loss of 38.42 acres, and 15.095 acres of indirect impact resulting from additional light source installations (Figure 2 and 3). Within Collier Canyon Preserve, impacts to CTS suitable habitat resulting from aquatic breeding habitat creation include the permanent loss of 1.32 acres and the temporary loss of 3.06 acres (Figure 4). Impacts to Alameda whipsnake (AWS) suitable habitat include the permanent loss of 16.38 acres and the temporary loss 20.32 acres within the SR-84/I-680 corridor. All impacts to AWS suitable habitat overlap with CTS suitable habitat.

Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include; stress and abnormal behavior resulting from additional light pollution, stress resulting from construction noise and vibrations and from capture and relocation; temporary and permanent habitat loss; and long-term effects due to increased pollution, increased competition for food and space, and increased vulnerability to predation.

#### **Incidental Take Authorization of Covered Species:**

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

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

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

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

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the SR-84 Widening and SR-84/I-680 Interchange Improvements Project Environmental Impact Report (SCH No.: 2016052033) adopted by the California Department of Transportation on June 4, 2018 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. 1600-2019-0373-R3) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
4. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Reinitiation of Formal Consultation on the State Route 84 Expressway Widening and State Route 84/680 Interchange Improvement Projects, Alameda County, California (Caltrans EA 04-297630) (Biological Opinion 08ESMF00-2017-F-3304-R001-1) 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 before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
  - 6.2. Designated Biologist(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

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed.

- 6.3. Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.
  - 6.3.1. 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. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area. The pamphlet and sign in sheet shall be submitted to CDFW upon request and included in the Annual and Final Construction Reports as described in the conditions of this ITP.
- 6.5. Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

- 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, such as plastic or mono-filament netting (erosion control matting, geo-textile material and rock slope protection filter fabric) or similar material, in potential Covered Species' habitat. 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

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT



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.

- 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.
- 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 locations noted in the ITP application with the exception that any staging area cannot occur within 250 feet of a water feature or burrows and dens, unless otherwise approved by CDFW. In addition, all staging areas must be surrounded by exclusionary fencing as specified in Condition of Approval 8.6. Permittee shall not use or cross Covered Species' habitat outside of the marked Project Staging Area.
- 6.15. Equipment Washing Station and Sanitization. All equipment shall be washed or sanitized prior to entering the Project area. Staging areas shall be equipped with wash stations to prevent the spread of invasive species and disease from areas outside the Project boundaries.
- 6.16. 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.
- 6.17. 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.

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

- 6.18. 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.
- 6.19. 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. Temporary Impact Criteria. To be considered a temporary impact, all temporary impacts must meet the following criteria: (1) recontouring, replanting and seeding of each temporary impact area shall occur by October 31 of the year of the impact, and no additional ground disturbing activities shall occur; (2) if the impact area is within 1,000 feet of an aquatic feature, all work shall be completed within this area and exclusion fencing shall be removed by October 31 of the same calendar year, allowing the Covered Species unrestricted access between upland and aquatic habitat; and (3) temporary impact sites have achieved vegetation success as noted in condition of approval 9.6. Impacts that do not meet these criteria will require additional mitigation and an amendment to this ITP shall be required.

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

- 7.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document 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

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

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. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.5 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 approximately Project impacts in acres, separated into permanent and temporary impacts. The reports shall: (1) identify and describe the temporary and permanent impacts to date; (2) describe the location, acres, and type of restoration actions that have occurred; and (3) include all monitoring information required by condition of approval 9.6. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and/or 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.
- 7.5. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or Projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species. ASRs shall be submitted to CDFW's Regional Office at the office listed in the Notices Section of this ITP and/or via e-mail to CDFW's Regional Representative Robert Stanley ([Robert.Stanley@wildlife.ca.gov](mailto:Robert.Stanley@wildlife.ca.gov)).

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

- 7.6. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.7. Final Construction Report. No later than 30 days after completion of the Project, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Construction 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) Final Isolux Diagram and Lighting Impact Analysis; and (9) any other pertinent information.
- 7.8. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (707) 428-2002 and the regional representative within 24 hours. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two business days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information. The report and notification shall also be submitted to CDFW's Regional Representative Robert Stanley ([Robert.Stanley@wildlife.ca.gov](mailto:Robert.Stanley@wildlife.ca.gov)).
- 7.9. Covered 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.

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

## 8. Take Minimization Measures:

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

- 8.1. Time of Day Work Restriction. Any activity that shall occur in a previously paved area shall be allowed to occur at any time provided all applicable avoidance and minimization measures for Covered Species are adhered to as specified in this ITP. For any activity that will clear, grub, remove existing unpaved features, excavate embankments, construct drainage features or excavate soil that is not covered by a paved area the Permittee shall terminate all Covered Activities 30 minutes before sunset and shall not resume Covered Activities until 30 minutes after sunrise unless approved by the CDFW Representative in writing. The Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department for determining when Covered Activities shall terminate and resume.
- 8.2. Seasonal Work Window. Permittee shall limit ground-disturbing Covered Activities involving construction and heavy equipment use in upland dispersal habitat (such as excavation, grading, trenching and fill activities) to the period between April 15 and October 15, until the expiration of this ITP. All in water work within the bed, bank channel or upland riparian habitat shall be limited to occur from June 15 to October 15.
- 8.3. Vehicle Speed Limit. All vehicles shall be limited to a speed limit of 20 m.p.h. or less on main roads and access roads at all times within the boundary limits of active construction.
- 8.4. Daily Clearance Surveys. The Designated Biologist will conduct daily pre-construction surveys prior to the initiation of work each day within the Project Area throughout the course of the Project. The Designated Biologist shall walk the Project area and access roads while conducting visual encounter surveys in areas subject to vegetation clearing, grubbing, grading, cut and fill, or other ground disturbing activities. The surveys shall also include the inspection of parked vehicles or equipment prior to their use each day. The Permittee will ensure that a Designated Biologist inspects all staged materials each morning prior to the initiation of construction activities involving disturbance of material piles. Survey notes shall be kept and recorded as specified in this ITP. During active construction multiple biologists shall be required on-site, when needed in circumstances of line of sight constraints to ensure all active equipment has a designated biologist within view of the Covered Activities.
- 8.5. Environmentally Sensitive Areas. Prior to the start of construction, for each season, an Environmentally Sensitive Areas (ESAs) plan shall be submitted to CDFW for

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

review 30 days prior to the initiation of construction. The ESA plan shall be clearly delineated using high-visibility orange fencing as the primary option to protect sensitive habitats, other options approved in advance by CDFW may be authorized. The ESA signification system will remain in place throughout the duration of the Project. It may be removed during the wet season (and subsequently re-installed) if needed to prevent materials from being washed away. The final Project plans will depict all locations where ESA signification will be installed and how it will be installed. The bid solicitation package special provisions will clearly describe acceptable signification material and prohibited construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within ESAs. ESA materials shall be installed as directed by a Designated Biologist and maintained in good repair throughout the Project as needed.

- 8.6. Covered Species Exclusionary Fencing. An exclusionary fencing system plan shall be submitted for CDFW approval 30 days prior to the initiation of construction each season. The exclusionary fencing system shall be required to encompass access roads, staging areas and active construction areas as to not allow outside access of Covered Species into those areas with no gaps or breaks in the fencing system. The plan submission shall be in map form illustrating the proposed alignment with a brief description of the materials to be employed as well as diagram of the fence material and design. All material stockpiles and Project related equipment must be stored within the fenced staging area when not in use.

Immediately following the conclusion of vegetation clearing as specified in Condition of Approval 8.7, the staging area, access roads and Project Area shall be checked for Covered Species and shall have exclusionary fencing installed around them as follows; the fencing will be standard silt fencing at least forty-two (42) inches in height that will be trenched a minimum of four (4) inches into the soil. The soil will then be compacted against both sides of the fence to prevent wildlife from gaining access underneath. The stakes will be placed on the Project side of the fence. No gaps or holes are permitted in the fencing system.

Any vegetation outside the direct area of fencing within a three (3) foot perimeter must be cleared to a height of six (6) inches and maintained throughout the project at this height, using vegetation removal and clearing methods as specified in Condition of Approval 8.7. A Designated Biologist must be present during all vegetation removal activities.

Prior to the initiation of construction each day, the fence shall be inspected daily by a Designated Biologist or biological monitor for holes, gaps, or access points, which shall be repaired upon discovery. The area inside the fence shall also be inspected for trapped Covered Species prior to the initiation of construction each day. If a Covered Species is discovered the Covered Species shall be monitored until it has

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

left the fenced area on its own accord, no work shall occur during this period. If the Covered Species does not leave on its own accord the Designated Biologist with the appropriate approvals may relocate the species in accordance with Condition of Approval 7.16 for Covered Species Relocation.

- 8.7. Vegetation Clearing within Exclusionary Fencing Areas. Areas proposed to be encompassed by exclusionary fencing including staging areas, access routes, and the Project Area will be surveyed as required by the Conditions of Approval in this ITP prior to vegetation removal, installation of fencing and prior to the deployment of any staging or stockpile materials. The vegetation removal will be monitored by a Designated Biologist for the duration of the Project; the Designated Biologist has the authority to stop work if required for any reason in consultation with the Resident Engineer.

The vegetation within these areas shall be mowed or trimmed to a height of six inches, using hand tools, weed-whackers, and mowers as necessary. No heavy motorized equipment (i.e. tractor) may be employed for vegetation removal without approval from CDFW. No excessive soil disruption and no grubbing or removal of roots systems is permitted during the vegetation clearing for exclusionary fencing areas. The vegetation must be maintained at six inches or less for the duration of the Project. All mowed and trimmed vegetation matter shall be removed from the area to an off-site location. Immediately after vegetation clearing has concluded, exclusionary fencing shall be installed as specified in Condition of Approval 8.6.

- 8.8. Wildlife Exclusion Fencing Refuge Areas/Cover Boards. The Permittee shall provide refuge opportunities in the form of cover boards (2-foot x 2.6-foot plywood), along the Covered Species exclusion fence on both sides of the fence. Permittee shall submit a design of the barrier and refuge opportunities no less than 30 days prior to the initiation of construction each season to CDFW for approval. The Designated Biologist shall inspect refuge areas each morning, as well as, during and after rain events. Covered Species within the interior fence should be given the ability to leave on their own accord before active relocation is attempted. All Species found shall be identified, recorded and submitted to CDFW in the Final Construction Report and reported to CNDDDB as specified in this ITP. All wildlife shall be relocated to a safe location outside the Project area.
- 8.9. Trench Escape and Inspection. To prevent inadvertent entrapment of Covered Species, the Designated Biologist(s) shall oversee the covering of all trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that Covered Species are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

with soil staples or similar means to prevent gaps. Each morning prior to beginning Covered Activities and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist(s) and/or construction foreman/manager shall thoroughly inspect them for Covered Species. Trenches, holes, sumps, or other excavations that are covered long-term shall be inspected at the beginning of each working day to ensure inadvertent entrapment has not occurred. Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately if any worker discovers that Covered Species have become trapped. If at any time trapped Covered Species are discovered by the Designated Biologist or anyone else, the Designated Biologist shall capture and relocate the Covered Species to a safe nearby location per Condition of Approval 8.15. If open holes, sumps, trenches or excavations cannot be covered then a temporary barrier shall be installed around any trenches, holes, sumps, or other excavations to prevent Covered Species from becoming trapped.

- 8.10. Inspection of Pipes and Culverts. All construction pipes, culverts, or similar structures that are stored at the Project site for one or more overnight periods shall be securely capped prior to storage or inspected by the Designated Biologist before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a Covered Species is discovered inside a pipe by the Designated Biologist or anyone else, the Covered Species shall be allowed to leave its own accord, or if it can be safely captured, it shall be relocated by the Designated Biologist to a suitable location outside of the Project Area and in accordance with the Condition of Approval 8.15.
- 8.11. Vehicle and Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Permittee shall contact the Designated Biologist to determine if the Designated Biologist can safely move the Covered Species in Accordance with Condition of Approval 8.15.
- 8.12. Mark Covered Species Nest/Dens/Burrows. Nests, Dens, Burrows or suitable areas for Covered Species subterranean activities should be marked by the Designated Biologist within a reasonable dispersal distance of the Project Area to alert biological and work crews to their presence each season using flags, exclusion fencing or a reasonable method approved in advance by CDFW. Where feasible, an avoidance buffer of 250 feet (the distance may be altered at the discretion of the Designated Biologist in consultation with CDFW) or greater around areas shall be maintained using wildlife exclusion fencing or environmentally sensitive area fencing as specified in this Permit. Nests, Dens and Burrows in areas of impact shall be excavated by hand to allow the detection and relocation of Covered Species as necessary. Alterations to the hand excavation requirement of dens to utilize powered equipment may be authorized by written request to and written approval from CDFW.

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT



- 8.13. Remove Temporary Flagging, Fencing, and Barriers. Permittee shall remove all temporary flagging, fencing, erosion control, temporary work platforms, temporary access road materials, and/or barriers from the Project Area and vicinity of the stream upon completion of Project activities.
- 8.14. Prohibit Introduction of Invasive Species and Disease. 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/>.
- 8.15. Covered Species Relocation Plan. The Designated Biologist(s) shall prepare a Covered Species Relocation Plan (Relocation Plan). The Relocation Plan shall include, but not be limited to, pre-activity survey methodology appropriate for the season, hand excavation, capture, handling, and relocation methods; and identification of where the individuals will be relocated to. The relocation areas shall be identified by the Designated Biologist(s) based upon best suitable habitat available and time of year and approved by CDFW prior to the start of Covered Activities. The Relocation Plan shall be submitted to CDFW for approval prior to the beginning of Covered Activities. Covered Activities anywhere within the Project Area may not proceed until the Relocation Plan is approved in writing by CDFW. Only the approved Designated Biologist(s) are authorized to capture and handle the Covered Species.
- 8.16. Trash Screen Netting Installation Review. Prior to the installation of any trash screen netting or trash barriers, the Permittee shall ensure that a culvert system capable of providing wildlife connectivity for wildlife movement is not blocked by the installation of the trash screen or trash barrier. No trash netting or barriers are permitted without CDFW review and approval, a submission for approval to CDFW shall be required a minimum of 60 days prior to the initiation of construction. The submission should include a description of the location and images of the culvert inlet and outlet as well as a description of the potential for wildlife to use the structure. Alternative methods of analysis such as game trail cameras may also be employed.

#### *California Tiger Salamander Specific Measures*

- 8.17. Temporary Project Lighting. All temporary Project lighting associated with construction staging areas, access routes and construction sites shall be shut down upon the completion of work each day and not used as security lighting overnight. Temporary Project lighting on the surface of the road shall be directed towards the road surface and shall not be directed into areas outside of the road surface to

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

prevent additional light pollution and disruption of nocturnal wildlife activity. Baffles, adjusted mast heights and adjusted reach arms and other various shading devices may be employed to prevent additional light pollution.

8.18. Permanent Project Lighting. All new installations or replacements of previously existing light emitters or bulb types for permanent use within the Project site shall have an output of 2700 kelvin or less, shall be fitted with back-shielding, and the surface area of the light shall be directed so that it does not project into natural lands. The Isolux Analysis (Figure 3) establishes the baseline of current lighting conditions. Figure 3 establishes the proposed lighting output of new and replacement emitters over the surface area of natural lands. An Isolux analysis shall also be required upon completion of construction to determine actual light levels. All permanent lighting shall be directed towards the surface of the road and employ adjusted mast height and adjusted reach arm lengths to reduce light pollution into natural lands. Additional mitigation may be required by CDFW if an increase in lighting output is determined to occur onto natural lands greater than the initial projections noted in Figure 4 when compared to the Final Isolux Diagram that measures the real world lighting outputs.

8.18.1. Permanent Project Lighting Impact Analysis. For Isolux values that output a light emission of 0.109 lux or greater (equivalent to a full moon or greater), all habitat adversely impacted shall be compensated using a 1.5:1 replacement to impact ratio. For Isolux values that output a light emission of 0.108 lux or less (equivalent to a full moon), all habitat adversely impacted shall be compensated using a 1:1 replacement to impact ratio. For values that yield a light emission output of 0.010 lux or less (equivalent to a quarter moon), all habitat adversely impacted shall be compensated using a 0.5:1 replacement to impact ratio. New or replacement installations of emitters or bulbs shall be limited to 2700K or less and shall employ shielding. If light emissions exceed 2700K and/or shielding is not utilized, an amendment to this ITP shall be required to further analyze lighting impacts. This analysis is site-specific based on the habitat analysis specified in Figure 1 of the biological study area, current light regime and proposed new lighting regime as specified in Figure 3. Within 60 days of project completion, as part of the Final Construction Report, a final Isolux diagram shall be submitted that illustrates field verified lighting impacts. The field verified final Isolux diagram shall be utilized to develop the compensatory mitigation (15.095 acres) for new lighting impacts, based on the analysis specified above in this condition of approval.

8.19. Weather Restrictions. Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. Covered Activities shall cease if there is a 40 percent chance of precipitation or greater in the National Weather Service 72-hour forecast for the Project Area. Covered Activities may continue 24 hours after the rain ceases if there is less than a 40 percent chance of precipitation in the 24-hour forecast.

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

- 8.20. Ponded/Standing Water. Permittee shall monitor and prevent ponded/standing water from forming throughout the Project Area and make sure that ponded/standing water with a depth of 2 inches or more is not allowed to persist for a period of 24 hours or longer after precipitation events. All ponded/standing water shall be surveyed (See Condition of Approval 8.4) by the Designated Biologist prior to draining for Covered Species using a mesh screen size over the intake approved in advance by CDFW. Other methods of avoiding ponded/standing water may be authorized upon submission and approval by CDFW. This condition does not apply to naturally occurring wetlands, swales or ponds.
- 8.21. Notification of Non-Native Tiger Salamanders or Hybrids. The Designated Biologist shall immediately notify CDFW if a suspected non-native barred tiger salamander (*Ambystoma tigrinum mavortium*) or California tiger salamander/non-native hybrid is found within the Project Area within 24 hours by calling CDFW's Regional Representative. The Designated Biologist shall not release any non-native or hybrid salamanders back to the wild until directed to do so by CDFW. The Designated Biologist shall follow the Capture and Handling measures outlined in this ITP (see Condition of Approval 8.22).
- 8.22. Covered Species Handling and Injury. If an injured Covered Species is found during the Project term, the Designated Biologist shall evaluate the individual and immediately contact the CDFW Regional Representative, via email and telephone, to discuss the next steps. If the CDFW Regional Representative cannot be contacted immediately, the Designated Biologist shall place the injured individual in a safe and shaded location. Any injured California tiger salamanders shall be placed in a shaded container and kept moist, and shall be handled and assessed according to the *Restraint and Handling of Live Amphibians*, USGS, National Wildlife Health Center (D. Earl Greene, ARMI SOP NO. 100; 16 February 2001; [http://www.nwhc.usgs.gov/publications/amphibian\\_research\\_procedures/handling\\_and\\_restraint.jsp](http://www.nwhc.usgs.gov/publications/amphibian_research_procedures/handling_and_restraint.jsp)). If the CDFW Regional Representative is not available or has not responded within 15 minutes of initial attempts, then the following steps shall be taken:
- 8.22.1. If the injury to the Covered Species is minor or healing and the individual is likely to survive, the individual shall be released immediately (see Condition of Approval 7.8);
- 8.22.2. If it is determined that the Covered Species has major or serious injuries as result of Project-related activities, then the Designated Biologist shall immediately take it to the Lindsay Wildlife Museum or another CDFW-approved facility. If taken into captivity the individual shall remain in captivity and not be released into the wild unless it has been kept in quarantine and the release is authorized by CDFW and the U.S. Fish and Wildlife Service. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

circumstances of the injury, the procedure followed and the final disposition of the injured animal shall be documented in a written incident report as described in Condition of Approval 7.8 or 7.9.

### *Alameda Whipsnake Specific Measures*

8.23. Access Roads. The Designated Biologist shall inspect the entire access route for Covered Species each day when Covered Activities are occurring between April 15 and October 31 of each year. Inspections shall occur in the morning prior to Project related vehicle access (unless Project related vehicle traffic occurs prior to sunrise) and in the afternoon prior to Project related vehicles exiting the Project Area. If a Designated Biologist finds a dead Covered Species on the access route, Permittee shall consult with CDFW to determine appropriate contingency measures and shall implement the measures determined appropriate by CDFW.

## **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 178.885 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.2) OR shall provide for both the permanent protection and management of 178.885 acres of Habitat Management (HM) lands 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. No less than 69.46 acres or credits shall support both AWS and CTS. 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 41.47 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 9.6 below.

The Permittee has fulfilled the AWS compensatory habitat requirement of 69.46 acres from a CDFW-approved mitigation or conservation bank with the purchase of 70 AWS/CTS multi-species credits from the Ohlone West Conservation Bank, as specified in Attachment 2 (Bill of Sale and Purchase Agreement). The Permittee has partially fulfilled the CTS compensatory habitat requirement of 178.885 acres from a CDFW-approved

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

mitigation or conservation bank with the purchase of 70 AWS/CTS multi-species credits from the Ohlone West Conservation Bank, as specified in Attachment 2 (Bill of Sale and Purchase Agreement). To meet the remaining requirement, the Permittee shall either purchase 108.885 acres of CTS credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.2) OR shall provide for both the permanent protection and management of 108.885 acres of Habitat Management (HM) lands 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. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations.

9.1. Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the 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 \$31,645.00 per acre; for 108.885 acres: **\$3,445,665.00**. 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 **\$147,234.00**;
- 9.1.3. Interim management period funding as described in Condition of Approval 9.3.6 below, estimated at **\$283,601.00**;
- 9.1.4. Long-term management funding as described in Condition of Approval 9.4 below, estimated at \$7,306.00 per acre; for 108.885 acres: **\$795,503.00**. 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 41.47 acres: **\$90,917.00**.

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

- 9.2. Covered Species Credits. Permittee shall purchase 108.885 acres of CTS 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 3B) 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 3A). 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;

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

- 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 8.3, 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 for Temporary Impacts. The plan shall be prepared by a Qualified Biologist or Habitat/Stream Restoration Specialist and submitted for CDFW review and approval in writing a minimum of 30 days prior to the initiation of construction. The plan shall address restoration or enhancement of at least

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

41.47 acres of Covered Species Habitat. The Permittee shall restore 3.06 acres of annual grassland habitat at Collier Creek Preserve and 38.41 acres of Covered Species habitat shall be restored within the SR-84/I-680 corridor. The 38.41-acre total at the SR-84/I-680 corridor shall include a minimum of 35.27 acres of annual grassland restoration, 2.93 acres of riparian and woodland restoration and 0.21 acres of aquatic habitat restoration as follows:

- 9.6.1. *Annual Grassland Restoration and Enhancement.* All exposed/disturbed soils left barren of vegetation in areas of temporary impact within the SR-84/I-680 corridor and at the Collier Creek Preserve Site including staging areas, access roads and upland areas shall be revegetated immediately following work activities. Impacted areas shall be revegetated with native plants and/or saplings, if feasible, or seeded with an erosion control seed mix consisting of native forbs, shrubs, wildflowers, and grasses. Revegetation shall be completed after construction has concluded and as soon as possible after earthmoving activities cease; however, plantings will be most successful if done during the rainy season. Seeding placed after October 15 shall be applied by hydroseed or fiber rolls. Erosion control blankets with monofilament or woven plastic strands shall not be used. The Annual Grassland section of the restoration and enhancement plan shall note areas of impact and proposed areas of seeding. Submission in the form of a map or figure that outlines areas of impacts and areas of re-seeding should also be included. At the discretion of CDFW, all exposed areas where seeding is unsuccessful after 90 days shall receive appropriate soil preparation and a second application of seeding or mulch as soon as is practical on a day mutually agreed upon with CDFW.
- 9.6.2. *Riparian and Woodland Restoration and Enhancement.* The riparian and woodland enhancement section of the Plan shall include an inventory of the native tree and shrub species known to occur on-site as well as a plant pallet of the proposed species for restoration and a map or plan set that illustrates the proposed areas of restoration plantings. All plantings replacement ratios shall be developed in consultation with CDFW and shall be derived from locally available genotypes. The Permittee shall monitor the survival and vigor of on-site plantings for a period of 10 years to ensure attainment of a 75% survivorship after 10 years, with the final two years occurring without supplemental watering. If success criteria are not achieved within 10 years, additional years of enhancement and monitoring shall be required until the criteria is met. Removal of invasive plant species rated as "High" by the California Invasive Plant Council shall be removed from the site to achieve a 10% or less ground cover within the on-site restoration area(s) over a period of 10 years. All success criteria shall be subject to additional management actions occurring over additional years, if milestones are not achieved as noted herein.

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

9.6.3. *Aquatic Breeding Habit Restoration and Enhancement.* The aquatic breeding habitat section of the restoration and enhancement plan shall include a plant pallet for emergent freshwater vegetation to an area of 0.21 acres that shall be based on the native species of vegetation that currently exist on-site. Plantings shall occur along or above the top of bank within areas of temporary impact to aquatic habitat. The emergent freshwater vegetation shall be subject to a 50% ground cover success criteria over 10 years within the 0.21-acre restoration area. Verification that the restoration areas can hold water through the appropriate hydroperiods for Covered Species by using satellite imagery of past seasons and on-site photographic image comparisons of before and after construction during the rainy season from multiple angles shall be analyzed to determine if the areas are successfully holding water. If success criteria are not achieved within 10 years. Removal of invasive plant species designated by the California Invasive Plant Council as “High” shall be removed from the site to achieve a 10% or less ground cover within the restoration area over a period of 10 years. All success criteria shall be subject to additional management actions occurring over additional years, if milestones are not achieved as noted herein.

## 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 **\$4,765,920.00**. 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 4) 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 5) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

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
- Achievement of restoration success criteria as noted in Condition of Approval 9.6

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 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

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

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

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2019-059-03) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

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

and a copy to:

Habitat Conservation Planning Branch  
California Department of Fish and Wildlife  
Attention: CESA Permitting Program  
Post Office Box 944209

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

Sacramento, CA 94244-2090  
[CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov)

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

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

### **Compliance with CEQA:**

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, California Department of Transportation. (See generally Pub. Resources Code, §§ 21067, 21069). The lead agency's prior environmental review of the Project is set forth in the SR-84 Expressway Widening and SR-84/I-680 Interchange Improvements Project Rehabilitation Project Environmental Impact Report (SCH No. 2016052033) dated April 2018 that the California Department of Transportation adopted for the SR-84 Expressway Widening and SR-84/I-680 Interchange Improvements Project on June 5, 2018 prepared by the California Department of Transportation. At the time the lead agency adopted the Environmental Impact Report and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

### **Findings Pursuant to CESA:**

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

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

CDFW finds based on substantial evidence in the ITP application, SR-84 Expressway Widening and SR-84/I-680 Interchange Improvements Project, the results of site visits, consultations and meetings, 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) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 178.885 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

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

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	Covered Species Impact Map Set
FIGURE 3	Isolux Diagram Plan Set
FIGURE 4	Collier Canyon Project Layout
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Ohlone West Mitigation Purchase Agreement
ATTACHMENT 3A, 3B	Habitat Management Lands Checklist; Proposed Lands for Acquisition Form
ATTACHMENT 4	Letter of Credit Form
ATTACHMENT 5	Mitigation Payment Transmittal Form

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

on 9/10/2020.

DocuSigned by:

*Gregg Erickson*

BE74D4C93C604EA...

Gregg Erickson, Regional Manager  
Bay Delta Region

**ACKNOWLEDGMENT**

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

DocuSigned by:

*Gary Huisingh*

5D27E44D79F0454...

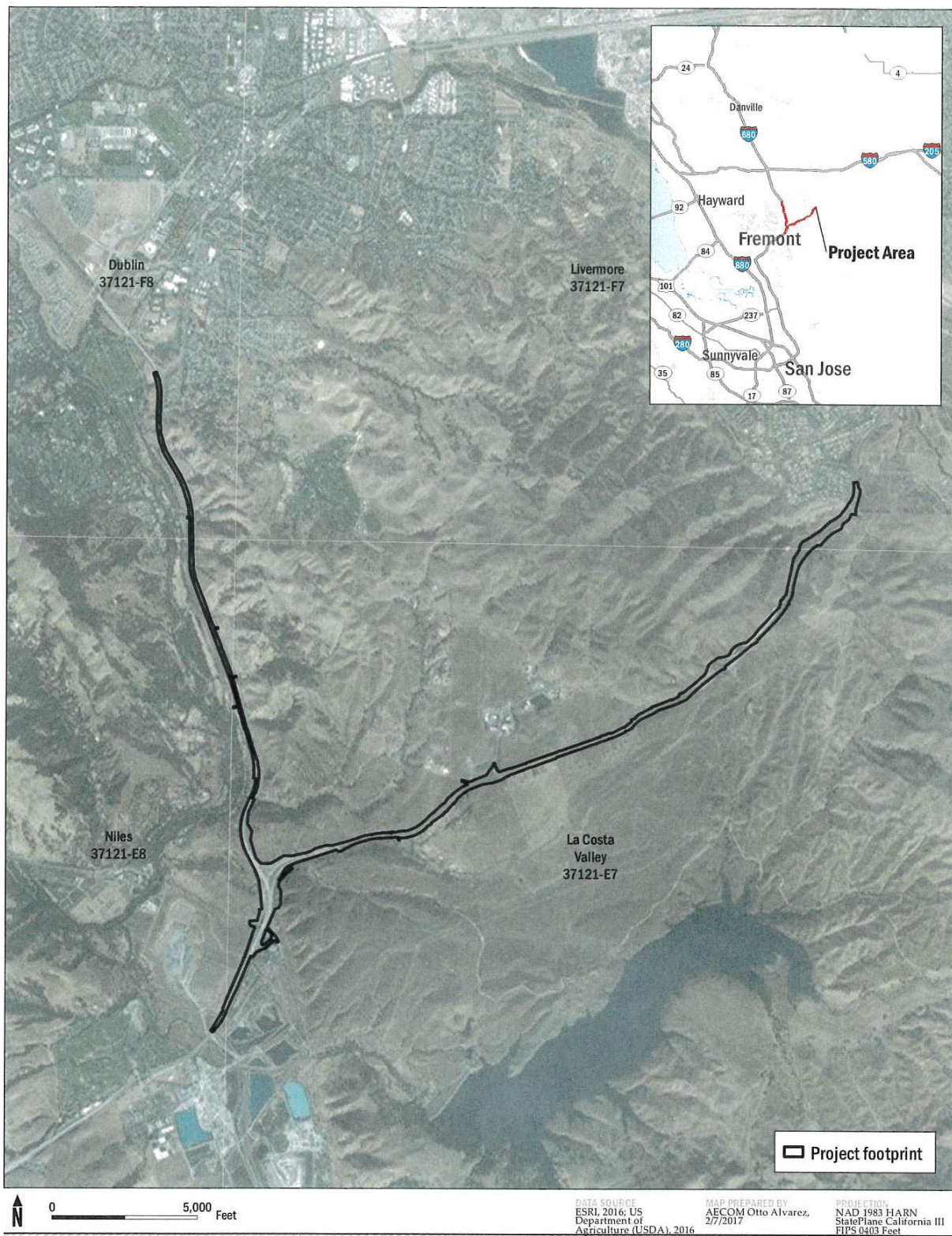
By: \_\_\_\_\_ Date: 9/11/2020

Printed Name: Gary Huisingh Title: Deputy Executive Director of Projects

Incidental Take Permit  
No. 2081-2019-059-03

ALAMEDA COUNTY TRANSPORTATION COMMITTEE  
STATE ROUTE 84 EXPRESSWAY WIDENING AND INTERSTATE 680 INTERCHANGE IMPROVEMENTS PROJECT

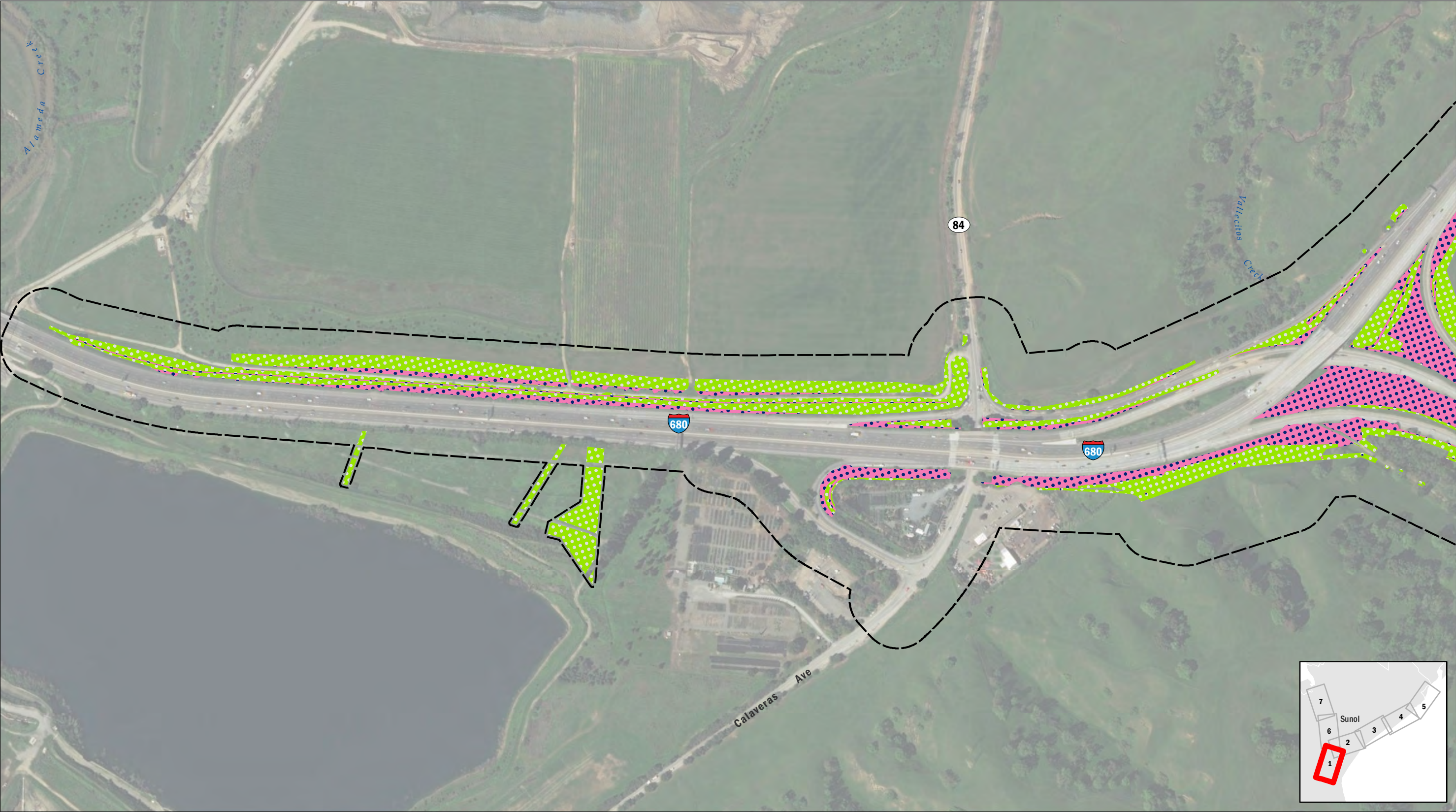




SR 84 Expressway Widening  
and SR 84/I-680 Interchange Improvements Project  
Alameda County

**FIGURE 1**  
Project Vicinity





Source: AECOM, 2020; ESRI, 2019

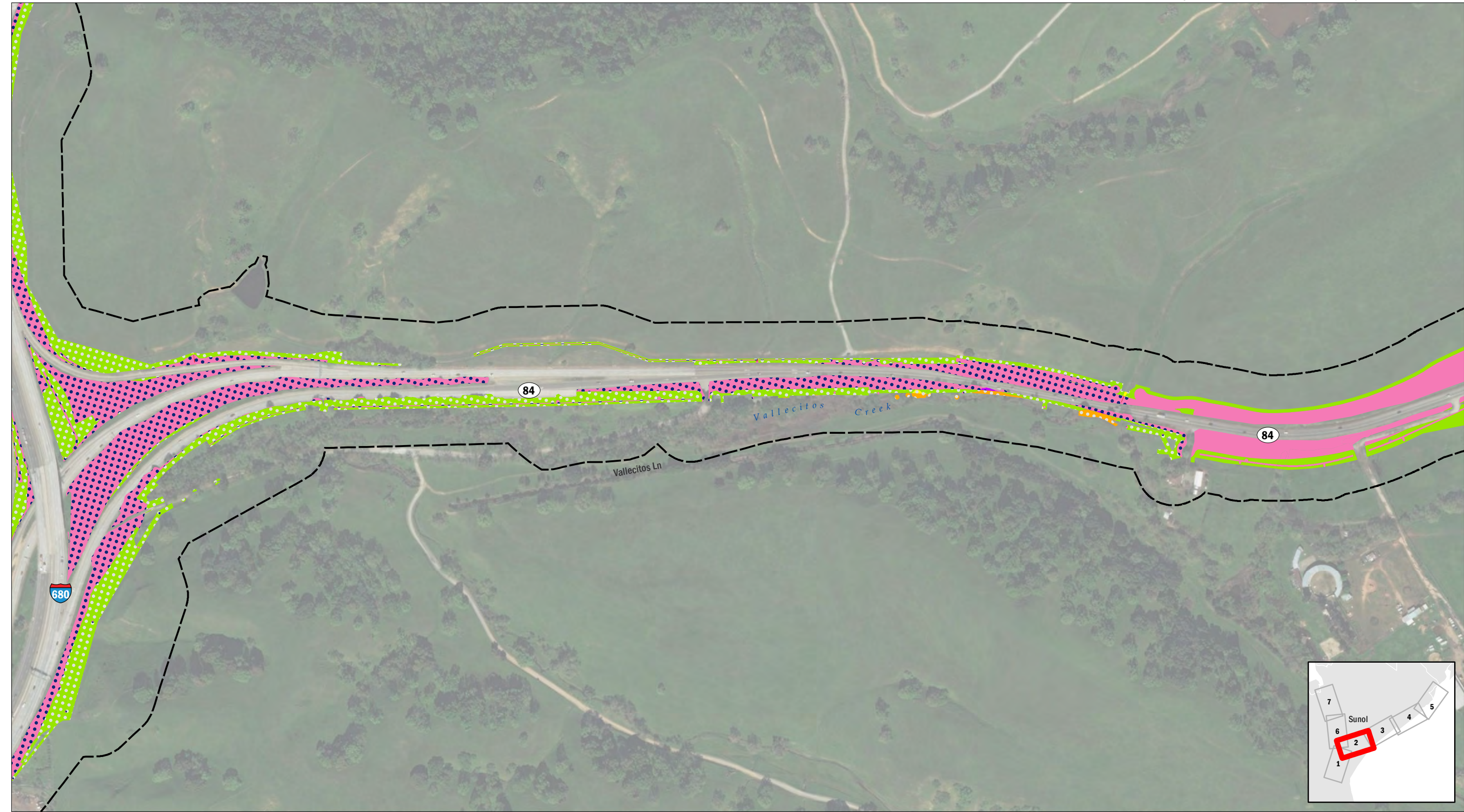
SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project  
Alameda County

Biological Study Area  
CTS Aquatic Non-Breeding Dispersal/Foraging/Refugia Habitat Impacts  
Temporary Impacts to CTS Habitat

CTS Upland Dispersal/Foraging/Refugia Habitat Impacts  
Permanent Impacts to CTS Habitat  
Temporary Impacts to CTS Habitat  
AWS Dispersal/Foraging/Refugia Habitat Impacts  
Permanent Impacts to AWS Habitat  
Temporary Impacts to AWS Habitat

**FIGURE 7**  
*Impacts to Suitable State-listed Species  
Habitat in the Biological Study Area*  
Page 1 of 7





0 500  
Feet

SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project  
Alameda County

Biological Study Area

CTS Aquatic Non-Breeding Dispersal/Foraging/Refugia Habitat Impacts

Permanent Impacts to CTS Habitat

Temporary Impacts to CTS Habitat

CTS Potential Aquatic Breeding Habitat Impacts

Permanent Impacts to CTS Habitat

Temporary Impacts to CTS Habitat

CTS Upland Dispersal/Foraging/Refugia Habitat Impacts

Permanent Impacts to CTS Habitat

Temporary Impacts to CTS Habitat

AWS Dispersal/Foraging/Refugia Habitat Impacts

Permanent Impacts to AWS Habitat

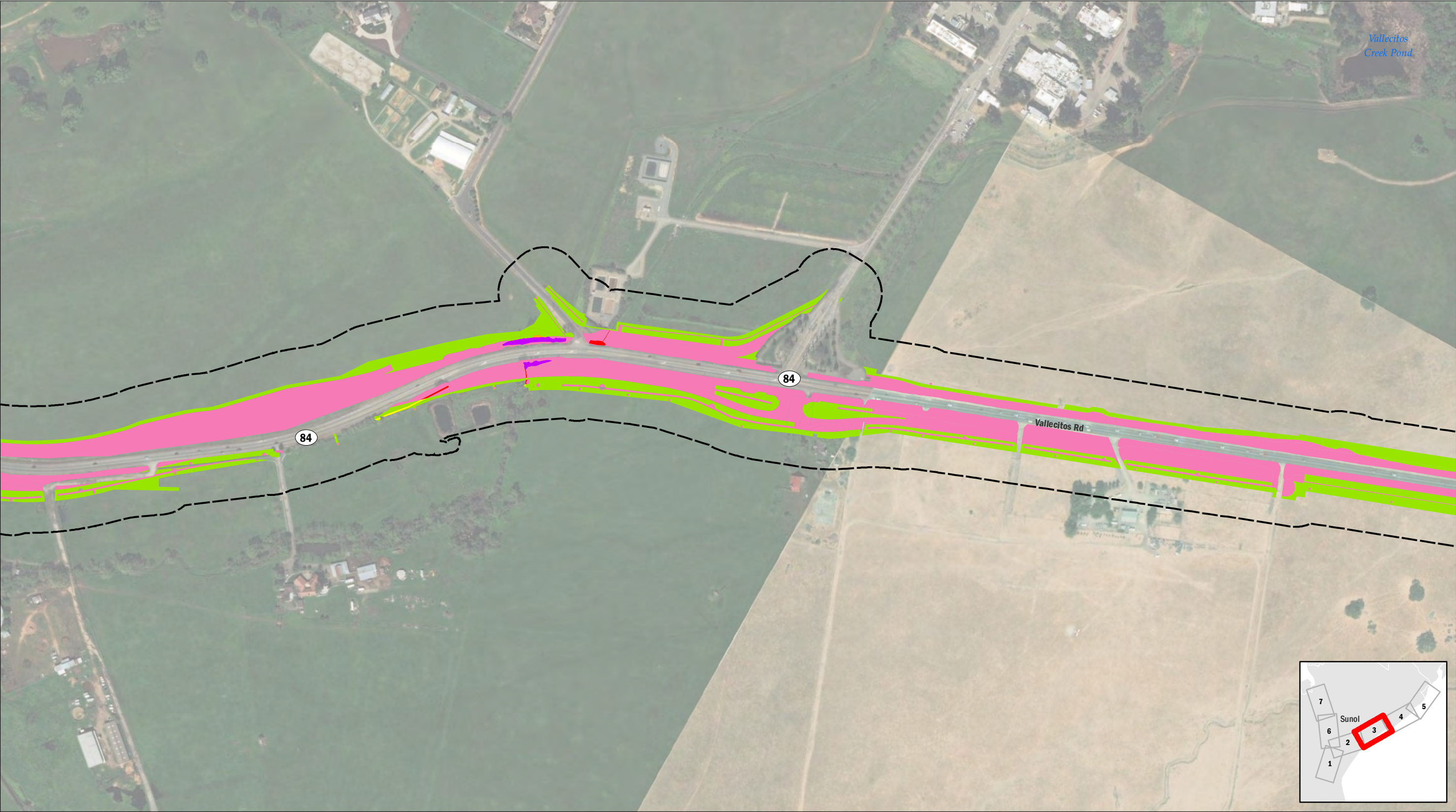
Temporary Impacts to AWS Habitat

Source: AECOM, 2020; ESRI, 2019

## FIGURE 7

Impacts to Suitable State-listed Species  
Habitat in the Biological Study Area  
Page 2 of 7





SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project  
Alameda County

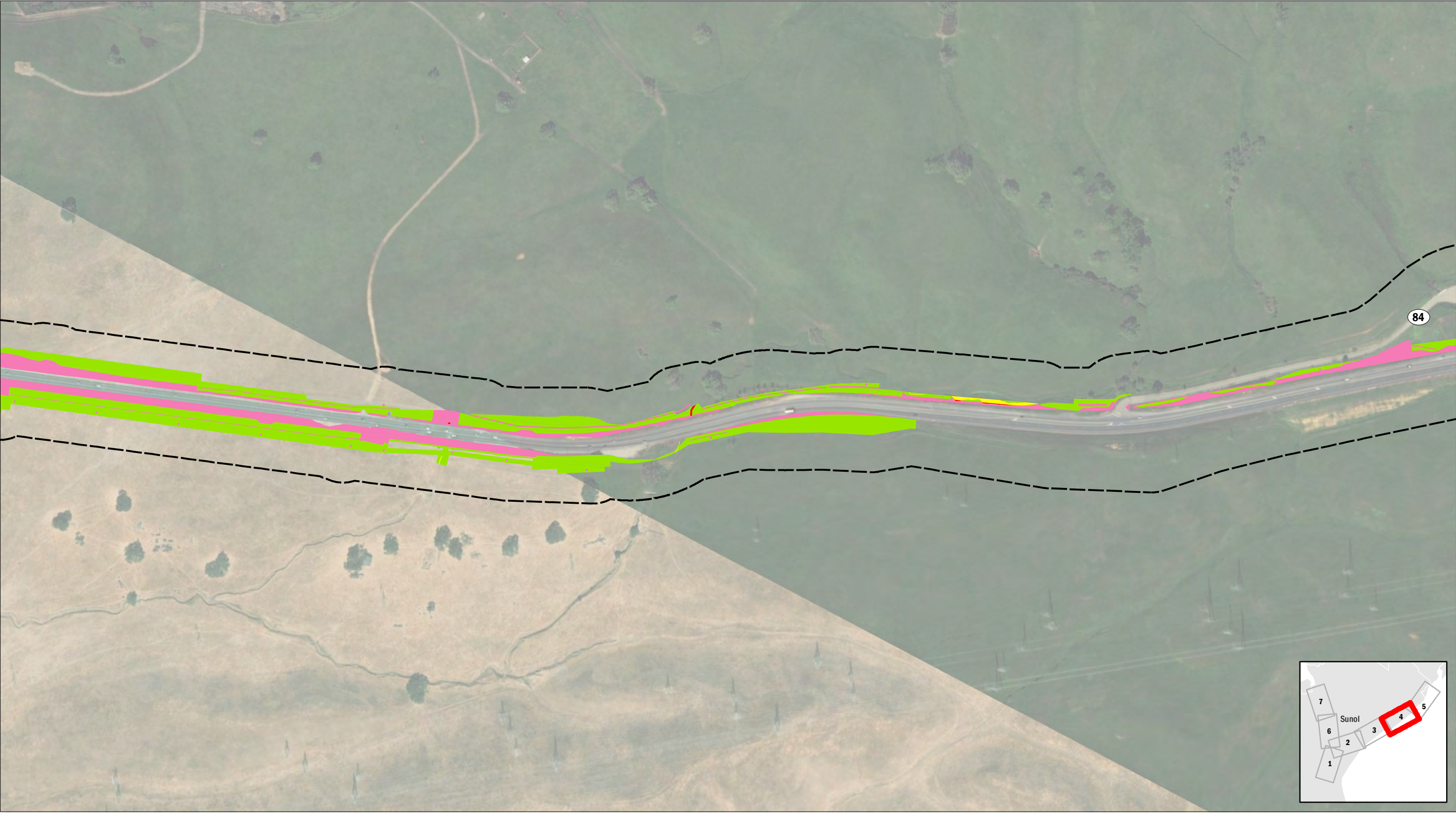
- Biological Study Area**
- CTS Aquatic Non-Breeding Dispersal/Foraging/Refugia Habitat Impacts**
- Permanent Impacts to CTS Habitat
  - Temporary Impacts to CTS Habitat
- CTS Potential Aquatic Breeding Habitat Impacts**
- Permanent Impacts to CTS Habitat
  - Temporary Impacts to CTS Habitat

- CTS Upland Dispersal/Foraging/Refugia Habitat Impacts**
- Permanent Impacts to CTS Habitat
  - Temporary Impacts to CTS Habitat

Source: AECOM, 2020; ESRI, 2019


**FIGURE 7**  
*Impacts to Suitable State-listed Species  
Habitat in the Biological Study Area*  
Page 3 of 7







 0 500  
Feet



SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project  
Alameda County

 Biological Study Area

**CTS Aquatic Non-Breeding Dispersal/Foraging/Refugia Habitat Impacts**

-  Permanent Impacts to CTS Habitat
-  Temporary Impacts to CTS Habitat

**CTS Upland Dispersal/Foraging/Refugia Habitat Impacts**

-  Permanent Impacts to CTS Habitat
-  Temporary Impacts to CTS Habitat

Source: AECOM, 2020; ESRI, 2019

**FIGURE 7**  
*Impacts to Sutable State-listed Species  
Habitat in the Biological Study Area*  
Page 4 of 7





SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project  
Alameda County

Biological Study Area

**CTS Upland Dispersal/Foraging/Refugia Habitat Impacts**  
Permanent Impacts to CTS Habitat  
Temporary Impacts to CTS Habitat

Source: AECOM, 2020; ESRI, 2019

**FIGURE 7**  
*Impacts to Suitable State-listed Species  
Habitat in the Biological Study Area*  
Page 5 of 7





SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project  
Alameda County

- Biological Study Area**
- CTS Aquatic Non-Breeding Dispersal/Foraging/Refugia Habitat Impacts**
- Permanent Impacts to CTS Habitat
  - Temporary Impacts to CTS Habitat

- CTS Upland Dispersal/Foraging/Refugia Habitat Impacts**
- Permanent Impacts to CTS Habitat
  - Temporary Impacts to CTS Habitat
- AWS Dispersal/Foraging/Refugia Habitat Impacts**
- Permanent Impacts to AWS Habitat
  - Temporary Impacts to AWS Habitat

Source: AECOM, 2020; ESRI, 2019

**FIGURE 7**  
*Impacts to Suitable State-listed Species  
Habitat in the Biological Study Area*  
Page 6 of 7





SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project  
Alameda County

Biological Study Area

CTS Upland Dispersal/Foraging/Refugia Habitat Impacts

Temporary Impacts to CTS Habitat

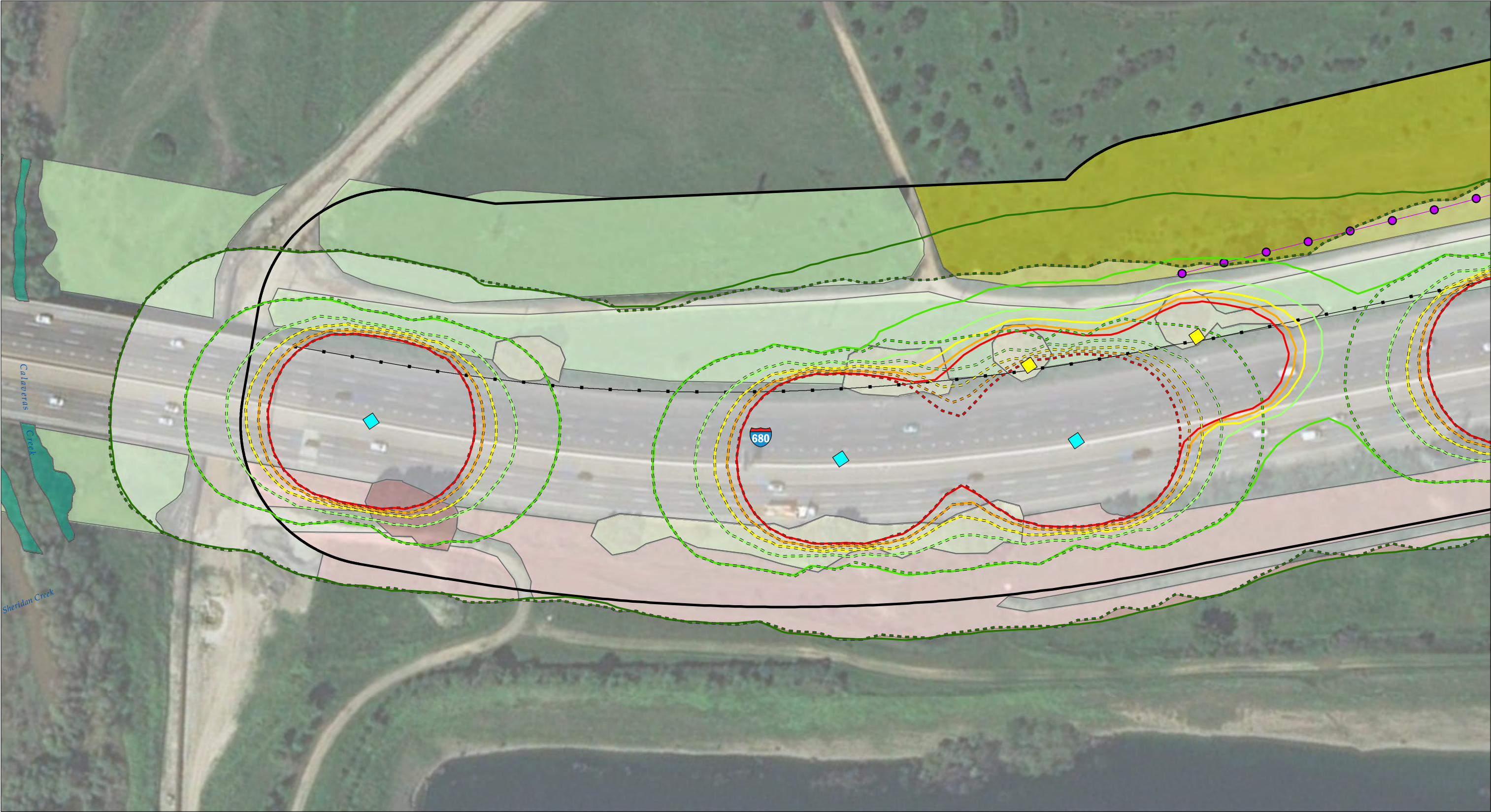
AWS Dispersal/Foraging/Refugia Habitat Impacts

Temporary Impacts to AWS Habitat

Source: AECOM, 2020; ESRI, 2019

**FIGURE 7**  
*Impacts to Suitable State-listed Species  
Habitat in the Biological Study Area*  
Page 7 of 7





SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project  
Alameda County

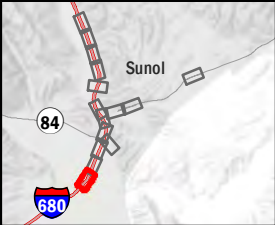
- Biological Study Area
- SFPUC Tree Screen
- Guardrail
- Proposed Fixture
- Existing Fixtures to Remain

- Isoline Lux Values (Proposed)**
- 0.01
  - 0.1
  - 0.5
  - 1
  - 1.5
  - 2

- Isoline Lux Values (Existing)**
- 0.01
  - 0.1
  - 0.5
  - 1
  - 1.5
  - 2

- Vegetation Communities**
- California annual grassland
  - Eucalyptus groves
  - Landscaped

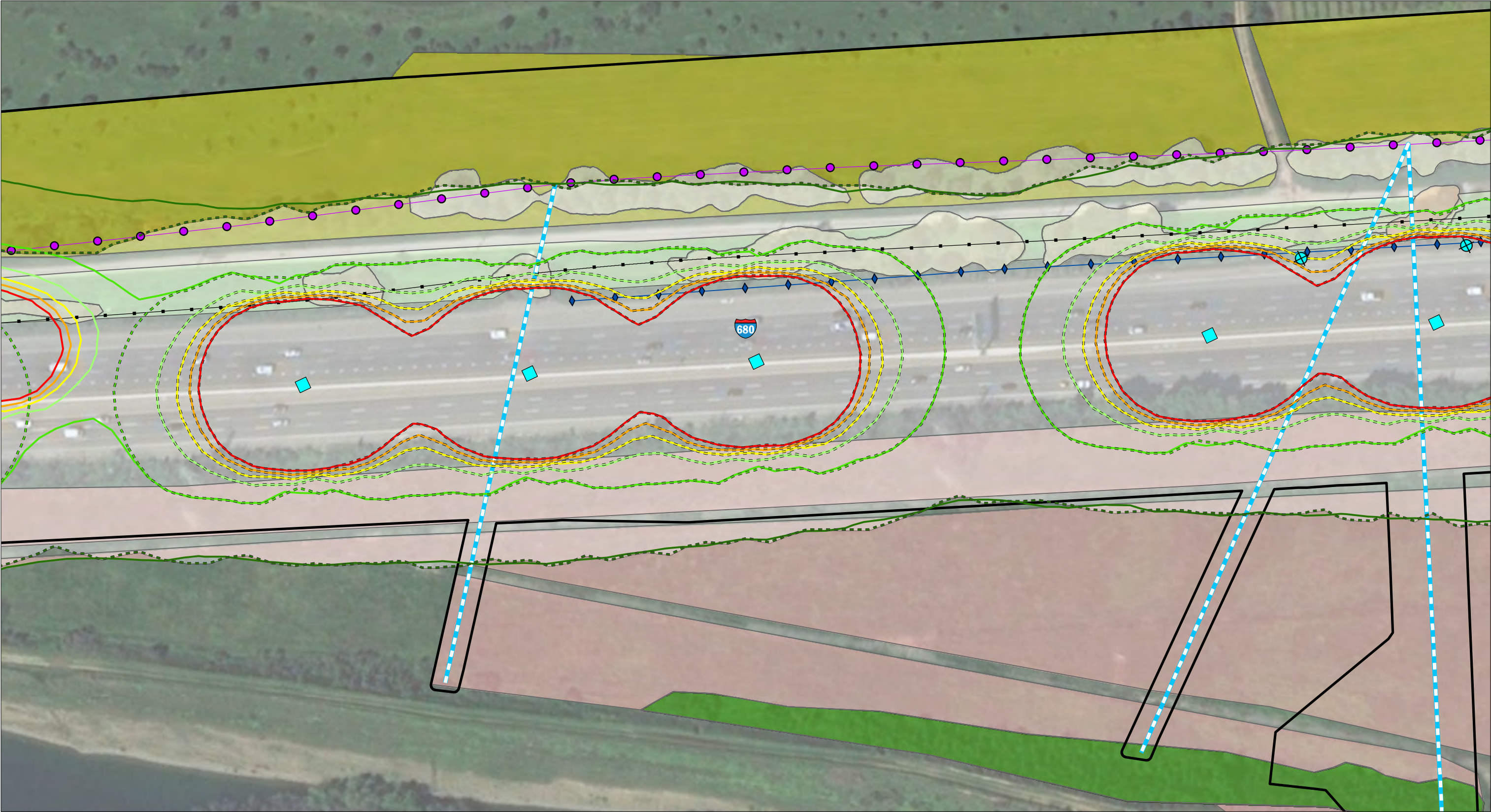
- Arroyo willow thickets
- Ruderal
- Agriculture/Pasture
- Residential/Developed (100% Transparent)



Source: ESRI, 2019; USDA, 2016; WMH, 2019

**FIGURE 1A**  
Proposed Low Lux  
Lighting Isolines -  
No Backside Shielding  
Page 1 of 15







0200

Feet

SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project


Alameda County


 Biological Study Area

 SFPUC Water Line Work

 SFPUC Tree Screen

 Concrete Barrier

 Guardrail

 Existing Fixtures to Remain

 Existing Fixtures to Be Removed

**Isoline Lux Values (Proposed)**

0.01

0.1

0.5

1

1.5

2

**Isoline Lux Values (Existing)**

0.01

0.1

0.5


1


1.5


2

**Vegetation Communities**

 California annual grassland

 Coyote brush scrub

 Hinds's walnut and related stands

 Landscaped

 Ruderal

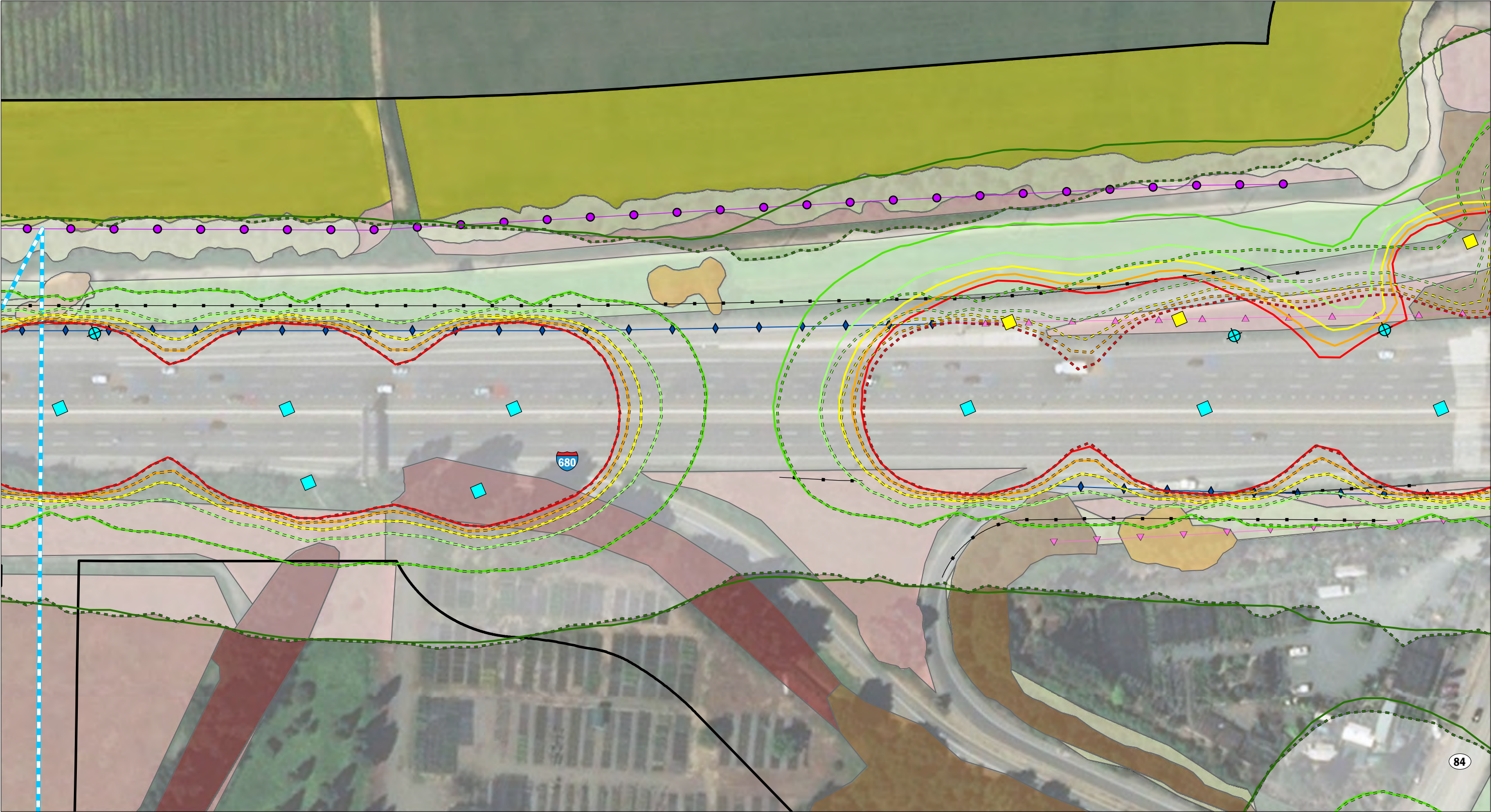
 Agriculture/Pasture

 Residential/Developed (100% Transparent)

Source: ESRI, 2019; USDA, 2016; WMH, 2019

**FIGURE 1A**  
*Proposed Low Lux  
Lighting Isolines -  
No Backside Shielding*  
Page 2 of 15





0 200  
Feet

**SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project**  
*Alameda County*

- Biological Study Area
- SFPUC Water Line Work
- SFPUC Tree Screen
- Concrete Barrier
- Guardrail
- Retaining Wall
- Proposed Fixture
- Existing Fixtures to Remain
- Existing Fixtures to Be Removed

**Isoline Lux Values (Proposed)**

- 0.01
- 0.1
- 0.5
- 1
- 1.5
- 2

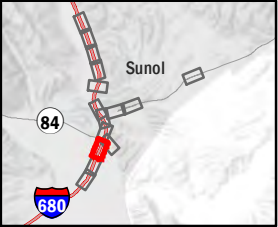
**Isoline Lux Values (Existing)**

- 0.01
- 0.1
- 0.5
- 1
- 1.5
- 2

**Vegetation Communities**

- California annual grassland
- Coast live oak woodland
- Eucalyptus groves
- Hinds's walnut and related stands

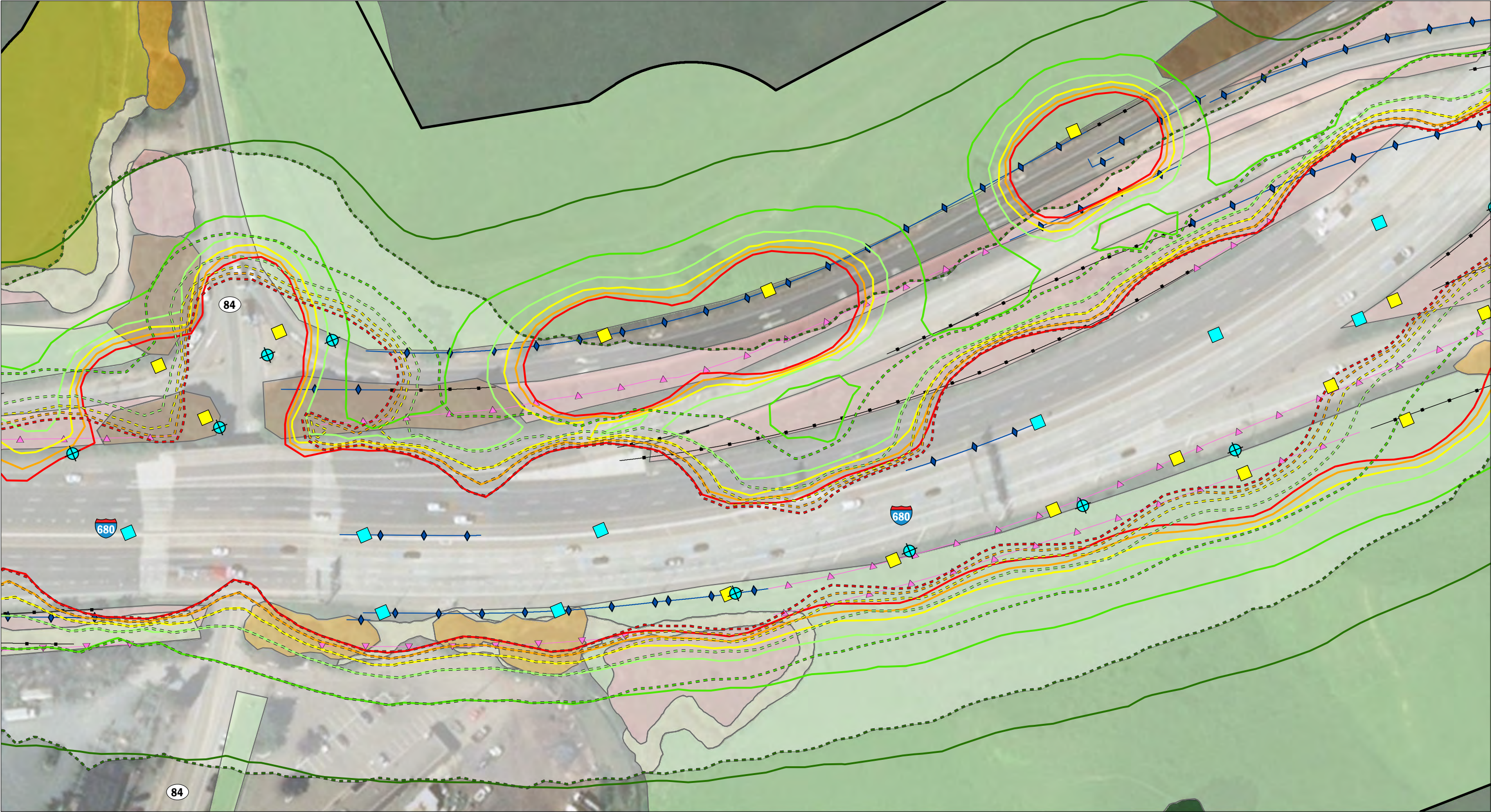
- Landscaped
- Mixed oak woodland
- Ruderal
- Agriculture/Pasture
- Residential/Developed (100% Transparent)



Source: ESRI, 2019; USDA, 2016; WMH, 2019

**FIGURE 1A**  
*Proposed Low Lux  
Lighting Isolines -  
No Backside Shielding*  
Page 3 of 15





0200

Feet

SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project

Alameda County

Biological Study Area

Concrete Barrier

Guardrail

Retaining Wall

Proposed Fixture

Existing Fixtures to Remain

Existing Fixtures to Be Removed

**Isoline Lux Values (Proposed)**

0.01

0.1

0.5

1

1.5

2

Existing Lighting Coverage

**Isoline Lux Values (Existing)**

0.01

0.1

0.5

1

1.5

2

**Vegetation Communities**

California annual grassland

Coast live oak woodland

Landscaped

Mixed oak woodland

Ruderal

Valley oak woodland

Agriculture/Pasture

Residential/Developed (100% Transparent)

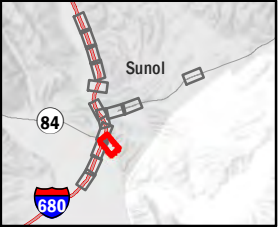
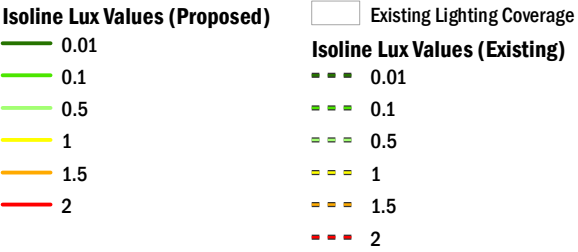
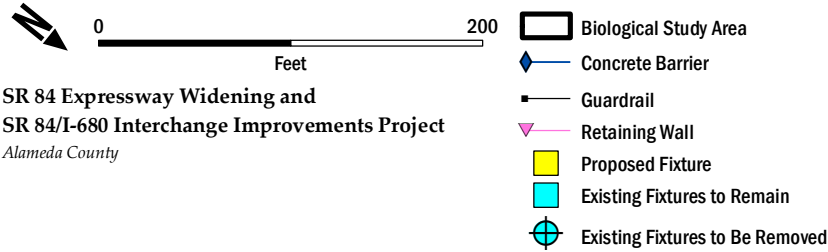
Source: ESRI, 2019; USDA, 2016; WMH, 2019

**FIGURE 1A**

Proposed Low Lux  
Lighting Isolines -  
No Backside Shielding

Page 4 of 15

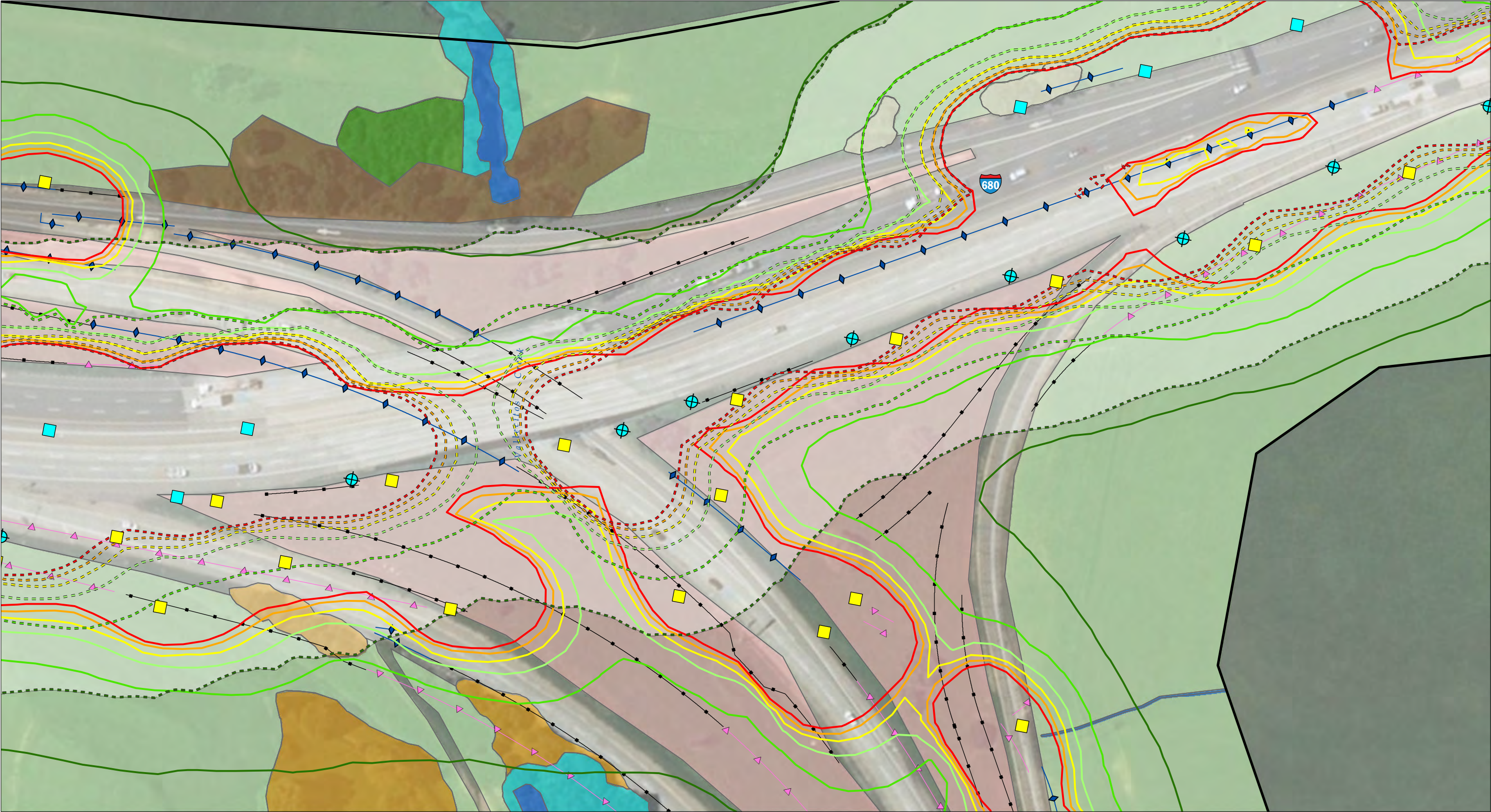




Source: ESRI, 2019; USDA, 2016; WMH, 2019

**FIGURE 1A**  
Proposed Low Lux  
Lighting Isolines -  
No Backside Shielding  
Page 5 of 15





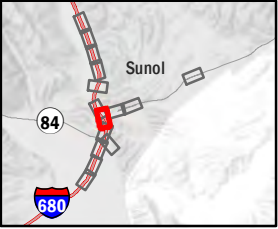
0 200  
Feet

**SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project**  
*Alameda County*

- Biological Study Area
- Concrete Barrier
- Guardrail
- Retaining Wall
- Proposed Fixture
- Existing Fixtures to Remain
- Existing Fixtures to Be Removed

- Isoline Lux Values (Proposed)**
- 0.01
  - 0.1
  - 0.5
  - 1
  - 1.5
  - 2
- Isoline Lux Values (Existing)**
- 0.01
  - 0.1
  - 0.5
  - 1
  - 1.5
  - 2
- Existing Lighting Coverage

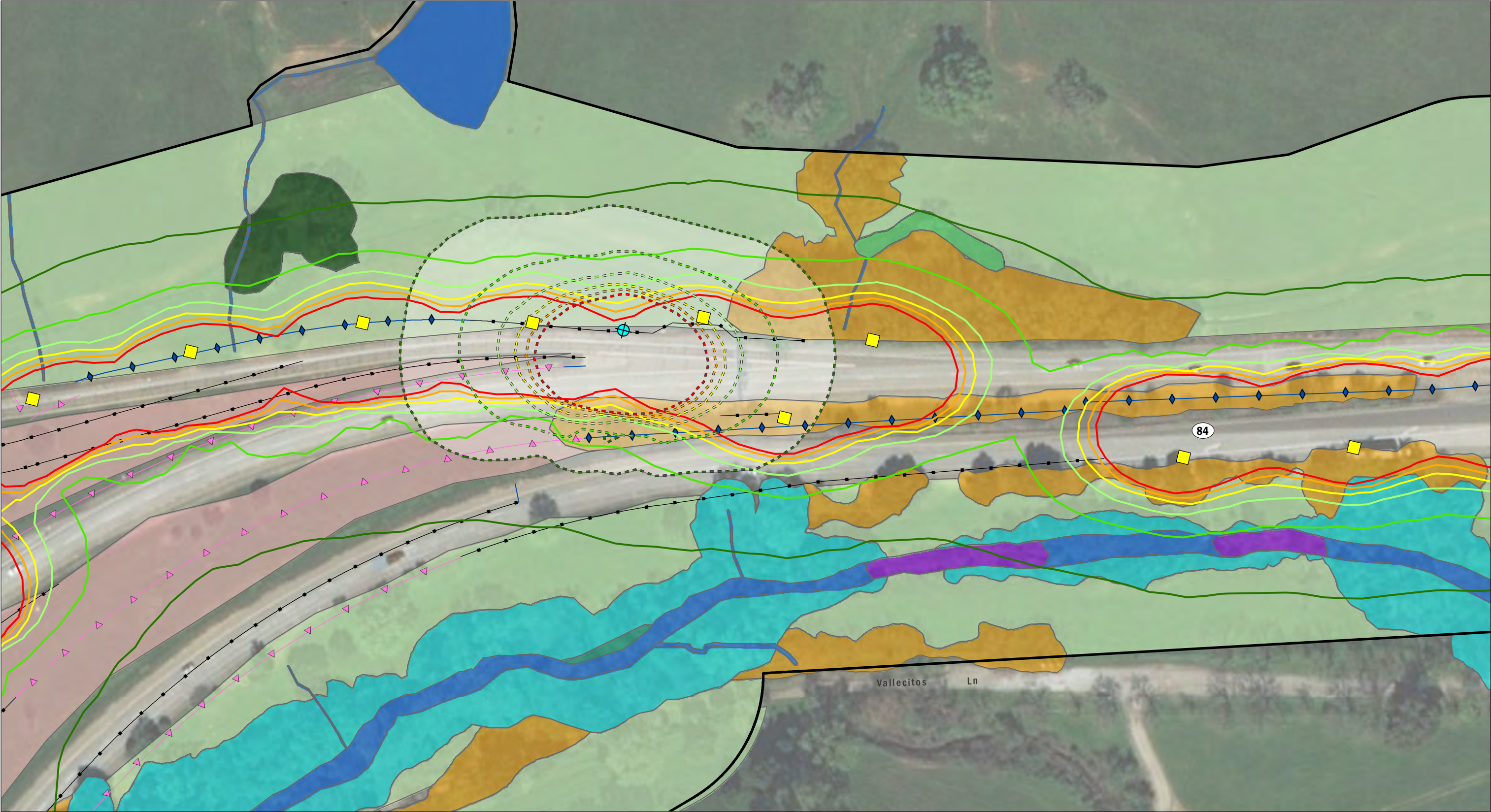
- Vegetation Communities**
- California annual grassland
  - Coast live oak woodland
  - Coyote brush scrub
  - Landscaped
  - Mixed oak woodland
  - Mixed oak woodland - riparian woodland
  - Other waters of the U.S.
  - Ruderal




Source: ESRI, 2019; USDA, 2016; WMH, 2019







**FIGURE 1A**  
*Proposed Low Lux  
Lighting Isolines -  
No Backside Shielding*  
Page 6 of 15


















 0 200  
Feet






**SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project**  
Alameda County

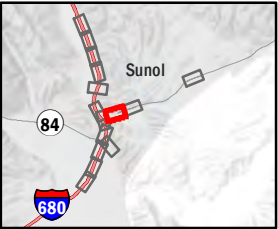
-  Biological Study Area
-  Concrete Barrier
-  Guardrail
-  Retaining Wall
-  Proposed Fixture
-  Existing Fixtures to Be Removed

- Isoline Lux Values (Proposed)**
-  0.01
  -  0.1
  -  0.5
  -  1
  -  1.5
  -  2

-  Existing Lighting Coverage
- Isoline Lux Values (Existing)**
-  0.01
  -  0.1
  -  0.5
  -  1
  -  1.5
  -  2

- Vegetation Communities**
-  California annual grassland
  -  Hardstem bulrush marsh
  -  Mixed oak woodland
  -  Mixed oak woodland - riparian woodland

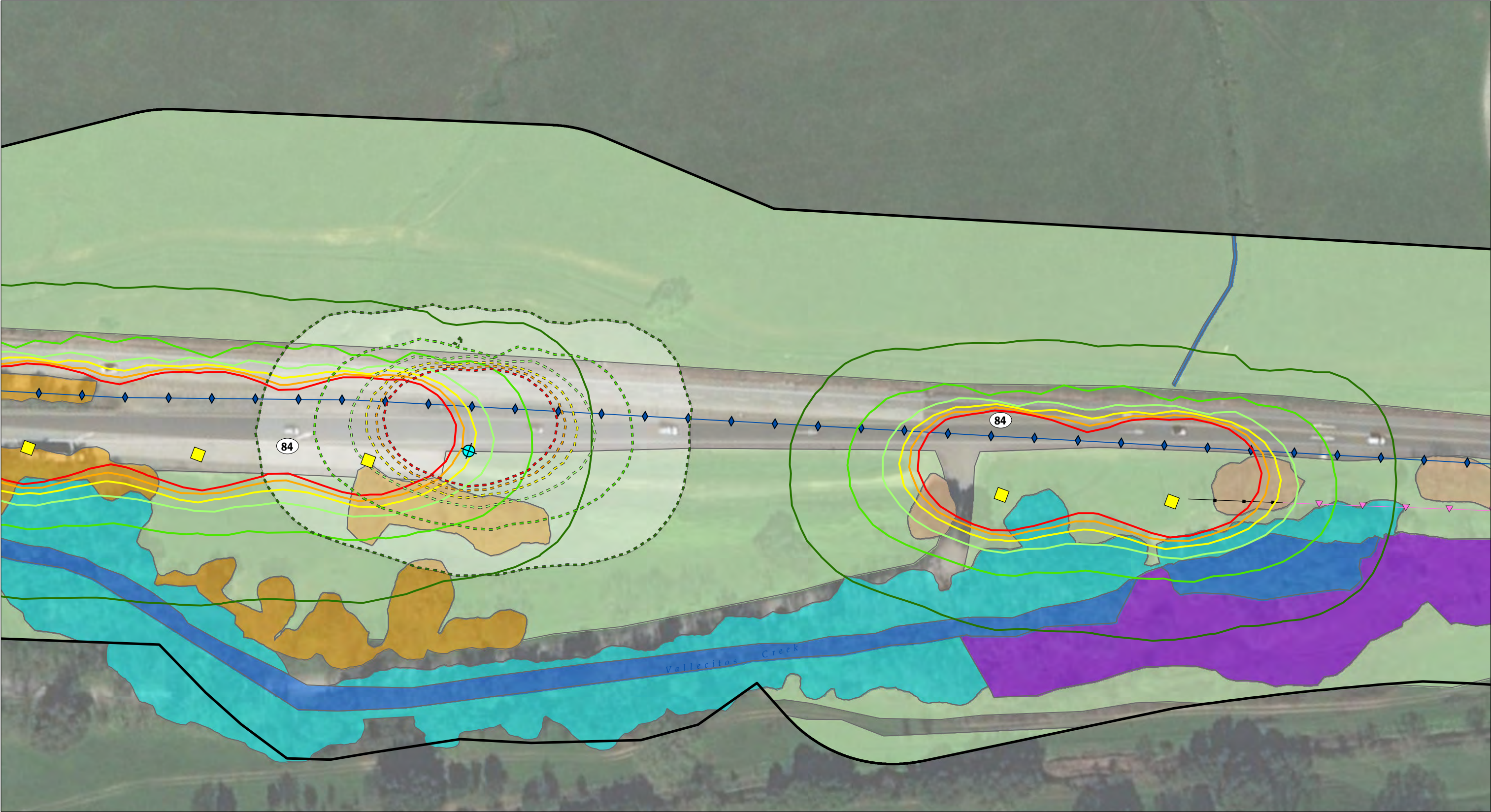
-  Arroyo willow thickets
-  Other waters of the U.S.
-  Pale spike rush marshes
-  Ruderal
-  Valley oak woodland










Source: ESRI, 2019; USDA, 2016; WMH, 2019







**FIGURE 1A**  
*Proposed Low Lux  
Lighting Isolines -  
No Backside Shielding*  
Page 7 of 15


















 0 200  
Feet  
SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project  
Alameda County

-  Biological Study Area
-  Concrete Barrier
-  Guardrail
-  Retaining Wall
-  Proposed Fixture
-  Existing Fixtures to Be Removed

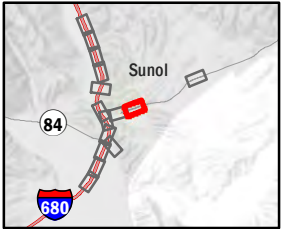
- Isoline Lux Values (Proposed)**
-  0.01
  -  0.1
  -  0.5
  -  1
  -  1.5
  -  2

-  Existing Lighting Coverage
- Isoline Lux Values (Existing)**
-  0.01
  -  0.1
  -  0.5
  -  1
  -  1.5
  -  2

- Vegetation Communities**
-  California annual grassland
  -  Hardstem bulrush marsh
  -  Hinds's walnut and related stands

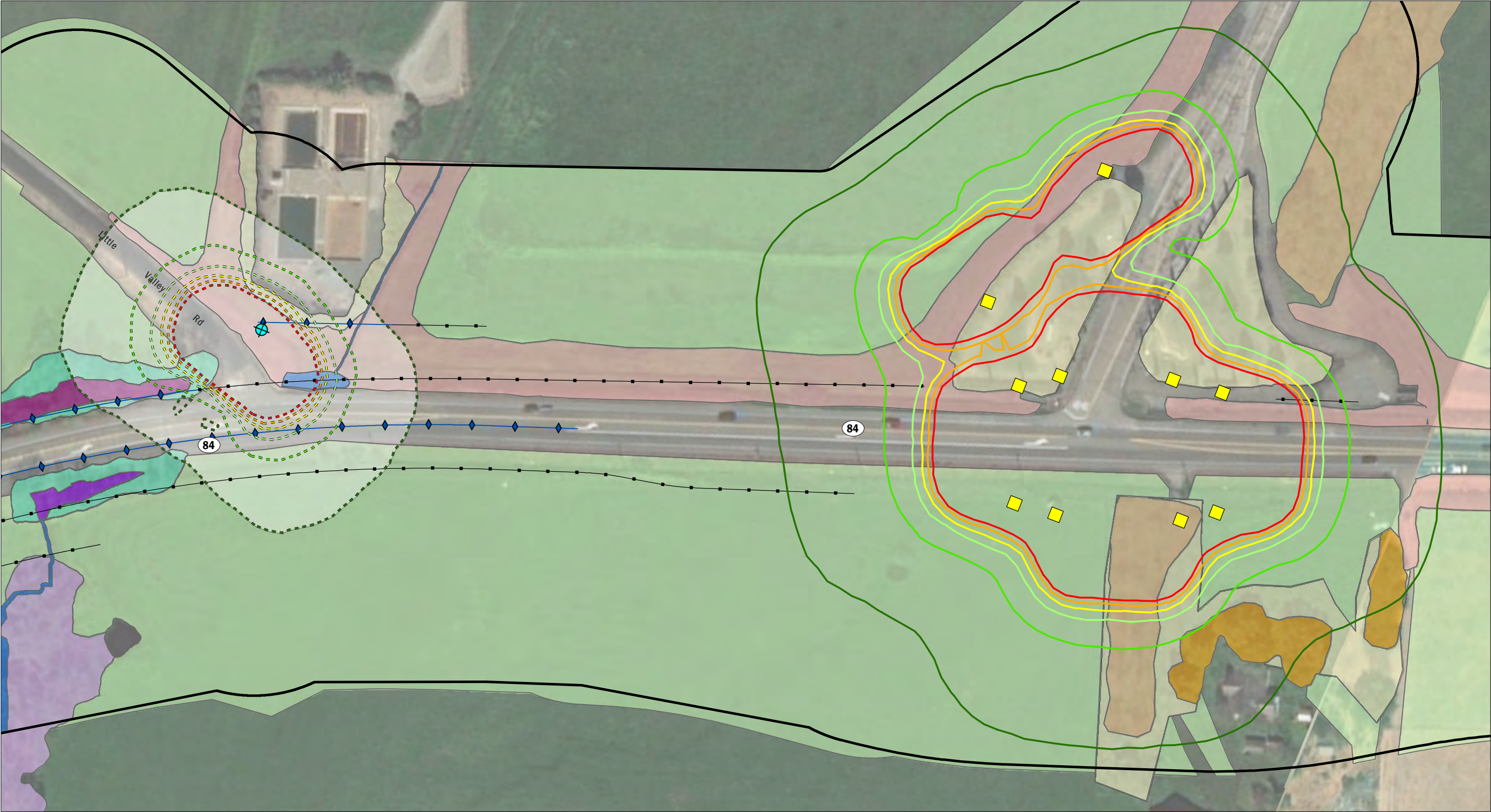
-  Mixed oak woodland
-  Mixed oak woodland - riparian woodland
-  Other waters of the U.S.


Source: ESRI, 2019; USDA, 2016; WMH, 2019








**FIGURE 1A**  
Proposed Low Lux  
Lighting Isolines -  
No Backside Shielding  
Page 8 of 15


















 0 200 Feet







SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project  
Alameda County

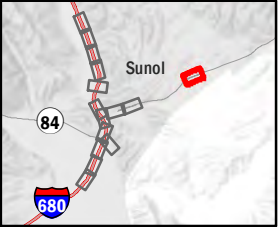
-  Biological Study Area
-  Concrete Barrier
-  Guardrail
-  Proposed Fixture
-  Existing Fixtures to Be Removed

- Isoline Lux Values (Proposed)**
-  0.01
  -  0.1
  -  0.5
  -  1
  -  1.5
  -  2

-  Existing Lighting Coverage
- Isoline Lux Values (Existing)**
-  0.01
  -  0.1
  -  0.5
  -  1
  -  1.5
  -  2

- Vegetation Communities**
-  California annual grassland
  -  Fremont cottonwood forest - wetland
  -  Fremont cottonwood forest - riparian woodland
  -  Hardstem bulrush marsh
  -  Hinds's walnut and related stands
  -  Landscaped

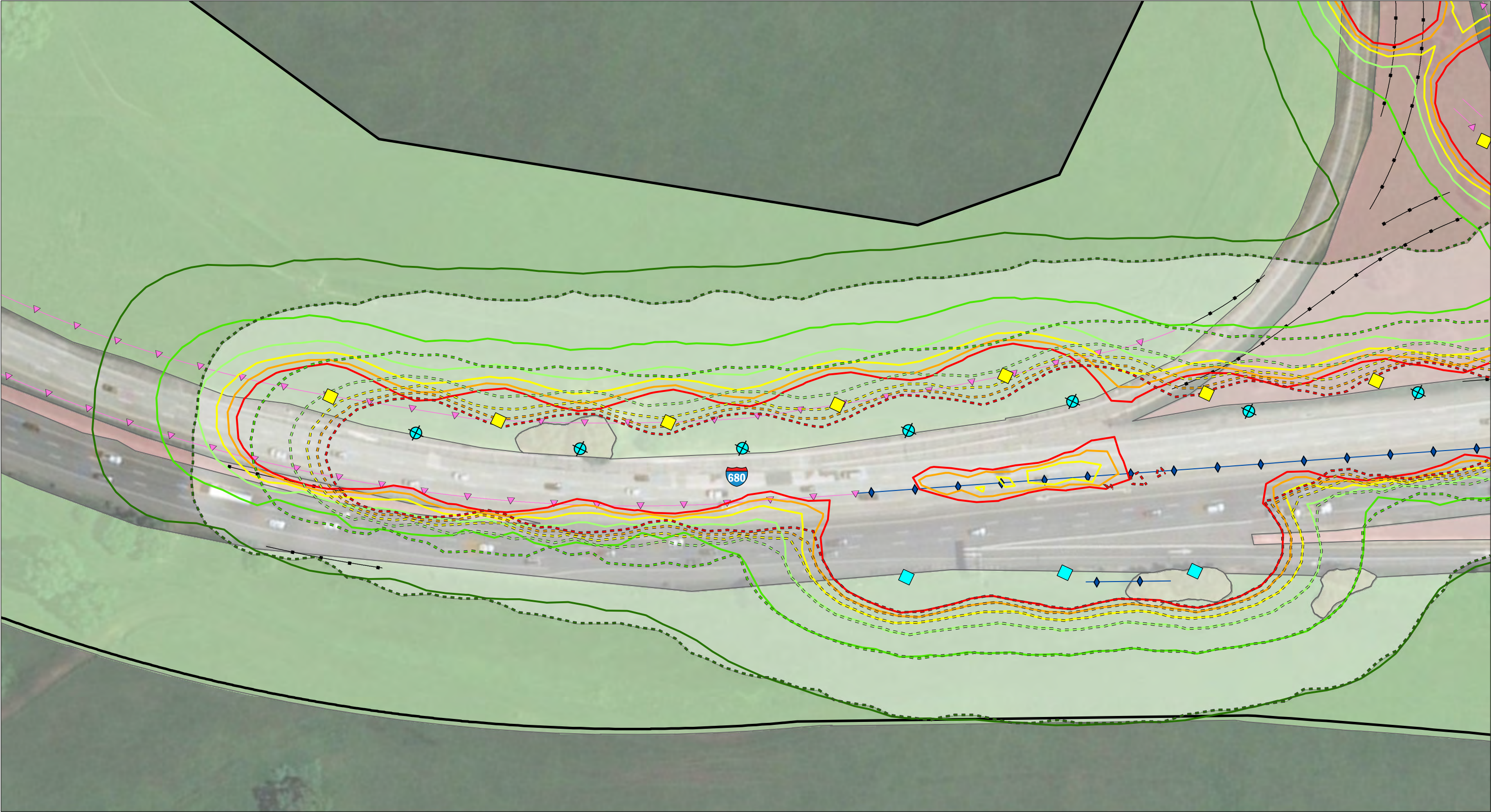
-  Mixed oak woodland
-  Other waters of the U.S.
-  Red willow thickets - riparian woodland
-  Ruderal
-  Smartweed - cocklebur patches
-  Residential/Developed (100% Transparent)



Source: ESRI, 2019; USDA, 2016; WMH, 2019

**FIGURE 1A**  
Proposed Low Lux  
Lighting Isolines -  
No Backside Shielding  
Page 9 of 15





0

200

Feet

SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project

Alameda County

Biological Study Area

Concrete Barrier

Guardrail

Retaining Wall

Proposed Fixture

Existing Fixtures to Remain

Existing Fixtures to Be Removed

Isoline Lux Values (Proposed)

0.01

0.1

0.5

1

1.5

2

Existing Lighting Coverage

Isoline Lux Values (Existing)

0.01

0.1

0.5

1

1.5

2

Vegetation Communities

California annual grassland

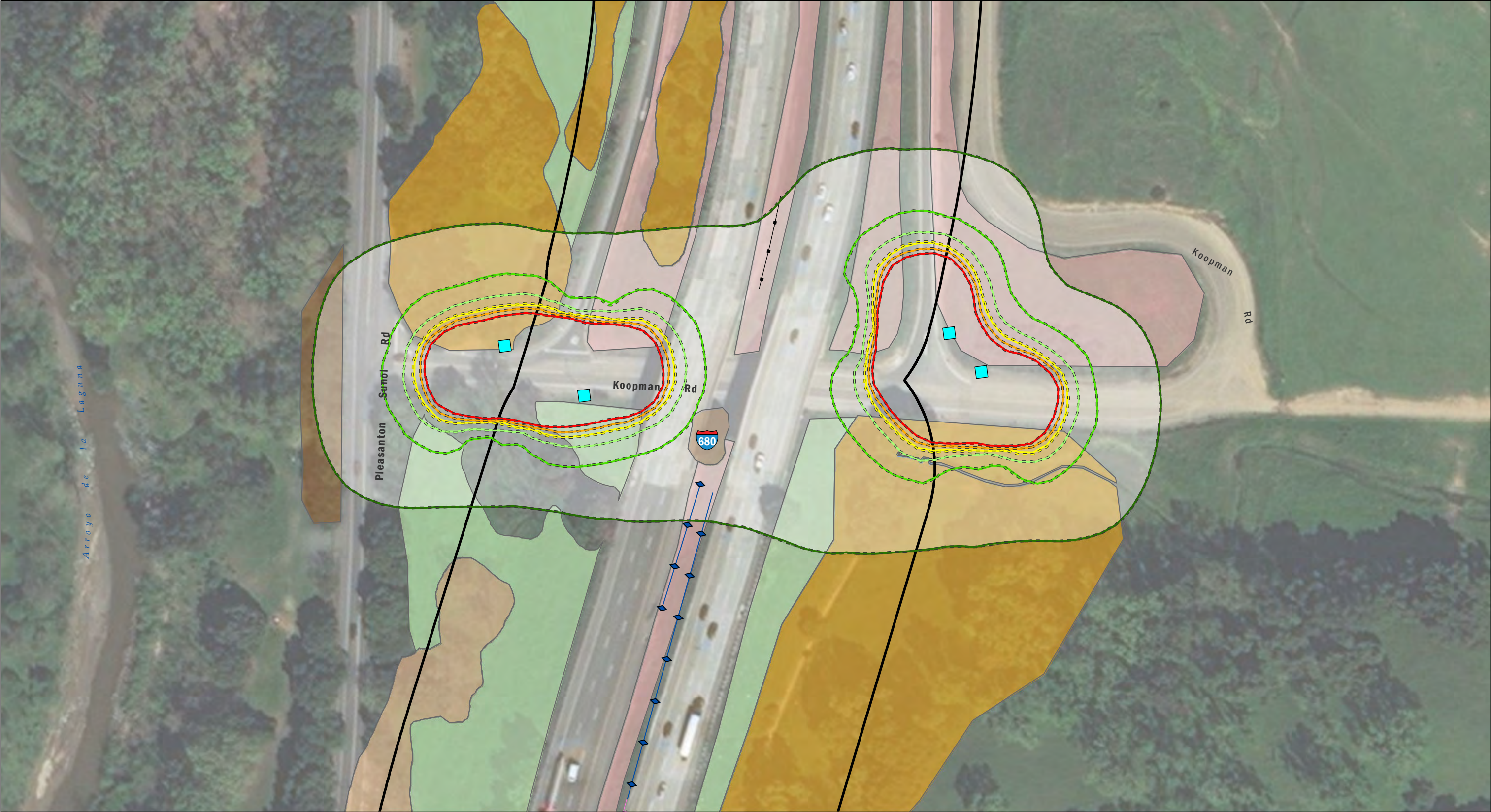
Landscaped

Ruderal

Source: ESRI, 2019; USDA, 2016; WMH, 2019

**FIGURE 1A**  
Proposed Low Lux  
Lighting Isolines -  
No Backside Shielding  
Page 10 of 15





SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project  
Alameda County

- Biological Study Area
- Concrete Barrier
- Guardrail
- Retaining Wall
- Existing Fixtures to Remain

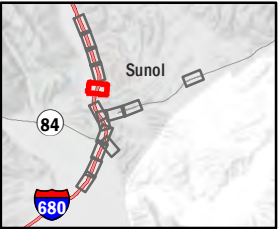
- Isoline Lux Values (Proposed)**
- 0.01
  - 0.1
  - 0.5
  - 1
  - 1.5
  - 2

- Isoline Lux Values (Existing)**
- 0.01
  - 0.1
  - 0.5
  - 1
  - 1.5
  - 2

- Vegetation Communities**
- California annual grassland
  - Coast live oak woodland
  - Hinds's walnut and related stands

- Mixed oak woodland
- Other waters of the U.S.
- Ruderal

Source: ESRI, 2019; USDA, 2016; WMH, 2019



**FIGURE 1A**  
Proposed Low Lux  
Lighting Isolines -  
No Backside Shielding  
Page 11 of 15





SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project  
Alameda County

- Biological Study Area
- Concrete Barrier
- Guardrail
- Proposed Fixture
- Existing Fixtures to Remain

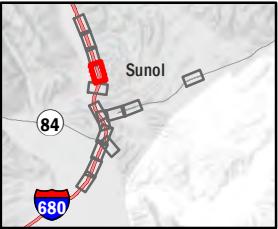
- Isoline Lux Values (Proposed)**
- 0.01
  - 0.1
  - 0.5
  - 1
  - 1.5
  - 2

- Existing Lighting Coverage**
- Isoline Lux Values (Existing)**
- 0.01
  - 0.1
  - 0.5
  - 1
  - 1.5
  - 2

- Vegetation Communities**
- California annual grassland
  - Coyote brush scrub
  - Hinds's walnut and related stands

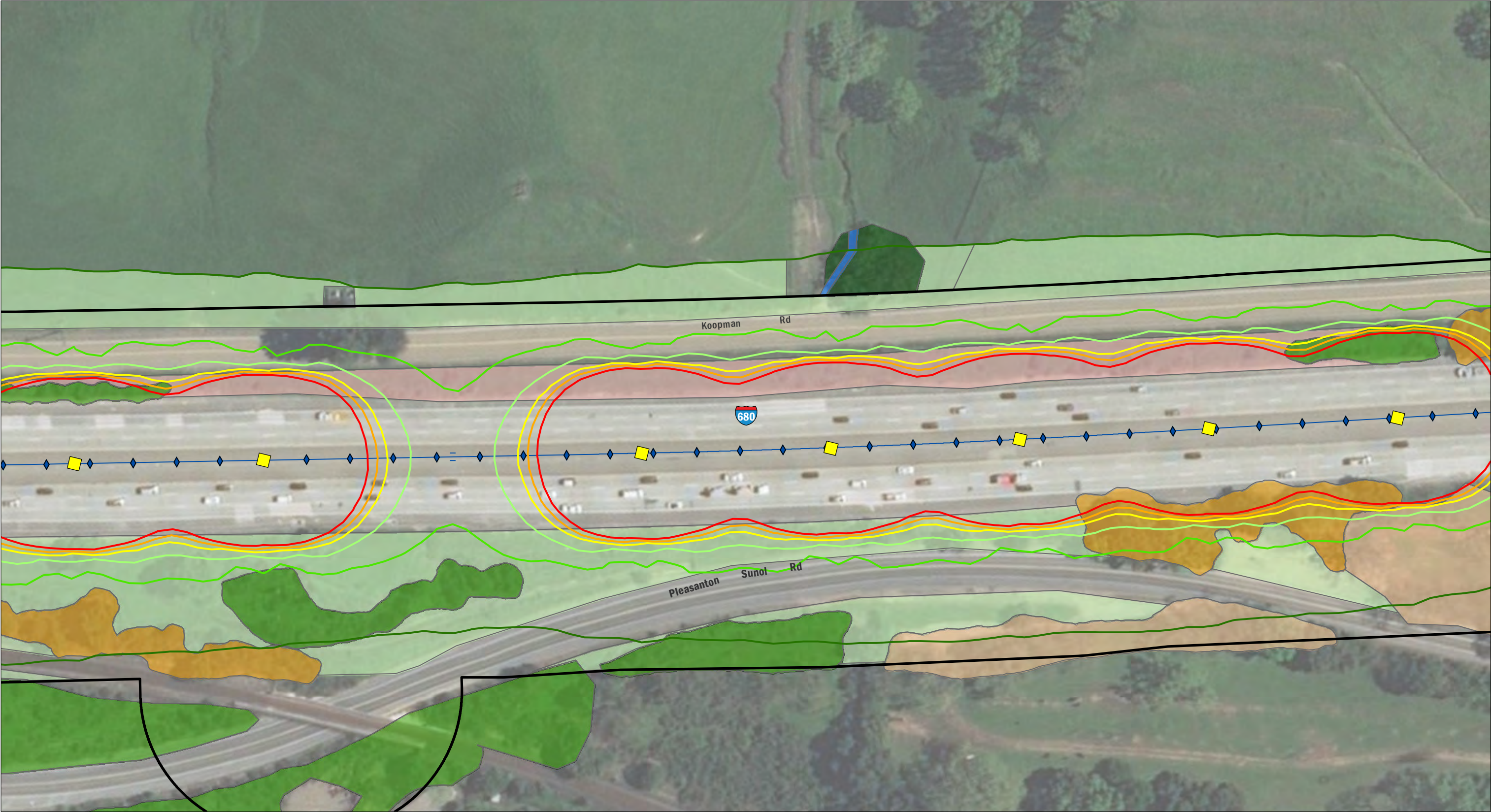
- Landscaped
- Mixed oak woodland
- Ruderal

Source: ESRI, 2019; USDA, 2016; WMH, 2019



**FIGURE 1A**  
Proposed Low Lux  
Lighting Isolines -  
No Backside Shielding  
Page 12 of 15





0 200  
Feet  
SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project  
Alameda County

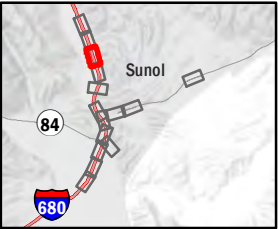
Biological Study Area  
Concrete Barrier  
Proposed Fixture

Isoline Lux Values (Proposed)  
0.01  
0.1  
0.5  
1  
1.5  
2

Vegetation Communities  
California annual grassland  
Coyote brush scrub  
Hinds's walnut and related stands  
Mixed oak woodland

Other waters of the U.S.  
Ruderal  
Valley oak woodland  
Residential/Developed (100% Transparent)

Source: ESRI, 2019; USDA, 2016; WMH, 2019



**FIGURE 1A**  
Proposed Low Lux  
Lighting Isolines -  
No Backside Shielding  
Page 13 of 15





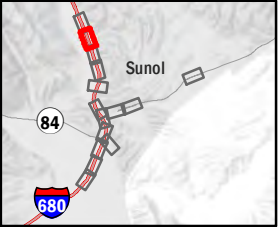
SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project  
Alameda County

- Biological Study Area
- Concrete Barrier
- Guardrail
- Proposed Fixture

- Isoline Lux Values (Proposed)
- 0.01
  - 0.1
  - 0.5
  - 1
  - 1.5
  - 2

- Vegetation Communities
- California annual grassland
  - Coyote brush scrub
  - Mixed oak woodland

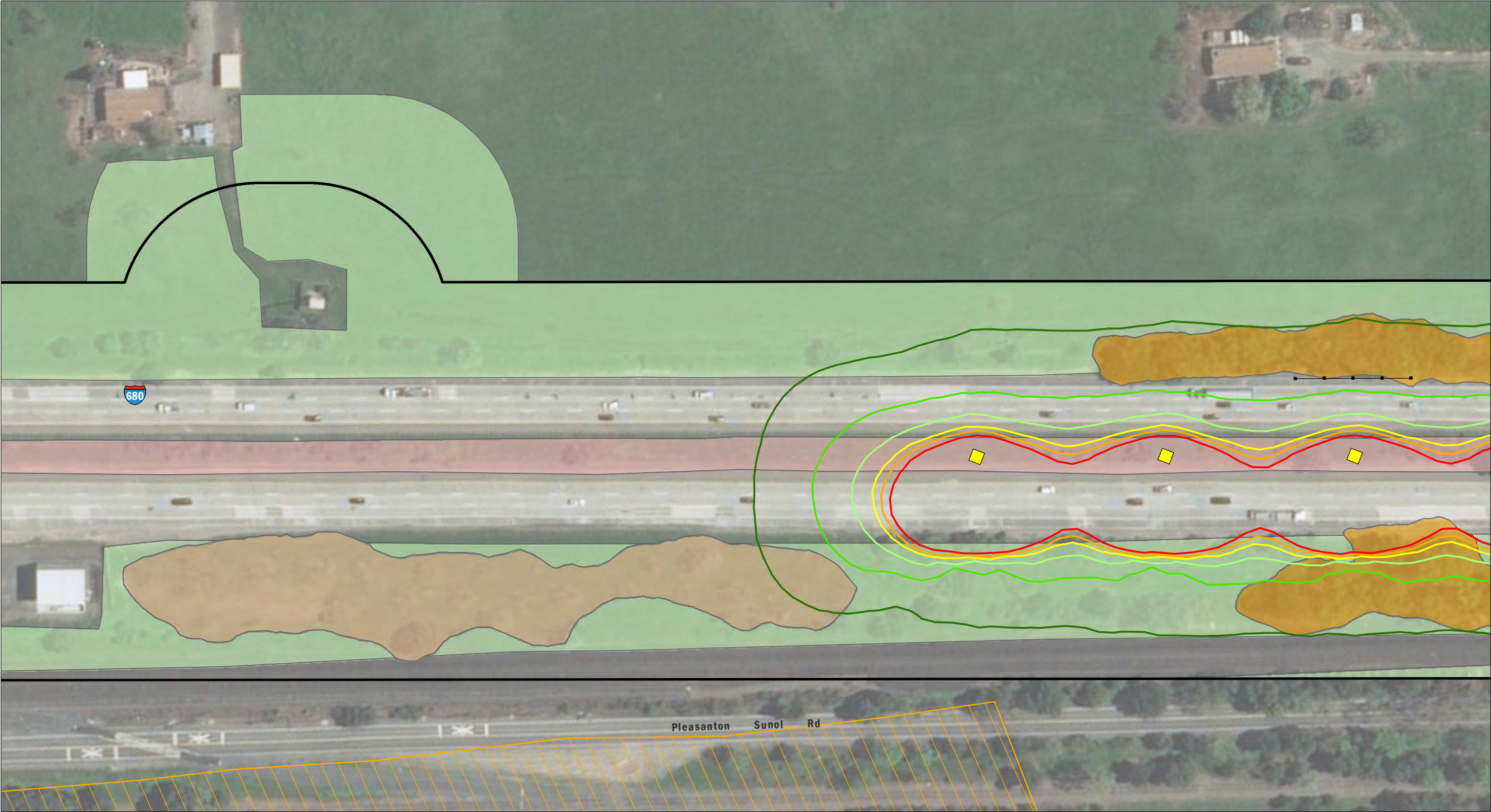
- Other waters of the U.S.
- Ruderal
- Residential/Developed (100% Transparent)



Source: ESRI, 2019; USDA, 2016; WMH, 2019

**FIGURE 1A**  
Proposed Low Lux  
Lighting Isolines -  
No Backside Shielding  
Page 14 of 15





0 200  
Feet  
SR 84 Expressway Widening and  
SR 84/I-680 Interchange Improvements Project  
Alameda County

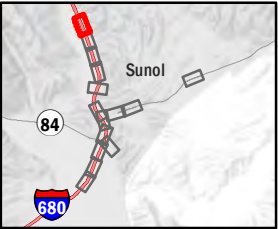
Biological Study Area  
Guardrail  
Proposed Fixture

Isoline Lux Values (Proposed)  
0.01  
0.1  
0.5  
1  
1.5  
2

Vegetation Communities  
California annual grassland  
Hinds's walnut and related stands

Mixed oak woodland  
Ruderal  
Residential/Developed (100% Transparent)  
Designated Critical Habitat  
Alameda whipsnake (=striped racer)

Source: ESRI, 2019; USDA, 2016; WMH, 2019

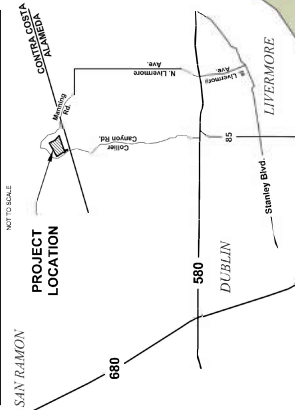


**FIGURE 1A**  
Proposed Low Lux  
Lighting Isolines -  
No Backside Shielding  
Page 15 of 15

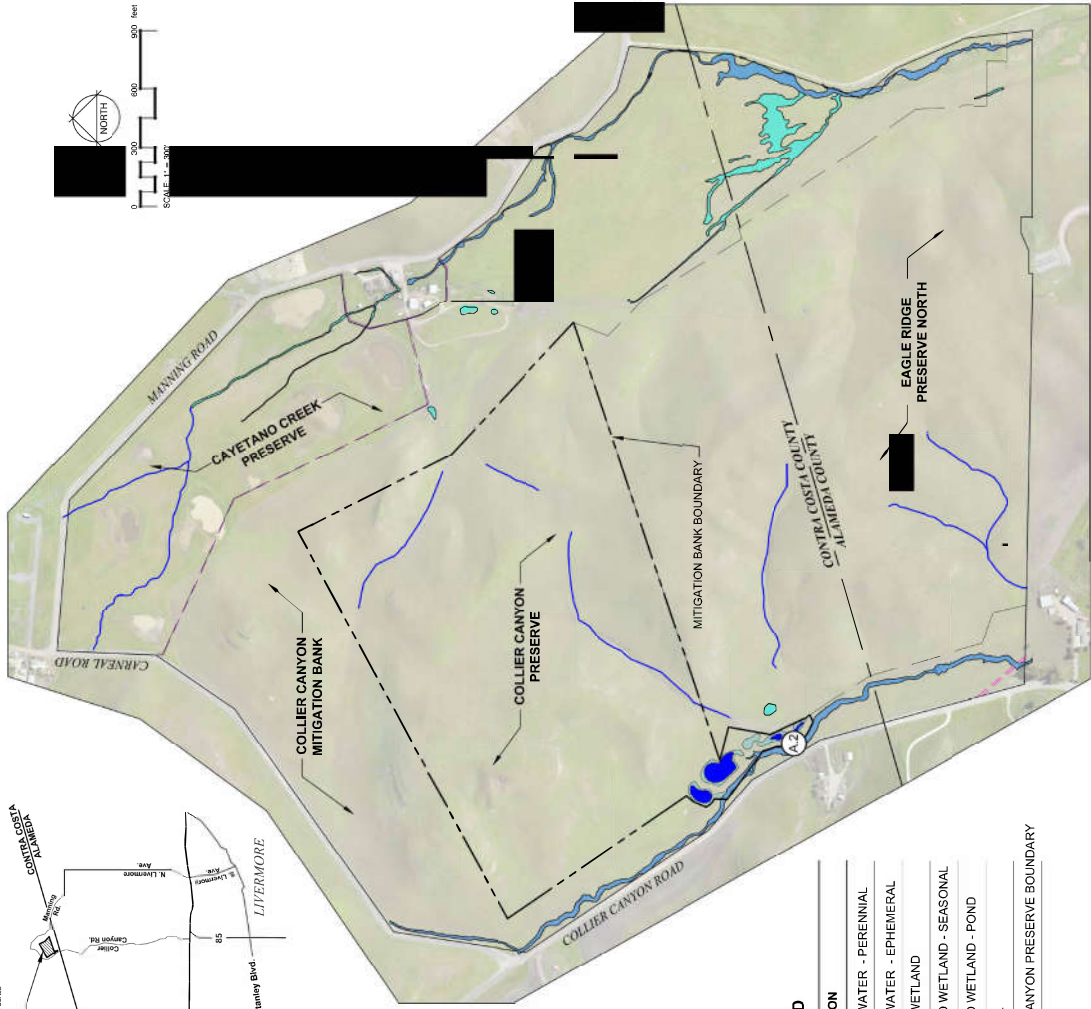


PROJECT 10 - LOCATION & JURISDICTIONAL IMPACT I.D.

SITE LOCATION

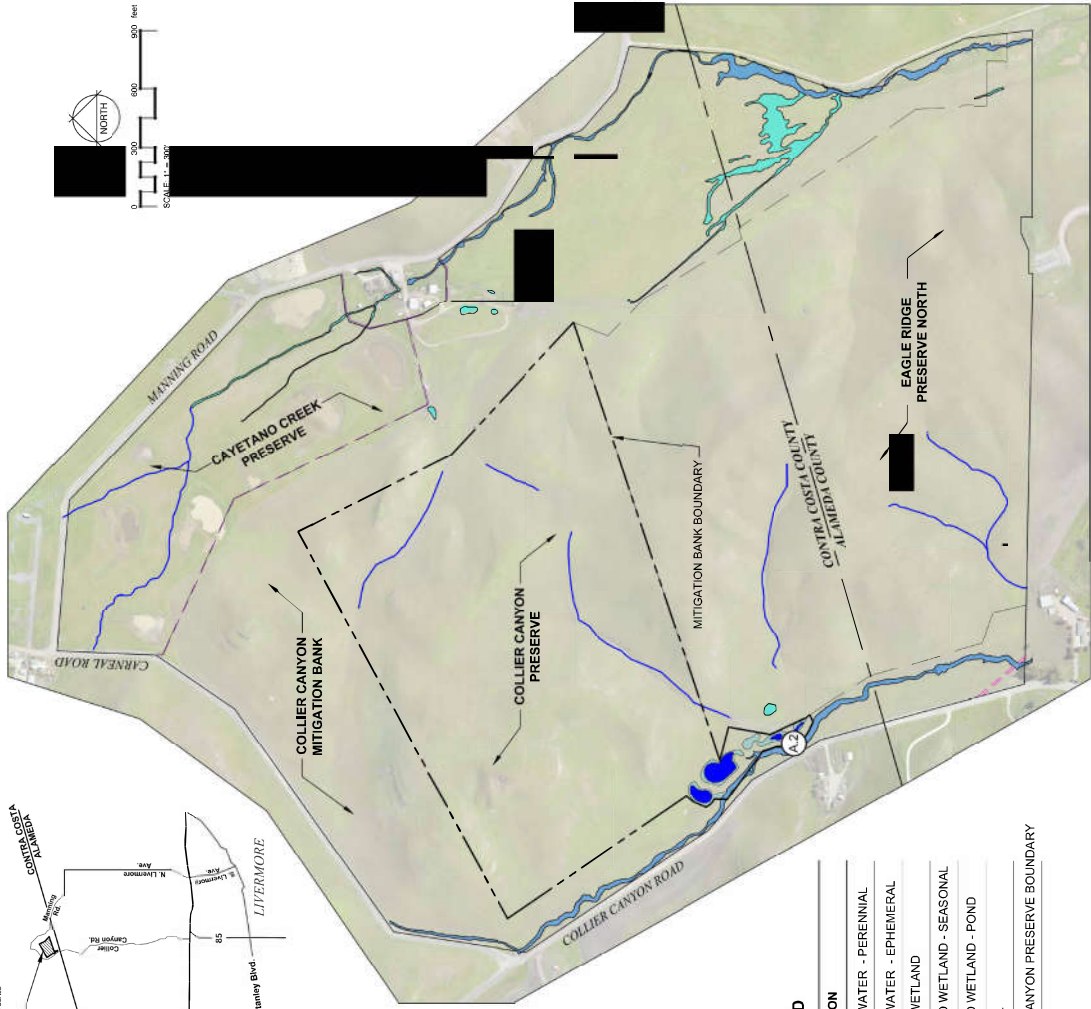


PROJECT SITE OVERVIEW



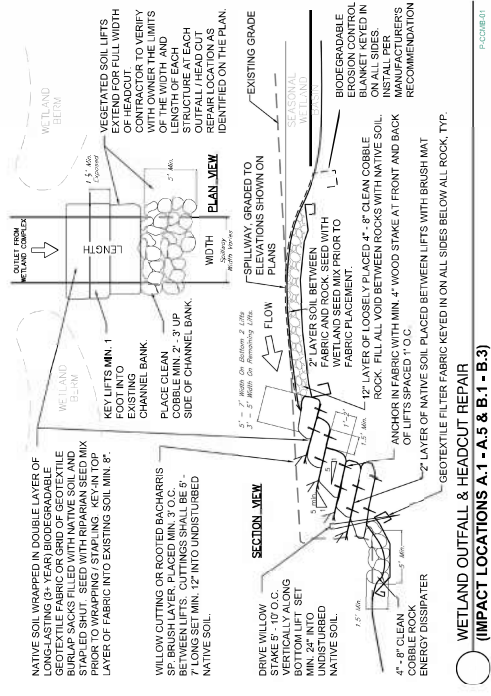
SYM.	DESCRIPTION
	EXISTING WATER - PERENNIAL
	EXISTING WATER - EPHEMERAL
	EXISTING WETLAND
	PROPOSED WETLAND - SEASONAL
	PROPOSED WETLAND - POND
	IMPACT I.D.
	COLLIER CANYON PRESERVE BOUNDARY

PROJECT SITE OVERVIEW



TYPICAL STABILIZED OUTFALL DETAIL

NOTE: Wetland outfall detail is intended to show typical construction requirements. Specific locations will need to be field verified and adjustments to lengths, widths, and construction materials/layouts, may be made as needed. All site specific changes will need to be reviewed and approved by the client/owner. In no case shall the extent of the approved project related impacts to protected water resources be increased as a result of site specific design changes.

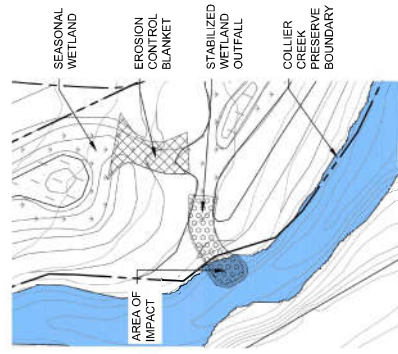


COLLIER CANYON PRESERVE IMPACT CALCULATION

IMPACT ID LOCATION A.2 RESULTS FROM THE CREATION OF A STABILIZED WETLAND OUTFALL INTO THE EXISTING DRAINAGE. THE FOLLOWING IS A BREAKDOWN OF THE IMPACT.

PROTECTED RESOURCE TYPE: PERENNIAL WATER  
AREA OF IMPACT: 250 SQFT  
CUT VOLUME: 7 CY  
FILL TYPE: NATIVE SOIL AND CLEAN ROUND COBBLE

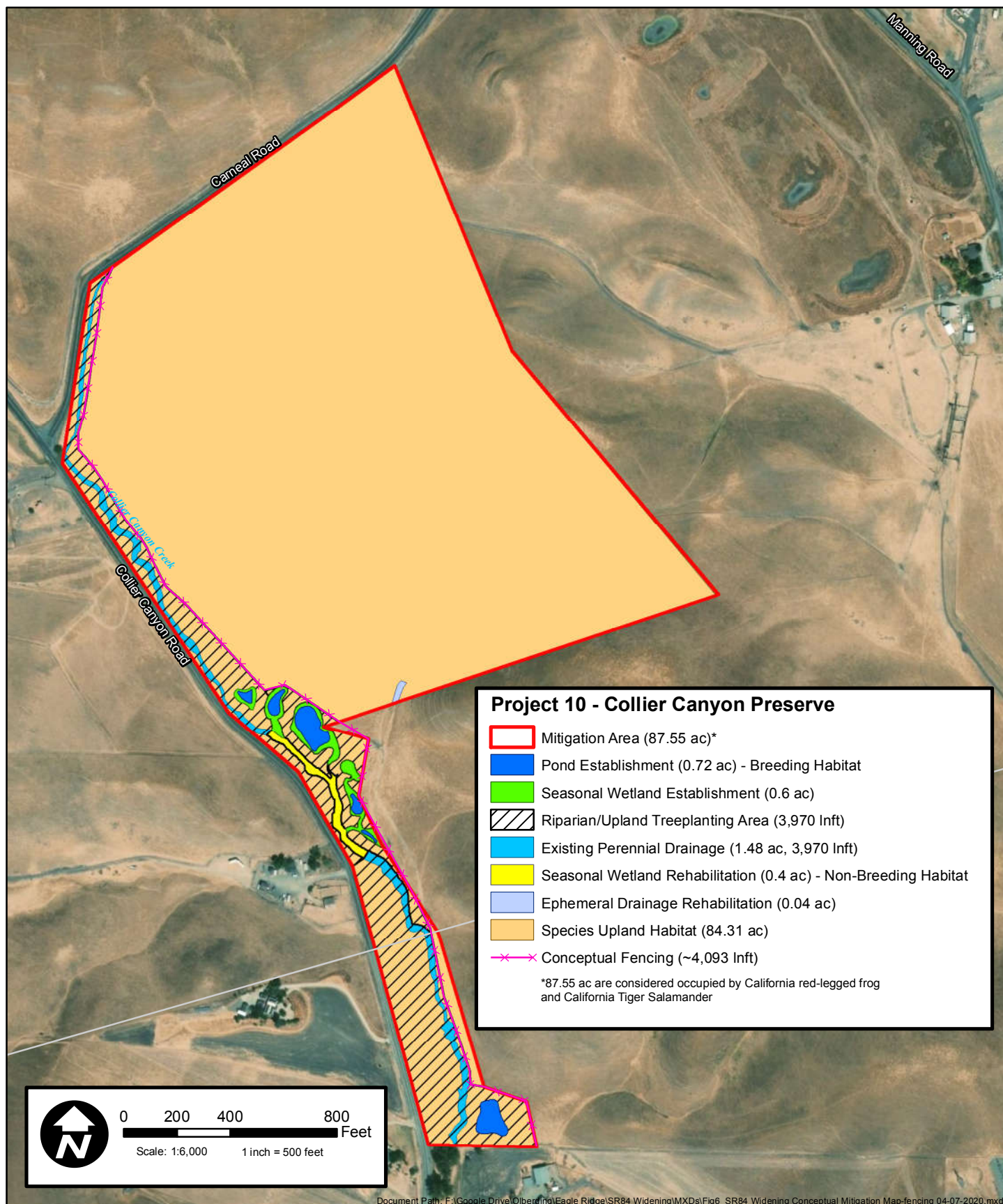
NOTES:  
1. CONTOUR ARE SHOWN AT 1/2 FOOT INTERVALS.



COLLIER CANYON PRESERVE

Contra Costa County, California





193 Blue Ravine Road, Ste. 165  
Folsom, CA 95630  
Phone: (916) 985-1188

**Project 10 : Mitigation Construction Map**  
**Collier Canyon Preserve**  
**SR-84 Widening and SR-84 / I-680 Interchange**  
**Improvements Project**  
**Contra Costa & Alameda Counties, California**

Map Revision Date: 4/9/2020

**Attachment 1**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2019-059-03**

**PERMITTEE: Alameda County Transportation Commission**

**PROJECT: State Route 84 Expressway Widening and Interstate 680  
Interchange Improvements Project**

**PURPOSE OF THE MMRP**

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

**OBLIGATIONS OF PERMITTEE**

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

**VERIFICATION OF COMPLIANCE, EFFECTIVENESS**

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

**TABLE OF MITIGATION MEASURES**

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<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(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.	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	Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area. The pamphlet and sign in sheet shall be submitted to CDFW upon request and included in the Annual and Final Construction Reports as described in the conditions of this ITP.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
5	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.	ITP Condition # 6.11	Before Commencing Covered Activities	Permittee	
6	Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 6.12	Before Commencing Covered Activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
7	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 # 6.18	Before commencing Covered Activities	Permittee	
8	Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
9	Trash Screen Netting Installation Review. Prior to the installation of any trash screen netting or trash barriers, the Permittee shall ensure that a culvert system capable of providing wildlife connectivity for wildlife movement is not blocked by the installation of the trash screen or trash barrier. No trash netting or barriers are permitted without CDFW review and approval, a submission for approval to CDFW shall be required a minimum of 60 days prior to the initiation of construction. The submission should include a description of the location and images of the culvert inlet and outlet as well as a description of the potential for wildlife to use the structure. Alternative methods of analysis such as game trail cameras may also be employed.	ITP Condition # 8.16	Before commencing Covered Activities	Permittee	
10	<p>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 178.885 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.2) OR shall provide for both the permanent protection and management of 178.885 acres of Habitat Management (HM) lands 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. No less than 69.46 acres or credits shall support both AWS and CTS. 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 41.47 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 9.6 below.</p> <p>The Permittee has fulfilled the AWS compensatory habitat requirement of 69.46 acres from a CDFW-approved mitigation or conservation bank with the purchase of 70 AWS/CTS multi-species credits from the Ohlone West Conservation Bank, as specified in Figure 5 (Bill of Sale and Purchase Agreement). The Permittee has partially fulfilled the CTS compensatory habitat requirement of 178.885 acres from a CDFW-approved mitigation or conservation bank with the purchase of 70 AWS/CTS multi-species credits from the Ohlone West Conservation Bank, as specified in Figure 5 (Bill of Sale and Purchase Agreement). To meet the remaining requirement, the Permittee shall either purchase 108.885 acres of CTS credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.2) OR shall provide for both the permanent protection and management of 108.885 acres of Habitat Management (HM) lands 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. 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.</p>	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<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 \$31,645.00 per acre; for 108.885 acres: \$3,445,665.00. 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 \$147,234.00;</p> <p>Interim management period funding as described in Condition of Approval 9.3.6 below, estimated at \$283,601.00;</p> <p>Long-term management funding as described in Condition of Approval 9.4 below, estimated at \$7,306.00 per acre; for 108.885 acres: \$795,503.00. 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 41.47 acres: \$90,917.00.</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	Permittee	
12	<p>Covered Species Credits. Permittee shall purchase 108.885 acres of CTS 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	Permittee	
13	<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</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	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>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 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.</p>				
14	<p>Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 8.3, 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>	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	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<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> <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</p>				



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.				
15	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	Permittee	
16	<p>On-Site Restoration/Habitat Enhancement Plan for Temporary Impacts. The plan shall be prepared by a Qualified Biologist or Habitat/Stream Restoration Specialist and submitted for CDFW review and approval in writing a minimum of 30 days prior to the initiation of construction. The plan shall address restoration or enhancement of at least 41.47 acres of Covered Species Habitat. The Permittee shall restore 3.06 acres of annual grassland habitat at Collier Creek Preserve and 38.41 acres of Covered Species habitat shall be restored within the SR-84/I-680 corridor. The 38.41-acre total at the SR-84/I-680 corridor shall include a minimum of 35.27 acres of annual grassland restoration, 2.93 acres of riparian and woodland restoration and 0.21 acres of aquatic habitat restoration as follows:</p> <p>Annual Grassland Restoration and Enhancement. All exposed/disturbed soils left barren of vegetation in areas of temporary impact within the SR-84/I-680 corridor and at the Collier Creek Preserve Site including staging areas, access roads and upland areas shall be revegetated immediately following work activities. Impacted areas shall be revegetated with native plants and/or saplings, if feasible, or seeded with an erosion control seed mix consisting of native forbs, shrubs, wildflowers, and grasses. Revegetation shall be completed after construction has concluded and as soon as possible after earthmoving activities cease; however, plantings will be most successful if done during the rainy season. Seeding placed after October 15 shall be applied by hydroseed or fiber rolls. Erosion control blankets with monofilament or woven plastic strands shall not be used. The Annual Grassland section of the restoration and enhancement plan shall note areas of impact and proposed areas of seeding. Submission in the form of a map or figure that outlines areas of impacts and areas of re-seeding should also be included. At the discretion of CDFW, all exposed areas where seeding is unsuccessful after 90 days shall receive appropriate soil preparation and a second application of seeding or mulch as soon as is practical on a day mutually agreed upon with CDFW.</p> <p>Riparian and Woodland Restoration and Enhancement. The riparian and woodland enhancement section of the Plan shall include an inventory of the native tree and shrub species known to occur on-site as well as a plant pallet of the proposed species for restoration and a map or plan set that illustrates the proposed areas of restoration plantings. All plantings replacement ratios shall be developed in consultation with CDFW and shall be derived from locally available genotypes. The Permittee shall monitor the survival and vigor of on-site plantings for a period of 10 years to ensure attainment of a 75% survivorship after 10 years, with the final two years occurring without supplemental watering. If success criteria are not achieved within 10 years, additional years of enhancement and monitoring shall be required until the criteria is met. Removal of invasive plant species rated as "High" by the California Invasive Plant Council shall be removed from the site to achieve a 10% or less ground cover within the on-site restoration area(s) over a period of 10 years. All success criteria shall be subject to additional management actions occurring over additional years, if milestones are not achieved as noted herein.</p> <p>Aquatic Breeding Habit Restoration and Enhancement. The aquatic breeding habitat section of the restoration and enhancement plan shall include a plant pallet for emergent freshwater vegetation to an area of 0.21 acres that shall be based on the native species of vegetation that</p>	ITP Condition # 9.6	30 Days Prior to Construction, During Construction, Post Construction	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	currently exist on-site. Plantings shall occur along or above the top of bank within areas of temporary impact to aquatic habitat. The emergent freshwater vegetation shall be subject to a 50% ground cover success criteria over 10 years within the 0.21-acre restoration area. Verification that the restoration areas can hold water through the appropriate hydroperiods for Covered Species by using satellite imagery of past seasons and on-site photographic image comparisons of before and after construction during the rainy season from multiple angles shall be analyzed to determine if the areas are successfully holding water. If success criteria are not achieved within 10 years. Removal of invasive plant species designated by the California Invasive Plant Council as "High" shall be removed from the site to achieve a 10% or less ground cover within the restoration area over a period of 10 years. All success criteria shall be subject to additional management actions occurring over additional years, if milestones are not achieved as noted herein.				
17	<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 \$4,765,920.00. This amount is based on the cost estimates identified in Condition of Approval 9.1 above.</p>	ITP Condition # 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	
18	<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	
19	<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> <ul style="list-style-type: none"> <li>• Written documentation of the acquisition of the HM lands;</li> <li>• Copies of all executed and recorded conservation easements;</li> <li>• Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and</li> <li>• Timely submission of all required reports</li> <li>• Achievement of restoration success criteria as noted in Condition of Approval 9.6</li> </ul> <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</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>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
	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.				
<b>DURING CONSTRUCTION</b>					
20	Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 6.5	Entire Project	Permittee	
21	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.	ITP Condition # 6.6	Entire Project	Permittee	
22	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	
23	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		
24	Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species, such as plastic or mono-filament netting (erosion control matting, geo-textile material and rock slope protection filter fabric) or similar material, in potential Covered Species' habitat. 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	
25	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	
26	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	ITP Condition # 6.13	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
	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.				
27	Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the locations noted in the ITP application with the exception that any staging area cannot occur within 250 feet of a water feature or burrows and dens, unless otherwise approved by CDFW. In addition, all staging areas must be surrounded by exclusionary fencing as specified in Condition of Approval 8.6. Permittee shall not use or cross Covered Species' habitat outside of the marked Project Staging Area.	ITP Condition # 6.14	Entire Project	Permittee	
28	Equipment Washing Station and Sanitization. All equipment shall be washed or sanitized prior to entering the Project area. Staging areas shall be equipped with wash stations to prevent the spread of invasive species and disease from areas outside the Project boundaries.	ITP Condition # 6.15	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 # 6.16	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 # 6.17	Entire Project	Permittee	
31	Temporary Impact Criteria. To be considered a temporary impact, all temporary impacts must meet the following criteria: (1) recontouring, replanting and seeding of each temporary impact area shall occur by October 31 of the year of the impact, and no additional ground disturbing activities shall occur; (2) if the impact area is within 1,000 feet of an aquatic feature, all work shall be completed within this area and exclusion fencing shall be removed by October 31 of the same calendar year, allowing the Covered Species unrestricted access between upland and aquatic habitat; and (3) temporary impact sites have achieved vegetation success as noted in condition of approval 9.6. Impacts that do not meet these criteria will require additional mitigation and an amendment to this ITP shall be required.	ITP Condition # 6.20	Entire Project	Permittee	
32	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	
33	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	
34	Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.5 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with	ITP Condition # 7.4	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
	notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall detail approximately Project impacts in acres, separated into permanent and temporary impacts. The reports shall: (1) identify and describe the temporary and permanent impacts to date; (2) describe the location, acres, and type of restoration actions that have occurred; and (3) include all monitoring information required by condition of approval 9.6. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and/or 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.				
35	Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or Projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species. ASRs shall be submitted to CDFW's Regional Office at the office listed in the Notices Section of this ITP and/or via e-mail to CDFW's Regional Representative Robert Stanley (Robert.Stanley@wildlife.ca.gov).	ITP Condition # 7.5	Entire Project	Permittee	
36	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 # 7.6	Entire Project	Permittee	
37	Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (707) 428-2002 and the regional representative within 24 hours. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two business days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information. The report and notification shall also be submitted to CDFW's Regional Representative Robert Stanley (Robert.Stanley@wildlife.ca.gov).	ITP Condition # 7.8	Entire Project	Permittee	
38	Covered 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	ITP Condition # 7.9	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
	the discovery.				
39	Time of Day Work Restriction. Any activity that shall occur in a previously paved area shall be allowed to occur at any time provided all applicable avoidance and minimization measures for Covered Species are adhered to as specified in this ITP. For any activity that will clear, grub, remove existing unpaved features, excavate embankments, construct drainage features or excavate soil that is not covered by a paved area the Permittee shall terminate all Covered Activities 30 minutes before sunset and shall not resume Covered Activities until 30 minutes after sunrise unless approved by the CDFW Representative in writing. The Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department for determining when Covered Activities shall terminate and resume.	ITP Condition # 8.1	Entire Project	Permittee	
40	Seasonal Work Window. Permittee shall limit ground-disturbing Covered Activities involving construction and heavy equipment use in upland dispersal habitat (such as excavation, grading, trenching and fill activities) to the period between April 15 and October 15, until the expiration of this ITP. All in water work within the bed, bank channel or upland riparian habitat shall be limited to occur from June 15 to October 15.	ITP Condition # 8.2	Entire Project	Permittee	
41	Vehicle Speed Limit. All vehicles shall be limited to a speed limit of 20 m.p.h. or less on main roads and access roads at all times within the boundary limits of active construction.	ITP Condition # 8.3	Entire Project	Permittee	
42	Daily Clearance Surveys. The Designated Biologist will conduct daily pre-construction surveys prior to the initiation of work each day within the Project Area throughout the course of the Project. The Designated Biologist shall walk the Project area and access roads while conducting visual encounter surveys in areas subject to vegetation clearing, grubbing, grading, cut and fill, or other ground disturbing activities. The surveys shall also include the inspection of parked vehicles or equipment prior to their use each day. The Permittee will ensure that a Designated Biologist inspects all staged materials each morning prior to the initiation of construction activities involving disturbance of material piles. Survey notes shall be kept and recorded as specified in this ITP. During active construction multiple biologists shall be required on-site, when needed in circumstances of line of sight constraints to ensure all active equipment has a designated biologist within view of the Covered Activities.	ITP Condition # 8.4	Entire Project	Permittee	
43	Environmentally Sensitive Areas. Prior to the start of construction, for each season, an Environmentally Sensitive Areas (ESAs) plan shall be submitted to CDFW for review 30 days prior to the initiation of construction. The ESA plan shall be clearly delineated using high-visibility orange fencing as the primary option to protect sensitive habitats, other options approved in advance by CDFW may be authorized. The ESA signification system will remain in place throughout the duration of the Project. It may be removed during the wet season (and subsequently re-installed) if needed to prevent materials from being washed away. The final Project plans will depict all locations where ESA signification will be installed and how it will be installed. The bid solicitation package special provisions will clearly describe acceptable signification material and prohibited construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within ESAs. ESA materials shall be installed as directed by a Designated Biologist and maintained in good repair throughout the Project as needed.	ITP Condition # 8.5	Entire Project	Permittee	
44	Covered Species Exclusionary Fencing. An exclusionary fencing system plan shall be submitted for CDFW approval 30 days prior to the initiation of construction each season. The exclusionary fencing system shall be required to encompass access roads, staging areas and active construction areas as to not allow outside access of Covered Species into those areas with no gaps or breaks in the fencing system. The plan submission shall be in map form illustrating the proposed alignment with a brief description of the materials to be employed as well as diagram	ITP Condition # 8.6	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
	<p>of the fence material and design. All material stockpiles and Project related equipment must be stored within the fenced staging area when not in use.</p> <p>Immediately following the conclusion of vegetation clearing as specified in Condition of Approval 8.7, the staging area, access roads and Project Area shall be checked for Covered Species and shall have exclusionary fencing installed around them as follows; the fencing will be standard silt fencing at least forty-two (42) inches in height that will be trenched a minimum of four (4) inches into the soil. The soil will then be compacted against both sides of the fence to prevent wildlife from gaining access underneath. The stakes will be placed on the Project side of the fence. No gaps or holes are permitted in the fencing system.</p> <p>Any vegetation outside the direct area of fencing within a three (3) foot perimeter must be cleared to a height of six (6) inches and maintained throughout the project at this height, using vegetation removal and clearing methods as specified in Condition of Approval 8.7. A Designated Biologist must be present during all vegetation removal activities.</p> <p>Prior to the initiation of construction each day, the fence shall be inspected daily by a Designated Biologist or biological monitor for holes, gaps, or access points, which shall be repaired upon discovery. The area inside the fence shall also be inspected for trapped Covered Species prior to the initiation of construction each day. If a Covered Species is discovered the Covered Species shall be monitored until it has left the fenced area on its own accord, no work shall occur during this period. If the Covered Species does not leave on its own accord the Designated Biologist with the appropriate approvals may relocate the species in accordance with Condition of Approval 7.16 for Covered Species Relocation.</p>				
45	<p>Vegetation Clearing within Exclusionary Fencing Areas. Areas proposed to be encompassed by exclusionary fencing including staging areas, access routes, and the Project Area will be surveyed as required by the Conditions of Approval in this ITP prior to vegetation removal, installation of fencing and prior to the deployment of any staging or stockpile materials. The vegetation removal will be monitored by a Designated Biologist for the duration of the Project; the Designated Biologist has the authority to stop work if required for any reason in consultation with the Resident Engineer.</p> <p>The vegetation within these areas shall be mowed or trimmed to a height of six inches, using hand tools, weed-whackers, and mowers as necessary. No heavy motorized equipment (i.e. tractor) may be employed for vegetation removal without approval from CDFW. No excessive soil disruption and no grubbing or removal of roots systems is permitted during the vegetation clearing for exclusionary fencing areas. The vegetation must be maintained at six inches or less for the duration of the Project. All mowed and trimmed vegetation matter shall be removed from the area to an off-site location. Immediately after vegetation clearing has concluded, exclusionary fencing shall be installed as specified in Condition of Approval 8.6.</p>	ITP Condition # 8.7	Entire Project	Permittee	
46	<p>Wildlife Exclusion Fencing Refuge Areas/Cover Boards. The Permittee shall provide refuge opportunities in the form of cover boards (2-foot x 2.6-foot plywood), along the Covered Species exclusion fence on both sides of the fence. Permittee shall submit a design of the barrier and refuge opportunities no less than 30 days prior to the initiation of construction each season to CDFW for approval. The Designated Biologist shall inspect refuge areas each morning, as well as, during and after rain events. Covered Species within the interior fence should be given the ability to leave on their own accord before active relocation is attempted. All Species found shall be identified, recorded and submitted to CDFW in the Final Construction Report and reported to CNDDB as specified in this ITP. All wildlife shall be relocated to a safe location outside the Project area.</p>	ITP Condition # 8.8	Entire Project	Permittee	
47	<p>Trench Escape and Inspection. To prevent inadvertent entrapment of Covered Species, the Designated Biologist(s) shall oversee the covering of all trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material (such</p>	ITP Condition # 8.9	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
	as hardware cloth) at the close of each working day such that Covered Species are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning prior to beginning Covered Activities and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist(s) and/or construction foreman/manager shall thoroughly inspect them for Covered Species. Trenches, holes, sumps, or other excavations that are covered long-term shall be inspected at the beginning of each working day to ensure inadvertent entrapment has not occurred. Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately if any worker discovers that Covered Species have become trapped. If at any time trapped Covered Species are discovered by the Designated Biologist or anyone else, the Designated Biologist shall capture and relocate the Covered Species to a safe nearby location per Condition of Approval 8.15. If open holes, sumps, trenches or excavations cannot be covered then a temporary barrier shall be installed around any trenches, holes, sumps, or other excavations to prevent Covered Species from becoming trapped.				
48	Inspection of Pipes and Culverts. All construction pipes, culverts, or similar structures that are stored at the Project site for one or more overnight periods shall be securely capped prior to storage or inspected by the Designated Biologist before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a Covered Species is discovered inside a pipe by the Designated Biologist or anyone else, the Covered Species shall be allowed to leave its own accord, or if it can be safely captured, it shall be relocated by the Designated Biologist to a suitable location outside of the Project Area and in accordance with the Condition of Approval 8.15.	ITP Condition # 8.10	Entire Project	Permittee	
49	Vehicle and Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Permittee shall contact the Designated Biologist to determine if the Designated Biologist can safely move the Covered Species in Accordance with Condition of Approval 8.15.	ITP Condition # 8.11	Entire Project	Permittee	
50	Mark Covered Species Nest/Dens/Burrows. Nests, Dens, Burrows or suitable areas for Covered Species subterranean activities should be marked by the Designated Biologist within a reasonable dispersal distance of the Project Area to alert biological and work crews to their presence each season using flags, exclusion fencing or a reasonable method approved in advance by CDFW. Where feasible, an avoidance buffer of 250 feet (the distance may be altered at the discretion of the Designated Biologist in consultation with CDFW) or greater around areas shall be maintained using wildlife exclusion fencing or environmentally sensitive area fencing as specified in this Permit. Nests, Dens and Burrows in areas of impact shall be excavated by hand to allow the detection and relocation of Covered Species as necessary. Alterations to the hand excavation requirement of dens to utilize powered equipment may be authorized by written request to and written approval from CDFW.	ITP Condition # 8.12	Entire Project	Permittee	
51	Prohibit Introduction of Invasive Species and Disease. 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> .	ITP Condition # 8.14	Entire Project	Permittee	
52	Covered Species Relocation Plan. The Designated Biologist(s) shall prepare a Covered Species Relocation Plan (Relocation Plan). The Relocation Plan shall include, but not be limited to, pre-activity survey methodology appropriate for the season, hand excavation, capture,	ITP Condition # 8.15	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	handling, and relocation methods; and identification of where the individuals will be relocated to. The relocation areas shall be identified by the Designated Biologist(s) based upon best suitable habitat available and time of year and approved by CDFW prior to the start of Covered Activities. The Relocation Plan shall be submitted to CDFW for approval prior to the beginning of Covered Activities. Covered Activities anywhere within the Project Area may not proceed until the Relocation Plan is approved in writing by CDFW. Only the approved Designated Biologist(s) are authorized to capture and handle the Covered Species.				
53	Temporary Project Lighting. All temporary Project lighting associated with construction staging areas, access routes and construction sites shall be shut down upon the completion of work each day and not used as security lighting overnight. Temporary Project lighting on the surface of the road shall be directed towards the road surface and shall not be directed into areas outside of the road surface to prevent additional light pollution and disruption of nocturnal wildlife activity. Baffles, adjusted mast heights and adjusted reach arms and other various shading devices may be employed to prevent additional light pollution.	ITP Condition # 8.17	Entire Project	Permittee	
54	<p>Permanent Project Lighting. All new installations or replacements of previously existing light emitters or bulb types for permanent use within the Project site shall have an output of 2700 kelvin or less, shall be fitted with back-shielding, and the surface area of the light shall be directed so that it does not project into natural lands. The Isolux Analysis (Figure 3) establishes the baseline of current lighting conditions. Figure 3 establishes the proposed lighting output of new and replacement emitters over the surface area of natural lands. An Isolux analysis shall also be required upon completion of construction to determine actual light levels. All permanent lighting shall be directed towards the surface of the road and employ adjusted mast height and adjusted reach arm lengths to reduce light pollution into natural lands. Additional mitigation may be required by CDFW if an increase in lighting output is determined to occur onto natural lands greater than the initial projections noted in Figure 4 when compared to the Final Isolux Diagram that measures the real world lighting outputs.</p> <p>Permanent Project Lighting Impact Analysis. For Isolux values that output a light emission of 0.109 lux or greater (equivalent to a full moon or greater), all habitat adversely impacted shall be compensated using a 1.5:1 replacement to impact ratio. For Isolux values that output a light emission of 0.108 lux or less (equivalent to a full moon), all habitat adversely impacted shall be compensated using a 1:1 replacement to impact ratio. For values that yield a light emission output of 0.010 lux or less (equivalent to a quarter moon), all habitat adversely impacted shall be compensated using a 0.5:1 replacement to impact ratio. New or replacement installations of emitters or bulbs shall be limited to 2700K or less and shall employ shielding. If light emissions exceed 2700K and/or shielding is not utilized, an amendment to this ITP shall be required to further analyze lighting impacts. This analysis is site-specific based on the habitat analysis specified in Figure 1 of the biological study area, current light regime and proposed new lighting regime as specified in Figure 3. Within 60 days of project completion, as part of the Final Construction Report, a final Isolux diagram shall be submitted that illustrates field verified lighting impacts. The field verified final Isolux diagram shall be utilized to develop the compensatory mitigation (15.095 acres) for new lighting impacts, based on the analysis specified above in this condition of approval.</p>	ITP Condition # 8.18	Before, During and After Construction	Permittee	
55	Weather Restrictions. Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. Covered Activities shall cease if there is a 40 percent chance of precipitation or greater in the National Weather Service 72-hour forecast for the Project Area. Covered Activities may continue 24 hours after the rain ceases if there is less than a 40 percent chance of precipitation in the 24-hour forecast.	ITP Condition # 8.19	Entire Project	Permittee	
56	Ponded/Standing Water. Permittee shall monitor and prevent ponded/standing water from forming throughout the Project Area and make sure that ponded/standing water with a depth of 2 inches or more is not allowed to persist for a period of 24 hours or longer after precipitation	ITP Condition # 8.20	Entire Project	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	events. All ponded/standing water shall be surveyed (See Condition of Approval 8.4) by the Designated Biologist prior to draining for Covered Species using a mesh screen size over the intake approved in advance by CDFW. Other methods of avoiding ponded/standing water may be authorized upon submission and approval by CDFW. This condition does not apply to naturally occurring wetlands, swales or ponds.				
57	Notification of Non-Native Tiger Salamanders or Hybrids. The Designated Biologist shall immediately notify CDFW if a suspected non-native barred tiger salamander ( <i>Ambystoma tigrinum mavortium</i> ) or California tiger salamander/non-native hybrid is found within the Project Area within 24 hours by calling CDFW's Regional Representative. The Designated Biologist shall not release any non-native or hybrid salamanders back to the wild until directed to do so by CDFW. The Designated Biologist shall follow the Capture and Handling measures outlined in this ITP (see Condition of Approval 8.22).	ITP Condition # 8.21	Entire Project	Permittee	
58	8.22. Covered Species Handling and Injury. If an injured Covered Species is found during the Project term, the Designated Biologist shall evaluate the individual and immediately contact the CDFW Regional Representative, via email and telephone, to discuss the next steps. If the CDFW Regional Representative cannot be contacted immediately, the Designated Biologist shall place the injured individual in a safe and shaded location. Any injured California tiger salamanders shall be placed in a shaded container and kept moist, and shall be handled and assessed according to the Restraint and Handling of Live Amphibians, USGS, National Wildlife Health Center (D. Earl Greene, ARMI SOP NO. 100; 16 February 2001; <a href="http://www.nwhc.usgs.gov/publications/amphibian_research_procedures/handling_and_restraint.jsp">http://www.nwhc.usgs.gov/publications/amphibian_research_procedures/handling_and_restraint.jsp</a> ). If the CDFW Regional Representative is not available or has not responded within 15 minutes of initial attempts, then the following steps shall be taken:  If the injury to the Covered Species is minor or healing and the individual is likely to survive, the individual shall be released immediately (see Condition of Approval 7.8);  If it is determined that the Covered Species has major or serious injuries as result of Project-related activities, then the Designated Biologist shall immediately take it to the Lindsay Wildlife Museum or another CDFW-approved facility. If taken into captivity the individual shall remain in captivity and not be released into the wild unless it has been kept in quarantine and the release is authorized by CDFW and the U.S. Fish and Wildlife Service. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The circumstances of the injury, the procedure followed and the final disposition of the injured animal shall be documented in a written incident report as described in Condition of Approval 7.8 or 7.9.	ITP Condition # 8.22	Entire Project	Permittee	
59	Access Roads. The Designated Biologist shall inspect the entire access route for Covered Species each day when Covered Activities are occurring between April 15 and October 31 of each year. Inspections shall occur in the morning prior to Project related vehicle access (unless Project related vehicle traffic occurs prior to sunrise) and in the afternoon prior to Project related vehicles exiting the Project Area. If a Designated Biologist finds a dead Covered Species on the access route, Permittee shall consult with CDFW to determine appropriate contingency measures and shall implement the measures determined appropriate by CDFW.	ITP Condition # 8.23	Entire Project	Permittee	
<b>POST-CONSTRUCTION</b>					
60	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	Post-construction	Permittee	
61	Remove Temporary Flagging, Fencing, and Barriers. Permittee shall remove all temporary flagging, fencing, erosion control, temporary work platforms, temporary access road materials, and/or barriers from the Project Area and vicinity of the stream upon completion of Project activities.	ITP Condition # 8.13	Post-construction	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
62	Final Construction Report. No later than 30 days after completion of the Project, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Construction 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) Final Isolux Diagram and Lighting Impact Analysis; and (9) any other pertinent information.	ITP Condition # 7.7	During and Post Construction	Permittee	

**OHLONE WEST CONSERVATION BANK  
AGREEMENT FOR SALE OF CONSERVATION CREDITS**

**Bank SERVICE File No. 08ESMF00-2013-B-0065**

**Bank CDFW Tracking No. 1802-2012-012-03**

This Agreement is entered into this 16<sup>th</sup> day of APRIL, 2018, by and between Fletcher Ranch Road Properties, LLC, a California limited liability company, DBA Ohlone West Conservation Bank (Bank Owner) and Alameda County Transportation Commission (Project Applicant), jointly referred to as the "Parties," as follows:

**RECITALS**

- A. The Bank Owner has developed the Ohlone West Conservation Bank (Bank) located in Alameda County, California; and
- B. The Bank was approved by U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife on December 19th, 2016, and is currently in good standing with these agencies; and
- C. Bank Owner has received approval from the U.S. Fish and Wildlife Service (Service) to offer Alameda Whipsnake, California red-legged frog, California tiger salamander, and Callippe Silverspot butterfly credits for sale as compensation for the loss of Alameda Whipsnake, California red-legged frog, California tiger salamander, and Callippe Silverspot butterfly habitat from the Bank through the Ohlone West Conservation Bank Enabling Instrument (Bank Agreement). The Bank Owner has received approval from the California Department of Fish and Wildlife (CDFW) to offer California tiger salamander and Alameda Whipsnake credits for sale as compensation for the loss of California tiger salamander and Alameda Whipsnake habitat from the Bank through the Ohlone West Conservation Bank Enabling Instrument (Bank Agreement); and
- D. Project Applicant is seeking to implement the project described on Exhibit "A" attached hereto (Project), which would unavoidably and adversely impact California Red-legged frog (CRLF), California tiger salamander (CTS), and Alameda whipsnake (AWS), and seeks to compensate for the loss of CRLF, CTS, and AWS by purchasing Conservation Credits from Bank; and
- E. Project Applicant has been authorized by the U.S. Fish and Wildlife Service (Service File No. 08ESMF00-2017-F-3304-1) to purchase from the Bank **70 CRLF/CTS/AWS multi-species credits** upon confirmation by the Bank Owner of credit availability/adequate balance of credits remaining for sale; and
- F. Project Applicant desires to purchase from Bank and Bank desires to sell to Project Applicant **70 CRLF/CTS/AWS multi-species credits**;
- G. Project Proponent is in the process of obtaining a CDFW Incidental Take Permit (ITP). The Credits being purchased are intended to satisfy all or a portion of the requirements of the ITP. Once the ITP is obtained, the ITP# will be added to the Bill of Sale and the Bill of Sale re-issued as a corrected copy;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Bank hereby sells to Project Applicant and Project Applicant hereby purchases from Bank **70 CRLE/CTS/AWS multi-species credits** for the purchase price of **\$3,150,000.00**. The Bank will then deliver to Project Applicant an executed Bill of Sale in the manner and form as attached hereto and marked Exhibit "B". The purchase price for said credits shall be paid by cashier's check or, at the option of Bank, wire transfer of funds according to written instructions by Bank to Project Applicant.

2. The sale and transfer herein is not intended as a sale or transfer to Project Applicant of a security, license, lease, easement, or possessory or non-possessory interest in real property, nor the granting of any interest of the foregoing.

3. Project Applicant shall have no obligation whatsoever by reason of the purchase of the Conservation Credits, to support, pay for, monitor, report on, sustain, continue in perpetuity, or otherwise be obligated or liable for the success or continued expense or maintenance in perpetuity of the credits sold, or the Bank. Pursuant to the Bank Agreement and any amendments thereto, Bank Owner shall monitor and make reports to the appropriate agency or agencies on the status of any Conservation Credits sold to Project Applicant. Bank Owner shall be fully and completely responsible for satisfying any and all conditions placed on the Bank or the Conservation Credits by all state or federal jurisdictional agencies.

4. The Conservation Credits sold and transferred to Project Applicant shall be non-transferable and non-assignable, and shall not be used as compensatory mitigation for any other Project or purpose, except as set forth herein.

5. Project Applicant must exercise his/her/its right to purchase the Conservation Credits within 30 days of the date of this Agreement. After the 30 day period this Agreement will be considered null and void.

6. Upon purchase of the credits specified in paragraph D above, the Bank Owner shall submit to the parties listed in the Notices section of the Bank Agreement / Bank Enabling Instrument, copies of the: a) Agreement for Sale of Conservation Credits; b) Bill of Sale; c) Payment Receipt; and d) an updated ledger. The updated inventory / ledger must detail: i) Project Applicant; ii) Project Name; iii) Status (sale complete/sale not complete); iv) Credit Sale Date; v) Service File Number and/or CDFW Tracking Number; vi) U.S. Army Corps of Engineers File Number (if applicable); vii) Total Number of Credits Authorized to Sell; viii) Total Number of Credits Sold to Date (inclusive); and ix) Balance of all Credits Available. The inventory / ledger should include all sales data from Bank opening/establishment to the present.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.  
BANK:

Fletcher Ranch Road Properties LLC, DBA Ohlone West Conservation Bank

By: Westervelt Ecological Services, LLC,  
a Delaware limited liability company  
Its: Authorized Representative and Agent

By: [Signature] Date: 2/21/2018  
Name: TRAVIS Hemmen  
Its: Vice President

PROJECT APPLICANT:

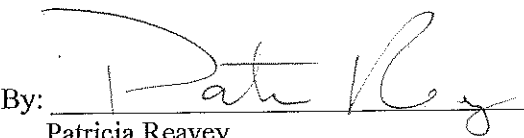
Alameda County Transportation Commission

By:  Date: 03/29/2018  
Arthur L. Dao  
Executive Director

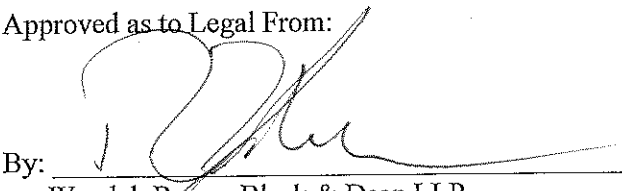
Recommended:

By:  Date: 3.13.18  
Trinity Nguyen  
Director of Project Delivery

Reviewed as to Budget/Financial Controls:

By:  Date: 3/19/18  
Patricia Reavey  
Deputy Executive Director of Finance and Administration

Approved as to Legal From:

By:  Date: 3/9/18  
Wendel, Rosen, Black & Dean LLP  
Alameda CTC Counsel

*(Signatures continue on following page)*

**APPROVED**

**UNITED STATES FISH AND WILDLIFE SERVICE:**

This Agreement fulfills a portion of the Project Applicant's proposed California red-legged frog, California tiger salamander, and Alameda whipsnake habitat conservation measures, as described in the Service's Biological Opinion; Service File Number 08ESMF00-2017-3304-1 dated December 5, 2017. The Service verifies that the Ohlone West Conservation Bank is in good standing as of the date of this Agreement.

By:  Date: 3/21/18

Printed Name: Ryan Olah

Title: Coast Bay Division Chief  
Sacramento Fish and Wildlife Office

Exhibit "A"

**DESCRIPTION OF PROJECT  
TO BE  
MITIGATED**

**Service File No. 08ESMF00-2017-F-3304-1**

The project will include traffic congestion relief and driver safety enhancement with the widening of SR 84 between south of Ruby Hill Drive and I-680; improvement of the SR 84/ I-680 Interchange; and the northward extension of approximately 2 miles of High Occupancy Vehicle (HOV)/express lane on southbound I-680.

\*\*\*\*\*

Exhibit "B"

**BILL OF SALE**

Bank Service File # 08ESMF00-2013-B-0065

Bank CDFW Tracking No. 1802-2012-012-03

Project Applicant Service File # 08ESMF00-2017-F-3304-1

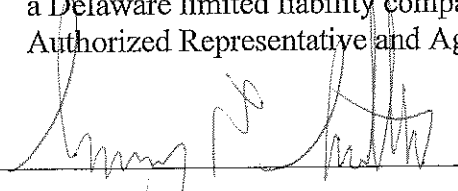
In consideration of **\$3,150,000.00**, receipt of which is hereby acknowledged, Fletcher Road Properties, LLC, a California limited liability company, DBA Ohlone West Conservation Bank (Bank Owner) does hereby bargain, sell and transfer to Alameda County Transportation Commission (Project Applicant), **70 CRLF/CTS/AWS multi-species credits** in the Ohlone West Conservation Bank in Alameda County, California, developed, and approved by the U. S. Fish and Wildlife Service and the California Department of Fish and Wildlife.

Bank Owner represents and warrants that it has good title to the credits, has good right to sell the same, and that they are free and clear of all claims, liens, or encumbrances.

Bank Owner covenants and agrees with the buyer to warrant and defend the sale of the credits hereinbefore described against all and every person and persons whomsoever lawfully claiming or to claim the same.

Fletcher Road Properties, LLC, DBA Ohlone West Conservation Bank

By: Westervelt Ecological Services, LLC,  
a Delaware limited liability company  
Its: Authorized Representative and Agent

By:  Dated: 4/16/13

Name: Gregory E Sutter

Title: Vice President & General Manager



Exhibit "C"  
Ohlone West Conservation Bank  
**CTS/AWS MULTI SPECIES CREDITS: PAYMENT RECEIPT**

**PARTICIPANT INFORMATION**

Name: Alameda County Transportation Commission

Address: 1111 Broadway, Suite 800  
Oakland, CA 94607

Telephone: (510) 208-7441

Contact: Trinity Nguyen, Director of Project Delivery

**PROJECT INFORMATION**

Project Description: State Route Expressway Widening and State Route 84/I-680 Interchange Improvement Project

Service File Number: 08ESMF00-2017-F-3304-1

Species/Habitat Affected: California Red-legged frog, California tiger salamander and Alameda whipsnake

Credits to be Purchased: 70 CRLF/CTS/AWS multi-species credits

Payment Amount: \$3,150,000.00

Project Location: State Route 84 and Interstate 680

County/Address: Alameda County, CA

**PAYMENT INFORMATION**

Payee: Ohlone West Conservation Bank

Payer: Alameda County Transportation Commission

Amount: Three Million One Hundred Fifty Thousand Dollars

Method of payment: Cash \_\_\_\_\_ Check No. 1051 Money Order No. \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

Name: Greg Suttler Title: Vice President & General Manager



## ALAMEDA COUNTY TRANSPORTATION COMMISSION

1111 Broadway Suite 800

Oakland CA 94607

Phone: (510) 208-7400

Wells Fargo Bank NA  
www.wellsfargo.com  
11-4288/1210

0016151

DATE

4/12/2018

AMOUNT

\$ \*\*\*3,150,000.00

PAY \*\*\*Three Million One Hundred Fifty Thousand and 00/100 Dollars\*\*\*

TO THE  
ORDER  
OF

OHLONE WEST CONSERVATION BANK  
1141 CATALINA DRIVE #279  
LIVERMORE, CA 94550

*[Signature]*  
*[Signature]*  
TWO AUTHORIZED SIGNATURES REQUIRED

⑈0016151⑈ ⑆121042882⑆ 7735329612⑈

ALAMEDA COUNTY TRANSPORTATION COMMISSION

OHLONE WEST CONSERVATION BANK

Chk Date 4/12/2018 Check # 0016151

Invoice	Inv Date	PO	Description	Amount
PE 3/26/18	3/26/2018		Purchase of multi-species credits for mitigat	3,150,000.00
Total:				3,150,000.00

ATTACHMENT 3A  
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>
-------------------	-----------------	--------------	---------------	--------------

_____	_____	_____	_____	_____
-------	-------	-------	-------	-------

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: \_\_\_\_\_

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

**[Financial institution letterhead]**

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

---

Issue Date: **[date]**

Beneficiary:

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

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

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

Dear Sirs:

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

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

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

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

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

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

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Telephone: \_\_\_\_\_

ATTACHMENT A

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

To:

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

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

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



ATTACHMENT B

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

To:

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

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

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

State of California - Department of Fish and Wildlife

**MITIGATION PAYMENT TRANSMITTAL FORM**

DFW 1057 (NEW 07/28/17)

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

<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	

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

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

Total \$ \_\_\_\_\_ Check No. \_\_\_\_\_

Account No. \_\_\_\_\_ Bank Routing No. \_\_\_\_\_

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

b. Habitat Enhancement Subtotal \$ \_\_\_\_\_

c. Security:

1. Cash Refundable Security Deposit Subtotal \$ \_\_\_\_\_

2. Letter of Credit Subtotal \$ \_\_\_\_\_

1. Financial Institution: \_\_\_\_\_

2. Letter of Credit Number: \_\_\_\_\_

3. Date of Expiration: \_\_\_\_\_

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