



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

California Endangered Species Act
Incidental Take Permit No. 2081-2019-035-02

FEATHER RIVER BRIDGE SCOUR REPAIR

Authority:

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

Permittee:	California Department of Transportation, District 3
Principal Officer:	Johny Tan, Project Manager
Contact Person:	Jonathan Edwards, (530) 741-4582
Mailing Address:	703 B Street Marysville, California 95901

Effective Date and Expiration Date of this ITP:

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

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

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

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

Project Location:

The Feather River Bridge Scour Repair Project (Project) is located along State Route 20 between Post Miles (PM) 17-17.1 in Sutter County and between PM 0.0-0.4 in Yuba County, on the Feather River (See Figure 1). The Project is located under the Tenth Street Bridge between the cities of Yuba City and Marysville. The Project is located in the Sutter and Yuba City USGS Quadrangles, R-3E T-15N. The center of the bridge is located at approximately 39°08'36".74, - 121°36'28".91.

Project Description:

The Project includes the repair of five bridge pier locations, installation or replacement of existing rock slope protection (RSP) along the west riverbank, and removal of approximately 3.29 acres of 1/4-1/2 ton RSP (previously installed under emergency actions in 2011 and 2017) along the east riverbank and floodplain. Project activities include vegetation removal, pile driving for trestle, placement of RSP, vibration of cofferdam pile sheets, pile driving of cast-in-steel-shell (CISS) piles, dewatering, concrete work, and other activities. See Figure 2 for Project Plans.

The Project is scheduled to commence in 2021 and be completed in 2023 for approximately three seasons of work. All in-water work is planned to occur over approximately 100 working days of one season of work.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
Chinook salmon (<i>Oncorhynchus tshawytscha</i>) (spring-run of the Sacramento River drainage)	Threatened ³

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

Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above that are expected to result in incidental take of individuals of the Covered Species include in-water pile driving, dewatering, and in-water RSP placement associated with the retrofit of the bridge piers (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 the striking of the impact hammer on the steel piles will cause sound waves to enter the water column that create underwater pressure and may

³See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(2)(c).

damage tissues and organs on the Covered Species; and, the placement of RSP may result in the Covered Species being crushed by the equipment and/or rocks. Additionally, the Covered Activities may result in take of the Covered Species due to the temporary increase in sedimentation and turbidity, potential stranding of individuals in cofferdams, accidental spills of hazardous chemicals and materials to waters, removal of riparian vegetation and habitat, changes in water temperature conditions, loss of food resources, and the temporary increase in underwater noise and vibrations from pile driving.. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from fish rescue and relocation. The areas where authorized take of the Covered Species is expected to occur include: Pier 23 and Project locations as shown in Figure 3, Project Impacts Map.

The Project is expected to cause the permanent loss of a total of 0.43 acre of stream habitat for the Covered Species resulting from 0.06 acre of concrete pile cap, 0.23 acre of gravel, and 0.14 acre of new RSP being constructed in the channel. The Project is also expected to cause the permanent loss of 0.77 acre of riparian habitat (shaded riverine aquatic cover). The Project is expected to cause the additional temporary loss of a total of 0.08 acre of stream habitat for the Covered Species resulting from 0.08 acre of cofferdam and 0.0008 acre of trestle installations. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations, as well as from capture and relocation, and long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

Incidental Take Authorization of Covered Species:

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

Conditions of Approval:

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

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1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration (SCH No.: 2018102014) adopted by the California Department of Transportation on January 15, 2019, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. 1600-2019-0201-R2) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
4. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Endangered Species Act (ESA) section 7(a)(2) Biological Opinion (No. WCR-2018-10385) 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. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species

and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed.

- 6.3. Designated Biologist Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.
- 6.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.
- 6.5. Construction Monitoring Notebook.** The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.
- 6.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles.

- 6.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 6.9. Delineation of Property Boundaries.** Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 6.10. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 6.11. Project Access.** Project-related personnel shall access the Project Area using routes identified in the Project Description and Project Impacts Map (Figure 3) and shall not cross additional Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 10 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines that construction of additional 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.
- 6.12. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.10 of this ITP.
- 6.13. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.

6.14. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

6.15. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

7. Monitoring, Notification and Reporting Provisions:

7.1. Notification Before Commencement. The Designated Representative shall notify CDFW 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 shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.

7.3. Compliance Monitoring. During the work period, the Designated Biologist shall conduct daily compliance inspections when Covered Activities impact Covered Species habitat and then weekly until Project completion. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.

7.4. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Monthly compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is CESA Desk (R2CESA@wildlife.ca.gov) and

Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 7.5. Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 7.6. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.7. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 7.8. Notification of Take or Injury.** Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a

Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (916) 358-2900. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

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

8.1. Timing of Work. Covered Activities within Covered Species habitat shall be conducted between May 15 and October 31.

8.2. Work Period Modification. If the Permittee needs more time to complete a Covered Activity, the work may be permitted outside of the work period and extended by a CDFW representative who reviewed the Project, or if unavailable, through contact with the Regional office (see Contact Information). The Permittee shall submit a written request for a work period variance to CDFW. The work period variance request shall: 1) describe the extent of work already completed; 2) detail the activities that remain to be completed; 3) detail the time required to complete each of the remaining activities; and 4) provide photographs of both the current work completed and the proposed site for continued work. Work period variances are issued at the discretion of CDFW. CDFW will review the written request to work outside of the established work period. CDFW will have ten (10) business days to review the proposed work period variance.

8.3. Night Work. If night work is necessary, lighting shall be selectively placed, shielded, and directed away from Covered Species' natural habitat. Night work shall be restricted to activities that are not in-water to ensure the Covered Species are allowed to migrate upstream and downstream (10pm to 8am are typical periods for the migration of the Covered Species in their juvenile and adult life stages).

8.4. Dewatering Plan. If flowing water is present or reasonably anticipated, the Permittee shall submit for written approval a detailed dewatering plan to CDFW no later than 60 business days prior to commencing Covered Activities. The Permittee may not commence dewatering activities without written approval from CDFW. During all de-watering activities, the Designated Biologist shall monitor within de-watering area and within adjacent river reaches to ensure no aquatic species are stranded or in distress.

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Permittee shall take immediate remedial actions if any conditions causing or contributing to stress and/or injury of the Covered Species are observed.

8.5. Relocation Plan. Permittee shall prepare and submit to CDFW for approval, a plan to remove, and return to the same waterway, any Covered Species trapped within the area bounded by the cofferdam(s) and scheduled for dewatering. The Relocation Plan shall include the name(s) of the Designated Biologist who will relocate the Covered Species; pre-construction habitat assessment methodology; description of capture, handling, and relocation methods; a map and description of the relocation area(s) for captured Covered Species, including relative location, quality of habitat, the potential for non-native species or predators to be present, potential barriers for movement; and identification of a wildlife rehabilitation center or veterinary facility that routinely evaluates or treats Covered Species. The Relocation Plan shall be submitted to CDFW no less than 60 business days prior to start of Covered Activities.

8.5.1. Covered Species Relocation. If Covered Species is encountered within the Project Area, is directly threatened by Covered Activities, and it is unable to move to a safe area on its own, the Designated Biologist shall relocate Covered Species to a safe area in accordance with the Relocation Plan. The Permittee or Designated Representative shall notify CDFW within 24 hours of each time Covered Species is relocated. Notification to CDFW shall be via telephone or email, followed by a written incident report. Notification shall include the date, number, and specific location of all Covered Species that are relocated from the cofferdam in addition to any direct mortality observed during in-water work and relocation.

8.6. Noise and Vibration Reduction. The Permittee will furnish, install, operate and maintain a sound attenuation system for all piles installed in water by impact hammer to reduce noise generated into the water. If the sound attenuation system fails, pile driving shall immediately stop and may not resume at the location until the system is put back into operation. A design of the sound attenuation system shall be submitted to CDFW for written approval no less than 60 days prior to the start of Covered Activities. Acoustic attenuation devices for the CISS piles will be routinely inspected for proper installation, operation, and functionality by the Designated Biologist. The following sound attenuation systems may be employed including but not limited to:

- Confined bubble curtain
- An unconfined bubble curtain
- Isolation casings
- Wooden pile cushions
- Other methods approved in advance by CDFW

- 8.7. Pile Driving Hydro-Acoustic Limits.** Sound pressure levels generated by impact pile driving within the river, or within a reasonable distance of the water (on dry land) where sound levels may reach the water that are injurious to Covered Species shall be kept below the interim thresholds, 206 decibels (dB) peak Sound Pressure Level (SPL) and 187 dB cumulative Sound Exposure Level (SEL). If the 206 dB SPL or 187 cumulative SEL threshold injury zones are exceeded for impact pile driving the Permittee shall stop all impact pile driving activities and not continue until CDFW has been consulted. The Permittee shall monitor sound levels as specified in Condition of Approval 8.9, during impact pile driving activities occurring within the river channel, as well as for piles within a reasonable distance of the water on dry land (within 200 feet of the edge of water in the active channel) where sound levels may be injurious to Covered Species. If peak levels exceed the 206 dB criteria of more than 15 strikes per day (one percent of the estimated daily strikes), Permittee shall notify CDFW within 24-hours.
- 8.8. Soft Start Pile Driving.** The initial strikes of all in-water piles, or piles that occur within 200 linear feet of the water's edge in the active channel in which injurious sound levels to Covered Species could reach the water, shall occur at less than full impact force for a period of 15 seconds followed by 30 seconds of no activity. This action shall be repeated two additional times and impact shall be gradually brought up to full force blows to reduce the initial sound level and provide warning blows to allow Covered Species adequate time to leave the Project Area.
- 8.9. Hydro-Acoustic Monitoring Plan.** A minimum of 60 days prior to the start of Covered Activities, an acoustic monitoring plan to evaluate sound levels during pile driving activities shall be prepared by the designated hydro-acoustic monitoring specialist who shall possess the same authority as a Designated Biologist and have the ability to direct the resident engineer to stop work as necessary by the conditions of this ITP. The acoustic monitoring plan and hydro-acoustic monitoring specialist must be approved in writing by CDFW before pile driving activities can proceed. The acoustic monitoring plan must be implemented during all impact pile driving activities, including near water piles within 200 feet of the edge of water in the active channel. At minimum, the monitoring plan will include the following:
- Daily acoustical monitoring by the designated hydro-acoustic monitoring specialist.
 - Describe the methods necessary to continuously assess underwater noise on a real-time basis, including details on the number, location, distance and depth of hydrophones and associated monitoring equipment.
 - Provide a means of recoding the time, number of pile strikes, peak sound energy per strike and interval between strikes.

- A minimum of two hydrophone underwater sound monitoring systems (hydrophone, signal amplifier and calibrator) that utilize current National Institute of Standards and Technology traceable calibration method.
- Require a minimum recording distance of 10 meters from each pile being monitored.
- Position a hydrophone at the proposed limits of peak and cumulative strikes to ensure threshold distances are not surpassed or provide specific analysis on how the proposed limits shall be measured and monitored.
- Provide specific inputs and calculations for cumulative sound exposure limits in the monitoring reports.

The results of hydro-acoustic monitoring shall be made available to CDFW upon request and submitted in the appropriate Monthly Report (Condition of Approval 7.4) Annual Report (Condition of Approval 7.5) and the Final Construction Report (Condition of Approval 7.7).

8.10. Water Pumps Screening. All water pumping or withdrawal from the river shall comply with 1997 NMFS Fish Screening Criteria for Anadromous Salmonids, where applicable, to avoid entrainment of fish. The criteria include but are not limited to the following:

- Screen design must provide for uniform flow distribution over the surface of the screen;
- Screen material openings shall not exceed 3/32 inches for fry sized salmonids and shall not exceed 1/4 inches for fingerling sized salmonids;
- Where physically practical, the screen shall be constructed at the diversion entrance. The screen face should be generally parallel to river flow and aligned with the adjacent riverbank;
- The design approach velocity shall not exceed 0.33 feet per second for fry sized salmonids or 0.8 feet per second for fingerling sized salmonids; and
- The screen design must provide for uniform flow distribution over the surface of the screen.

8.11. Covered Species Injury. If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or

treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition 7.8. Notification shall include the name of the facility where the animal was taken.

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

To meet this requirement, the Permittee shall purchase 3.7 acres of Covered Species credits from Bullock Bend Mitigation Bank or other CDFW-approved conservation bank (Condition of Approval 9.2). Permanent protection and funding for the compensatory habitat must be complete, and confirmation provided to CDFW, before starting Covered Activities. The 3.7 acres of Covered Species credits include 1.29 acres for permanent impacts, 0.10 acre for temporary impacts, and 2.31 acres for habitat that cannot be restored on-site.

- 9.1. Cost Estimates.** CDFW has estimated the cost of purchasing credits from Bullock Bend Mitigation Bank or from an another CDFW-approved conservation bank and implementing avoidance measures as follows:

9.1.1. Purchase of 3.7 acres of Covered Species credits, for permanent and temporary impacts, at Bullock Bend Mitigation Bank or other CDFW-approved conservation bank is estimated at \$592,000.

- 9.2. Covered Species Credits.** Permittee shall purchase 3.7 acres of Covered Species credits from Bullock Bend Mitigation Bank or other CDFW-approved conservation bank prior to initiating Covered Activities. Permittee shall provide CDFW a copy of the Bill of Sale and payment receipt prior to starting Covered Activities.

Amendment:

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

Stop-Work Order:

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

Compliance with Other Laws:

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

Notices:

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

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

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2019-035-02) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Kevin Thomas, Regional Manager
California Department of Fish and Wildlife
c/o CESA Desk
1701 Nimbus Road, Suite A

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Rancho Cordova, CA 95670
Telephone (916) 358-1340
R2CESA@wildlife.ca.gov

and a copy to:

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

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

Region 2 CESA Desk
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
Telephone (916) 358-1340
R2CESA@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 Initial Study with Mitigated Negative Declaration for the Feather River Bridge Scour Repair Project, (SCH No.: 2018102014) dated January 2019, that the California Department of Transportation adopted for Feather River Bridge Scour Repair Project on January 15, 2019. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

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Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, Initial Study with Mitigated Negative Declaration for the Feather River Bridge Scour Project, LSA Agreement, Biological Opinion, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) 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 purchase of 3.7 acres of compensatory habitat from Bullock Bend Mitigation Bank or another CDFW-approved conservation bank that is equal to or is of higher quality than the Covered Species 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;

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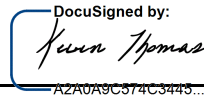
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

Attachments:

FIGURE 1	Project Location Map
FIGURE 2	Project Plans
FIGURE 3	Project Impacts Maps
ATTACHMENT 1	Mitigation Monitoring and Reporting Program

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

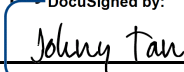
On 10/16/2020
Date _____

DocuSigned by:

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Kevin Thomas, Regional Manager
North Central Region

ACKNOWLEDGMENT

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

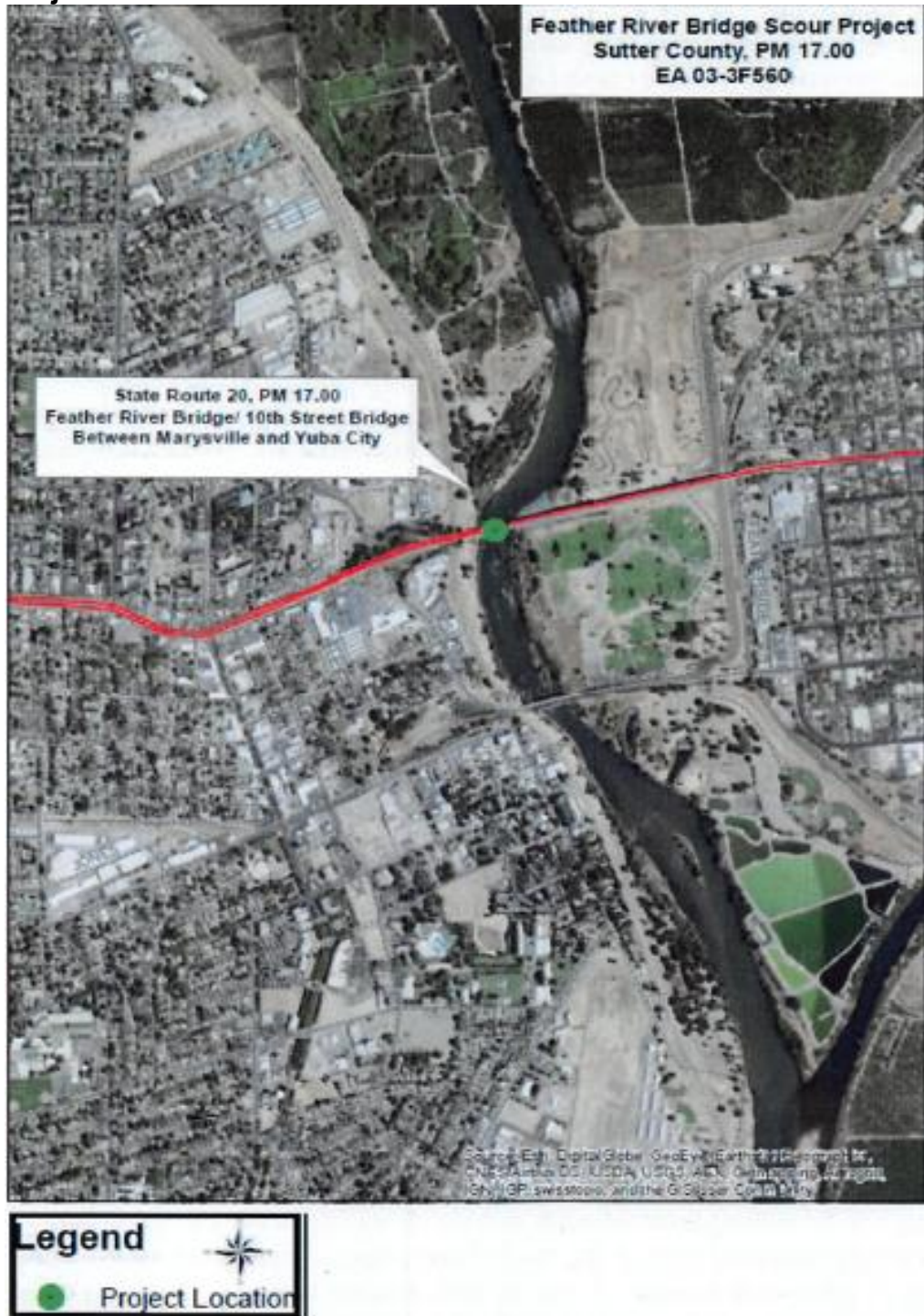
By:  Date: 10/16/2020
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Printed Name: Johnny Tan Title: Project Manager

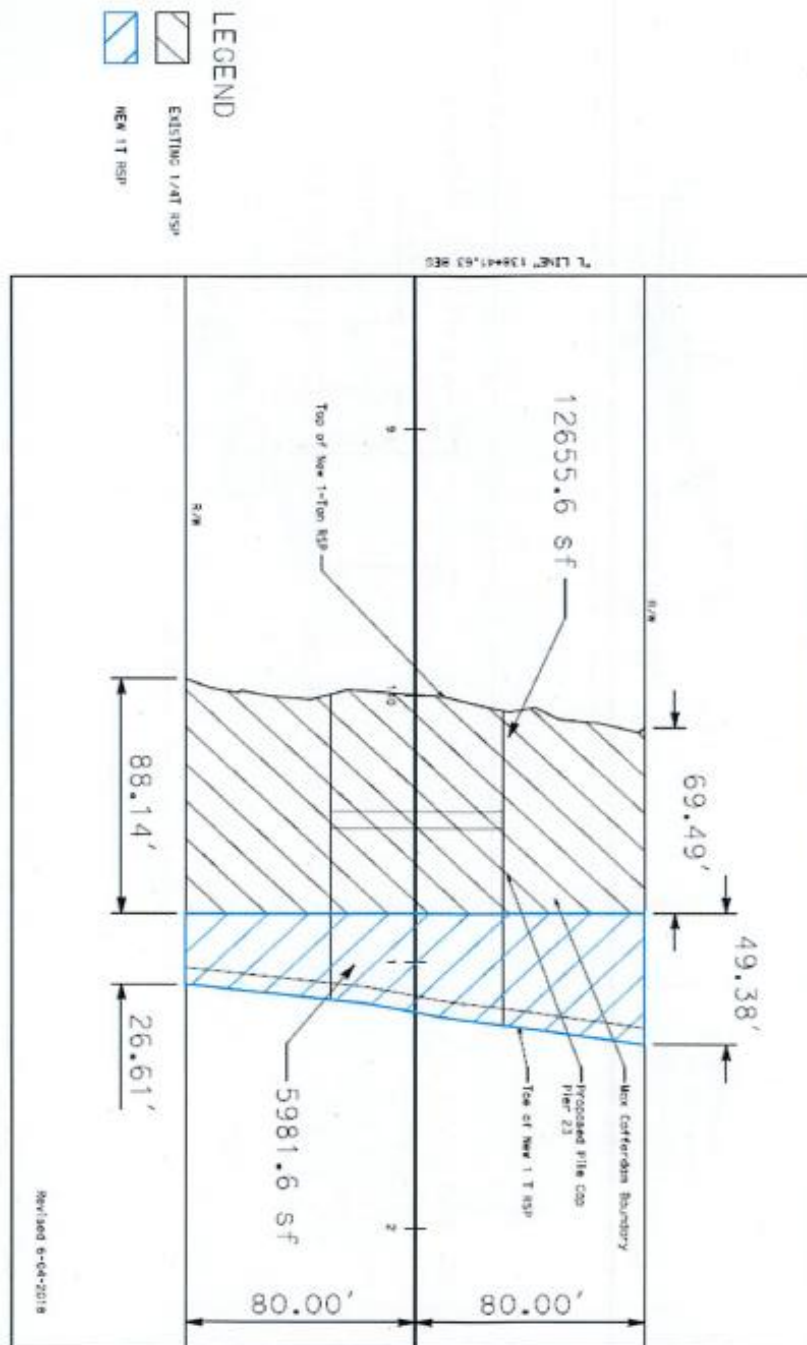
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Figure 1: Project Location



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Figure 2: Project Plans

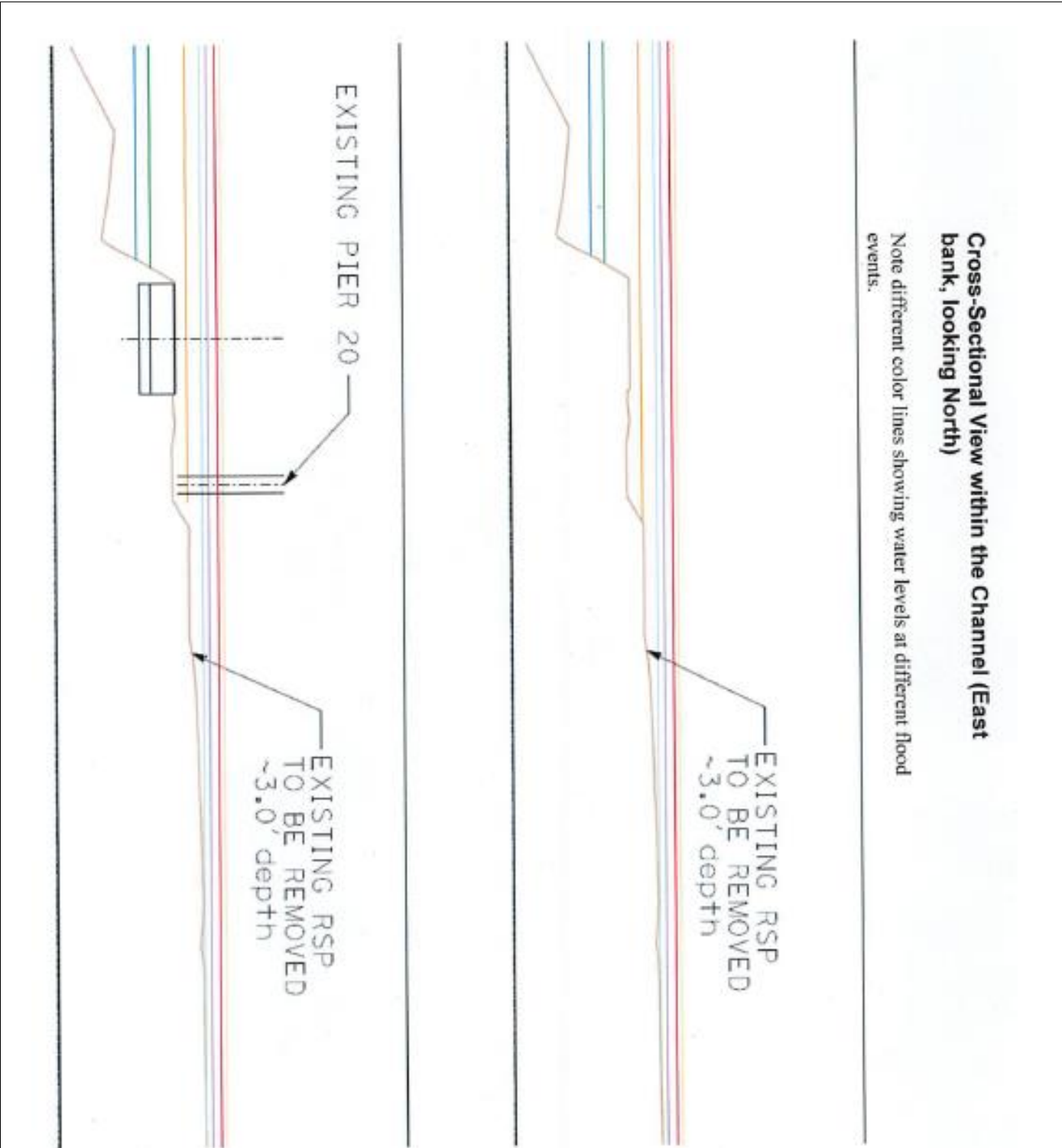
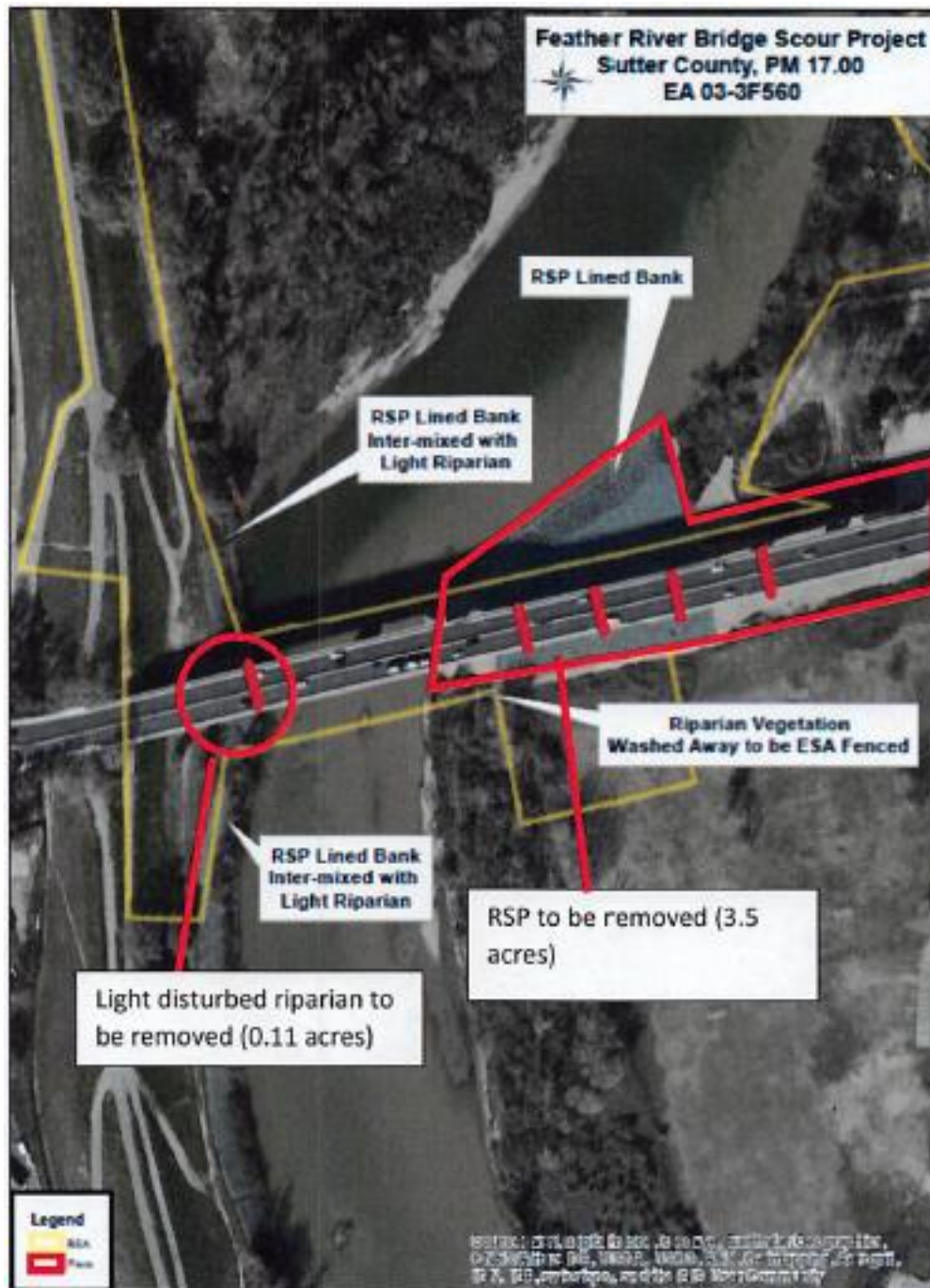


Figure 3: Project Impacts



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