



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

California Endangered Species Act
Incidental Take Permit No. 2081-2020-057-02

YUBA CITY BOAT RAMP SEDIMENT REMOVAL PROJECT

Authority:

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take¹ of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate 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:	Sutter Butte Flood Control Agency
Principal Officer:	Michael W. Bessette, PE, Executive Director
Contact Person:	Michael W. Bessette, PE, (530) 755-9859
Mailing Address:	1445 Butte House Road, Suite B P.O. Box M Yuba City, CA 95992

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 **five years from the date it is signed by CDFW.**

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 6.8 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 Yuba City Boat Ramp Sediment Removal Project (Project) is located at the confluence of the Feather and Yuba Rivers in the cities of Yuba City and Marysville in Sutter and Yuba Counties, respectively (See Figure 1). The approximate center of the Project is located at latitude 39.1307°, longitude -121.598673°.

Project Description:

The Project consists of maintenance dredging of the confluence of the Yuba River and the Feather River, including the Yuba City Boat Ramp. Approximately 315,600 cubic yards (cy) of dredged material will be removed from an approximately 28.81-acre area over two phases. Phase 1 includes the removal of approximately 65,600 cy of dredged material from an approximately 14.41-acre area, and Phase 2 includes the removal of an additional approximately 250,000 cy from an approximately 14.40-acre area immediately downstream. Phase 2 may occur concurrently with Phase 1 depending on funding availability. The Project will include hydraulic dredging, mechanical dredging, or a combination of both. A hydrographic survey and geophysical survey will be performed prior to dredging to determine the presence of debris or larger boulders/rocks that may require the use of mechanical dredging.

Hydraulic dredging will be performed likely using a hydraulic pipeline cutterhead dredge (cutterhead dredge). The cutterhead dredge is equipped with a rotating cutter apparatus surrounding the intake end of a suction pipe, where it can dig and pump alluvial materials and compacted deposits. Dredged material will be either transported directly to shore via a floating or submerged discharge pipeline or transported using a transportation barge. Towboats may be used to move the cutterhead dredge between dredging locations.

Mechanical dredging will be performed likely using a bucket dredge. The bucket dredge may use a clamshell, orange-peel, and/or dragline type bucket to excavate material. Dredged material will be placed on a transportation barge or hopper dredge that will then be towed to the placement area at the Marysville Wastewater Treatment Plant (WWTP). Material may be unloaded using a gravity dump method or by hydraulic unloader consisting of a barge-mounted submersible pump that will pump the dredged material to shore via a discharge pipe. Towboats may be used to move the bucket dredge between dredging locations.

Dredged material will be placed on land within empty wastewater ponds at the Marysville WWTP via a discharge pipeline or via mechanical equipment. Water will be decanted from the dredged material and the dredged material will be allowed to dry via evaporation. Water drained from the dredged material will be allowed to settle in settling basins before being discharged back into the rivers. Dredged materials will be disposed of by providing it to the City of Marysville for use in the final grading/closure of the northernmost wastewater treatment ponds and/or hauling it to a landfill. The purpose of the project is to restore river access at the boat launch by removing sediment that is impeding recreational use and the

ability to launch emergency vessels, it is not to use dredging equipment for the purpose of recovering minerals.

Project activities include removal of river sediment using hydraulic and, as necessary, mechanical dredging equipment, pumping or transporting dredged material by barge to Marysville WWTP ponds, landside dewatering/decanting of dredged sediments in Marysville WWTP ponds, hauling and transport of dredged materials, maintenance and refueling of dredging equipment, launching of vessels and associated dredging equipment at the Yuba City Boat Ramp, sediment sampling and laboratory analyses, water quality and biological monitoring, and other activities.

Project Benefits to Chinook Salmon

The potential impacts of fine sediments on aquatic organisms and habitats have been well documented in recent decades (Kjelland *et al.* 2015) and the associated effects of suspended and bedded (deposited) sediments in aquatic ecosystems have been identified as a primary cause of water quality impairment in U.S. water bodies (Berry *et al.* 2003; U.S. EPA 2000). The direct and indirect effects of bedded and suspended sediments on anadromous fishes include behavioral, sublethal, and lethal effects (Bash *et al.* 2001; Newcombe and MacDonald 1991; Waters 1995).

The effects of bedded fine sediment deposits include, but are not limited to, reduced habitat quantity and quality for benthic macroinvertebrates, the primary food source for anadromous fishes in freshwater systems (Anderson *et al.* 1996; Reid and Anderson 1999; Shaw and Richardson 2001; Waters 1995), reduction of habitat complexity and reduction of pool habitats for rearing and migration of anadromous fishes (Anderson *et al.* 1996; Bash *et al.* 2001), and adverse changes in channel hydrology and geometry (Owens *et al.* 2005). The deposition of fine sediments may reduce survival of emigrating juvenile anadromous fish by causing them to leave their preferred migration route and utilize other habitats, which may increase their susceptibility to predation by piscivorous fishes, mammals, or birds (Hillman *et al.* 1987).

Removal of the accumulated sediment is consistent with state and federal planning and guidance for reducing sedimentation in the Feather River and other Central Valley water bodies. For example, the draft Environmental Assessment (Draft EA) for construction of the Oroville Dam spillway (FERC 2018) identifies loss and reduction in the quality of aquatic and riparian habitat associated with sediment deposition in the lower Feather River as a major impact of the 2017 spillway failure. The draft EA recommends that California Department of Water Resources develop a plan to assess the extent of the adverse effects and propose measures to "...mitigate for adverse effects to the lower Feather River from sediment deposition and streambank degradation." The proposed Project is also consistent with the Central Valley Regional Water Quality Control Board's (2016) Basin Plan, which aims to preclude sediment, settleable material, and suspended material from reaching concentrations

in water that cause a nuisance or adversely affect designated beneficial uses (e.g., coldwater aquatic life). Based on these considerations, removal of the accumulated sediments at this location is expected to improve habitat conditions for the Covered Species.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
1. Central Valley spring-run Chinook salmon (<i>Oncorhynchus tshawytscha</i>)	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 expected to result in incidental take of individuals of the Covered Species include dredging of river sediments using hydraulic and/or mechanical dredge equipment, resuspension of river sediments, return of decanted water to the Feather and Yuba rivers, and mobilizing and using motorized equipment (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 direct contact with or entrainment in dredging equipment during dredging operations; and spilling or discharging of hazardous materials into aquatic habitat. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of catching or capture of the Covered Species from accidental entrainment or capture in Project equipment. The areas where authorized take of the Covered Species is expected to occur include: the portions of the Yuba and Feather Rivers within the Project boundary (collectively, the Project Area), shown as “Dredging Area – Phase 1” and “Dredging Area – Phase 2” on Figure 1.

The Project is expected to cause the temporary disturbance of 28.81 acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project’s incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from dredging activities, illness or injury resulting from exposure to suspended sediments and/or spilled hazardous materials, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation during Project activities.

³See Cal. Code Regs. tit. 14 § 670. 5, subd. (b)(2)(C).

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.

Conditions of Approval:

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

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (SCH No.: 2020060424) certified by the Sutter Butte Flood Control Agency on February 10, 2021 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the National Marine Fisheries Service's Biological Opinion for the Project (pending) pursuant to the Federal Endangered Species Act. For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
4. **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.
5. **General Provisions:**
 - 5.1. **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

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CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.

- 5.2. Designated Biologist(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of one or more biological monitors (Designated Biologist[s]) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) is knowledgeable and experienced in the biology and natural history of the Covered Species. The Designated Biologist(s) 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(s) in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist(s) must be changed.
- 5.3. Designated Biologist Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) 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.
- 5.4. 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(s) 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.
- 5.5. Construction Monitoring Notebook.** The Designated Biologist(s) 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.

- 5.6. 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.
- 5.7. 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.
- 5.8. Protection of Riparian Habitat.** Permittee shall not remove or disturb riparian vegetation during Covered Activities. Before starting Covered Activities, Permittee shall clearly delineate the boundaries of any access or staging areas adjacent to riparian vegetation, to the greatest extent possible, with fencing, stakes, or flags. Permittee shall ensure that access and staging does not encroach into any riparian habitat marked for protection. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 5.9. Project Access.** Project-related personnel shall access the Project Area using existing routes when en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel within Covered Species habitat 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 if additional take of or other adverse effects to Covered Species will occur as a result of the Project modification.
- 5.10. 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.
- 5.11. 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.
- 5.12. 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.
- 5.13. 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. Monitoring, Notification and Reporting Provisions:

- 6.1. 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.
- 6.2. 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.
- 6.3. Compliance Monitoring.** The Designated Biologist(s) shall be on-site daily when Covered Activities occur. The Designated Biologist(s) 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 any signs, stakes, and fencing installed to protect riparian habitat, exclusion netting, and turbidity curtains (as applicable) are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist(s) 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.
- 6.4. Water Quality Monitoring.** During dredging, Permittee shall conduct daily water quality monitoring in accordance with the Project's Water Quality Monitoring Plan (included as Attachment 3). Permittee shall collect grab samples every four hours to be analyzed for turbidity, settleable solids, dissolved oxygen, pH, and water temperature. Permittee shall also visually monitor the Project Area for visible pollutants (such as oil, grease, foam, petroleum products, and construction-related excavated, organic, or earthen materials).
- 6.5. Monthly Compliance Report.** The Designated Representative or Designated Biologist(s) 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 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.

- 6.6. Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.5; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 6.7. CNDDDB Observations.** The Designated Biologist(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database within 60 calendar days of the observation and the Designated Biologist(s) shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 6.8. 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(s) 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.

6.9. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist(s) 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(s) or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (916) 358-2955 and emailing R2CESA@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two 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.

7. 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:

7.1. In-Water Work Period. Permittee shall limit all in-water Project activities to the period between June 15 and October 15, with the exception of equipment mobilization, materials transport, and disposal of dredged materials.

7.2. Turbidity Curtain. If feasible given the flow volume and velocity in the Project Area, Permittee shall deploy a turbidity curtain prior to starting dredging activities to reduce sediment resuspension.

7.3. Block Nets. To the extent feasible, Permittee shall exclude fish from the area being dredged using block nets.

7.4. Instream Woody Material. Permittee shall avoid moving or altering instream woody material (IWM) within the Feather River and/or Yuba River to the greatest extent possible. If IWM must be moved or altered, Permittee shall notify CDFW prior to moving or altering it and provide a plan to either move the IWM back to its original location or replace it with a functional equivalent as soon as possible.

7.5. Erosion Control. Permittee shall actively implement best management practices to minimize turbidity and siltation and prevent erosion and the discharge of sediment into the Feather River, Yuba River, or other waterways. Precautions shall include, but are not limited to: pre-construction planning to identify site specific turbidity and siltation minimization measures; best management erosion control practices during project activity; and settling, filtering, or otherwise treating silty and turbid water prior to discharge into a stream or storm drain. This may require the placement of silt fencing, coir logs, coir rolls, straw bale dikes, or other siltation barriers so that silt and/or other deleterious materials are not allowed to pass to downstream reaches.

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7.6. Secondary Containment. Permittee shall use appropriate secondary containment techniques to prevent spills when fueling equipment.

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(s) 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

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CDFW by email at R2CESA@wildlife.ca.gov or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2020-057-02) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Kevin Thomas, Regional Manager
c/o R2CESA Desk
California Department of Fish and Wildlife
1701 Nimbus Road
Rancho Cordova, Ca 95670
Telephone (916) 358-2955

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:

R2CESA Desk
1701 Nimbus Road
Rancho Cordova, CA 95670]
Telephone (916) 358-2955

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, the Sutter Butte Flood Control Agency. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Yuba City Boat Ramp Sediment Removal Project Environmental Impact Report (EIR), (SCH No.: 2020060424)] dated January 2021 that the Sutter Butte Flood Control Agency certified for the Project on February 10, 2021. At the time the lead agency certified the EIR

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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 EIR for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, the EIR, the results 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) establishment of a seasonal work period; (2) erosion and turbidity minimization measures; (3) worker education; (4) water quality monitoring; and (5) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area and the extent to which the Covered Activities will impact the habitat. Based on this evaluation, CDFW determined that the Project's removal of bedded fine sediments from approximately 28.81 acres of riverbed habitat, along with the minimization, monitoring, and reporting 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;

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- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

Attachments:

FIGURE 1	Map of Project
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Works Cited List
ATTACHMENT 3	Water Quality Monitoring Plan

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

On 5/28/2021

DocuSigned by:
Jennifer Garcia
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Kevin Thomas, Regional Manager
North Central Region

Incidental Take Permit
No. 2081-2020-057-02
SUTTER BUTTE FLOOD CONTROL AGENCY
YUBA CITY BOAT RAMP SEDIMENT REMOVAL PROJECT

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: Michael Bessette Date: 6/1/2021
DocuSigned by:
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Printed Name: Michael Bessette Title: Executive Director

Incidental Take Permit
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YUBA CITY BOAT RAMP SEDIMENT REMOVAL PROJECT