



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

California Endangered Species Act
Incidental Take Permit No. 2081-2021-031-02

COLUSA 20 SHOULDER WIDENING PROJECT (03-0H650)

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
Principal Officer:	Sunil Repaka, Project Manager
Contact Person:	Sydney Eto, (530) 812-7404
Mailing Address:	703 B Street Marysville, CA, 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 **June 1, 2026**.

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 7.6 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 Colusa 20 Shoulder Widening Project (Project) is located on State Route 20 (SR-20) along emergent wetlands that are ephemerally connected to the irrigation canal (Steer Ditch Canal) that is tributary to the Colusa Trough and the Sacramento River within the County of Colusa, State of California (See Figure 1). The post miles for this Project are COL-20 PM 34.8 to 36.5.

Project Description:

The Project includes shoulder widening, construction of road embankments, and construction of stormwater treatment bioswales along 1.7 miles of SR-20 to be completed during one (1) construction season in 2022. The shoulders will be widened by eight (8) feet on both sides. The road embankments will have a 4:1 side slope, except where adjacent to standing water (PM 35.5 - 36.5) where side slopes will be reduced to 2:1 where practicable. No work will be done on the Steer Ditch Canal Bridge besides replacing the existing guardrails with new guardrails.

Project activities include clearing and grubbing of vegetation from the entire Project site, tree removal, trench digging, dewatering, excavation and grading, and road construction, and other activities.

Detailed construction activities are listed below:

- Clearing and grubbing of existing vegetation within the Project area. Tree removal will occur within 20-feet of the edge of traveled way to accommodate the widening and Clear Recovery Zone.
- Installation of GGS exclusion fencing using hand tools.
- Excavation soil and addition of fill soils to construct the expanded highway shoulder and construction of stormwater treatment bioswales.
- Grading to create the required side slopes and shape the geometry of the new facility. Embankments will have a 4:1 side slope, except where adjacent to standing water (PM 35.5 - 36.5) where side slopes will be reduced to 2:1 where practicable.
- Concrete pouring and placement.
- Asphalt paving.
- Pavement delineation includes establishment of bicycle lanes, striping, sign installation, and rumble strip installation.
- Metal beam guardrail replacement with a cable barrier system that will transition into the existing bridge rail. Upgrade the metal beam guardrail protecting the four ends of the Steer Ditch bridge barrier rails with the Midwest Guardrail System.
- Possible installation of 4 coffer dams in depressions where water can overflow from the Steer Ditch Canal (dewatering method).

- Installation of permanent erosion control.
- Hydroseeding.

The Project is scheduled to have approximately 153 working days. Construction is tentatively scheduled to start on May 1, 2022 and to be completed by the end of October 1, 2022. Tree cutting activity (no stump removal) will be done between October 1 and January 31 the fall/winter prior to start of construction to avoid the bird nesting period . No night work is anticipated.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
1. Giant garter snake (<i>Thamnophis gigas</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 clearing and grubbing, excavation, dewatering, grading, paving and concrete pouring, trench digging, capture and relocation of Covered Species, and construction equipment ingress and egress associated with construction of the shoulder widening, the road embankments, and the stormwater treatment bioswales (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 permanent habitat modification, crushing, entombing, partial amputation, relocation, thermal stress, and other means resulting in the direct mortality of individuals. The Covered Species could be injured or killed by construction equipment working in suitable aquatic and upland habitat or construction vehicles traveling though the Project area. Disturbance or degradation of suitable aquatic habitat for the Covered Species in the Project area could occur if soil or other materials are sidecast or fall into the habitat. Mortality could result from being crushed by vehicles or equipment or becoming trapped or crushed within a burrow or other refugia. Fuel or oil spills from construction equipment into aquatic habitat could also cause illness or mortality of the Covered Species. Noise and vibrations from construction equipment and presence of

³See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(4)(E).

human activity during Covered Activities may also disturb the Covered Species within the Project area. Most Covered Activities will be limited to the Covered Species' active period (May 1 through October 1) when the potential for direct mortality is reduced because they are generally more active and may be able to move and avoid danger. Even with Covered Activities limited to the Covered Species' active period, direct take may occur as they use burrows while shedding, digesting, birthing, or during cold spells, at which time they are not as mobile and may not readily move even when disturbed.

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 the Capture Biologist's attempts to capture and relocate the Covered Species. Covered Species may be injured or adversely affected by removal of vegetative cover, construction activities obstructing movement of the Covered Species, or movement of stored equipment or materials that could be used by the Covered Species as a place for cover.

The areas where authorized take of the Covered Species is expected to occur include the entire Project area identified in Figure 2 including in and along the canal and wetlands, and upland areas within 200 feet of them (collectively, the Project Area).

The Project is expected to cause the permanent loss of 8.22 acres of habitat (5.24 acres upland and 2.98 acres aquatic) for the Covered Species. All impacts to habitat will be considered permanent since existing vegetation will be removed and revegetation activities are limited to permanent erosion control seeding which will not result in full restoration of temporarily disturbed areas to pre-project conditions. Thus, all Project temporary impacts were included in the permanent impacts. 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 operating equipment, installation of Covered Species fencing, removal of possible burrows from the Project Area, disruption of feeding and sheltering behavior from exposure to noise, vibration, and dust, 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

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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.
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 and Initial Study (SCH No.: 2020029011) adopted by the California Department of Transportation on December 10, 2020, 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) (EPIMS Notification No. COL-18358-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 Formal Consultation on the Colusa 20 Shoulder Widening Project Biological Opinion (08ESMF00-2020-F-2966-1) 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:

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- 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 biologist(s) (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history 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.
- 6.2.1. Biological Monitors.** The Designated Biologist may authorize Biological Monitors to assist in ITP compliance efforts, under the direct supervision of the Designated Biologist. The Designated Biologist is responsible for assuring that any Biological Monitors working under his/her supervision is knowledgeable and experienced in the biology and natural history of the Covered Species, the Conditions of Approval of this ITP, the definition of "take" in CESA, and in the implementation of standard avoidance and minimization measures used on construction projects in Covered Species' habitat. Permittee shall provide a description of the Biological Monitor duties for CDFW approval prior to the start of Covered Activities.
- 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. Capture and Handling Designated Biologist.** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biologist(s) (Capture Biologist) at least 30 days before starting Covered Activities who will be responsible for the capture and handling of the Covered Species. Permittee shall ensure that the Capture Biologist is knowledgeable and experienced in the biology, natural history, capture, and handling of the Covered Species.

Permittee shall obtain CDFW approval of the Capture Biologist in writing before starting Covered Activities and shall also obtain CDFW approval in advance in writing if the Capture Biologist must be changed.

6.4.1. Capture Biologist Role. For the purposes of this ITP, the approved Capture Biologist(s) may fulfill any role of the Designated Biologist including monitoring, reporting, or other requirements of this ITP.

- 6.5. 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.
- 6.6. 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.
- 6.7. 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.
- 6.8. 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.

- 6.9. 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.
- 6.10. 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.
- 6.11. 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.
- 6.12. Project Access.** Project-related personnel shall access the Project Area using existing routes 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.
- 6.13. 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 6.12 of this ITP.
- 6.14. Hazardous Waste.** Permittee shall ensure any hazardous materials are stored at the Staging Areas with an impermeable membrane between the ground and hazardous material and that it is bermed to prevent the discharge of pollutants to groundwater and runoff water. 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. Permittee shall notify CDFW within twenty-four (24) hours of any leaks or spills.

- 6.15. Vehicle and Equipment Maintenance.** Permittee shall properly maintain all construction vehicles and equipment to prevent contamination of soil or water from external grease, oil, hydraulic fluid, or fuel. Permittee shall refuel or service vehicles and equipment at the Staging Areas.
- 6.16. 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.
- 6.17. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

7. Monitoring, Notification and Reporting Provisions:

- 7.1. 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.** 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 Monthly 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 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.
- 7.5. CNDDDB Observations.** The Designated Biologist 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 shall include copies of the submitted forms with the next Monthly Compliance Report.
- 7.6. 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; (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.
- 7.7. 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) 358-2930 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.

- 7.8. CDFW Reinitiation.** If the Permittee takes two (2) of the Covered Species, reinitiation with CDFW is required to ensure that all prudent and feasible measures have been implemented to minimize and fully mitigate the take that has occurred or will likely continue to occur. Permittee shall notify the CDFW Regional Representative at R2CESA@wildlife.ca.gov to request reinitiation.

- 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 for Construction Activities.** All ground disturbing Covered Activities occurring in the wetland areas and in the upland areas within 200 feet of aquatic habitat shall be conducted during the GGS active period (May 1 – October 1). Non-ground disturbing activities may occur outside of GGS active period.
- 8.2. Dewatering of Aquatic Habitat.** Permittee shall dewater suitable Covered Species aquatic habitat prior to any Covered Activities occurring in the suitable aquatic habitat. Permittee shall ensure the habitat remains dry for at least fifteen (15) consecutive days after April 15 and prior to excavating or filling of aquatic habitat. The dewatered area shall remain dry until construction activities in the dewatered area are complete. Permittee shall limit dewatering to April 15 to October 1. Permittee shall limit dewatering to the immediate Project Area and shall ensure that alternative aquatic habitat is available.
- 8.3. Pre-Construction Survey.** No more than 24 hours prior to commencement of Covered Activities, the site shall be surveyed for the Covered Species by the Designated Biologist. The Designated Biologist shall survey all suitable habitat in the Project area (including all upland habitat within 200 feet of Covered Species aquatic habitat) and the Designated Biologist shall repeat the survey if a lapse in Covered Activities of fourteen (14) consecutive days or greater occurs. The Designated Biologist shall provide CDFW with a report documenting the survey results within 24 hours of commencement of Covered Activities.

- 8.4. Vegetation Clearing.** Permittee shall ensure the air temperature has reached 75 degrees Fahrenheit before starting ground-disturbing activities. Permittee may mow the Project area to no lower than six (6) inches above the ground where the height and density of vegetation prevents the Designated Biologist from assessing the site for Covered Species and their habitat. The Designated Biologist shall enter and survey the Project area before vegetation is cleared below six (6) inches. Permittee may clear vegetation upon completion of survey.
- 8.5. Stockpiling of Soil.** Permittee shall stockpile soil or grading spoils in the designated Staging Areas or previously disturbed areas to avoid affecting previously undisturbed areas. Permittee shall install sediment barriers (e.g., silt fences, fiber rolls, and straw bales) as described in Condition of Approval 6.9 around the base of the stockpiles to intercept runoff and sediment during storm events. If necessary, Permittee shall also cover stockpiles to provide additional protection against wind and water erosion.
- 8.6. Confine Clearing, Scraping and Digging.** Permittee shall confine clearing of vegetation and scraping or digging of soil to the minimal area necessary to facilitate construction activities, to the maximum extent feasible.
- 8.7. Fencing Environmentally Sensitive Areas (ESAs).** Permittee shall establish ESAs in the Project area, by installing orange construction barrier fencing, to prevent encroachment of construction personnel and equipment into areas of Covered Species habitat that are outside of or adjacent to the Project footprint no more than five days prior to the commencement of Covered Activities. All potential Covered Species habitat that can be reasonably avoided during construction activities shall be identified as ESAs. All construction personnel shall avoid ESAs. The Permittee shall avoid ESAs when siting all Staging Areas, spoils disposal areas, and construction equipment access routes. The ESAs shall be identified on all engineering plans or construction specifications. The Designated Biologist shall inspect the fencing before the start of each workday and the Permittee shall maintain the fencing until the completion of the Project. Fencing shall be removed upon completion of Covered Activities.
- 8.8. Exclusion Fencing.** Permittee shall install exclusionary fencing linearly, where feasible and safe to do so, in upland areas and adjacent to aquatic habitat to help prevent the Covered Species from traveling toward the Project area. The exclusionary fencing shall consist of 3-foot-tall silt fencing buried six (6) inches below ground level. Permittee shall install the fencing at least ten (10) feet from aquatic habitat to reduce the hazard of trenching to the Covered Species. Permittee shall place contiguous sandbags on the fence on the inside of the Project Area when trenching is not feasible. Permittee shall avoid damage to small mammal burrows to the maximum

extent possible during installation of the exclusion fencing. Covered Species found during fence installation shall be relocated per Condition of Approval 8.13. The Designated Biologist shall check the fencing each morning to ensure no Covered Species have moved into the Project area. Permittee shall ensure the fence is taut and the bottom edge remains buried. Permittee shall remove the fencing upon completion of the Project.

- 8.9. Excavated Pits.** To prevent inadvertent entrapment of the Covered Species during construction, the Designated Biologist and/or construction foreman/manager shall ensure all excavated, steep-walled holes or trenches more than six (6) inches deep are provided with one or more escape ramps constructed of earthen fill or wooden planks at no greater than 30 degrees and inspected by the Designated Biologist prior to sunrise each morning. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals by the Designated Biologist.
- 8.10. Daily Species Checks.** The Designated Biologist or Biological Monitor shall perform a daily inspection to check under vehicles and equipment, along exclusion fences, and in debris piles/excavated pits for the Covered Species before the vehicles and equipment are moved. If a Covered Species is present, Covered Activities with potential to take the Covered Species shall cease until the animal moves away from the Project area on its own or the Capture Biologist(s) moves the animal to a safe location nearby as determined by Condition of Approval 8.13.
- 8.11. Erosion Control.** Permittee shall install erosion control structures concurrently with construction. Permittee shall construct these structures, so runoff is directed away from ESAs. Permittee shall use tightly woven fiber netting (mesh size less than 0.25 inch) or similar material for erosion control or other purposes at the Project site to ensure the Covered Species and other reptiles or amphibians are not trapped by the erosion control material. Permittee shall not use plastic monofilament or wire mesh in the straw wattles or erosion control blankets. Only erosion control materials (blankets, rolls, mats, etc.) with natural coir fibers or other netting approved by the wildlife agencies shall be used. The edge of the material shall be buried in the ground to prevent the Covered Species and other reptiles and amphibians from crawling underneath the material. Erosion control measures shall direct water flow into existing drainages or disperse water across vegetated areas.
- 8.12. Remove Temporary Flagging, Fencing, and Barriers.** Permittee shall remove all temporary flagging, fencing, and/or barriers from the Project site upon completion of Covered Activities.

8.13. Capture and Relocation Plan. Permittee shall develop a Capture and Relocation Plan for the Covered Species and submit it to CDFW for approval seven (7) calendar days prior to initiating Covered Activities. Permittee shall quantify the amount, relative location, and quality of suitable habitat (aquatic and terrestrial) for relocation areas, including invasive and non-native species present, available upland burrows, suitable prey items, and potential barriers for movement. Due to genetically distinct populations, relocation areas should be within the same watershed as the site and must be pre-approved in writing by the CDFW.

8.14. Injured Covered Species. The Designated Biologist shall be immediately notified by Project personnel if Covered Activities injure a Covered Species. The Designated Biologist shall immediately notify CDFW and the Capture Biologist of the injured Covered Species and have the injured Covered Species transported to a CDFW approved wildlife rehabilitation or veterinarian facility. A clean snake bag shall be kept on-site to transport any injured Covered Species. Permittee shall identify the wildlife rehabilitation or veterinarian facility, and provide their authorizations to handle the Covered Species, that will receive and treat any injured or dead Covered Species before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Designated Biologist shall provide notification to CDFW as detailed in Condition of Approval 7.7. Permittee shall also include the name and phone number for the facility where the Covered Species 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 16.8 acres of Covered Species credits from a CDFW-approved conservation bank (Condition of Approval 9.2) prior to initiating Covered Activities. Permittee shall ensure the conservation bank services the areas in which the Project is located. The compensatory mitigation ratio for impacts for Project Area covered by this ITP will be 3:1 acre for permanent impacts to aquatic GGS habitat (2.98 acres) and 1.5:1 acre for permanent impacts to upland GGS habitat (5.24 acres).

9.1. Cost Estimates. CDFW has estimated the purchase of Covered Species credits at a conservation bank, estimated at \$50,000 per credit, for an approximate total of \$840,000.

9.2. Covered Species Credits. Permittee shall purchase 16.8 acres of Covered Species credits from a CDFW-approved conservation bank. Permittee shall submit the Bill of Sale and Payment Receipt to CDFW before the commencement of 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

Incidental Take Permit
No. 2081-2021-031-02
CALIFORNIA DEPARTMENT OF TRANSPORTATION
COLUSA 20 SHOULDER WIDENING PROJECT (03-0H650)

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 (2081-2021-031-02) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Kevin Thomas, Regional Manager
c/o CESA Desk
California Department of Fish and Wildlife
1701 Nimbus Road
Rancho Cordova, CA 95670
Phone: (916) 358-2930
Email: 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
Email: 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
California Department of Fish and Wildlife
1701 Nimbus Road
Phone (916) 358-2930
Email: R2CESA@wildlife.ca.gov

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COLUSA 20 SHOULDER WIDENING PROJECT (03-0H650)

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 Colusa Shoulder Widening and Clear Recovery Zone Mitigated Negative Declaration and Initial Study, (SCH No.: 2020029011) dated December 2020 that the California Department of Transportation adopted for the Colusa 20 Shoulder Widening Project on December 10, 2020. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

Findings Pursuant to CESA:

These findings are intended to document CDFW's compliance with the specific findings requirements set forth in CESA and related regulations. (Fish & 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, Colusa Shoulder Widening and Clear Recovery Zone Mitigated Negative Declaration, 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.

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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 16.8 acres of compensatory habitat from a CDFW-approved mitigation or 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;
- (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 Impacts Maps
ATTACHMENT 1	Mitigation Monitoring and Reporting Program

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COLUSA 20 SHOULDER WIDENING PROJECT (03-0H650)

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

On 6/22/2021

DocuSigned by:

Kevin Thomas

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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

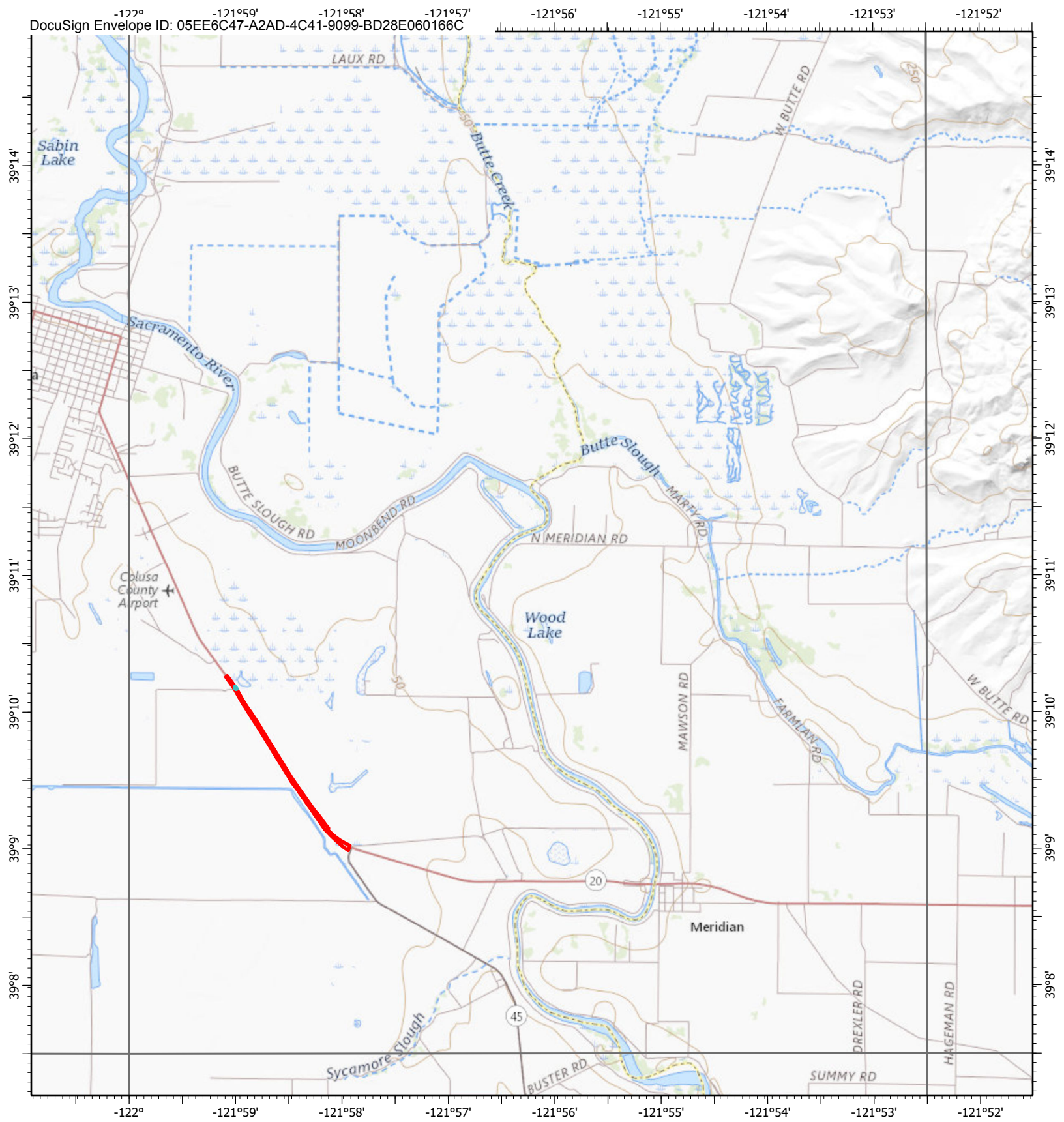
By: *Sunil Reddy Repaka* Date: 6/22/2021
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Printed Name: Sunil Reddy Repaka Title: Project Manager

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Figure 1: Project Location Map

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COLUSA 20 SHOULDER WIDENING PROJECT (03-0H650)



Legend

Project Action Area

0 0.38 0.75 1.5 2.25 Miles



Moulton Weir	Sanborn Slough	Pennington
Colusa	Meridian	Sutter Buttes
Arbuckle	Grimes	Tisdale Weir

Topographic Map of Project Action Area

Colusa 20 Shoulder Widening
COL-20 PM 34.8/36.5
EA: 03-0H650
EFIS: 0316000003
Data Source: Caltrans, USGS
Prepared by Sydney Eto
August 2020

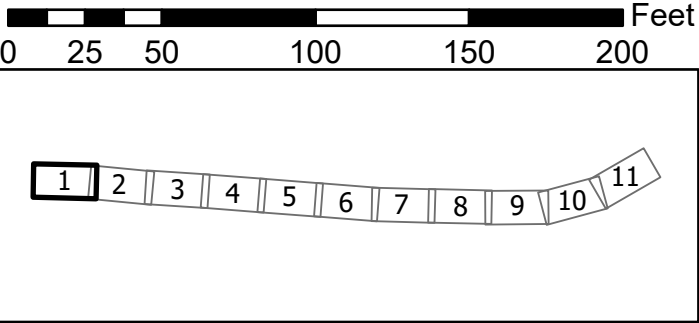
Figure 2: Project Impacts Maps

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COLUSA 20 SHOULDER WIDENING PROJECT (03-0H650)



Legend

- Snake Exclusion Fence
- Project Action Area
- Staging
- Upland Impacts
- Seasonal Wetland included in Upland Habitat
- Emergent Wetland Impacts



Giant Garter Snake Habitat Impacts

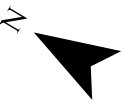
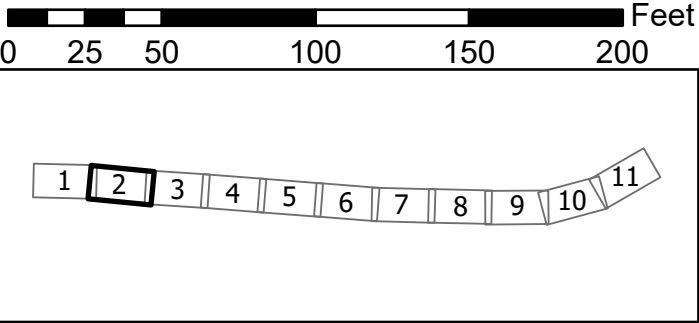
Sheet 1 of 11

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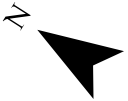
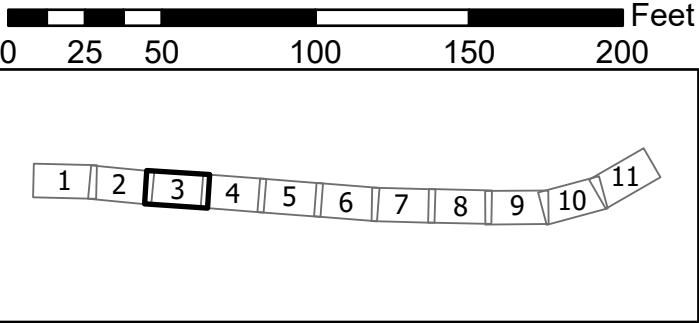
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Giant Garter Snake Habitat Impacts

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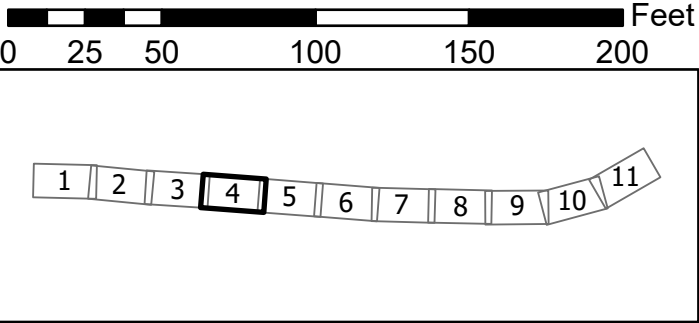
- Snake Exclusion Fence

Project Action Area

Staging
- Upland Impacts

Seasonal Wetland included in Upland Habitat

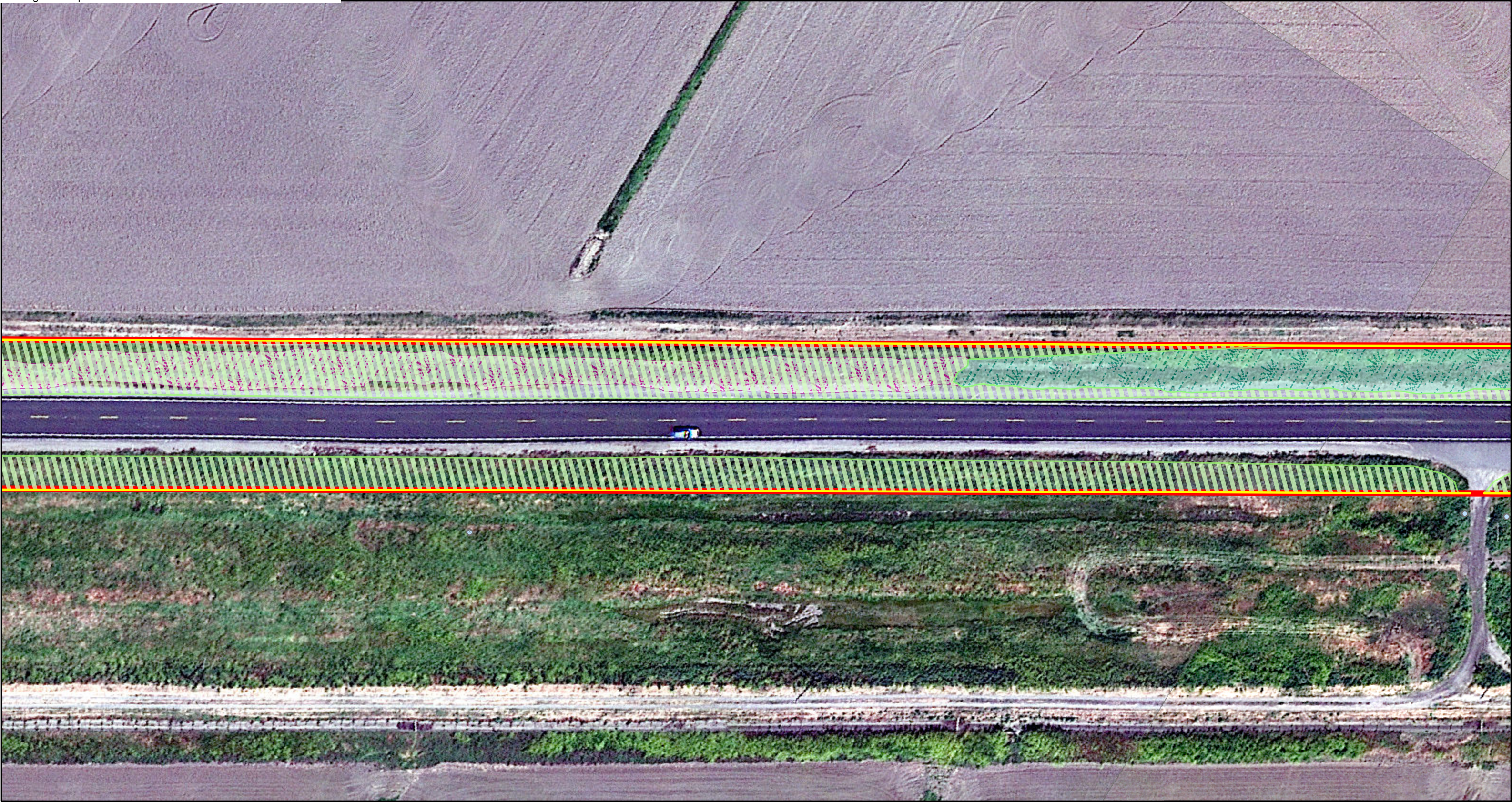
Emergent Wetland Impacts



Giant Garter Snake Habitat Impacts

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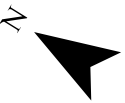
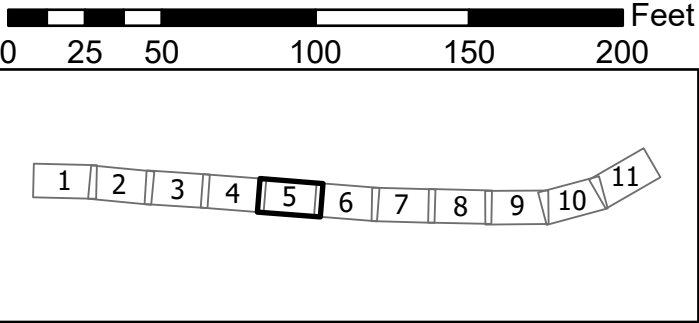
- Snake Exclusion Fence

Project Action Area

Staging
- Upland Impacts

Seasonal Wetland included in Upland Habitat

Emergent Wetland Impacts



Giant Garter Snake Habitat Impacts

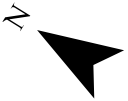
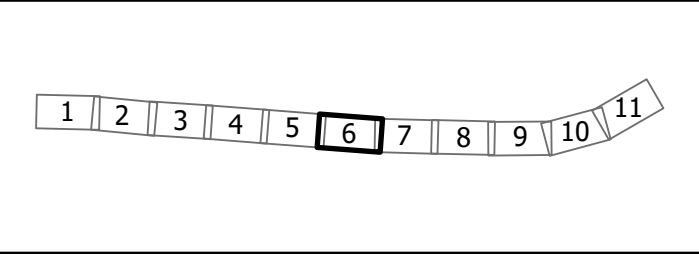
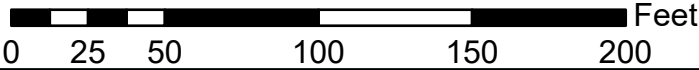
Sheet 5 of 11

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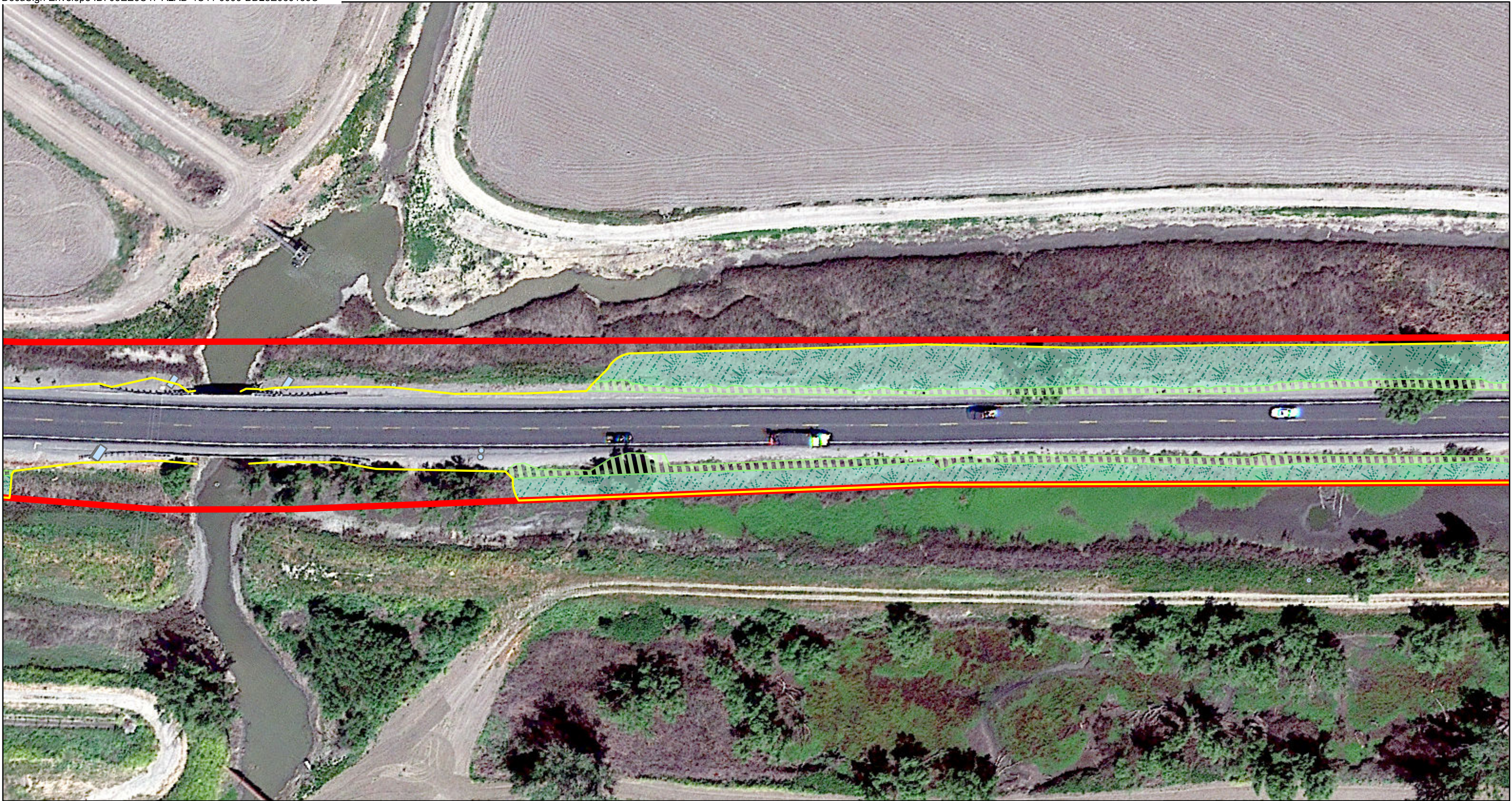
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Giant Garter Snake Habitat Impacts

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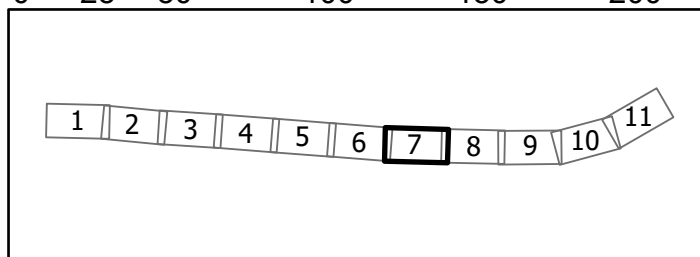
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0 25 50 100 150 200 Feet



Giant Garter Snake Habitat Impacts

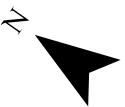
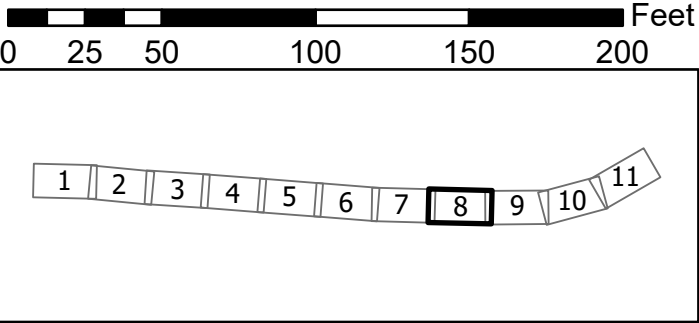
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Legend

- Snake Exclusion Fence
-
- Project Action Area



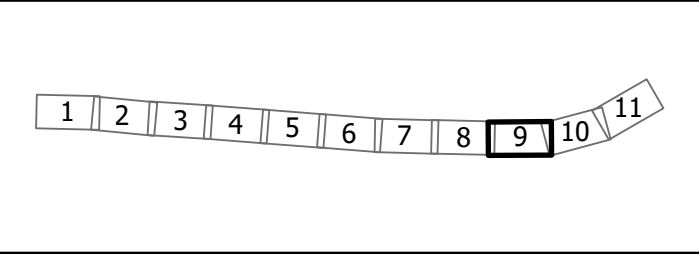
Giant Garter Snake Habitat Impacts
Sheet 8 of 11
Colusa 20 Shoulder Widening COL-20 PM 34.8/36.5 EA: 03-0H650 EFIS: 0316000003 Data Source: Caltrans, USGS Prepared by Sydney Eto August 2020



Legend

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0 25 50 100 150 200 Feet



Giant Garter Snake Habitat Impacts

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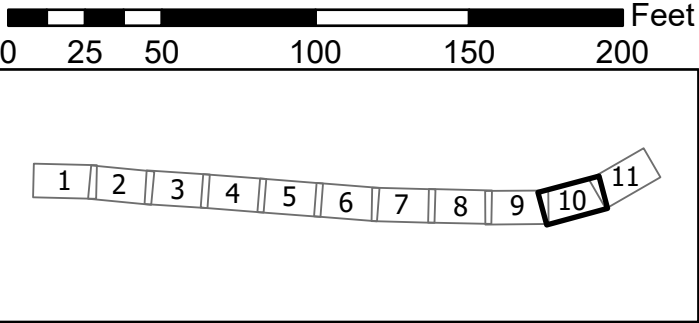
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Project Action Area

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Seasonal Wetland included in Upland Habitat

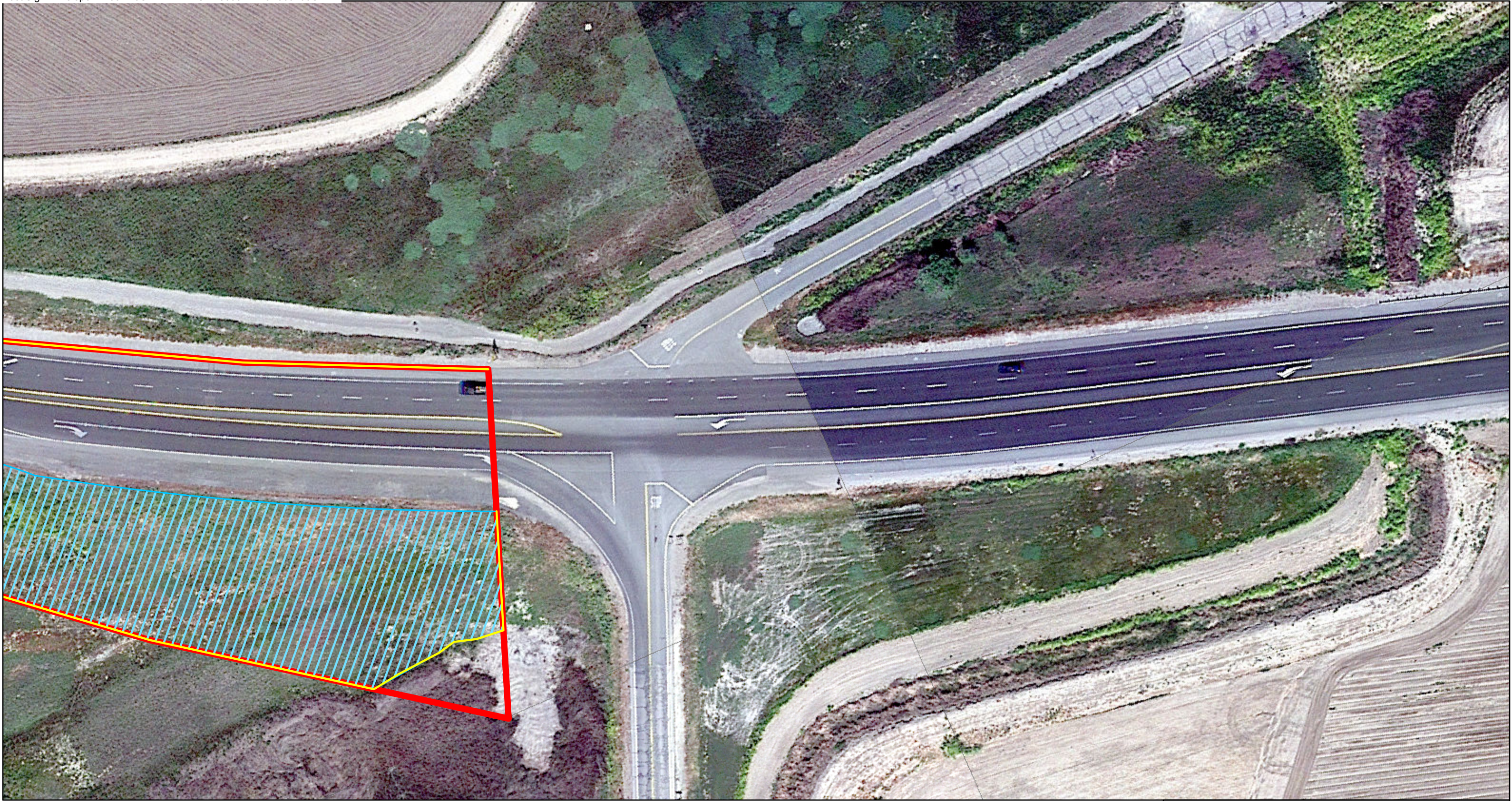
Emergent Wetland Impacts



Giant Garter Snake Habitat Impacts

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Project Action Area

Staging

Upland Impacts

Seasonal Wetland included in Upland Habitat

Emergent Wetland Impacts
-
-
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