

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

REGION 4 - CENTRAL  
1234 EAST SHAW AVENUE  
FRESNO, CALIFORNIA 93710



AMENDMENT NO. 1  
(A Major Amendment)  
California Endangered Species Act  
Incidental Take Permit No. 2081-2007-020-04  
California Department of Transportation  
State Route 46 Corridor Improvement Project in San Luis Obispo County

**INTRODUCTION**

On January 27, 2007, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2007-020-04 (ITP) to California Department of Transportation (Permittee) authorizing take of San Joaquin kit fox (*Vulpes macrotis mutica*) associated with and incidental to the State Route 46 Corridor Improvement Project in San Luis Obispo County, California (Project). The Project as described in the ITP originally issued by CDFW includes the widening of State Route 46 between Airport Road and the Cholame Valley from two lanes to four lanes. In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

The Project is divided into five phases, as described on page 3 of the ITP. Phase 1, 2, and 3 have been completed and fully mitigated for the impacts described in the ITP. Since the ITP was issued, the Project design for the realignment of State Route 46 and removal of the existing alignment in phases 4 and 5 has changed.

In a letter dated November 24, 2020, Caltrans requested a Major Amendment to the ITP to add take coverage for California tiger salamander (*Ambystoma californiense*), a State threatened species known to occur in the vicinity of the Project Area, and to complete the remaining two phases with a different Project design.

This Major Amendment No. 1 (Amendment) makes the following changes to the existing ITP:

First, this Amendment updates the Permittee's contact information.

Second, this Amendment extends the date on which the ITP will expire.

Third, this Amendment adds additional Project Location Figures.

Fourth, this Amendment revises the Project Description to reflect the updated Project design and includes the removal of the existing State Route 46 alignment.

Fifth, this Amendment updates Conditions of Approval for San Joaquin kit fox to reflect best available science and more effective avoidance and minimization measures.

Sixth, this Amendment adds California tiger salamander (*Ambystoma californiense*) as a Covered Species to the ITP and updates corresponding Conditions of Approval.

Seventh, this Amendment adds species-specific Conditions of Approval for California tiger salamander.

Eighth, this Amendment increases the Project Area footprint, updates the Project impacts to reflect the loss of Covered Species habitat, and updates the compensatory mitigation requirements accordingly.

## AMENDMENT

The ITP is amended as follows (amended language in ***bold italics***; deleted language in ~~strikethrough~~):

1. The Permittee's contact information on page 1, shall be amended to read:

<b>Permittee:</b>	<b>California Department of Transportation (Caltrans), District 5</b>
<b>Name and title of principal officer:</b>	<del><b>Mr. Chuck Cesena, Branch Chief, Central Coast Environmental Management</b></del>  <b><i>Ms. Morgan Robertson, Senior Environmental Planner, Central Coast Biology Branch</i></b>
<b>Contact person:</b>	<del><b>Ms. Cecilia Boudreau, Environmental Planner, (805) 549-3376 Central Coast Environmental Branch</b></del>  <b><i>Ms. Amy Millan Environmental Planner, (805) 549-3095 Central Coast Environmental Branch</i></b>
<b>Mailing address:</b>	<b>50 Higuera Street San Luis Obispo, California 93401</b>

2. Beginning on Page 1, the last sentence of Effective Date and Expiration Date of the ITP shall be amended to read:

Unless renewed by ~~DFG~~**CDFW**, this ITP's authorization to take the Covered Species shall expire on **December 31, 20202026**.

3. The Project Location on Page 2 shall be amended to read:

**Project Location:**

The project site is located along State Route (SR) 46 beginning on the east side of Huer Huero Creek Bridge within the City of Paso Robles and ending on the east side of Cholame Valley in the County of San Luis Obispo. (See Figures 1, **1(a), and 1(b).**)

4. The Project Description on Page 2 shall be amended to read:

**Project Description:**

The proposed project (Project) will widen SR 46 between Airport Road and the Cholame Valley from two lanes to four lanes ~~by constructing two new eastbound lanes to the south of the current SR 46, which will become the two westbound lanes.~~ There will be a ~~61~~**60-62**-foot wide median, except between post mile (PM) 32.2 and PM 34.4 where it will be 46.3 feet wide to minimize environmental impacts. ***A new alignment will be constructed between PM 49.7 and PM 57.8, north of the existing SR 46 alignment and the existing alignment will be removed and restored between PM 50.68 and PM 53.9 (36.96 acres). The Project will also involve the installation of 63 undercrossings, at least 36-inches in diameter, between PM 49.7 and PM 57.8.*** The shoulders will be widened and left turn lanes added at all public road intersections, ~~which will be constructed to Caltrans' full expressway standards. No median barriers will be constructed, and the existing k-rail west of Jack Ranch will be removed.~~ The Project will be constructed in five phases. (See Table 1 below.) The Project will result in the permanent loss of ~~333.5~~**370.47** acres and temporary impacts to ~~280.4~~**380.14** acres of San Joaquin kit fox (*Vulpes macrotis mutica*) habitat. ***In addition, the Project will result in the permanent loss of 232.67 acres of California tiger salamander (Ambystoma californiense) upland habitat.*** These activities and impacts are likely to result in the incidental take of individual kit fox, ***and individual California tiger salamander, aboth*** species designated as threatened under CESA. (Cal. Code Regs., tit. 14, § 670.5, subd. (b)(6)(E).) ***(Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G).) Additionally, non-ground-disturbing vegetation management activities will take place within Phase 4 and***

**Phase 5 (31 acres and 190 acres, respectively) where private land access will be interrupted.**

Table 1:

Phase	Approximate Location	Schedule
1 - Union	Airport Road (PM 32.2) to Geneseo Road (PM 37.2)	April 2008
2 - Whitley	Geneseo Road through Whitley Gardens (PM 41.2)	July 2010
3 - Shandon	East of Whitley Gardens through Shandon Rest Area (PM 50.2)	2013 <del>(no funding yet)</del>
4 - Cholame	East of Shandon Rest Area to Jack Ranch Café (PM <del>49.7</del> 54.8)	<del>2021</del> 2016 <del>(no funding yet)</del>
5 - Wye	Jack Ranch Café through Cholame Valley (PM <del>54.0 to PM 57.8</del> 56.3)	<del>2023</del> 2018 <del>(no funding yet)</del>

5. The Covered Species Subject to Take on Page 2 shall be amended to read:

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

This ITP covers the following species:

Name	CESA Status
San Joaquin kit fox ( <i>Vulpes macrotis mutica</i> )	Threatened
<b>California tiger salamander (<i>Ambystoma californiense</i>)</b>	<b>Threatened</b>

~~This~~ **These** species, and only ~~this~~ **these** species, ~~is~~ **are** hereinafter referred to as the "Covered Species."

6. The Project Location Figures 1(a) and 1(b) shall be added as attachments to follow Figure 1 on Page 3:

See attached Figures 1(a) and 1(b).

7. On Page 4, Impacts to Covered Species shall be amended to read:

**Impacts to Covered Species:**

The Project will result in permanent impacts to ~~333.5~~ **370.47** acres and temporary impacts to ~~280.4~~ **380.14** acres of Covered Species **San Joaquin kit fox (SJKF)** habitat, **Phase 4 and Phase 5 of the Project will result in 232.67 acres of permanent impacts to California tiger salamander (CTS) upland habitat.** (See Table 2 **and Table 3**). Incidental take of individuals of the Covered Species may occur as a result of mortality due to **equipment strikes during development/construction activities of the expanded**

**roadbed, hauling of materials, collapse or excavation of occupied burrows that results in crushing or suffocation of underground individuals during cut/fill, grading, and compaction; entombment of individuals from deposition of stockpiled material or spoils over occupied burrows and during vegetation, top soil, or soil compaction, grading activities,** Project-related traffic on and off the Project site, and direct loss of habitat caused by the Project. Impacts of the taking on the Covered Species also includes increased incidence of vehicle strikes after construction, temporal losses of habitat, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts on the Covered Species (indirect impacts). Impacts of the taking also include temporary impacts to the Covered Species **SJKF** associated with Project-related temporary ground disturbance within the construction boundary, including storage and staging areas and temporary roads, which may also cause additional incidental take of Covered Species. **Incidental take of individuals of the Covered Species may also occur from the ground- or vegetation-disturbing activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from the capture or entrapment in holes or trenches, excavation of burrow systems, entrapment within exclusion fencing constructed around the Project sites, and during capture and relocation of Covered Species out of harm's way as required by this ITP.**

Table 2:

San Joaquin kit fox habitat	Permanent Impacts			Temporary Impacts			Total
	# of acres Impacted	Mitigation Ratio	Compensation (acres)	# of acres Impacted	Mitigation Ratio	Compensation (acres)	Compensation (acres)
Airport Road to Jardin Road	23.03	3:1	69.09	25.48	1/3:1	8.49	77.58
Jardin Road to Post Mile 37.6	33.66	2:1	67.32	30.26	1/3:1	10.09	77.41
Total for Phase 1	56.69		136.41	55.74		18.58	154.99
Phase 2 starting at PM 37.6	50.36	4:1	201.44	36.50	1/3:1	12.17	213.61
Phase 3	91.46	4:1	365.84	108.20	1/3:1	36.07	401.91
Phase 4	<b>84.64</b> <del>68.59</del>	4:1	<b>338.56</b> <del>274.36</del>	<b>97.28</b> <del>35.04</del>	1/3:1	<b>32.43</b> 11.68	<b>370.99</b> <del>286.04</del>
Phase 5	<b>87.32</b> <del>66.40</del>	4:1	<b>349.28</b> <del>265.60</del>	<b>82.42</b> <del>44.62</del>	1/3:1	<b>27.47</b> 14.87	<b>376.75</b> <del>280.47</del>
Total for all Phases	<b>370.47</b> <del>333.50</del>		<b>1,391.53</b> <del>1,243.65</del>	<b>380.14</b> <del>280.10</del>		<b>126.72</b> <del>93.37</del>	<b>1,518.25</b> <del>1,337.02</del>

**Table 3:**

	<b>California Tiger Salamander Habitat</b>	
	<b># of acres impacted</b>	<b>Compensation (acres)</b>
<b>Phase 4</b>	<b>79.59</b>	<b>157.42</b>
<b>Phase 5</b>	<b>153.08</b>	<b>226.57</b>
<b>Total</b>	<b>232.67</b>	<b>383.99</b>

8. Beginning on Page 4, Other Species Not Subject to the Take Authorization Provided by this ITP, shall be amended to remove Fully Protected Species:

**Other Species Not Subject to the Take Authorization Provided by this ITP:**

**Fully Protected Species:**

~~This ITP does not authorize the take of any fully protected species. (See Fish & G. Code, §§ 3511, 4700, 5050, 5515.) DFG believes Caltrans can implement the Project as described in this ITP in a manner consistent with the Fish and Game Code provisions governing fully protected species. DFG's determination regarding Project consistency with Fish and Game Code provisions governing fully protected species is based, in part, on the Permittee's commitment independent of this ITP to implement and adhere to the following general avoidance and minimization measures during Project implementation related to blunt-nosed leopard lizard (*Crotaphytus wislizenii silus*), a fully protected and CESA designated endangered species (*id.*, § 5050, subd. (b)(1); Cal. Code Regs., tit. 14, § 670.5, subd. (a)(4)(B)):~~

- ~~• Permittee commits to perform a protocol-level survey within the construction boundary for each phase of the Project as designated above in Table 2. DFG's Approved Survey Methodology for blunt-nosed leopard lizard is included with this ITP as Attachment 1.~~
- ~~• If the results of any protocol-level survey detect the presence of blunt-nosed leopard lizard within the construction boundary of any phase of the Project, Permittee commits to notify and consult with DFG prior to any activity that could result in the take of blunt-nosed leopard lizard in order to develop and implement measures acceptable to DFG that will avoid take of individuals of the species.~~

9. On Page 6, Condition of Approval 2. shall be amended to read:

2. Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Assessment/Final Environmental Impact Report **(FEIR)**

**and Updated Supplemental** FEIR (SCH Number: 2000011033) adopted by the Permittee as lead agency for the Project under the California Environmental Quality Act (CEQA) on May 10, 2006 **and February 6, 2020, respectively**. Permittee shall also implement and adhere to all conservation measures, terms and conditions related to the Covered Species in the ~~December 2005~~ **June 2020 reinitiated** Biological ~~Opinion~~, Biological Opinion for State Route 46 Corridor Improvement Project<sup>2</sup> (Number ~~1-8-03-F5908~~ **EVEN00-2020-F-0424**) issued to the Permittee for the Project by the United States Fish and Wildlife Service (USFWS).

10. On Page 7, Condition of Approval 4.2 shall be amended to read:

4.2 At least ~~30~~ **14** days before initiating ground- or vegetation-disturbing activities, Permittee shall submit to ~~DFG~~ **CDFW** in writing the name, qualifications, business address, and contact information for a ~~biological monitor~~ (Designated Biologist). The Designated Biologist shall be knowledgeable and experienced in the biology and natural history of the Covered Species. The Designated Biologist ~~will~~ **shall** be responsible for monitoring construction and/or ground- or vegetation-disturbing activities in areas of Covered Species' habitat to help minimize or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain ~~DFG~~ **CDFW** approval of the Designated Biologist prior to the commencement of Project-related activities that may result in the incidental take of the Covered Species. ***The Designated Biologist(s) may be assisted by approved biologists identified as Biological Monitors that do not meet the qualifications to be a Designated Biologist. Biological Monitors and their activities shall be approved in advance and in writing by CDFW. Only the Designated Biologist(s) shall capture, handle, and/or move Covered Species out of harm's way.***

11. On Page 7, Condition of Approval 4.3 shall be amended to read:

4.3 To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) **and/or Biological Monitors** shall have authority to immediately stop any activity that is not in compliance with this ITP and/or to order any reasonable measure to avoid the take of an individual of the Covered Species or any fully protected species. Neither the ~~Authorized Biologist~~ **Designated Biologist(s), Biological Monitors** nor ~~DFG~~ **CDFW** shall be liable for any costs incurred in complying with the management measures, including cease-work orders.

12. On Page 8, Condition of Approval 4.10 shall be amended to read:

4.10 Project-related personnel shall access the Project site during construction and development activities using existing routes, **or new routes identified in the Project Area**, and shall not cross Covered Species' habitat outside of and in route to the Project site. **The Designated Biologist shall perform pre-construction surveys for Covered Species no more than 14 days prior to ground- or vegetation-disturbing activities within new access routes (Condition of Approval 6.3).** Project-related vehicle traffic shall be restricted to established roads, staging and parking areas. Vehicle speeds shall not exceed 20 miles per hour, except when traveling on existing highway, in order to avoid Covered Species on or traversing the roads. If the Permittee determines construction of off-site routes for travel are necessary, Permittee shall contact ~~DFG~~**CDFW** prior to carrying out any such an activity. ~~DFG~~**CDFW** may require an amendment to this ITP if additional take of Covered Species may result from Project modification.

13. On Page 9, Condition of Approval 5.4 shall be amended to read:

5.4 Monthly Report: The Designated Biologist shall be on-site daily while ~~construction and/or surface~~**initial ground- or vegetation-**disturbing activities are taking place to minimize take of the Covered Species; to ensure compliance with all mitigation and avoidance measures; to check all exclusion zones; and to ensure that signs, stakes, and fencing are intact, and that human activities are restricted to outside of these protective zones. **Once initial ground and vegetation disturbance is completed, Designated Monitor(s) may monitor Project activities, provided the Designated Biologist can be contacted should the need arise to relocate CTS.** Weekly compliance inspections shall be conducted **by the Designated Biologist or Designated Monitor** after clearing, grubbing, and grading are completed. These inspections shall be compiled into Monthly Compliance Reports 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 ~~DFG's~~**CDFW's** Regional Office at the address listed in the Notices section of this ITP or via e-mail to ~~DFG's~~**CDFW's** Regional Representative. At the time of this ITP's approval, the ~~DFG~~**CDFW** Regional Representative is ~~Laura Peterson-Diaz~~**Javier Mendez** (e-mail address ~~lpdiaz@dfg.ca.gov~~**Javier.Mendez@wildlife.ca.gov**). ~~DFG~~**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 (see Condition **of Approval** 5.5).

14. On Page 10, Condition of Approval 5.6 shall be amended to read:

5.6 All Covered Species **relocations and** sightings confirmed by the Designated Biologist shall include the following documented information: the date, time, and location of each occurrence using GPS technology, the name of the party that actually identified the animal, circumstances of the incident, the general condition and health of each individual, any diagnostic markings, sex, age (juvenile or adult), and actions undertaken and habitat description. The Permittee shall submit this information to the California Natural Diversity Database (CNDDDB). ***This information shall also be included in the Monthly and Annual Reports.***

15. On Page 10, Condition of Approval 5.8 shall be amended to read:

5.8 Restoration of Project lands where temporary impacts occur shall be monitored and the status of the restoration included in the Annual Reports beginning after completion of Phase I of the Project. Restoration of all areas subject to temporary ground- or vegetation disturbance shall be recontoured, as necessary, covered with stockpiled top-soil, and seeded with native species ***and may include the addition of weed-free straw or mulch.*** Monitoring for 2 years post-construction of each Phase shall insure that noxious weeds do not become dominant in the restored area and that native species found in the vicinity are successfully reintroduced. If the temporary impact lands have not returned to pre-Project conditions two years after completion of each Phase, additional mitigation and an amendment to this ITP might be required.

16. On Page 11, a new Condition of Approval, 5.11, shall be inserted below 5.10:

***5.11 Prior to initiating ground- or vegetation-disturbing activities, the Designated Biologist(s) shall prepare, and submit to CDFW for written approval, a CTS Mortality Reduction and Relocation Plan (Relocation Plan). The Relocation Plan shall include, but not be limited to, a discussion (and map) of the portions of the Project Area which represents potential upland and breeding habitat; the areas within 1.3 miles of known or potential breeding habitat for CTS; the areas slated for burrow excavation; survey effort methodologies, excavation techniques and procedure, capture, handling, and relocation methods; identification of where the***

***salvaged individuals will be relocated to; a plan for protecting and monitoring breeding habitat upon discovery of CTS larvae and/or eggs; and identification of a wildlife rehabilitation center or veterinary facility where injured CTS individuals will be taken. Ground- or vegetation-disturbing activities within the Project Area may not proceed until the Relocation Plan is approved in writing by CDFW.***

17. On Page 11, Condition of Approval 6.1 shall be amended to read:

6.1 Workers shall inspect for Covered Species under vehicles and equipment before vehicles and equipment are moved. If a Covered Species is ~~present~~***discovered during inspection***, the worker shall ~~wait for the Covered Species to move on its own to a safe location~~***notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded out of the Project site(s) or Project Area. During all ground- or vegetation-disturbing activities, all workers shall inform the Designated Biologist(s) if an individual Covered Species is observed in the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately. If a SJKF is observed inside any fenced Project site(s), the Designated Biologist(s) or Biological Monitor(s) shall open an access gate or portion of fence towards a safe location and allow individual SJKF to escape on its own volition. If a CTS is observed in any fenced Project site(s), the Designated Biologist(s) shall move individual CTS out of harm's way outside of the Project Area and in compliance with the CDFW-approved Relocation Plan (Condition of Approval 5.11). Covered Species must leave or be relocated from the Project Area before work can resume. If, at any time, a Covered Species is found in the fenced Project site(s), the Permittee shall contact CDFW's Regional Representative within one (1) business day to report discovery and consult on fence improvement remedies.***

18. On Page 11, Condition of Approval 6.2 shall be amended to read:

6.2 If a Covered Species is injured as a result of Project-related activities, it shall be immediately taken ***by the Designated Biologist(s)*** to a ~~DFG~~***CDFW***-approved wildlife rehabilitation or veterinary facility ***and in the case of CTS, as identified and required in the CDFW-approved Relocation Plan (Condition of Approval 5.11).*** The Permittee shall identify the facility(s) prior to the start of ground or vegetation-disturbing activities. Permittee shall bear any costs associated with the care or

treatment of such injured Covered Species. Permittee shall notify the USFWS and ~~DFG~~**CDFW of the injury to the Covered Species** immediately unless the incident occurs outside of normal business hours. In that event the USFWS and ~~DFG~~**CDFW** shall be notified no later than noon on the next business day. Notification to ~~DFG~~**CDFW** shall be via telephone or e-mail, followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was taken.

19. On Page 12, Condition of Approval 6.3 shall be amended to read:

- 6.3 The Designated Biologist shall perform a pre-construction survey for Covered Species no more than ~~30~~**14** days prior to ground or vegetation-disturbing activities for each Phase of the Project. Surveys shall ~~cover~~**include 100 percent visual coverage of the Project site(s) and** proposed construction right-of-way (ROW) with a ~~200~~**500** foot buffer **(where feasible)** for all areas along the Project length with habitat to support Covered Species. ***If the Designated Biologist identifies any potential, known and/or natal SJKF dens, Conditions of Approval 6.4. and 6.5. shall be implemented. If any CTS life stages (adults, eggs, or larvae) are found, the Designated Biologist(s) shall relocate adults from the Project Area and/or in the case of breeding habitat, implement protection and monitoring in accordance with the CDFW-approved Relocation Plan (Condition of Approval 5.11).*** A report documenting the results of the pre-construction surveys ***and with confirmation of implementation of applicable Conditions of Approval*** shall be submitted to ~~DFG~~ within 30 days after performing any such survey. ***CDFW at least seven (7) days prior to the beginning of ground- or vegetation-disturbing activities. The pre-construction survey report shall include, but not be limited to: Project site map with associated kmz file(s), Project site photos, methodology, date, time, a burrow map detailing locations of potential, known, and/or natal SJKF dens, animal burrows and crevices that CTS could occupy, potential or known CTS breeding habitat, and a discussion of which Conditions of Approval were implemented. In addition, a Project site CTS Refugia Excavation Plan shall be submitted to CDFW for review and written approval (email will suffice) with each Project site pre-construction survey detailing (1) the location and number of burrows and crevices to be excavated; (2) the rationale and methodology implemented to support the selection for burrow excavation; and the location and number of burrows and crevices excluded from burrow excavation.***

20. On Page 12, Condition of Approval 6.4 shall be amended to read:

~~6.4 If a potential Covered Species den (one that shows evidence of current use or was used in the past) is discovered or a Covered Species is found in an "atypical" den (e.g., a pipe or culvert), a 50-foot buffer shall be established using flagging. If a known Covered Species den is discovered, a buffer of at least 100 feet shall be established using fencing. If a natal den (den in which Covered Species young are reared) is discovered, a buffer of at least 200 feet shall be established using fencing. Buffer zones shall have restricted entry. Permittee shall notify the USFWS and DFG's Regional Representative immediately via telephone or email if any Covered Species dens, natal dens or atypical dens are discovered.~~

**6.4 SJKF Den Avoidance. The Permittee shall notify CDFW's Regional Representative immediately via telephone or e-mail if any SJKF-occupied atypical dens, known dens, or natal dens are discovered within or immediately adjacent to the Project Area. The Permittee shall establish ESA buffer zones according to the following guidelines:**

**6.4.1 If a potential SJKF den (any subterranean hole, three inches or larger, that shows evidence of current use or was used in the past) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), a minimum 50-foot ESA shall be established around the den.**

**6.4.2 If a known SJKF den (a den that shows evidence of current use or is known to have been used in the past) is discovered, Permittee shall establish a minimum ESA of at least 100 feet around the den.**

**6.4.3 If a potential natal SJKF den (a den with two or more openings) is discovered, an ESA of at least 200 feet shall be established around the den.**

**6.4.4 If a SJKF known natal den (a den that shows evidence of pups, or a den which is known to have been used for pupping in the past) is discovered, an ESA of at least 500 feet shall be established around the den.**

***If SJKF dens cannot be avoided as described above, then the Permittee shall follow Conditions of Approval 6.5 and 6.5.1 as appropriate.***

21. On Page 12, Condition of Approval 6.5 shall be amended and a new Condition of Approval, 6.5.1, shall be inserted below 6.5:

~~6.5 For dens found within the portion of the Project area to be disturbed, natal dens shall not be excavated until the pups and adults have vacated and then only after consultation with the USFWS and DFG. If, after 4 consecutive days of monitoring with tracking medium or infrared camera the Designated Biologist has determined that a Covered Species is not currently present, known dens may be destroyed. Potential dens (any hole 3 inches or larger) may be excavated without monitoring if a take permit has been obtained from the USFWS, but if the process reveals evidence of use inside then destruction shall cease and the USFWS and DFG shall be notified immediately.~~

**6.5 *Dens (including dens in natural substrate and in/beneath man-made structures) may be excavated/destroyed per Condition of Approval 6.6 only after the Designated Biologist has conducted four consecutive days (and nights) of monitoring with tracking medium or infrared camera and determined that SJKF are not currently present. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after written concurrence from CDFW. If the excavation process reveals evidence of current use by SJKF then den excavation/destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Excavation/destruction of the den may be completed when, in the judgment of the Designated Biologist, the animal has escaped from the partially destroyed den.***

**6.5.1 *The Permittee shall block rather than destroy any den located within the buffer distances prescribed by Condition of Approval 6.4, but outside the disturbance footprint. Dens (including dens in natural substrate and in/under man-made structures) may be blocked only after the Designated Biologist has conducted four (4) consecutive days (and nights) of monitoring with tracking medium or infrared camera and determined that SJKF is/are not currently present. Natal dens shall not be blocked until the pups and***

***adults have vacated the den and then only after written concurrence from CDFW. Den blockage shall be done in a manner that prevents SJKF from digging back into the den. All blocked dens shall be monitored at least once a week to ensure that the exclusion material is still intact. If SJKF is detected during monitoring activities or after the block is installed or regains access to the den, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked dens shall be unblocked within 48 hours of completion of construction activities within the prescribed buffer distance.***

22. On Page 12, Condition of Approval 6.6 shall be amended to read:

- 6.6 Destruction of Covered Species dens shall be accomplished by careful excavation until it is certain no ~~Covered Species~~**individuals of SJKF** are inside. ~~The den should~~ **Dens to be destroyed shall** be fully excavated, filled with dirt and compacted to ensure that ~~Covered Species~~**SJKF** cannot reenter or use the den during the construction period. ~~If at any point during excavation a Covered Species is discovered inside the den, excavation shall cease immediately and monitoring of the den as described above shall be resumed. Destruction of the den shall only be completed when, in the judgment of the Designated Biologist, the animal has escaped from or otherwise vacated the partially destroyed den.~~ **If an individual SJKF does not vacate a den within the Project Area within a reasonable timeframe, CDFW shall be consulted, and Permittee shall obtain written guidance from CDFW prior to proceeding with den excavation/destruction. Any established SJKF den ESA per Condition of Approval 6.3 may be removed once the SJKF known or potential den is destroyed or blocked per Conditions of Approval 6.5 or 6.5.1.**

23. On Page 12, Condition of Approval 6.7 shall be amended to read:

- 6.7 Any ~~Covered Species~~**known or natal SJKF** den that must be destroyed shall be replaced with an artificial den. This will compensate for the loss of important shelter used by **this** Covered Species for protection, reproduction, and escape from predators. Den design and placement should be determined on a site-specific basis in consultation with the USFWS and ~~DFG~~**CDFW**.

24. On Page 13, Condition of Approval 6.8 shall be amended to read:

***The Designated Biologist(s) or Biological Monitor(s) shall inspect Aall open holes, ~~sumps~~, and trenches within the Project construction boundaryArea shall be inspected at the beginning of the day, middle of the day, and end of the day for trapped animals-Covered Species. To prevent inadvertent entrapment of Covered Species or any other animals during the construction phase of the Project, all excavated, steep-walled holes, ~~sumps~~, or trenches more than 2 feet deep shall be covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured Covered Species is discovered, the USFWS and DFG will be notified within one (1) working day of the incident. with sidewalls steeper than a 1:1 (45 degree) slope and that are up to six feet deep shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. All trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and greater than six feet deep shall be covered when workers or equipment are not actively working in the excavation and at the end of each workday. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist(s) or Biological Monitor(s) shall oversee the covering of all excavated, trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non-workdays), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist(s) or Biological Monitor(s) shall thoroughly inspect them for Covered Species. Trenches, holes, sumps, or other excavations that are covered long-term shall be inspected at the beginning of each working day to ensure inadvertent entrapment has not occurred. If any worker discovers that Covered Species have become trapped, Permittee shall cease all ground- or vegetation-disturbing activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow the Covered Species to escape unimpeded if possible before ground- or vegetation-disturbing activities resume. The***

***Designated Biologist(s) shall capture and relocate CTS individuals per the Relocation Plan required in Condition of Approval 5.11. If unimpeded escape for SJKF is not possible, Permittee shall immediately notify CDFW for guidance.***

25. On Page 13, Condition of Approval 6.9 shall be amended to read:

6.9 All construction pipe, culverts, or similar structures with a diameter of 7.6 centimeters (~~31~~ inches) or greater that are stored at the construction site for one or more overnight periods will be thoroughly inspected for Covered Species before the pipe is subsequently moved, buried, or capped. If a Covered Species is discovered inside a pipe during inspection, that section of pipe shall not be moved until the animal ***Covered Species*** has escaped on its own. ***If an individual CTS does not vacate the pipe culvert, or similar structure within a reasonable timeframe, the Designated Biologist may relocate the CTS out of harm's way outside of the Project Area and in compliance with the approved Relocation Plan (Condition of Approval 5.11). If an individual SJKF does not vacate a pipe, culvert, or similar structure within a reasonable timeframe, the Permittee shall immediately notify CDFW for guidance prior to proceeding with eviction.***

26. On Page 13, Conditions of Approval 6.10 through 6.17 shall be inserted below Condition of Approval 6.9:

***6.10 Ground- or vegetation-disturbing activities shall be confined to daylight hours only. Daylight shall be defined as the daytime period between sunrise and sunset.***

***6.11 Allowed night work activities strictly include: traffic control activities, lane striping, "tailgate" and safety meetings, preparation of equipment in designated staging areas, and emergency response (defined by an imminent threat to life or significant property). Artificial lighting for allowed night work shall be oriented downward and shielded from casting far beyond the Project site(s) to minimize disturbance and attractiveness to the Covered Species. No allowed night work activities (with the exception of emergency response) shall occur when a 70 percent or greater chance of rainfall is predicted within 24 hours by the National Weather Service.***



**6.12 During pre-construction surveys (Condition of Approval 6.3), along State Route 41 between PM 45.0 and PM 45.2; and between PM 52.7 and PM 54.2; and along State Route 46 between PM 57.6 and PM 57.9, the Designated Biologist shall flag all animal burrows and crevices at and within 50 feet of the Project site(s) which could potentially harbor CTS and are to be excavated in accordance with the CDFW-approved Project site CTS Refugia Excavation Plan (Condition of Approval 6.3).**

**6.13 Animal burrows and crevices to be excavated in accordance with the CDFW-approved Project site CTS Refugia Excavation Plan (Condition of Approval 6.3) and flagged within the prescribed segments (Condition of Approval 6.12) (see Figure 2) shall be fully excavated by hand or excavated in a manner as otherwise approved by CDFW. Burrow excavation shall occur under the direct supervision of the Designated Biologist(s). CTS which are found/salvaged shall be relocated by the Designated Biologist in accordance with the CDFW-approved Relocation Plan (Condition of Approval 5.11). Excavation shall occur no more than 14 days after the completion of the pre-construction surveys.**

**Those animal burrows and crevices identified outside the Project site(s) but within 50 feet of staging, laydown, ingress/egress areas, etc., where ground disturbing activities will not occur need not be excavated.**

**6.14 After surveying, flagging, and excavation of dens, animal burrows, and crevices in accordance with Conditions of Approval 6.3, 6.5, 6.12, and 6.13, temporary exclusion fencing shall be installed under the direct supervision of the Designated Biologist around the perimeter of the prescribed excavation segments (Figure 2), and other Project site(s) as approved to prevent individuals of the Covered Species from migrating into the cleared Project site(s). The Permittee shall submit the type of fencing material, design, and proposed location(s) of exclusion fencing for CDFW written approval before exclusion fence installation(s). Exclusion fencing shall be equipped with one-way exits to avoid entrapment of Covered Species and can be designed with periodic segments of no exclusion fence zones to allow for wildlife movement to adjacent areas. Exclusion fence installation shall begin no later than 48 hours after the den, animal burrow, and crevice excavation work is completed for the Project site(s). Permittee shall also avoid animal burrows and crevices outside but within 50 feet of the cleared**

***Project site(s) to the maximum extent possible during the installation of the exclusion fencing. When animal burrows and crevices outside the cleared Project site(s) cannot be avoided by a 50-foot no-disturbance buffer, they shall be excavated as described in Condition of Approval 6.13 prior to commencing fence installation. The exclusion fence can also serve as the Project site habitat delineation (Condition of Approval 4.9).***

***Exclusion fence shall be inspected daily during the CTS breeding season and inspected at least once weekly during the non-breeding season. Permittee shall maintain and repair the exclusion fence as necessary to ensure its integrity under all weather conditions for the duration of the ground- or vegetation-disturbing activities and shall be removed immediately upon completion of ground- or vegetation-disturbing activities in each Project site.***

***Alternatively, Permittee can forego exclusion fence installation in the prescribed segments and other project site(s). However, in all Project sites where exclusion fence has not been installed, all ground- or vegetation-disturbing Covered Activities shall cease from October 15 through April 15 when a 70 percent or greater chance of rainfall is predicted by the National Weather Service within 24 hours (before, during, and after) of a rainfall event.***

- 6.15 For all Project site(s), from October 15 through April 15, if a 70 percent or greater chance of rainfall is predicted by the National Weather Service within 24 hours (before and after rainfall event) of ground- or vegetation-disturbing Covered Activities, the Designated Biologist(s) shall survey the Project site(s) before ground- or vegetation-disturbing activities begin each day in order to capture and relocate CTS that are discovered during the surveys.***
- 6.16 For Project site(s) with exclusion fence, in periods of rainfall from October 15 through April 15 during ground- or vegetation-disturbing activities, the Designated Biologist(s) shall remain at the Project site(s) to capture and relocate any CTS.***
- 6.17 The new roadway shall be constructed without steep curbs, berms, or dikes which could prevent CTS from crossing the roadway. If curbs are necessary for safety and/or surface runoff, Permittee shall design and construct them as rounded or gently sloping structures to allow CTS passage. If steep dikes are required,***

***design shall include over-site drains or curb/dike breaks spaced at intervals of 25 feet to allow CTS passage.***

**6.18** ***To ensure that disease is not conveyed to and from the Project Area by the Designated Biologist(s) or Designated Monitors(s), the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 5) shall be followed at all times. The Designated Biologist(s) or Designated Monitor(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.***

27. On Page 13, Condition of Approval 7, **Mitigation Measures/Compensation for Take:** shall be amended to read:

~~DFG~~**CDFW** has determined that permanent protection of compensatory habitat is necessary and required under CESA to fully mitigate the impacts of the taking on the Covered Species that will result with implementation of the Project.

7.1 Permittee shall acquire and permanently preserve ~~1,337.02~~**1,518.25** acres ***for impacts to SJKF habitat, and 383.99 acres for impacts to CTS upland habitat*** as total compensation for the loss of Covered Species' habitat for the entire Project. The required acreage is based on factors including an assessment of the quality of the habitat at the Project site and ~~DFG's~~**CDFW's** estimate of the acreage required to provide for adequate biological carrying capacity at a replacement location.

7.2 Permittee has identified five Phases of the Project. (See Table 1.) Permittee shall complete all compensatory mitigation requirements separately and in their entirety for each Phase of the Project in sequential order prior to commencing ground- or vegetation-disturbing activities for the next Project Phase. As described in Table 2 **and Table 3** of this ITP, the required compensation for each Phase of the Project is as follows: Phase 1 is 154.99 acres, Phase 2 is 213.61 acres, Phase 3 is 401.91 acres, Phase 4 is ~~286.04~~**370.99** acres ***SJKF habitat; 157.42 acres CTS upland habitat***, and Phase 5 is ~~280.47~~**376.75** acres ***SJKF habitat; 226.57 acres CTS upland habitat***; for a total of ~~1,337.02~~**1,518.25** acres ***and 383.99 acres, respectively.***

- 7.3 For Project Phases 1 through 3, Permittee intends to mitigate at the Palo Prieto Conservation Bank, which **CDFW** approved ~~DFG~~ on February 26, 2008, as authorized to sell habitat mitigation credits for the ~~Covered Species~~ **SJKF**. Permittee is not authorized to commence ground- or vegetation-disturbing activities associated with the Project until this ITP is effective and the Permittee has complied with ITP Condition of Approval 5.2, including providing written documentation to ~~DFG~~ **CDFW** that Permittee has purchased the required habitat mitigation credits.
- 7.4 For Project Phases 4 and 5, the Permittee shall purchase credits at the Palo Prieto Conservation Bank or another **mitigation or** conservation bank approved by ~~DFG in San Luis Obispo County~~ **CDFW whose service area encompasses the Project Area** that is authorized to sell habitat mitigation credits for the Covered Species. Permittee shall not commence ground- or vegetation-disturbing activities associated with Project Phases 4 and 5 until the Permittee has **provided financial security in the form of Procurements and Contracts submittal to purchase the number of credits described in Condition of Approval 7.2, including a copy of the Project budget that includes a line item for the sum of the credit purchase.** ~~complied with ITP Condition of Approval 5.2, including providing written documentation to DFG that Permittee has purchased the required habitat mitigation credits~~

28. On Page 17, Attachments shall be revised to read:

Attachments:

<b>FIGURE 1(a)</b>	<b>Phase 4</b>
<b>FIGURE 1(b)</b>	<b>Phase 5</b>
<b>FIGURE 2</b>	<b>CTS Refugia Excavation Segments</b>
<b>ATTACHMENT 1</b>	<del>Approved Survey Methods for Blunt-Nosed Leopard Lizard</del>
<b>ATTACHMENT-21</b>	<b>Mitigation Monitoring and Reporting Program</b>
<b>ATTACHMENT 2</b>	<b>Declining Amphibian Task Force Fieldwork Code of Practice</b>

The corresponding measures in the Mitigation Monitoring and Reporting Plan (MMRP) (Attachment ~~21~~ of the ITP) shall be amended to read the same as above. All terms and conditions of the ITP and the MMRP that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittee.

## FINDINGS

*Issuance of this Amendment will increase the amount of take of San Joaquin kit fox and California tiger salamander compared to the Project as originally approved; however, by implementing the avoidance and minimization measures contained in the ITP and the purchase of Covered Species credits, it is not expected that this Amendment will increase Project impacts on these species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).*

Discussion: This Amendment makes eight specific changes to the ITP. First, this Amendment updates the Permittee's contact information. Second, this Amendment extends the date the ITP shall expire. Third, this Amendment adds additional Project Location Figures. Forth, this Amendment revises the Project Description to reflect the updated Project design and includes the removal of the existing State Route 46 alignment. Fifth, this Amendment modifies Conditions of Approval for San Joaquin kit fox. Sixth, this Amendment adds California tiger salamander to the list of Covered Species subject to take authorization which will be impacted by Project activities and updates corresponding Conditions of Approval. Seventh, this Amendment adds species specific Conditions of Approval for California tiger salamander. Eighth, this Amendment expands the Project Area footprint and Project impacts to reflect the permanent and temporal loss of Covered Species habitat and increases the compensatory mitigation commensurate with the impacts accordingly.

CDFW has determined that species-specific avoidance and minimization measures, including but not limited to pre-construction surveys; SJKF den monitoring and excavation; burrow and crevice excavation, and relocation of CTS individuals that will be directly impacted by Project activities, and the permanent protection of compensatory habitat are required to fully mitigate Project related impacts of the taking on Covered Species. This Amendment requires that prior to the initiation of ground- or vegetation-disturbing activities in all areas of suitable habitat for Covered Species, Covered Species habitat shall be permanently protected through a habitat acreage credit purchase at a CDFW-approved mitigation or conservation bank.

CDFW has determined that although the Amendment will result in an increase in take of the Covered Species, the additional impacts of the taking that would arise will be minimized and fully mitigated through implementation of the Conditions of Approval.

*Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).*

Discussion: CDFW previously determined that the Project, as approved, met the standards for issuance of an ITP under CESA. This determination included findings that,

among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to this Amendment because the Project and ITP as amended: (1) will have no effect on the severity of Project related impacts on Covered Species because of the requirement of permanent protection of compensatory habitat and (2) does not substantively alter the Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth in the ITP's Conditions of Approval and MMRP which will minimize and fully mitigate impacts of the taking on the Covered Species.

*None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of this Amendment.*

Discussion: CDFW previously issued the ITP in January 2007 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the Supplemental Final Environmental Impact Report by Caltrans as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment represents a major change in the Project as originally approved. However, for the reasons explained above, CDFW concludes this Amendment is not a change in the Project that has the potential to create a new significant effect not previously analyzed, a substantial change in the circumstances under which the Project is being undertaken requiring major revisions to previous CEQA documents, or new information of substantial importance. As a result, CDFW finds that no additional subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of this Amendment.

*CDFW finds that this Amendment is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).*

Discussion: This Amendment updates the Permittee's contact information, changes the date the ITP shall expire, adds additional Project Location Figures, revises the Project Description to reflect updated Project design, updates take minimization measures for the State Threatened San Joaquin kit fox, adds the State Threatened California tiger salamander to the list of Covered Species subject to take authorization, adds the associated take minimization measures, increases the Project Area footprint, modifies the ITP to reflect the increased acreage of Covered Species habitat impacted and adds additional compensatory mitigation for Covered Species. Therefore, this Amendment will significantly modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Major Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

The authorization provided by this Amendment is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment by registered first class mail to CDFW at:

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

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

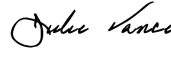
**Attachments:**

ATTACHMENT A1-1	Figure 1(a) Phase 4
ATTACHMENT A1-2	Figure 1(b) Phase 5
ATTACHMENT A1-3	Figure 2 CTS Refugia Excavation Segments
ATTACHMENT A1-4	Attachment 1 Mitigation Monitoring and Reporting Program
ATTACHMENT A1-5	Attachment 2 Declining Amphibian Task Force Fieldwork Code of Practice

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

on

6/22/2021

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager  
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 the original ITP and this Amendment, and (3) agrees on behalf of the Permittee to comply with all terms and conditions of the ITP as amended.

By:



933A8411CFC14E7...

Date: 6/22/2021

Printed Name: Morgan Robertson

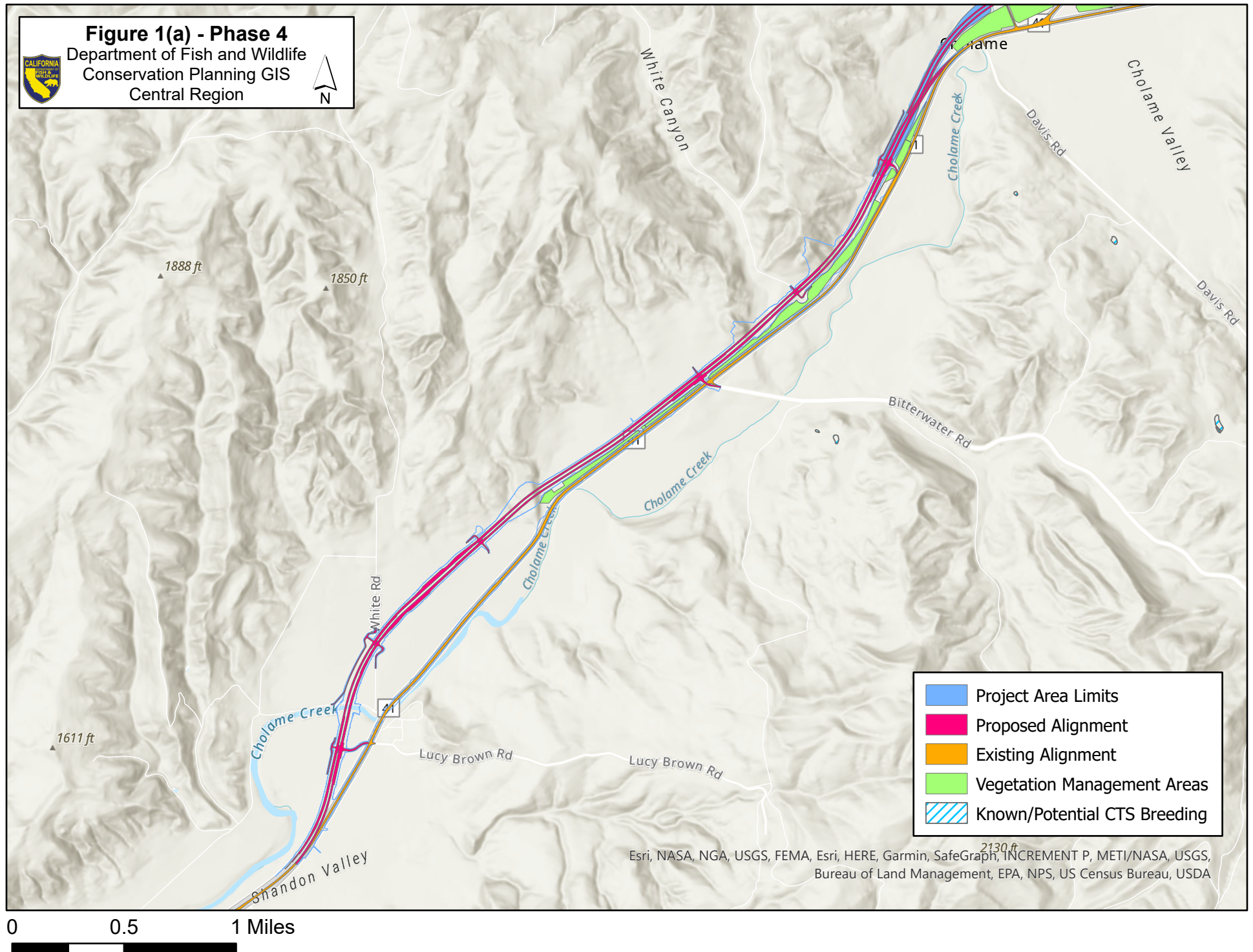
Title: Senior Environmental Planner

Major Amendment No. 1  
Incidental Take Permit 2081-2007-020-04  
CALIFORNIA DEPARTMENT OF TRANSPORTATION  
State Route 46 Corridor Improvement Project

ATTACHMENT A1-1

Figure 1(a) Phase 4





ATTACHMENT A1-2

Figure 1(b) Phase 5

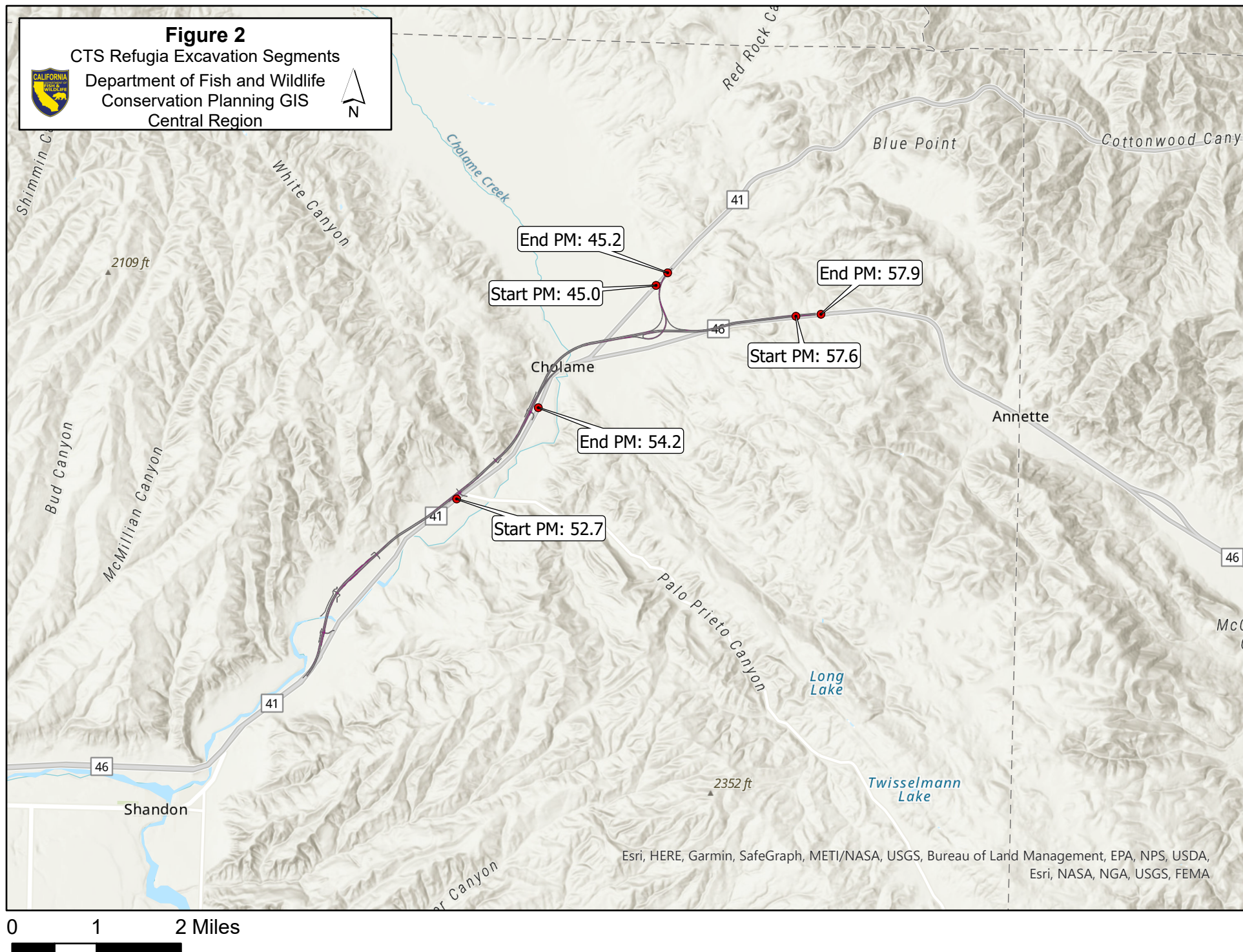




ATTACHMENT A1-3

Figure 2 CTS Refugia Excavation Segments





## ATTACHMENT A1-4

### Attachment 1 Mitigation Monitoring and Reporting Program

## **Attachment 1**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2007-020-04**

**Permittee: California Department of Transportation (Caltrans)**

**Project: Route 46 Corridor Improvement Project**

### **PURPOSE OF THIS MMRP**

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

### **OBLIGATIONS OF PERMITTEE**

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

### **VERIFICATION OF COMPLIANCE, EFFECTIVENESS**

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

## **TABLE OF MITIGATION MEASURES**

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



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<b>PRE-CONSTRUCTION</b>					
1	Before initiating ground- or vegetation-disturbing activities, Permittee shall designate a representative (Designated Representative) responsible for communications with DFG and for overseeing compliance with the ITP. The Permittee shall notify DFG in writing prior to commencement of ground- or vegetation-disturbing activities of the Designated Representative's name, business address and contact information, and shall notify DFG in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition #4.1	Before commencing ground or vegetation disturbing activities  Entire Project	Permittee	
2	At least 14 days before initiating ground- or vegetation-disturbing activities, Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information for a Designated Biologist. The Designated Biologist shall be knowledgeable and experienced in the biology and natural history of the Covered Species. The Designated Biologist shall be responsible for monitoring construction and/or ground- or vegetation-disturbing activities in areas of Covered Species' habitat to help minimize 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 prior to the commencement of Project-related activities that may result in the incidental take of the Covered Species. The Designated Biologist(s) may be assisted by approved biologists identified as Biological Monitors that do not meet the qualifications to be a Designated Biologist. Biological Monitors and their activities shall be approved in advance and in writing by CDFW. Only the Designated Biologist(s) shall capture, handle, and/or move Covered Species out of harm's way.	ITP Condition #4.2	Before commencing ground or vegetation disturbing activities  Entire Project	Permittee	
3	To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist(s) and/or Biological Monitors shall have authority to immediately stop any activity that is not in compliance with the ITP and/or to order any reasonable measure to avoid the take of an individual of the Covered Species or any fully protected species. Neither the Designated Biologist(s), Biological Monitors nor CDFW shall be liable for any costs incurred in complying with the management measures, including cease-work orders.	ITP Condition #4.3	Before commencing ground or vegetation disturbing activities  Entire Project	Permittee	
4	Permittee shall conduct an education program for all persons employed or otherwise working on the Project site prior to performing any work on-site. Instruction shall consist of a presentation by 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 under CESA including legal protection, recovery efforts, penalties for violations, and Project-specific protective management measures provided in the ITP. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to on-site Project activity. Copies of the ITP shall be maintained at the worksite. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry on-site. Upon completion of the program, employees shall sign an affidavit stating they attended the program and understand all protection measures. These forms shall be filed at the worksite offices and be available to DFG upon request.	ITP Condition #4.4	Before commencing ground or vegetation disturbing activities  Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
5	Permittee shall initiate a trash abatement program during pre-construction phases of the Project and continue the program throughout the duration of the Project. Trash and food items shall be contained in closed (raven-proof) containers and removed regularly (at least once a week) to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition #4.5	Before commencing ground or vegetation disturbing activities  Entire Project	Permittee	
6	Permittee shall provide DFG with written detailed construction plans, including engineering drawings, a minimum of 30 days prior to ground- or vegetation-disturbing activities authorized by the ITP. These plans as provided to DFG by the Permittee shall include the protection and restoration features and techniques made part of the Permittee's construction contract for the Project, including the features and techniques and any other modifications to the Project made since the Permittee submitted its application to DFG for the ITP.	ITP Condition #5.1	Before commencing ground or vegetation disturbing activities of each phase	Permittee	
7	Permittee shall notify DFG 14 calendar days before initiating ground- or vegetation-disturbing activities for each phase of the Project and document compliance with all pre-Project Conditions of Approval before initiating ground- or vegetation-disturbing activities.	ITP Condition #5.2	Before commencing ground or vegetation disturbing activities of each phase	Permittee	
8	Prior to initiating ground- or vegetation-disturbing activities, the Designated Biologist(s) shall prepare, and submit to CDFW for written approval, a CTS Mortality Reduction and Relocation Plan (Relocation Plan). The Relocation Plan shall include, but not be limited to, a discussion (and map) of the portions of the Project Area which represents potential upland and breeding habitat; the areas within 1.3 miles of known or potential breeding habitat for CTS; the areas slated for burrow excavation; survey effort methodologies, excavation techniques and procedure, capture, handling, and relocation methods; identification of where the salvaged individuals will be relocated to; a plan for protecting and monitoring breeding habitat upon discovery of CTS larvae and/or eggs; and identification of a wildlife rehabilitation center or veterinary facility where injured CTS individuals will be taken. Ground- or vegetation-disturbing activities within the Project Area may not proceed until the Relocation Plan is approved in writing by CDFW.	ITP Condition #5.11	Before commencing ground or vegetation disturbing activities	Permittee	
9	If a Covered Species is injured as a result of Project-related activities, it shall be immediately taken by the Designated Biologist(s) to a CDFW-approved wildlife rehabilitation or veterinary facility and in the case of CTS, as identified and required in the CDFW-approved Relocation Plan (Condition of Approval 5.11). The Permittee shall identify the facility(s) prior to the start of ground or vegetation-disturbing activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify the USFWS and CDFW of the injury to the Covered Species immediately unless the incident occurs outside of normal business hours. In that event the USFWS and CDFW shall be notified no later than noon on the next business day. Notification to CDFW shall be via telephone or e-mail, followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was taken.	ITP Condition #6.2	Before commencing ground or vegetation disturbing activities  Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
10	The Designated Biologist shall perform a pre-construction survey for Covered Species no more than 14 days prior to ground or vegetation-disturbing activities for each Phase of the Project. Surveys shall include 100 percent visual coverage of the Project site(s) and proposed construction right-of-way (ROW) with a 500 foot buffer (where feasible) for all areas along the Project length with habitat to support Covered Species. If the Designated Biologist identifies any potential, known and/or natal SJKF dens, Conditions of Approval 6.4. and 6.5. shall be implemented. If any CTS life stages (adults, eggs, or larvae) are found, the Designated Biologist(s) shall relocate adults from the Project Area and/or in the case of breeding habitat, implement protection and monitoring in accordance with the CDFW-approved Relocation Plan (Condition of Approval 5.11). A report documenting the results of the pre-construction surveys and with confirmation of implementation of applicable Conditions of Approval shall be submitted to CDFW at least seven (7) days prior to the beginning of ground- or vegetation-disturbing activities. The pre-construction survey report shall include, but not be limited to: Project site map with associated kmz file(s), Project site photos, methodology, date, time, a burrow map detailing locations of potential, known, and/or natal SJKF dens, animal burrows and crevices that CTS could occupy, potential or known CTS breeding habitat, and a discussion of which Conditions of Approval were implemented. In addition, a Project site CTS Refugia Excavation Plan shall be submitted to CDFW for review and written approval (email will suffice) with each Project site pre-construction survey detailing (1) the location and number of burrows and crevices to be excavated; (2) the rationale and methodology implemented to support the selection for burrow excavation; and the location and number of burrows and crevices excluded from burrow excavation.	ITP Condition #6.3	Before commencing ground or vegetation disturbing activities of each phase	Permittee	
11	<p><b>SJKF Den Avoidance.</b> The Permittee shall notify CDFW's Regional Representative immediately via telephone or e-mail if any SJKF-occupied atypical dens, known dens, or natal dens are discovered within or immediately adjacent to the Project Area. The Permittee shall establish ESA buffer zones according to the following guidelines:</p> <p>6.4.1 If a potential SJKF den (any subterranean hole, three inches or larger, that shows evidence of current use or was used in the past) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), a minimum 50-foot ESA shall be established around the den.</p> <p>6.4.2 If a known SJKF den (a den that shows evidence of current use or is known to have been used in the past) is discovered, Permittee shall establish a minimum ESA of at least 100 feet around the den.</p> <p>6.4.3 If a potential natal SJKF den (a den with two or more openings) is discovered, an ESA of at least 200 feet shall be established around the den.</p> <p>6.4.4 If a SJKF known natal den (a den that shows evidence of pups, or a den which is known to have been used for pupping in the past) is discovered, an ESA of at least 500 feet shall be established around the den.</p> <p>If SJKF dens cannot be avoided as described above, then the Permittee shall follow Conditions of Approval 6.5 and 6.5.1 as appropriate.</p>	ITP Condition #6.4	<p>Before commencing ground or vegetation disturbing activities</p> <p>Entire Project</p>	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
12	Dens (including dens in natural substrate and in/beneath man-made structures) may be excavated/destroyed per Condition of Approval 6.6 only after the Designated Biologist has conducted four consecutive days (and nights) of monitoring with tracking medium or infrared camera and determined that SJKF are not currently present. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after written concurrence from CDFW. If the excavation process reveals evidence of current use by SJKF then den excavation/destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Excavation/destruction of the den may be completed when, in the judgment of the Designated Biologist, the animal has escaped from the partially destroyed den.	ITP Condition #6.5	Before commencing ground or vegetation disturbing activities of each phase	Permittee	
13	The Permittee shall block rather than destroy any den located within the buffer distances prescribed by Condition of Approval 6.4, but outside the disturbance footprint. Dens (including dens in natural substrate and in/under man-made structures) may be blocked only after the Designated Biologist has conducted four (4) consecutive days (and nights) of monitoring with tracking medium or infrared camera and determined that SJKF is/are not currently present. Natal dens shall not be blocked until the pups and adults have vacated the den and then only after written concurrence from CDFW. Den blockage shall be done in a manner that prevents SJKF from digging back into the den. All blocked dens shall be monitored at least once a week to ensure that the exclusion material is still intact. If SJKF is detected during monitoring activities or after the block is installed or regains access to the den, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked dens shall be unblocked within 48 hours of completion of construction activities within the prescribed buffer distance.	ITP Condition #6.5.1	Before commencing ground or vegetation disturbing activities of each phase	Permittee	
14	Destruction of Covered Species dens shall be accomplished by careful excavation until it is certain no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction period. If an individual SJKF does not vacate a den within the Project Area within a reasonable timeframe, CDFW shall be consulted, and Permittee shall obtain written guidance from CDFW prior to proceeding with den excavation/destruction. Any established SJKF den ESA per Condition of Approval 6.3 may be removed once the SJKF known or potential den is destroyed or blocked per Conditions of Approval 6.5 or 6.5.1.	ITP Condition #6.6	Before commencing ground or vegetation disturbing activities of each phase	Permittee	
15	Any known or natal SJKF den that must be destroyed shall be replaced with an artificial den. This will compensate for the loss of important shelter used by this Covered Species for protection, reproduction, and escape from predators. Den design and placement should be determined on a site-specific basis in consultation with the USFWS and CDFW.	ITP condition #6.7	Before commencing ground or vegetation disturbing activities of each phase	Permittee	
16	During pre-construction surveys (Condition of Approval 6.3), along State Route 41 between PM 45.0 and PM 45.2; and between PM 52.7 and PM 54.2; and along State Route 46 between PM 57.6 and PM 57.9, the Designated Biologist shall flag all animal burrows and crevices at and within 50 feet of the Project site(s) which could potentially harbor CTS and are to be excavated in accordance with the CDFW approved Project site CTS Refugia Excavation Plan (Condition of Approval 6.3).	ITP Condition #6.12	Before commencing ground or vegetation disturbing activities of each phase	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
17	Animal burrows and crevices to be excavated in accordance with the CDFW-approved Project site CTS Refugia Excavation Plan (Condition of Approval 6.3) and flagged within the prescribed segments (Condition of Approval 6.12) (see Figure 2) shall be fully excavated by hand or excavated in a manner as otherwise approved by CDFW. Burrow excavation shall occur under the direct supervision of the Designated Biologist(s). CTS which are found/salvaged shall be relocated by the Designated Biologist in accordance with the CDFW approved Relocation Plan (Condition of Approval 5.11). Excavation shall occur no more than 14 days after the completion of the pre-construction surveys.	ITP Condition #6.13	Before commencing ground or vegetation disturbing activities of each phase	Permittee	
18	<p>After surveying, flagging, and excavation of dens, animal burrows, and crevices in accordance with Conditions of Approval 6.3, 6.5, 6.12, and 6.13, temporary exclusion fencing shall be installed under the direct supervision of the Designated Biologist around the perimeter of the prescribed excavation segments (Figure 2), and other Project site(s) as approved to prevent individuals of the Covered Species from migrating into the cleared Project site(s). The Permittee shall submit the type of fencing material, design, and proposed location(s) of exclusion fencing for CDFW written approval before exclusion fence installation(s). Exclusion fencing shall be equipped with one-way exits to avoid entrapment of Covered Species and can be designed with periodic segments of no exclusion fence zones to allow for wildlife movement to adjacent areas. Exclusion fence installation shall begin no later than 48 hours after the den, animal burrow, and crevice excavation work is completed for the Project site(s). Permittee shall also avoid animal burrows and crevices outside but within 50 feet of the cleared Project site(s) to the maximum extent possible during the installation of the exclusion fencing. When animal burrows and crevices outside the cleared Project site(s) cannot be avoided by a 50-foot no-disturbance buffer, they shall be excavated as described in Condition of Approval 6.13 prior to commencing fence installation. The exclusion fence can also serve as the Project site habitat delineation (Condition of Approval 4.9).</p> <p>Exclusion fence shall be inspected daily during the CTS breeding season and inspected at least once weekly during the non-breeding season. Permittee shall maintain and repair the exclusion fence as necessary to ensure its integrity under all weather conditions for the duration of the ground- or vegetation-disturbing activities and shall be removed immediately upon completion of ground- or vegetation-disturbing activities in each Project site.</p> <p>Alternatively, Permittee can forego exclusion fence installation in the prescribed segments and other project site(s). However, in all Project sites where exclusion fence has not been installed, all ground- or vegetation-disturbing Covered Activities shall cease from October 15 through April 15 when a 70 percent or greater chance of rainfall is predicted by the National Weather Service within 24 hours (before, during, and after) of a rainfall event.</p>	ITP Condition #6.14	<p>Before commencing ground or vegetation disturbing activities</p> <p>Entire Project</p>	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
19	<p>Permittee shall acquire and permanently preserve 1,518.25 acres for impacts to SJKF habitat, and 383.99 acres for impacts to CTS upland habitat as total compensation for the loss of Covered Species' habitat for the entire Project. The required acreage is based on factors including an assessment of the quality of the habitat at the Project site and CDFW's estimate of the acreage required to provide for adequate biological carrying capacity at a replacement location.</p> <p>Permittee has identified five Phases of the Project. (See Table 1.) Permittee shall complete all compensatory mitigation requirements separately and in their entirety for each Phase of the Project in sequential order prior to commencing ground- or vegetation-disturbing activities for the next Project Phase. As described in Table 2 and Table 3 of the ITP, the required compensation for each Phase of the Project is as follows: Phase 1 is 154.99 acres, Phase 2 is 213.61 acres, Phase 3 is 401.91 acres, Phase 4 is 370.99 acres SJKF habitat; 157.42 acres CTS upland habitat, and Phase 5 is 376.75 acres SJKF habitat; 226.57 acres CTS upland habitat; for a total of 1,518.25 acres and 383.99 acres, respectively.</p>	ITP Conditions #7.1, 7.2	Before commencing ground or vegetation disturbing activities of each phase	Permittee	
20	For Project Phases 1 through 3, Permittee intends to mitigate at the Palo Prieto Conservation Bank, which CDFW approved on February 26, 2008, as authorized to sell habitat mitigation credits for SJKF. Permittee is not authorized to commence ground- or vegetation-disturbing activities associated with the Project until the ITP is effective and the Permittee has complied with ITP Condition of Approval 5.2, including providing written documentation to CDFW that Permittee has purchased the required habitat mitigation credits.	ITP Condition #7.3	Before commencing ground or vegetation disturbing activities of each phase	Permittee	
21	For Project Phases 4 and 5, the Permittee shall purchase credits at the Palo Prieto Conservation Bank or another mitigation or conservation bank approved by CDFW whose service area encompasses the Project Area that is authorized to sell habitat mitigation credits for the Covered Species. Permittee shall not commence ground- or vegetation-disturbing activities associated with Project Phases 4 and 5 until the Permittee has provided financial security in the form of Procurements and Contracts submittal to purchase the number of credits described in Condition of Approval 7.2, including a copy of the Project budget that includes a line item for the sum of the credit purchase.	ITP Condition #7.4	Before commencing ground or vegetation disturbing activities of each phase	Permittee	
<b>DURING CONSTRUCTION</b>					
22	Permittee shall implement dust control measures during Project activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist.	ITP Condition #4.6	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
23	Workers shall inspect for Covered Species under vehicles and equipment before vehicles and equipment are moved. If a Covered Species is discovered during inspection, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded out of the Project site(s) or Project Area. During all ground- or vegetation-disturbing activities, all workers shall inform the Designated Biologist(s) if an individual Covered Species is observed in the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately. If a SJKF is observed inside any fenced Project site(s), the Designated Biologist(s) or Biological Monitor(s) shall open an access gate or portion of fence towards a safe location and allow individual SJKF to escape on its own volition. If a CTS is observed in any fenced Project site(s), the Designated Biologist(s) shall move individual CTS out of harm's way outside of the Project Area and in compliance with the CDFW-approved Relocation Plan (Condition of Approval 5.11). Covered Species must leave or be relocated from the Project Area before work can resume. If, at any time, a Covered Species is found in the fenced Project site(s), the Permittee shall contact CDFW's Regional Representative within one (1) business day to report discovery and consult on fence improvement remedies.	ITP Condition #6.1	Entire Project	Permittee	
24	Permittee shall prohibit firearms and domestic dogs from the Project site and site access routes during construction and development of the Project, except those in the possession of authorized security personnel or local, State, or Federal law enforcement officials.	ITP Condition #4.7	Entire Project	Permittee	
25	Permittee shall clearly delineate property boundaries of the Project site with fencing, stakes, or flags and shall similarly delineate the limits of construction areas.	ITP Condition #4.8	Entire Project	Permittee	
26	Permittee shall clearly delineate habitat of the Covered Species on the Project site with posted signs, posting stakes, flags, and/or rope or cord, and place Environmentally Sensitive Area (ESA) fencing as necessary to minimize disturbance of Covered Species' habitat.	ITP Condition #4.9	Entire Project	Permittee	
27	Project-related personnel shall access the Project site during construction and development activities using existing routes, or new routes identified in the Project Area, and shall not cross Covered Species' habitat outside of and in route to the Project site. The Designated Biologist shall perform pre-construction surveys for Covered Species no more than 14 days prior to ground- or vegetation-disturbing activities within new access routes (Condition of Approval 6.3). Project-related vehicle traffic shall be restricted to established roads, staging and parking areas. Vehicle speeds shall not exceed 20 miles per hour, except when traveling on existing highway, in order to avoid Covered Species on or traversing the roads. If the Permittee determines construction of off-site routes for travel are necessary, Permittee shall contact CDFW prior to carrying out any such an activity. CDFW may require an amendment to the ITP if additional take of Covered Species may result from Project modification.	ITP Condition #4.10	Entire Project	Permittee	
28	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project site using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project boundaries unless specifically provided for in the ITP.	ITP Condition #4.11	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
29	Permittee shall immediately stop/repair any fuel or hazardous waste leaks or spills on the Project site during construction and development activities and immediately clean up such spills at the time of occurrence. Permittee shall exclude the storage and handling of hazardous materials from the construction zone and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition #4.12	Entire Project	Permittee	
30	Permittee shall provide DFG staff with reasonable access to the Project site and mitigation lands under Permittee control, and shall otherwise fully cooperate with DFG efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP. Neither the Designated Biologist nor DFG shall be liable for any costs incurred in complying with the Conditions of Approval, including cease-work orders issued by DFG.	ITP Condition #4.13	Entire Project	Permittee	
31	Permittee shall immediately notify DFG in writing if it determines that it is not in compliance with any Conditions of Approval of the ITP, including but not limited to any actual or anticipated failure to implement mitigation measures within the time periods indicated in the ITP and MMRP. Permittee shall report any non-compliance with the ITP during the construction phase of the Project to DFG within 24 hours.	ITP Condition #5.3	Entire Project	Permittee	
32	<u>Monthly Report:</u> The Designated Biologist shall be on-site daily while initial ground- or vegetation-disturbing activities are taking place to minimize take of the Covered Species; to ensure compliance with all mitigation and avoidance measures; to check all exclusion zones; and to ensure that signs, stakes, and fencing are intact, and that human activities are restricted to outside of these protective zones. Once initial ground and vegetation disturbance is completed, Designated Monitor(s) may monitor Project activities, provided the Designated Biologist can be contacted should the need arise to relocate CTS. Weekly compliance inspections shall be conducted by the Designated Biologist or Designated Monitor after clearing, grubbing, and grading are completed. These inspections shall be compiled into Monthly Compliance Reports along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to CDFW's Regional Office at the address listed in the Notices section of the ITP or via e-mail to CDFW's Regional Representative. At the time of the ITP's approval, the CDFW Regional Representative is Javier Mendez (e-mail address Javier.Mendez@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 (see Condition of Approval 5.5).	ITP Condition #5.4	Entire Project	Permittee	
33	All observations of Covered Species and their sign, oversight activities, verifications, compliance inspections, surveys, monitoring, and records required by the ITP shall be reported in writing to DFG by the Designated Representative or Designated Biologist. Permittee shall submit reports of these activities to DFG in the next Monthly Compliance Report.	ITP Conditions #5.5	Entire Project	Permittee	
34	All Covered Species relocations and sightings confirmed by the Designated Biologist shall include the following documented information: the date, time, and location of each occurrence using GPS technology, the name of the party that actually identified the animal, circumstances of the incident, the general condition and health of each individual, any diagnostic markings, sex, age (juvenile or adult), and actions undertaken and habitat description. The Permittee shall submit this information to the California Natural Diversity Database (CNDDDB). This information shall also be included in the Monthly and Annual Reports.	ITP Conditions #5.6	Entire Project	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
35	<u>Annual Report</u> : Permittee shall provide DFG with an Annual Status Report (ASR) no later than January 31 of every year beginning with the issuance of the ITP and continuing until DFG accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: 1) a general description of the status of the Project site and construction activities, including actual or projected completion dates, if known; 2) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; 3) a copy of the Monthly Compliance Reports from the previous year; and 4) a description of any site-specific avoidance and minimization measures that were employed and an assessment of the effectiveness of each completed or partially completed mitigation measure in minimizing and compensating for Project impacts.	ITP Condition #5.7	Entire Project	Permittee	
36	Restoration of Project lands where temporary impacts occur shall be monitored and the status of the restoration included in the Annual Reports beginning after completion of Phase I of the Project. Restoration of all areas subject to temporary ground- or vegetation disturbance shall be recontoured, as necessary, covered with stockpiled top-soil, and seeded with native species and may include the addition of weed-free straw or mulch. Monitoring for 2 years post-construction of each Phase shall insure that noxious weeds do not become dominant in the restored area and that native species found in the vicinity are successfully reintroduced. If the temporary impact lands have not returned to pre-Project conditions two years after completion of each Phase, additional mitigation and an amendment to the ITP might be required.	ITP Condition #5.8	After completion of phase 1 until 2 years post-construction of phase 5	Permittee	
37	If a Covered Species is killed by a Project-related activity during construction of the Project or if a Covered Species is otherwise found dead, the Designated Biologist shall be immediately notified and initial notification shall be made to the Sacramento Office of the USFWS at (916) 414-6620, and DFG by calling the DFG Regional Office at (559) 243-4017. The initial notification to the USFWS and DFG shall include information regarding the location, species, number of animals injured or killed, and the DFG ITP Number. Following initial notification, Permittee shall send DFG a written report within 2 calendar days. The report shall include the date and time of the finding or incident, location of the carcass, and if possible provide a photograph, explanation as to cause of death, and any other pertinent information. The Designated Biologist shall collect the carcass, place it in plastic, and keep it on ice or in a freezer until a DFG representative can either collect the specimen or issue alternative instructions.	ITP Condition #5.10	Entire Project	Permittee	
38	If a Covered Species is injured as a result of Project-related activities, it shall be immediately taken by the Designated Biologist(s) to a CDFW-approved wildlife rehabilitation or veterinary facility and in the case of CTS, as identified and required in the CDFW-approved Relocation Plan (Condition of Approval 5.11). The Permittee shall identify the facility(s) prior to the start of ground or vegetation-disturbing activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify the USFWS and CDFW of the injury to the Covered Species immediately unless the incident occurs outside of normal business hours. In that event the USFWS and CDFW shall be notified no later than noon on the next business day. Notification to CDFW shall be via telephone or e-mail, followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was taken.	ITP Condition #6.2	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
39	The Designated Biologist(s) or Biological Monitor(s) shall inspect all open holes, sumps, and trenches within the Project Area at the beginning of the day, middle of the day, and end of the day for trapped Covered Species. To prevent inadvertent entrapment of Covered Species or any other animals during the construction phase of the Project, all excavated, steep-walled holes, sumps, or trenches with sidewalls steeper than a 1:1 (45 degree) slope and that are up to six feet deep shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. All trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and greater than six feet deep shall be covered when workers or equipment are not actively working in the excavation and at the end of each workday. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist(s) or Biological Monitor(s) shall oversee the covering of all excavated, trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non-workdays), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist(s) or Biological Monitor(s) shall thoroughly inspect them for Covered Species. Trenches, holes, sumps, or other excavations that are covered long-term shall be inspected at the beginning of each working day to ensure inadvertent entrapment has not occurred. If any worker discovers that Covered Species have become trapped, Permittee shall cease all ground- or vegetation-disturbing activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow the Covered Species to escape unimpeded if possible before ground- or vegetation-disturbing activities resume. The Designated Biologist(s) shall capture and relocate CTS individuals per the Relocation Plan required in Condition of Approval 5.11. If unimpeded escape for SJKF is not possible, Permittee shall immediately notify CDFW for guidance.	ITP Condition #6.8	Entire Project	Permittee	
40	All construction pipe, culverts, or similar structures with a diameter of 1 inch or greater that are stored at the construction site for one or more overnight periods will be thoroughly inspected for Covered Species before the pipe is subsequently moved, buried, or capped. If a Covered Species is discovered inside a pipe during inspection, that section of pipe shall not be moved until the Covered Species has escaped on its own. If an individual CTS does not vacate the pipe culvert, or similar structure within a reasonable timeframe, the Designated Biologist may relocate the CTS out of harm's way outside of the Project Area and in compliance with the approved Relocation Plan (Condition of Approval 5.11). If an individual SJKF does not vacate a pipe, culvert, or similar structure within a reasonable timeframe, the Permittee shall immediately notify CDFW for guidance prior to proceeding with eviction.	ITP Condition #6.9	Entire Project	Permittee	
41	Ground- or vegetation-disturbing activities shall be confined to daylight hours only. Daylight shall be defined as the daytime period between sunrise and sunset.	ITP Condition #6.10	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
42	Allowed night work activities strictly include: traffic control activities, lane striping, "tailgate" and safety meetings, preparation of equipment in designated staging areas, and emergency response (defined by an imminent threat to life or significant property). Artificial lighting for allowed night work shall be oriented downward and shielded from casting far beyond the Project site(s) to minimize disturbance and attractiveness to the Covered Species. No allowed night work activities (with the exception of emergency response) shall occur when a 70 percent or greater chance of rainfall is predicted within 24 hours by the National Weather Service.	ITP Condition #6.11	Entire Project	Permittee	
43	For all Project site(s), from October 15 through April 15, if a 70 percent or greater chance of rainfall is predicted by the National Weather Service within 24 hours (before and after rainfall event) of ground- or vegetation-disturbing Covered Activities, the Designated Biologist(s) shall survey the Project site(s) before ground- or vegetation-disturbing activities begin each day in order to capture and relocate CTS that are discovered during the surveys.	ITP Condition #6.15	Entire Project (from October 15 through April 15)	Permittee	
44	For Project site(s) with exclusion fence, in periods of rainfall from October 15 through April 15 during ground- or vegetation-disturbing activities, the Designated Biologist(s) shall remain at the Project site(s) to capture and relocate any CTS.	ITP Condition #6.16	Entire Project (from October 15 through April 15)	Permittee	
45	The new roadway shall be constructed without steep curbs, berms, or dikes which could prevent CTS from crossing the roadway. If curbs are necessary for safety and/or surface runoff, Permittee shall design and construct them as rounded or gently sloping structures to allow CTS passage. If steep dikes are required, design shall include over-site drains or curb/dike breaks spaced at intervals of 25 feet to allow CTS passage.	ITP Condition #6.17	Entire Project	Permittee	
46	To ensure that disease is not conveyed to and from the Project Area by the Designated Biologist(s) or Designated Monitors(s), the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 5) shall be followed at all times. The Designated Biologist(s) or Designated Monitor(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.	ITP Condition #6.18	Entire Project	Permittee	
47	DFG may issue Permittee a written stop-work order to suspend any activity covered by the ITP for an initial period of up to 25 days to prevent or remedy a violation of ITP conditions (including but not limited to failure to comply with reporting, monitoring, or habitat acquisition obligations) or to prevent the illegal take of an endangered, threatened, or candidate species. Permittee shall comply with the stop-work order immediately upon receipt thereof. DFG may extend a stop-work order under this provision for a period not to exceed 25 additional days, upon written notice to the Permittee. DFG shall commence the formal suspension process, pursuant to California Code of Regulations, Title 14, section 783.7, within five working days of issuing a stop-work order.	ITP	Entire Project	CDFW	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<b>POST-CONSTRUCTION</b>					
48	Upon completion of Project construction, Permittee shall remove from the Project site and properly dispose of all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition #4.14	Post-construction	Permittee	
49	<u>Final Mitigation Report</u> : No later than 60 days after completion of the Project, including completion of all mitigation measures, Permittee shall provide DFG with a Final Mitigation Report. The Final Mitigation Report shall be prepared by the Designated Biologist and shall include, at a minimum: 1) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; 2) all available information about Project-related incidental take of the Covered Species; 3) information about other Project impacts on the Covered Species; 4) construction dates; 5) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and compensating for Project impacts; 6) recommendations on how mitigation measures might be changed to more effectively minimize and mitigate the impacts of future projects on the Covered Species; and 7) any other pertinent information, including the level of take of the Covered Species associated with the Project.	ITP Condition #5.9	Post-construction	Permittee	
50	Notwithstanding any expiration date on the take authorization provided by the ITP, Permittee's obligations under the ITP do not end until DFG accepts as complete the Permittee's Final Mitigation Report required by Condition 5.9 of the ITP.	ITP Condition #4.15	Post-construction	CDFW	

ATTACHMENT A1-5

Attachment 2 Declining Amphibian Task Force  
Fieldwork Code of Practice

## The Declining Amphibian Task Force Fieldwork Code of Practice

A code of practice, prepared by the Declining Amphibian Task Force (DAPTF) to provide guidelines for use by anyone conducting field work at amphibian breeding sites or in other aquatic habitats. Observations of diseased and parasite-infected amphibians are now being frequently reported from sites all over the world. This has given rise to concerns that releasing amphibians following a period of captivity, during which time they can pick up unapparent infections of novel disease agents, may cause an increased risk of mortality in wild populations. Amphibian pathogens and parasites can also be carried in a variety of ways between habitats on the hands, footwear, or equipment of fieldworkers, which can spread them to novel localities containing species which have had little or no prior contact with such pathogens or parasites. Such occurrences may be implicated in some instances where amphibian populations have declined. Therefore, it is vitally important for those involved in amphibian research (and other wetland/pond studies including those on fish, invertebrates and plants) to take steps to minimize the spread of disease and parasites between study sites.

1. Remove mud, snails, algae, and other debris from nets, traps, boots, vehicle tires and all other surfaces. Rinse cleaned items with sterilized (e.g. boiled or treated) water before leaving each study site.
2. Boots, nets, traps, etc., should then be scrubbed with 70% ethanol solution (or sodium hypochlorite 3 to 6%) and rinsed clean with sterilized water between study sites. Avoid cleaning equipment in the immediate vicinity of a pond or wetland.
3. In remote locations, clean all equipment as described above upon return to the lab or "base camp". Elsewhere, when washing machine facilities are available, remove nets from poles and wash with bleach on a "delicates" cycle, contained in a protective mesh laundry bag.
4. When working at sites with known or suspected disease problems, or when sampling populations of rare or isolates species, wear disposable gloves and change them between handling each animal. Dedicate sets of nets, boots, traps, and other equipment to each site being visited. Clean and store them separately and the end of each field day.
5. When amphibians are collected, ensure the separation of animals from different sites and take great care to avoid indirect contact between them (e.g. via handling, reuse of containers) or with other captive animals. Isolation from un-sterilized plants or soils which have been taken from other sites is also essential. Always use disinfected/disposable husbandry equipment.
6. Examine collected amphibians for the presence of diseases and parasites soon after capture. Prior to their release or the release of any progeny, amphibians should be quarantined for a period and thoroughly screened for the presence of any potential disease agents.
7. Used cleaning materials (liquids, etc.) should be disposed of safely and if necessary taken back to the lab for proper disposal. Used disposable gloves should be retained for safe disposal in sealed bags.