

State of California
Department of Fish and Wildlife



Memorandum

Date: August 20, 2021

To: Rui Gao
California Department of Transportation
111 Grand Avenue
Oakland, CA 94912
Rui.Gao@dot.ca.gov

DocuSigned by:

Stacy Sherman

From: Stacy Sherman, Acting Regional Manager
California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: Incidental Take Permit for 2081-2021-020-03 State Route 29/State Route 221 Soscol Junction Improvement Project, Napa County

Enclosed you will find an electronic copy of the Incidental Take Permit for the above referenced Project, which has been digitally signed by the California Department of Fish and Wildlife (CDFW). Please read the permit carefully and sign the acknowledgement on the permit **no later than 30 days from CDFW signature** and prior to initiation of ground-disturbing activities. You may return an electronic copy of the permit with digital signature to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5. Alternatively, you may return a hard copy of the permit via mail to:

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

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

The permit will not take effect until the signed acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the permit, please contact Mr. Robert Stanley, Senior Environmental Scientist (Specialist), at Robert.Stanley@wildlife.ca.gov; or Mr. Wes Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Enclosures



California Department of Fish and Wildlife
Bay Delta Region
2825 CORDELIA ROAD, SUITE 100
FAIRFIELD, CA 94534

California Endangered Species Act
 Incidental Take Permit No. 2081-2021-020-03

STATE ROUTE 29/STATE ROUTE 221 SOSCOL JUNCTION IMPROVEMENT PROJECT
EA 04-28120

Authority:

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

Permittee:	California Department of Transportation (Caltrans)
Principal Officer:	Rui Gao
Contact Person:	Robert Blizzard, (510) 715-8585
Mailing Address:	111 Grand Avenue, Oakland, CA 94612

Effective Date and Expiration Date of this ITP:

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **December 31, 2024**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 5.6 (Annual and Final Construction Report) of this ITP.

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

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

Project Location:

The State Route 29 (SR-29)/State Route 221 (SR-221) Soscol Junction Improvement Project (Project) is located on SR-29 from Post Mile (PM) 5.6 to 6.7 and on SR-221 from PM 0.0 to 0.4. in unincorporated Napa County, California in the Cuttings Wharf, United States Geological Survey (USGS) quadrangle (Figure 1, Project Location Map).

Project Description:

The Project includes the construction of a tight diamond interchange with two multi-lane roundabouts on either side of SR-29. SR-29 will be rebuilt as an overcrossing north of the intersection with SR-221, providing separation between SR-29 and the SR-221 northbound ramp and the adjacent roundabout entry (Figure 7, 95% Design Plans, Sheet K-1). SR-29 will continue to operate with two lanes in each direction. SR-221 will include two roundabouts with two lanes southbound and connecting to eastbound SR-29 and one lane northbound traveling from Soscol Ferry Road transitioning to SR-221 and single-lane ramp connectors from southbound SR-221 to westbound SR-29, and eastbound SR-29 to southbound on Soscol Ferry Road. The existing ramp connector from westbound SR-29 to northbound SR-221 will remain in place. The Project will include standard shoulders, curbs, gutters, and existing signage would remain in place. New signage will also be located within the Caltrans Right of Way (ROW). The Project will also include pedestrian and bicycle circulation, drainage work, landscaping, utilities, ground disturbance, earthwork and restoration. The Project will occur in six stages over the course of three construction seasons from 2022 to 2024 (Figure 2, Staging, Phasing and Timeline Plan).

Overcrossing Structure

The proposed SR-29 overcrossing will consist of a cast-in-place prestressed single span box girder on spread footings, with see-through bridge rails, and a clearance height of approximately 17 feet (Figure 7, 95% Design Plans, Sheet Route 29/221 Separation General Plan). The northbound (NB) and southbound (SB) directions will each have two lanes, and the outside shoulders will range from 6 to 10 feet wide and from 8 to 13 wide, respectively. The NB median will vary from 2 to 15 feet wide, and the SB median will vary from 2 to 5 feet wide. The width of the center median for the SR-221 NB and SB 12-foot-wide lanes will vary between 12 and 16 feet, and shoulders will vary between 2 to 11 feet wide, with ascending side slopes 2:1 or flatter. The SR-221 profile and roundabouts will be lower than the existing interchange roadway by as much as 20 feet. This does not include any structural modification of the existing Soscol Creek Bridge or extension of the roadway over Soscol Creek Bridge.

Roundabout Structures

The new roundabouts will include paved roadway widths of 16 to 20 feet, with an inside shoulder width of 4 feet. The roundabout areas will include new signage, street lighting and fixtures (Figure 7, 95% Design Plans, Sheet L-7). New street lighting associated with the two

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roundabouts and the ramps connecting from eastbound SR-29 to the roundabout and along Soscol Ferry Road just before connecting with the roundabout (Figure 5, Proposed Lighting Isolux Diagram Map).

Pedestrian and Bicycle Circulation

The Project includes the construction of a 10-foot-wide minimum, Class I, shared use, pedestrian and bicycle path along the northern side of SR-221/Soscol Ferry Road. The shared use path will be separated from vehicular traffic by placing a minimum 5-foot-wide non-traversable buffer made of inert material/rocks. Pedestrian crossings would be located a minimum of one car length from the circulatory roadway. Shared-use path would convey both pedestrian and bicycle traffic through the intersection. The path will provide the opportunity for bicyclists to exit the bicycle lane or shoulder via a bicycle ramp and navigate the intersection on the shared-use path and through the crosswalks. As an alternative to taking the shared-use path, bicyclists will also be able to exit the bicycle lane or shoulder and enter the roadway to ride with vehicle traffic through the roundabout. At two-lane approaches, crosswalks will be split into two separate crossings through pedestrian refuges at the splitter islands (Figure 7, 95% Design Plans, Sheet C-74 and C-75).

Drainage Work

Multiple irrigation, drainage systems and bio-swale filtration and retention systems will be installed as specified in Design Sheets D1 to D6 (Figure 7, 95% Design Plans). These areas of drainage install are covered under the temporary and permanent impacts to Covered Species habitat. Systems that connect or outfall into Suscol Creek are not covered under the terms of this ITP.

Project Lighting

The Project will retain some currently existing lighting features on the SR-29/SR-221 corridor (Figure 4, Existing Lighting Isolux Analysis Map). The Project will also construct new street lighting associated with the junction interchange within the new approaches, two roundabouts, pedestrian/cyclist crossings and the ramps connecting from eastbound SR-29 to the roundabout and along Soscol Ferry Road just before connecting with the roundabout (Figure 5, Proposed Lighting Isolux Diagram Map). Two existing overhead lights will be removed from the vicinity of the Soscol Creek Bridge as specified in Figure 4 (Existing Lighting Isolux Analysis Map) and Figure 5 (Proposed Lighting Isolux Diagram Map). New overhead lights, luminaires and roundabout accent lights will also be installed within the Project (Figure 5, Proposed Lighting Isolux Diagram Map). All artificial light source outputs shall be programmed at 2700 kelvin (K) or less.

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Ground Disturbance and Earthwork

Grading and earthwork will be required to construct the SR-221 roundabouts and SR-29 overcrossing. Excavation will also be required throughout the Project to construct the new SR-221 profile up to 16 feet lower than existing grade at the lowest point, with the profile 8 feet lower. Landscaping, utilities and drainage facilities, will require trenching, placement of pipe, drainage structures, landscaping, irrigation, utilities, and backfill totaling up to 6 feet in depth at the proposed element locations. Construction of the SR-29/SR-221 overcrossing will require an excavation depth of 20 feet for spread footing foundations, as well as general excavation for abutments. A maximum excavation depth of 20 feet will be required to install overhead signing associate with on and off ramps and at the roundabout approach for better traffic flow and safety. There will be 190,000 cubic yards of cut and 17,000 to 20,000 cubic yards of import, for a maximum total of 210,000 cubic yards of fill. Stockpiling would be located within the ROW at the staging areas, within active work areas, and away from any sensitive biological areas. Excavated soils would be reused as fill material to minimize wastes and costs. Requirements for engineering controls based on regulated lead levels or the restrictions on reused soils will be determined and confirmed prior to reuse. To minimize and avoid runoff from the stockpiles, temporary hydro-mulch and or cover/tarps will be used and anchored.

Landscaping

Upland trees removed in the course of construction will be replaced with native trees. Native vegetation will also be placed in a scattered layout to reduce the visual appearance of new highway facilities while preserving existing views to hills and distant trees. Additional revegetation will also include grasses and forbs that are native to the region.

Site Cleanup and Restoration

Construction-related materials, including the wildlife exclusion fencing (WEF) and environmentally sensitive area (ESA) fencing will be removed as necessary after the completion of construction activities for each stage of the Project or upon final completion of construction, as applicable. The temporarily disturbed areas will be revegetated with appropriate native species. Permanent erosion control, including soil stabilization measures such as hydroseeding, coir netting, and non-filament mesh fiber rolls, will be applied to affected areas to minimize erosion after construction has been completed for each applicable phase.

Equipment

Equipment necessary to complete the Project may include but is not limited to; excavators, graders, cranes, loaders, telescoping forklifts, backhoe loaders, concrete pumps, concrete trucks, pavers, rollers, compactors, air compressors, portable generators, temporary signals and portable lighting. Asphalt-concrete paving will be conducted with pavers and rollers. Pavement grinding will be conducted with a grinder, and a street sweeper would be used to

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collect leftover grindings and debris. Clearing and grubbing will be done by hand, chainsaws, excavators, and/or loaders. Earthwork will be done by excavators, bulldozers, and graders. Equipment used to construct slopes will be excavators, bulldozers, graders, rollers, and cement pouring equipment. Equipment used for the removal of old pavement will be jackhammers, concrete saw cutters, excavators, and hand tools. Other equipment will include forklifts, front end loaders, a hydroseeding truck, and various trucks and trailers.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
1. Swainson’s hawk (<i>Buteo swainsoni</i>)	Threatened ³

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

Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include initial site setup, equipment and material delivery, clearing and grubbing, site preparation, exclusionary fencing installations, environmentally sensitive area fencing installations, pavement and concrete removal, concrete pump truck activities, soil excavation, soil compaction, grading work, pavement installation, heavy equipment operation, trenching, artificial light source installation, construction vehicle traffic, general vehicle traffic and personnel on foot (collectively, Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities include; direct take from collision with equipment, excessive noise from the operation of heavy equipment, encroachment from individuals on foot into Covered Species nesting areas that results in nest abandonment and the loss of Covered Species eggs or juvenile Covered Species. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of capture of the Covered Species from transport of injured Covered Species to wildlife care facilities. The areas where authorized take of the Covered Species is expected to occur include: The 87.87-acre Biological Study Area (BSA) that encompasses the proposed SR-29/SR-221 Soscot Junction Interchange and all of the Caltrans ROW, as identified in Figure 1, (collectively the Project Area).

The Project is expected to cause the permanent loss of 7.25 acres, the temporary loss of 10.09 acres of foraging habitat for the Covered Species (Figure 2, Staging, Phasing and

³See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(5)(A).

Timeline Map), for a total of 17.34 acres of impact. This Project is also expected to cause the loss of one (1) known nesting occurrences within the Project Area. If more than one (1) nest site is found within 0.25 miles of the Project Area an amendment to this ITP is required to address changed biological circumstances. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses of foraging habitat, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from increased noise and vibrations from heavy equipment operation, long-term effects due to foraging habitat degradation, displacement from preferred habitat, increased competition for food and space, and long-term effects due to increased anthropogenic activities such as increased noise levels from increased anthropogenic activity within the vicinity of nesting habitat from the bicycle and pedestrian path and its design features such as lighting and crossing signals, as well as visual related impacts from the same elements of the multi-use path.

Incidental Take Authorization of Covered Species:

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

Conditions of Approval:

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. California Environmental Quality Act (CEQA) Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration for the State Route 29/State Route 221 Soscil Junction Improvement Project (SCH No.: 2019099072) certified by the California Department of Transportation on February 13, 2020 as lead agency for the Project pursuant to CEQA (Pub. Resources Code, § 21000 et seq.).

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3. ITP Time Frame Compliance: Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

4. General Provisions:

- 4.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 4.2. Designated Biologist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history and the collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed.
- 4.3. Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately stop any activity, in consultation with the Resident Engineer, that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.
 - 4.3.1. Permittee shall accommodate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP due to a conflict with Project construction, then the Designated Biologist shall notify the CDFW representative immediately.
- 4.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal

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protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.

- 4.5. Design Plan Review. All final design plan sets shall be submitted to CDFW a minimum of 30 days prior to the initiation of construction for written review and acceptance. Work may not proceed without acceptance in writing on the final design plan set from CDFW. At the discretion of CDFW, any proposed design plan modifications may require an amendment to this Incidental Take Permit. Design plans may be subject to change dependent upon submission and consultation with CDFW.
- 4.6. Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.
- 4.7. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 4.8. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall adhere to Caltrans Standard Specification 10-5 for dust control strategies.
- 4.9. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species, such as monofilament netting (erosion control matting), filter-fabric, geo-textile fabric or similar plastic-based material in potential Covered Species' habitat.
- 4.10. Delineation of Property Boundaries. Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags and discuss the boundaries in the Education Program with all on-site personnel. Permittee shall restrict all Covered

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Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.

- 4.11. Delineation of Habitat. Before the initiation of Covered Activities the Permittee shall clearly delineate habitat of the Covered Species within the Project Area beyond those areas within the immediate project construction footprint with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' nesting activities.
- 4.12. Project Access. Project-related personnel shall access the Project Area using the staging and access routes identified in Figure 2, Staging, Phasing and Timeline Plan and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour when driving the staging area, access routes or Project Area. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 4.13. Hazardous Waste. Permittee shall immediately stop and pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 4.14. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 4.15. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

5. Monitoring, Notification and Reporting Provisions:

- 5.1. Notification before Commencement. The Designated Representative shall notify CDFW 5 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.

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- 5.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 5.3. Compliance Monitoring. The Designated Biologist shall be required on-site during Covered Activities, refer to Condition of Approval 6.2 for guidance in regard to compliance monitoring schedule requirements. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species, as feasible; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) establish and maintain nest buffer zones, as applicable (See Condition of Approval 6.3); (5) ensure that signs, stakes, and fencing are intact, and (6) capture photos of Project Area conditions and Covered Activities and to ensure that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare written observation and inspection records as specified in Condition of Approval 6.3; summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.
- 5.4. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 5.3 (Compliance Monitoring) into a Monthly Compliance Reports and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Robert Stanley (Robert.Stanley@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 5.5. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report, whichever is submitted first relative to the observation.
- 5.6. Annual and Final Construction Reports. No later than 60 days after completion of construction for each year of Covered Activities the Permittee shall provide CDFW

with an Annual or Final Construction Report. The Designated Biologist shall prepare the Final Construction Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about the Projects annual impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future Projects on the Covered Species; and (8) any other pertinent information.

- 5.7. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (707) 428-2002 and the regional representative within 24 hours. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two business days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information. The report and notification shall also be submitted to CDFW's Regional Representative Robert Stanley (Robert.Stanley@wildlife.ca.gov).

6. Take Minimization Measures:

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

Covered Species Avoidance and Minimization

- 6.1. Pre-Construction Surveys. Prior to initiating Covered Activities and at the onset of nesting season (beginning in March) during each year the Project is in active construction, the Designated Biologist(s) shall conduct reconnaissance surveys to identify all potential nesting habitat within 0.25 miles of the Project Area and identify any potential Covered Species active nests. Surveys shall follow methods outlined in the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>). The survey shall include all potential staging areas, storage areas, stockpile areas, and vehicle access routes. All results shall be submitted to CDFW a minimum of 7 days prior to initiating Covered Activities for review.

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- 6.2. Daily Construction Surveys. A Designated Biologist(s) shall be on-site daily for all Covered Activities occurring during the Covered Species nesting season from March 15 to September 15. If a Covered Species nest within 0.25 miles of the Project Area is active beyond the nesting season, monitoring shall continue each day until the young have fledged. Outside of the Covered Species nesting season, if no nests are active within a 0.25-mile radius, the Designated Biologist may develop an alternate monitoring schedule in coordination with the CDFW representative. Surveys shall follow methods outlined in the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>). Survey requirements and buffer limits may be modified with written request to and approval from CDFW. If a lapse in Covered Activities of 7 days or longer occurs, additional surveys shall be performed prior to resuming Covered Activities during the nesting season (March 15 to September 15) and the results sent to CDFW 48 hours prior to the re-initiation of work. All daily construction survey results should be submitted weekly to CDFW when an active nest is present and monthly when no active nest is present.
- 6.3. Active Nest Buffer Zones. If active Covered Species nests are found, no Covered Activities shall occur within 0.25 miles of an active Covered Species nest unless a smaller buffer is established in consultation with CDFW. If Covered Species do not exhibit signs of disturbance, as specified in Condition of Approval 6.4, the buffer distance can be incrementally reduced based on monitoring the response of Covered Species to Covered Activities. With written approval from CDFW, the Designated Biologist(s) may increase, reduce or remove the buffer based on the monitoring responses of Covered Species. If more than one (1) nest site is found within 0.25 miles of the Project Area an amendment to this ITP is required to address changed biological circumstances.

The Permittee shall clearly delineate the buffer zone around an active nest within the Project Area with posted signs demarcating the area to avoid and using stakes, fencing, flags, and/or rope or cord to minimize the disturbance of Covered Species nesting behaviors. All construction personnel shall be notified of the existence and location of the known active Covered Species nest site and any active Covered Species nest sites detected during pre-construction surveys. Construction Personnel shall be instructed to minimize disturbances to these sites to the maximum extent feasible during nesting season. Trees or other features containing active nests shall be flagged or otherwise marked in the field. The marking should be readily visible at a distance of at least 100 feet. If a nest is located on an off-site property, signage and/or flagging shall be placed at the property boundary near where the nest is located. The sign shall indicate the direction and approximate distance of the nest from the property line.

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- 6.4. Stop Work for Abnormal Nesting Behavior. A Designated Biologist(s), who is experienced in raptor behavior and approved by CDFW, shall be assigned to monitor the behavior of actively nesting Covered Species within 0.25 miles of the Project Area. The Designated Biologist(s) shall have the authority to stop all Covered Activity determined to cause abnormal nesting behavior in Covered Species, which may cause nest abandonment and loss of eggs/young. Abnormal nesting behaviors include, but are not limited to, swooping/stooping excessive vocalization (distress calls), agitation, standing up from a brooding position, failure to remain on the nest, and failure to deliver prey items for an extended time-period. Project activities resulting in abnormal nesting behavior shall not resume until the Designated Biologist(s) has consulted with CDFW and both the Designated Biologist and CDFW confirm that the bird's behavior has normalized, or the young have left the nest. On a weekly basis, the Designated Biologist shall report directly to CDFW the status of each Covered Species active nest. Reports shall include observations of abnormal nesting behaviors and any significant changes in ambient conditions due to Covered Activities. Significant changes would include noise levels and visual conditions such as an increase in the number of personnel walking around the Project Area or mobilization of large equipment into the Project Area.
- 6.5. Nest Abandonment and Hacking. If the Project results in nest abandonment and nestling(s) are still alive, the Designated Biologist(s) shall recover the hatchling(s) or egg(s) and immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall bear any cost associated with recovery of nestling(s) and hacking (controlled release of captive reared young) of the nestling(s).
- 6.6. Removal of Nest Trees. No active nest trees, or trees known to have active nests in the last five years are authorized for removal under the conditions of this ITP.
- 6.7. Project Access and Staging. The Permittee shall establish and maintain all Project Areas, Staging Areas and Access Routes within areas of previously identified impacts as described in this Incidental Take Permit and shall not traverse Covered Species Habitat outside specified areas of impact for any purpose including personnel on foot (Figure 3, Project Habitat Impacts Map). Staging areas and laydown areas shall not occur within the active nest buffer as specified in Condition of Approval 6.3. No night delivery of material is authorized to occur within the active nest buffer as specified in Condition of Approval 6.3.
- 6.8. Signs and Fence Post Restrictions. Any fencing posts or signposts installed temporarily or permanently throughout the course of the Project will prevent the entrapment of wildlife, specifically birds of prey. If open-ended pipes or bollards are used for posts, they shall be capped. If metal posts with post holes are used (including, but not limited to U-channel posts and T-posts), the posts shall have the top three post holes or any post holes above an affixed sign capped, covered, or filled. The Designated Biologist will be responsible for ensuring compliance with this

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measure throughout the course of the Project and will inspect each post for compliance when at the Project Site.

- 6.9. Temporary Artificial Lighting Restrictions and Nightwork. All temporary lighting shall be required to have shielding and shall be focused to the Project Area to avoid to the maximum extent feasible scattering of artificial light into natural lands. When not in use all temporary lighting shall be shut down upon the completion of work each day. No nightwork is authorized to occur within the active nest buffer as specified in Condition of Approval 6.3.
- 6.10. Permanent Artificial Lighting Restrictions. All new installations and replacements of previously existing light emitters, luminaires or bulb types for permanent use within the Project Area shall have a maximum output programmed at 2700 kelvin or less. All new installations or replacements of lighting shall be fitted with back-shielding, and the surface area of the light shall be directed so that it does not project into natural lands. The Isolux Analysis baseline of current artificial lighting conditions (Figure 4, Existing Lighting Isolux Analysis Map) establishes the baseline of existing conditions and the proposed lighting output of new and replacement emitters over the surface area of natural lands. An updated Isolux analysis shall be required within 60 days of completion of Covered Activity completion to determine real-world light levels. All permanent lighting shall be directed towards the surface of the road and employ adjusted mast height and adjusted reach arm lengths to reduce light pollution into natural lands. Additional avoidance and minimization conditions may be required in consultation with CDFW if an increase in lighting output is determined to occur onto natural lands greater than the initial projections when compared to the Final Isolux Diagram that measures the real-world artificial lighting outputs.
- 6.11. Construction Survey and Monitoring. Throughout the course of Covered Activities, the Designated Biologist(s) shall conduct reconnaissance surveys to identify all potential nesting habitat within 0.25 miles of the Project Area and identify any potential Covered Species active nests. Surveys shall follow methods outlined in the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>). All results shall be submitted to CDFW as part of the On-Site Restoration Plan, as specified in Condition of Approval 7.5.

7. Habitat Management Land Acquisition and Restoration:

CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent

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to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall purchase one (1) Covered Species credit for suitable nesting habitat from a CDFW-approved mitigation or conservation bank (Condition of Approval 7.2) to cover the loss or abandonment of one Covered Species nest. The Permittee shall also purchase 17.34 acres of Covered Species credit for suitable foraging habitat from a CDFW-approved mitigation or conservation bank (Condition of Approval 7.2). OR shall provide for both the permanent protection and management of 17.34 acres of Habitat Management (HM) lands, pursuant to Condition of Approval 7.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 7.4 below. Compensatory habitat shall include upland foraging and dispersal habitat for Covered Species through preservation, restoration, enhancement, and/or creation of habitat that is the same or better quality as upland habitat that will be impacted. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 8 below for all uncompleted obligations. The Permittee shall also restore on-site 10.09 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 7.5 below.

7.1. Cost Estimates. CDFW has estimated the cost of purchasing credits from a from a CDFW-approved mitigation or conservation bank and restoration of temporarily disturbed habitat as follows:

- 7.1.1. Purchase of one Covered Species nesting habitat credits identified in Condition of Approval 7, estimated at **\$160,000.00**;
- 7.1.2. Purchase of 17.34 credits of Covered Species foraging habitat credit identified in Condition of Approval 7, estimated at \$150,000.00/acre; **\$2,601,000.00**;
- 7.1.3. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 7.5 (Habitat Restoration), calculated at \$3,900.00/acre for 10.09 acres: **\$39,351.00**.

7.2. Habitat Acquisition and Protection. To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall:

- 7.2.1. Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as

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amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);

- 7.2.2. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2B) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;
- 7.2.3. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2A). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 7.2.4. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.
- 7.2.5. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <https://wildlife.ca.gov/Conservation/Planning/Banking>); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting

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litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;

7.2.6. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management, and restoration of disturbed habitat. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.

7.3. Endowment Fund. The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 7.2.5 (Start Up Activities). Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.

7.3.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee

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shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).;

7.3.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.

7.3.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.

7.3.2.2. Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:

7.3.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

7.3.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.

7.3.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well

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replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.

- 7.3.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.
- 7.4. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.
- 7.5. On-Site Habitat Restoration. Permittee shall submit an On-Site Restoration Plan a minimum of 60 days prior to the initiation of construction for CDFW approval. All plantings within the entire Project Area shall consist of regionally native species. The On-Site Restoration Plan success criteria shall be applicable to an area of at least 10.09 acres of Covered Species habitat within the Project Area. All plantings will be subject to a survivorship criteria developed in consultation with CDFW and identified in the Habitat Restoration Plan. All Impacted areas shall be seeded with an erosion control seed mix consisting of regionally native species to the area approved in advance by CDFW. The seed mix shall also include native milkweed (*Asclepias fascicularis*) or other regionally native milkweed species approved in advance by CDFW. If seed mix fails, additional efforts shall be required. All irrigation systems shall be removed prior to CDFW final approval for on-site restoration. Failure to meet any of the success criteria noted in this condition shall result in additional seeding, plantings and years of additional monitoring until the success criteria are achieved as specified in this condition. All monitoring reports shall be submitted by December 31 to CDFW for review and acceptance, until milestones are achieved. The monitoring reports shall include photographs from five pre-determined stations that illustrate before, during and after construction activity as well as the restoration efforts over the course of the agreed upon monitoring timeframe and any additional years of monitoring, as applicable.
- 7.5.1. Invasive Species Removal. Invasive species removal and control specification shall be included in the Habitat Restoration Plan and shall focus on those invasive species rated as "High" by the California Invasive Plant Council (<https://www.cal-ipc.org/plants/inventory/>). Species removal shall occur over the

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course of Covered Activities and throughout the 10.09-acre restoration area. At the end of the monitoring period noted in the Habitat Restoration Plan, the Permittee shall ensure that invasive species rated as “High” by the California Invasive Plant Council are maintained at 10% or less ground cover.

- 7.5.2. Covered Species Prey Monitoring. Over the course of Covered Activities, the Permittee shall develop and implement a Covered Species prey monitoring plan to monitor prey items selected by the Covered Species and to determine the activity levels of those prey items in the temporarily impacted areas noted in the Project Impacts section of this ITP.

8. Performance Security:

The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 7 (Habitat Management Land Acquisition and Restoration) that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

- 8.1. Security Amount. The Security shall be in the amount of **\$2,800,351.00**. This amount is based on the cost estimates identified in Condition of Approval 7.1 (Cost Estimates) above.
- 8.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 8.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 6 months after the effective date of this ITP, whichever occurs first.
- 8.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 8.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.
- 8.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 8.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:

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- Submission of Bill of Sale from a CDFW approved Bank;
- Written documentation of the acquisition of the HM lands;
- Copies of all executed and recorded conservation easements;
- Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
- Timely submission of all required reports
- All milestones are achieved as specified in Condition of Approval 7.5

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

Amendment:

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

Stop-Work Order:

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

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Compliance with Other Laws:

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

Notices:

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

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

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2021-020-03) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

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

and a copy to:

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

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

Robert Stanley, Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife, Bay Delta Region – 3
2825 Cordelia Road, Suite 100, Fairfield, CA 94534
Telephone (707) 339-6534
Robert.Stanley@wildlife.ca.gov

Compliance with CEQA:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, California Department of Transportation (See generally Pub. Resources Code, §§ 21067, 21069). The lead agency's prior environmental review of the Project is set forth in Mitigated Negative Declaration (MND) for the State Route 29/State Route 221 Soscot Junction Improvement Project, (SCH No. 2019099072) dated February 2020 that the California Department of Transportation certified on February 13, 2020. At the time the lead agency certified the MND and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application for the Napa SR-29/SR-221 Soscot Junction Improvement Project and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

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- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the purchase of one (1) Covered Species Nesting Credit, 17.34 acres of Covered Species Foraging Credits, on-site restoration of 10.09 acres of foraging habitat minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related Projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

Attachments:

FIGURE 1	Project Location Map
FIGURE 2	Staging, Phasing and Timeline Plan
FIGURE 3	Project Habitat Impacts Map
FIGURE 4	Existing Isolux Lighting Analysis Map
FIGURE 5	Proposed Isolux Lighting Analysis Map
FIGURE 6	Covered Species Nest Location and Lighting Map
FIGURE 7	95% Engineered Design Plans for Soscol Junction
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2A, 2B	Habitat Management Lands Checklist; Proposed Lands for Acquisition Form
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFEon 8/20/2021.

DocuSigned by:

Stacy Sherman

692D021D81CA4F7...

 Stacy Sherman, Acting Regional Manager
 Bay Delta Region
ACKNOWLEDGMENT

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

DocuSigned by:



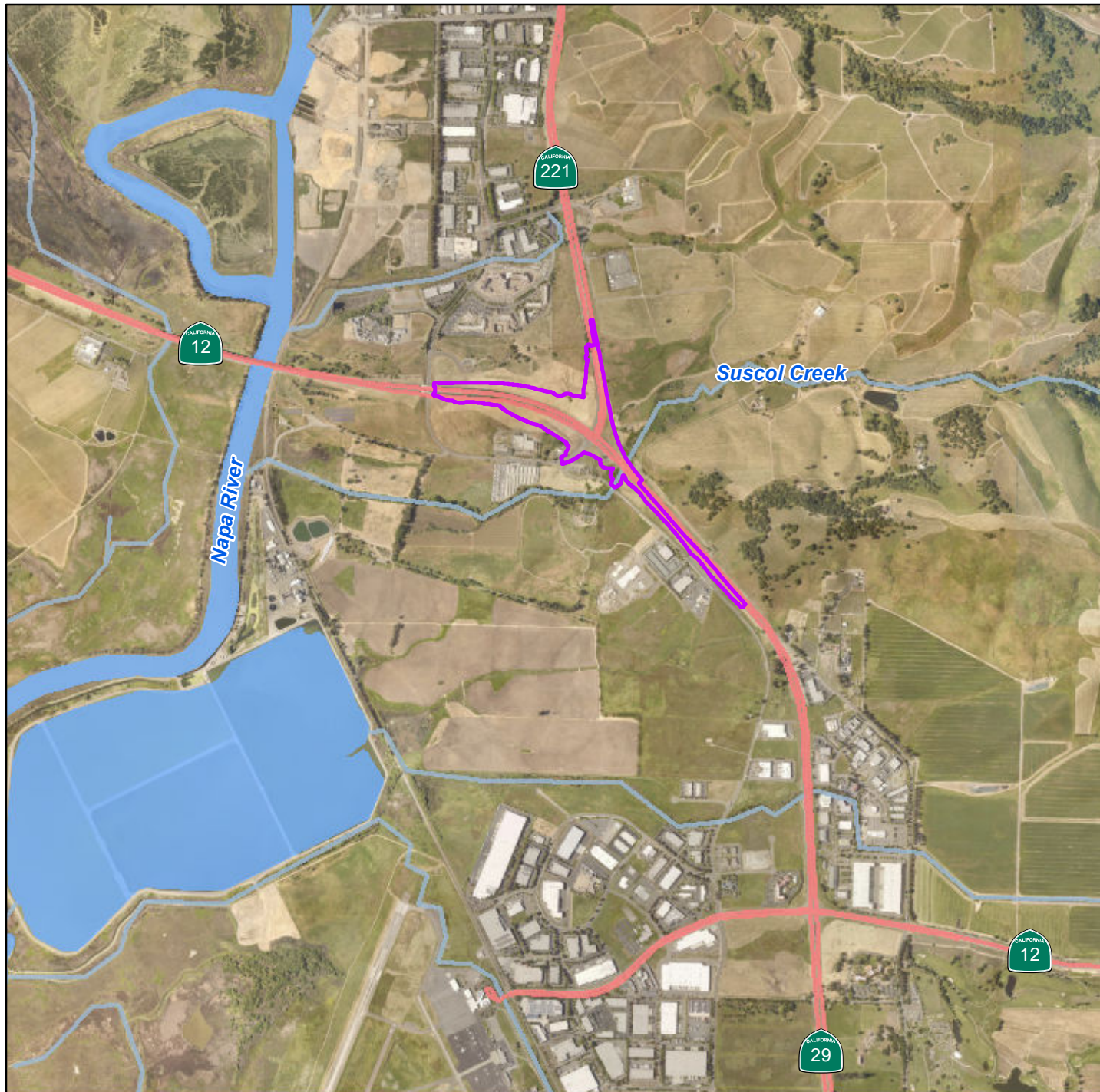
By: _____

452190C870CA43C...

Date: 8/21/2021Printed Name: Rui GaoTitle: Regional Project Manager

 Incidental Take Permit
 No. 2081-2021-020-03

 CALIFORNIA DEPARTMENT OF TRANSPORTATION
 STATE ROUTE 29/STATE ROUTE 221 SOSCOL JUNCTION IMPROVEMENT PROJECT; EA 04-28120



LEGEND

- Project Footprint (42.33 acre)
- Highways/Major Roads
- Lakes, Ponds, Rivers and Streams

Service Layer Credits:

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
 Sources: Esri, USGS, NOAA
 National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.

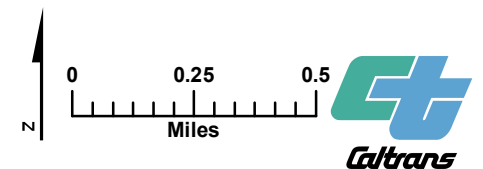
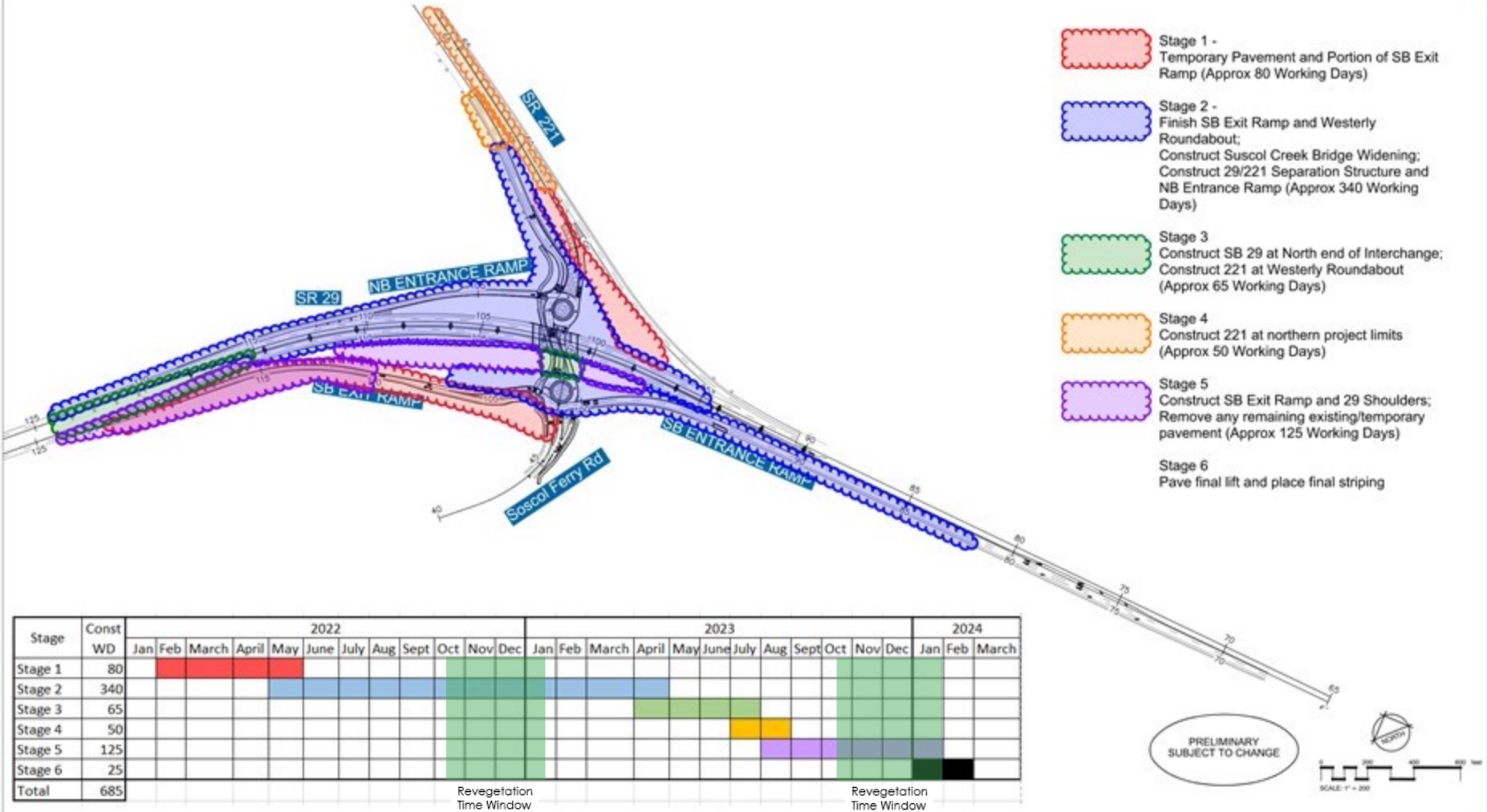
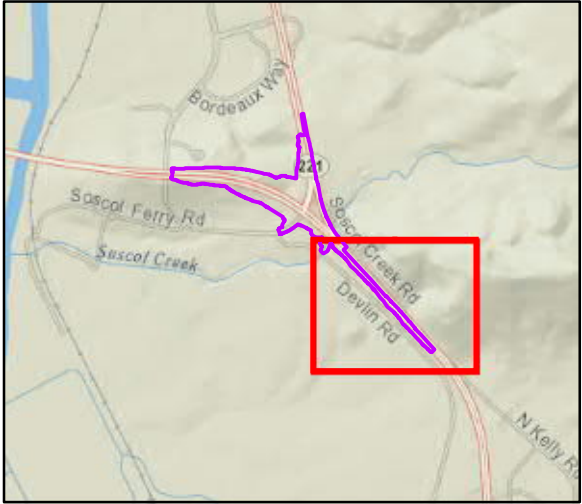


FIGURE 1 Project Location

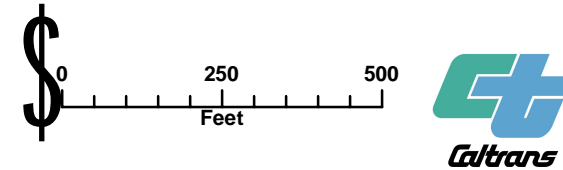
State Route 29/State Route 221 Soscol
 Junction Improvement Project
 EA 28120, 04-NAPA-29 PM R5.6/R6.7;
 221 PM 0.0/0.4
 Napa County, California





- LEGEND**
- Biological Study Area (87.87)
 - Project Footprint (41.23 acres)
 - Existing Pavement (13.28 acres)
 - Proposed Paved Surfaces (18.35 acres)
 - Caltrans Right of Way

Service Layer Credits:
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.

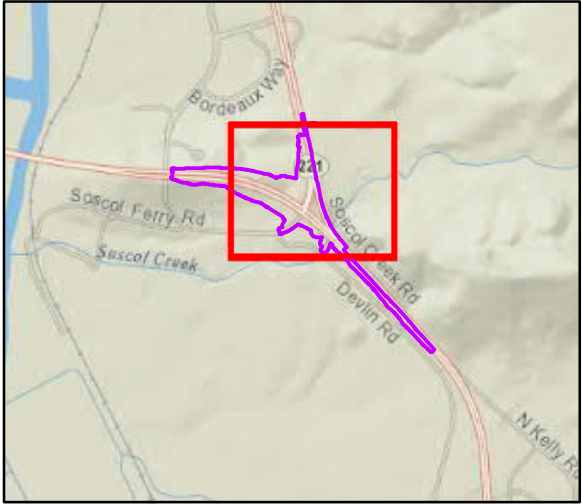
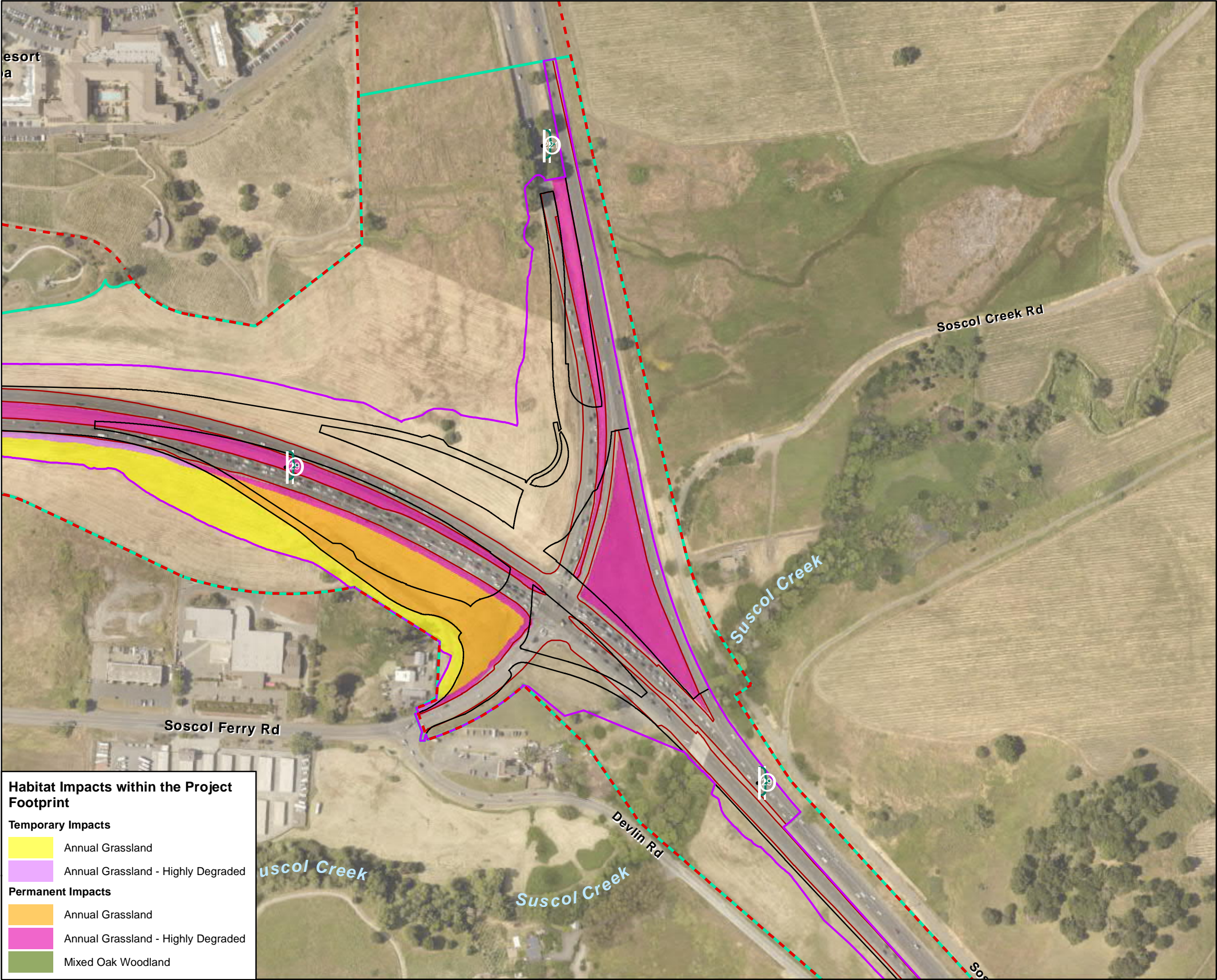


STAGE 1: FEB, 2022 - MAY, 2022
MAP 1 OF 3
PROJECT IMPACTS TO VEGETATION
State Route 29/221 Soscol Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California

Habitat Impacts within the Project Footprint

Permanent Impacts

- Annual Grassland
- Annual Grassland - Highly Degraded



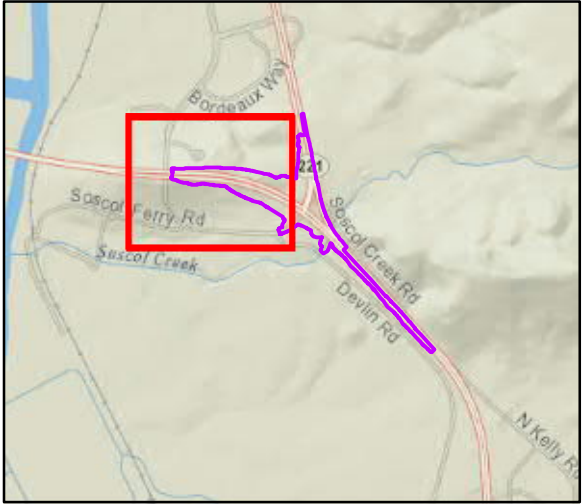
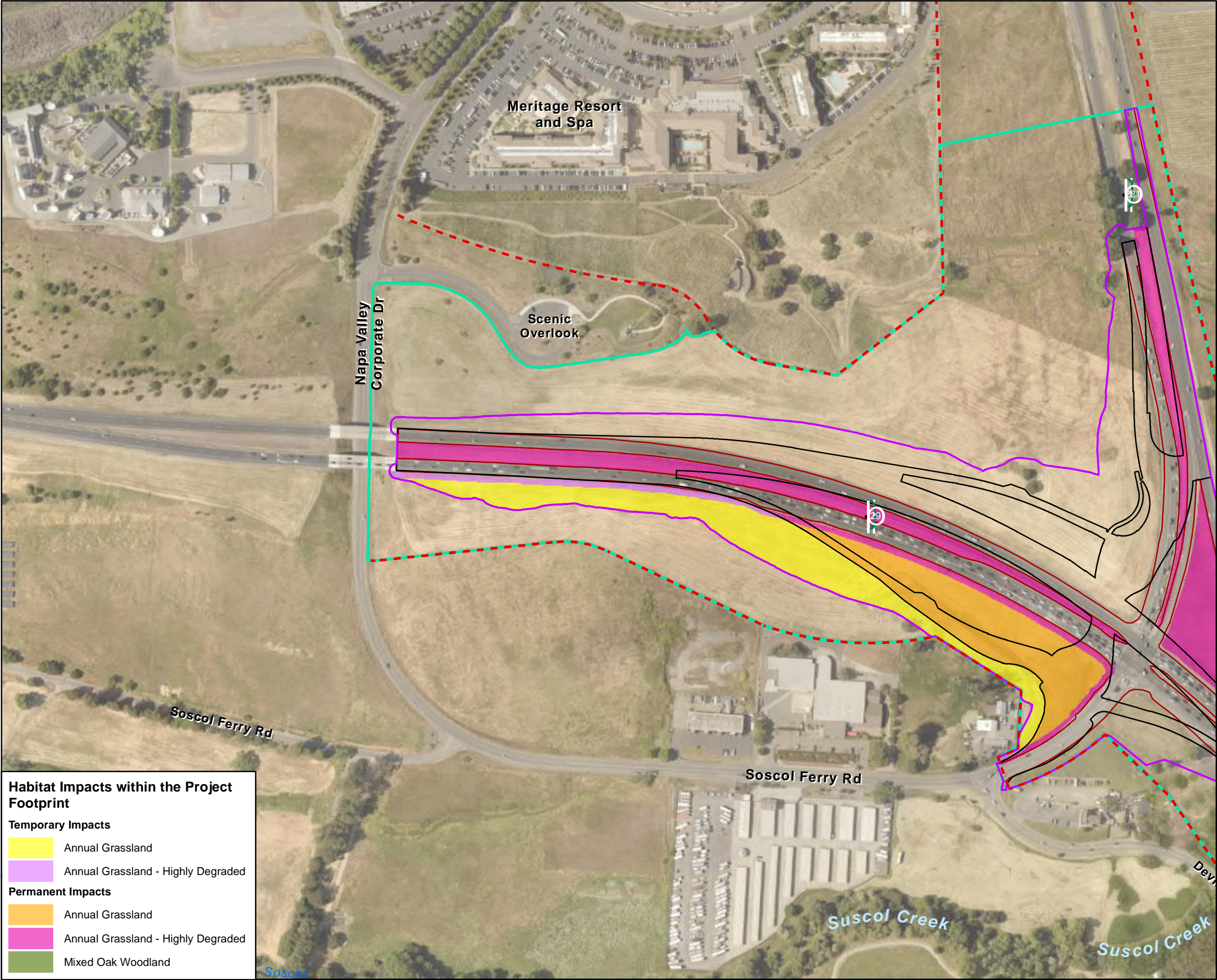
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National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.

Scale: 0 250 500 Feet

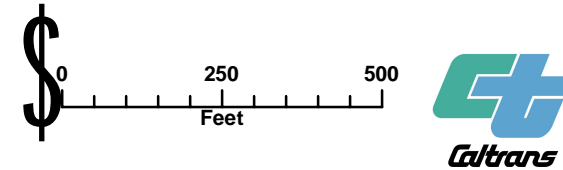
Caltrans

STAGE 1: FEB, 2022 - MAY, 2022
MAP 2 OF 3
PROJECT IMPACTS TO VEGETATION
State Route 29/221 Soscol Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California

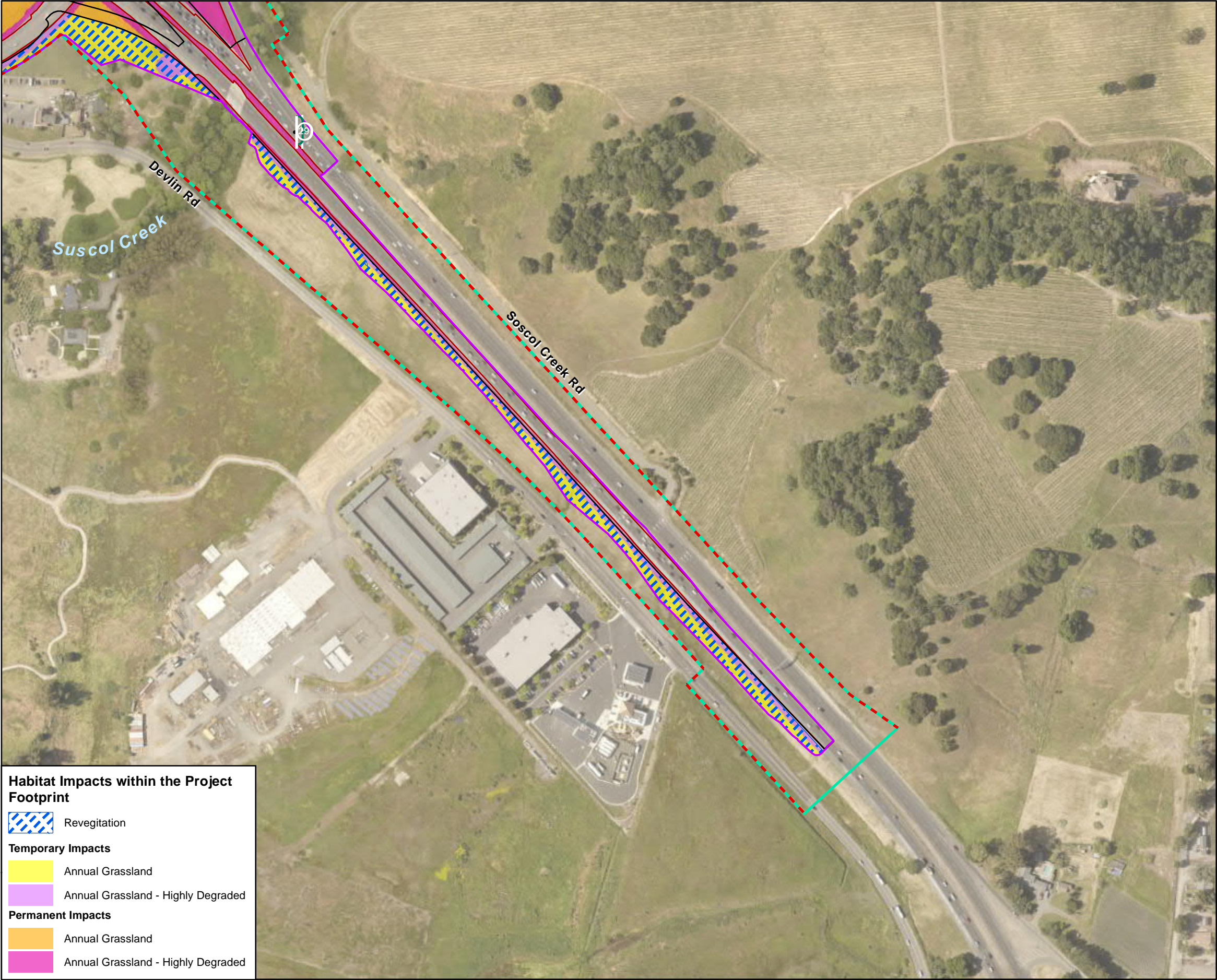


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National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.



STAGE 1: FEB, 2022 - MAY, 2022
MAP 3 OF 3
PROJECT IMPACTS TO VEGETATION
State Route 29/221 Soscot Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California



Habitat Impacts within the Project Footprint

Revegetation

Temporary Impacts

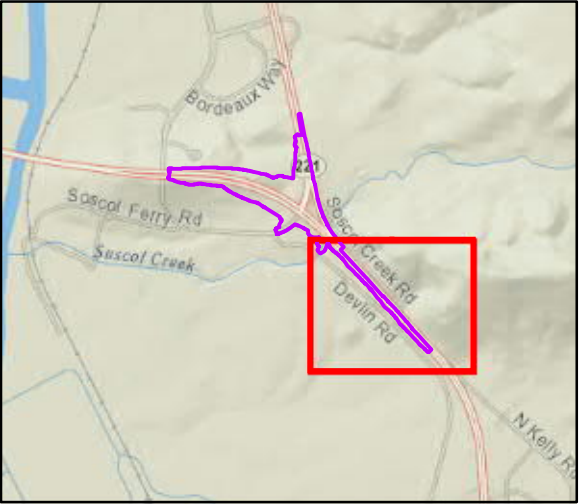
Annual Grassland

Annual Grassland - Highly Degraded

Permanent Impacts

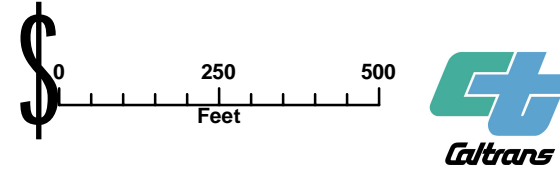
Annual Grassland

Annual Grassland - Highly Degraded

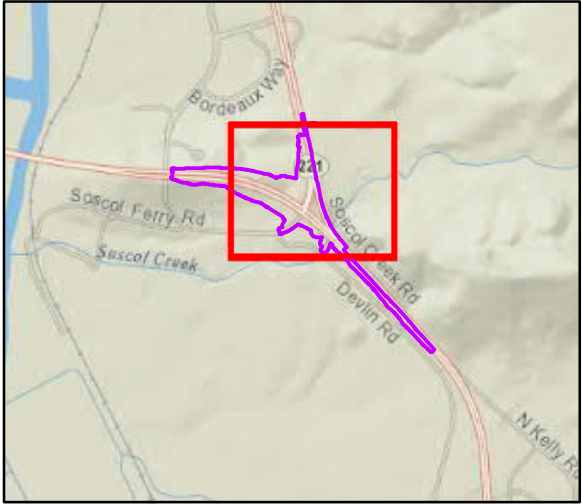
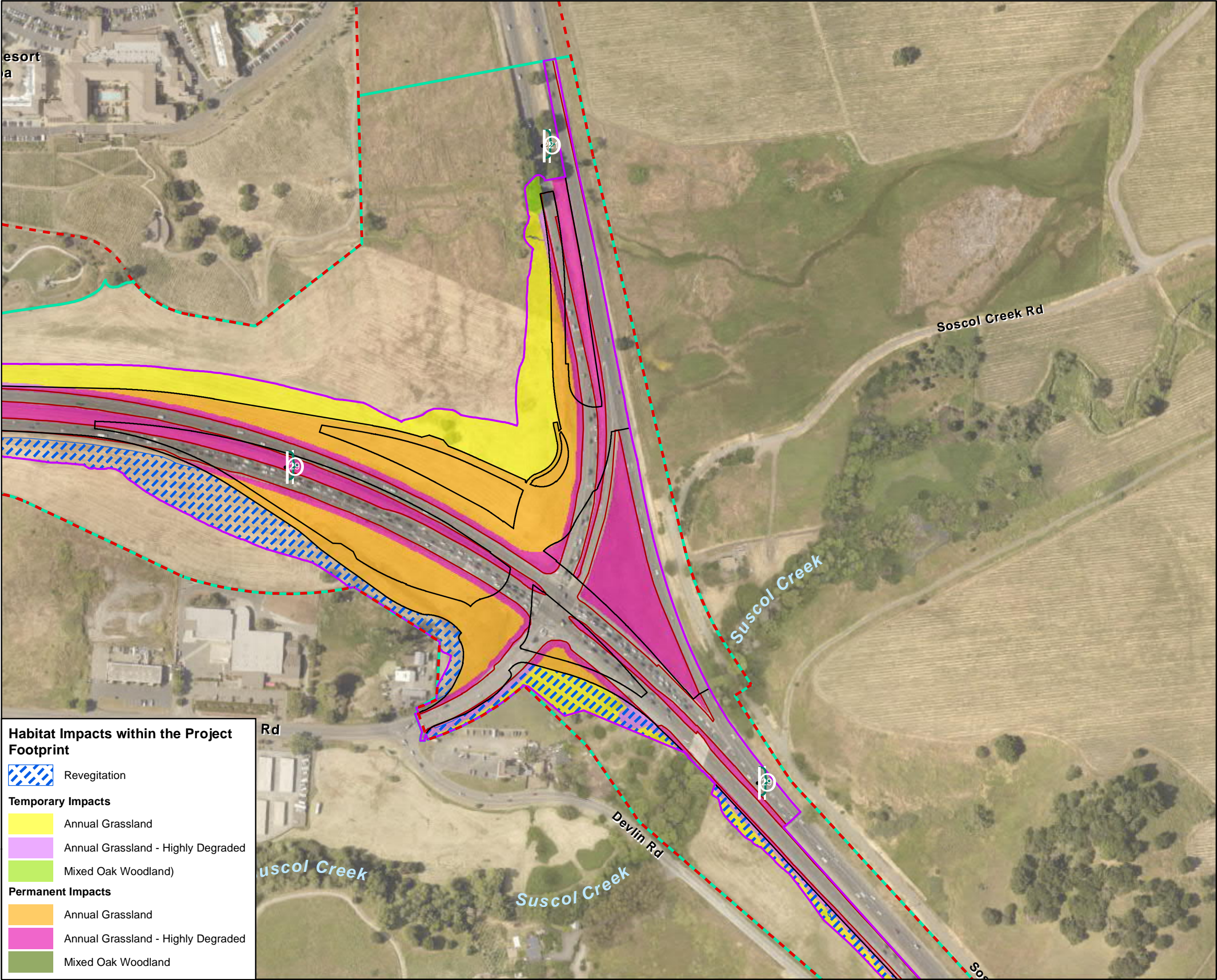


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National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.

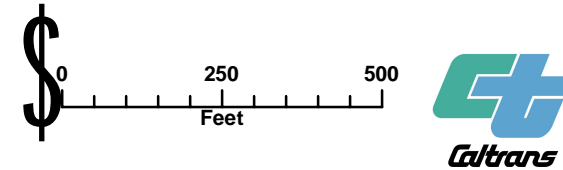


STAGE 2: MAY, 2022 - APR, 2023
MAP 1 OF 3
PROJECT IMPACTS TO VEGETATION
State Route 29/221 Soscol Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California

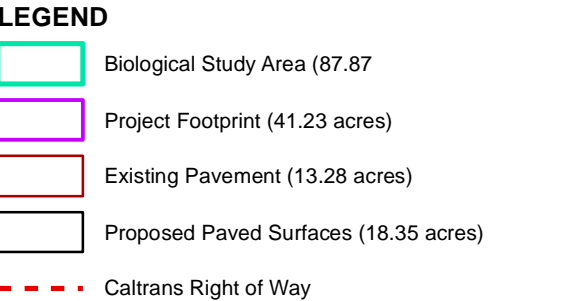
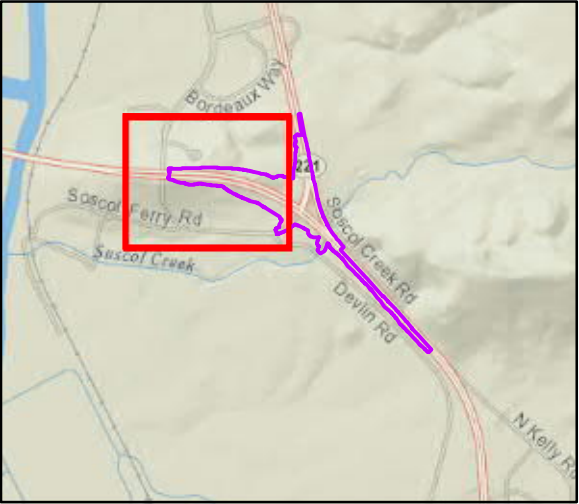
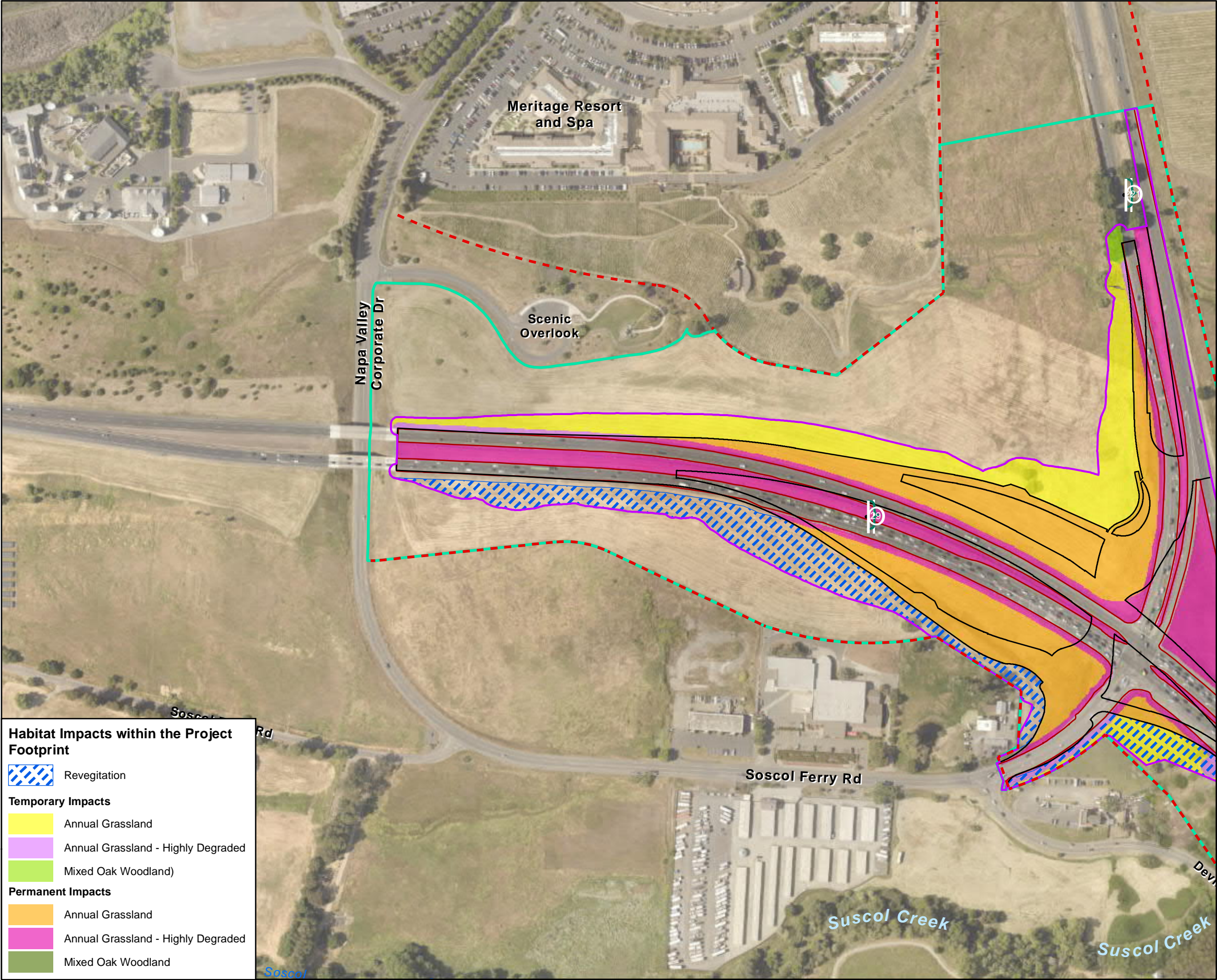


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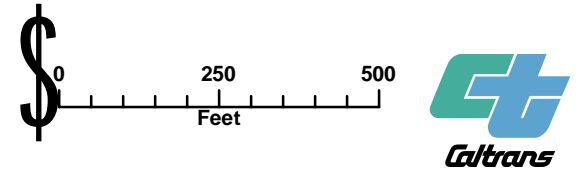
Service Layer Credits:
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.



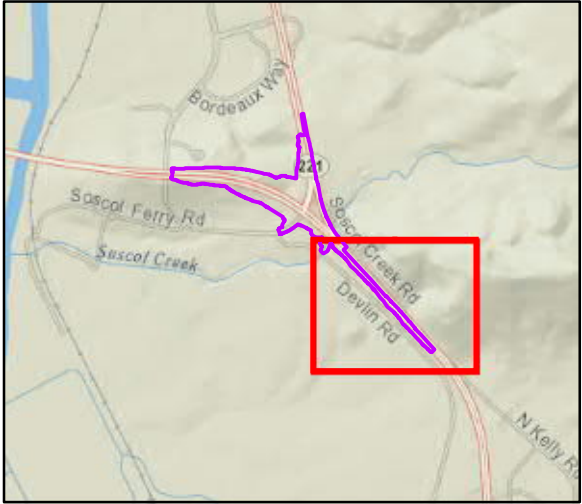
STAGE 2: MAY, 2022 - APR, 2023
MAP 2 OF 3
PROJECT IMPACTS TO VEGETATION
State Route 29/221 Soscol Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California



Service Layer Credits:
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
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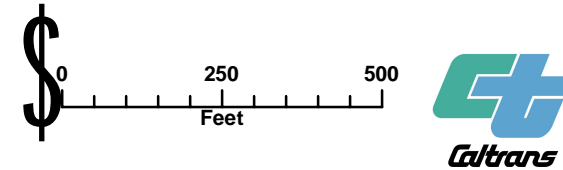


STAGE 2: MAY, 2022 - APR, 2023
MAP 3 OF 3
PROJECT IMPACTS TO VEGETATION
State Route 29/221 Soscot Junction Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California



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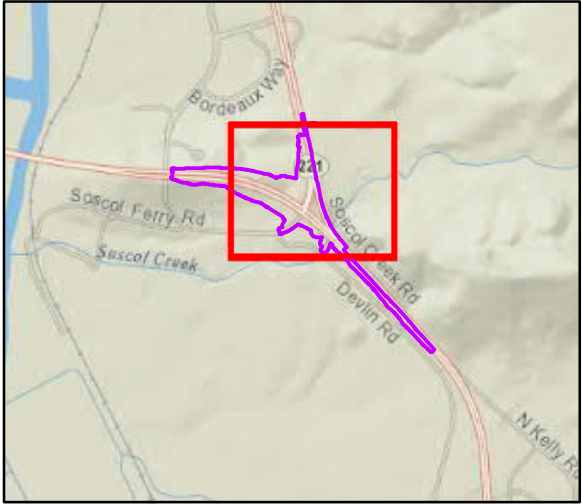
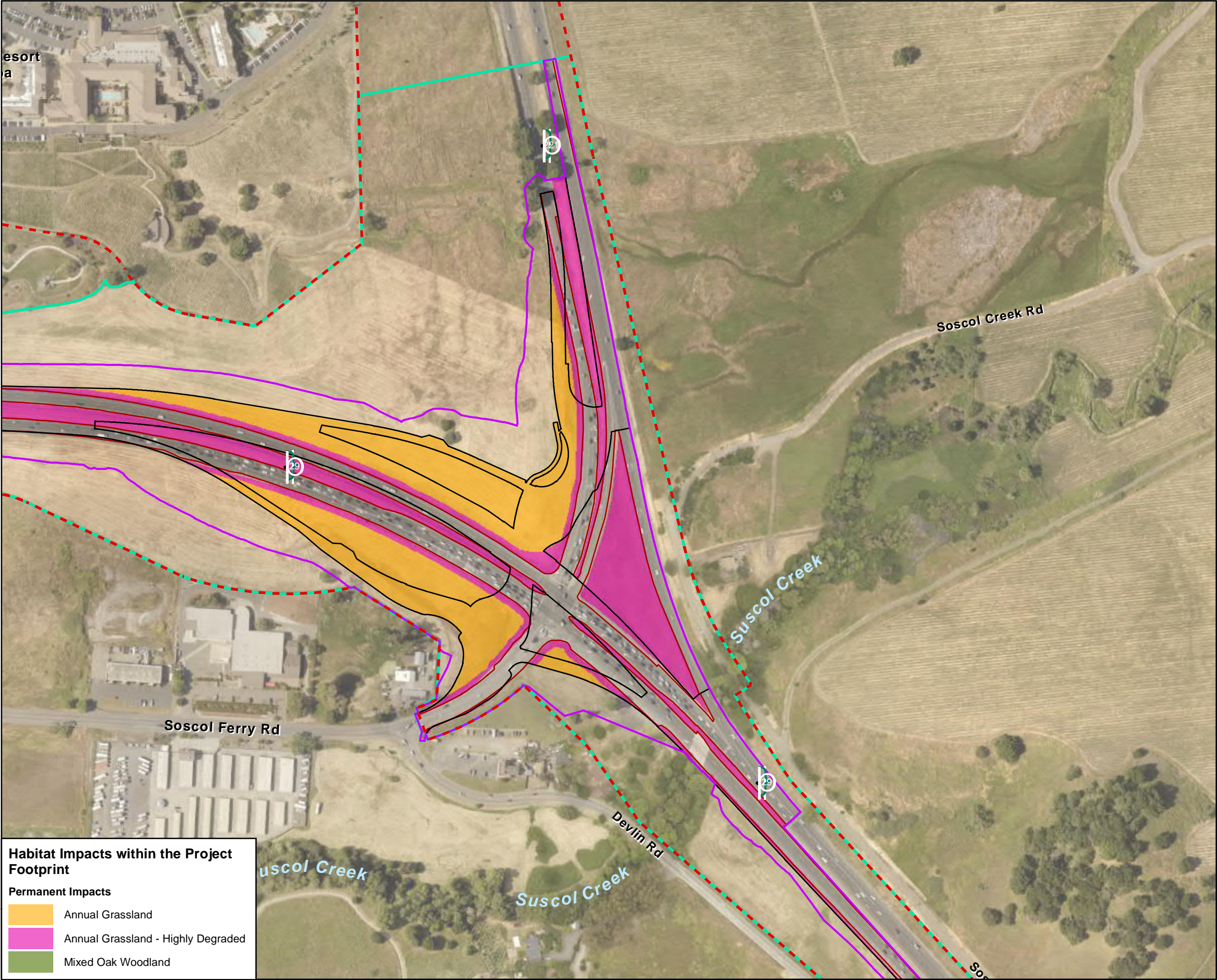


STAGE 3: APR, 2023 - JUL, 2023
MAP 1 OF 3
PROJECT IMPACTS TO VEGETATION
State Route 29/221 Soscol Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California

Habitat Impacts within the Project Footprint

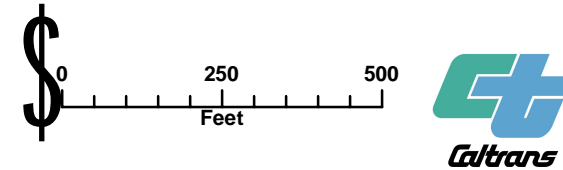
Permanent Impacts

- Annual Grassland
- Annual Grassland - Highly Degraded

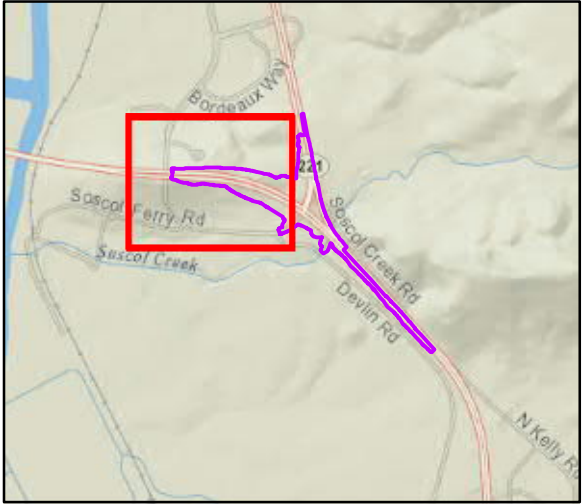
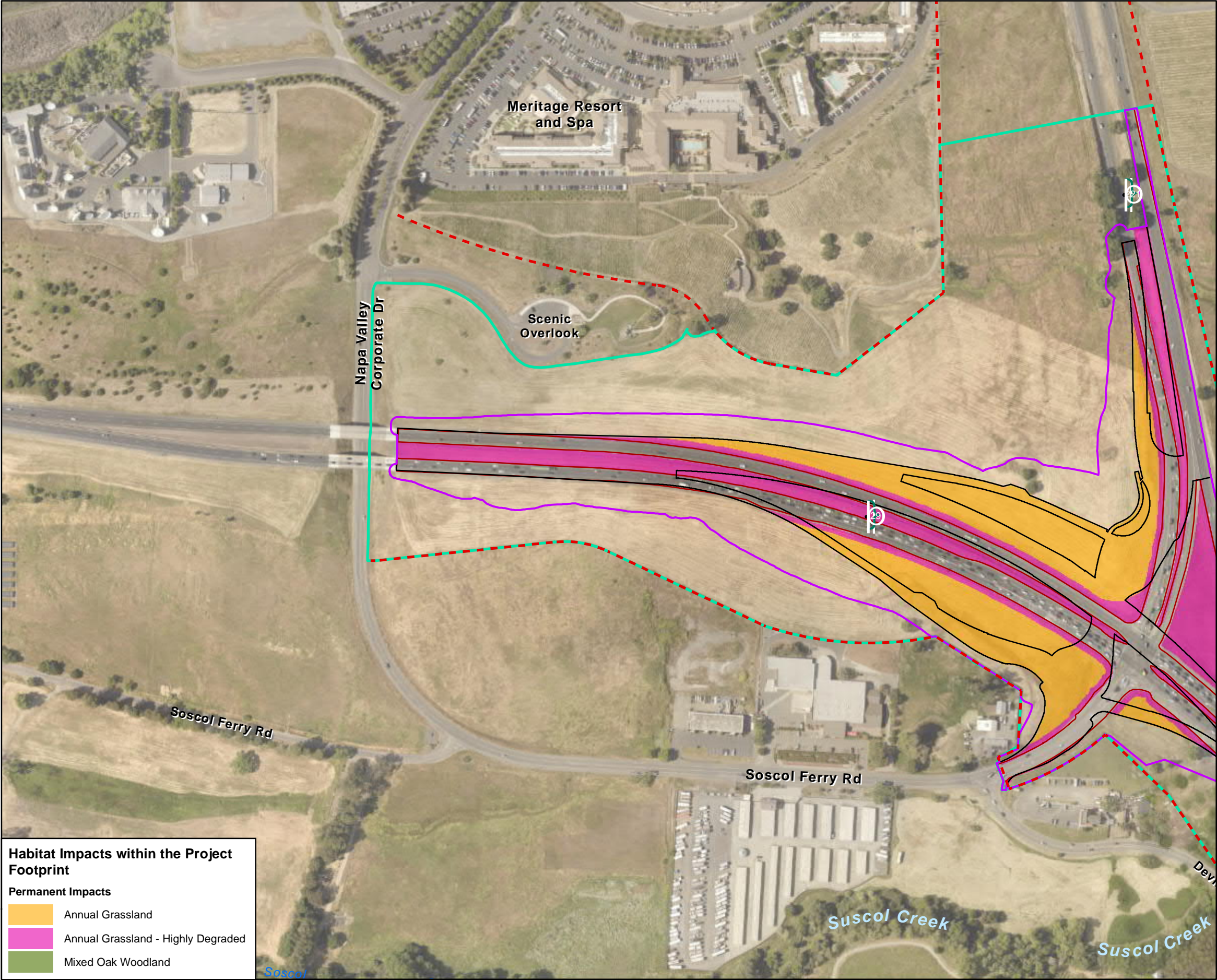


- LEGEND**
- Biological Study Area (87.87)
 - Project Footprint (41.23 acres)
 - Existing Pavement (13.28 acres)
 - Proposed Paved Surfaces (18.35 acres)
 - Caltrans Right of Way

Service Layer Credits:
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
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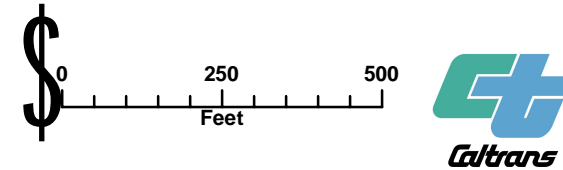


STAGE 3: APR, 2023 - JUL, 2023
MAP 2 OF 3
PROJECT IMPACTS TO VEGETATION
State Route 29/221 Soscol Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California



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STAGE 3: APR, 2023 - JUL, 2023
MAP 3 OF 3
PROJECT IMPACTS TO VEGETATION
State Route 29/221 Soscot Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California

Habitat Impacts within the Project Footprint

Permanent Impacts

- Annual Grassland
- Annual Grassland - Highly Degraded
- Mixed Oak Woodland

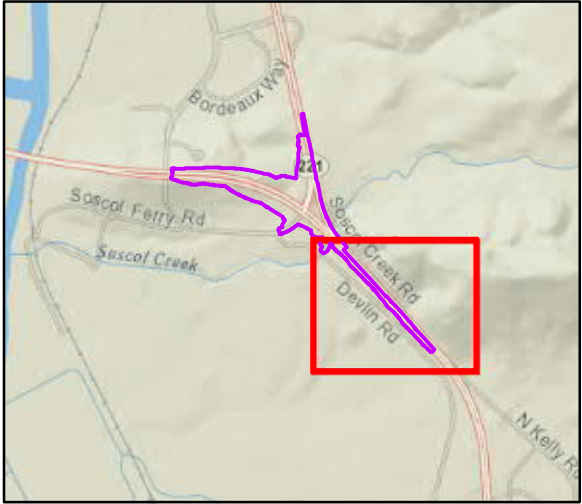


Habitat Impacts within the Project Footprint

Permanent Impacts

Annual Grassland

Annual Grassland - Highly Degraded



LEGEND

Biological Study Area (87.87)

Project Footprint (41.23 acres)

Existing Pavement (13.28 acres)

Proposed Paved Surfaces (18.35 acres)

Caltrans Right of Way

Service Layer Credits:
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
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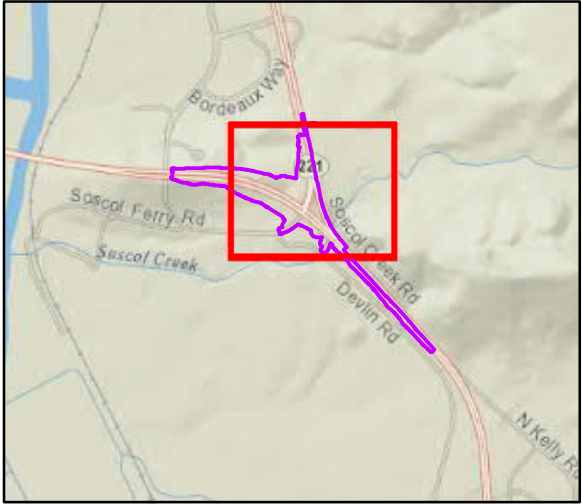
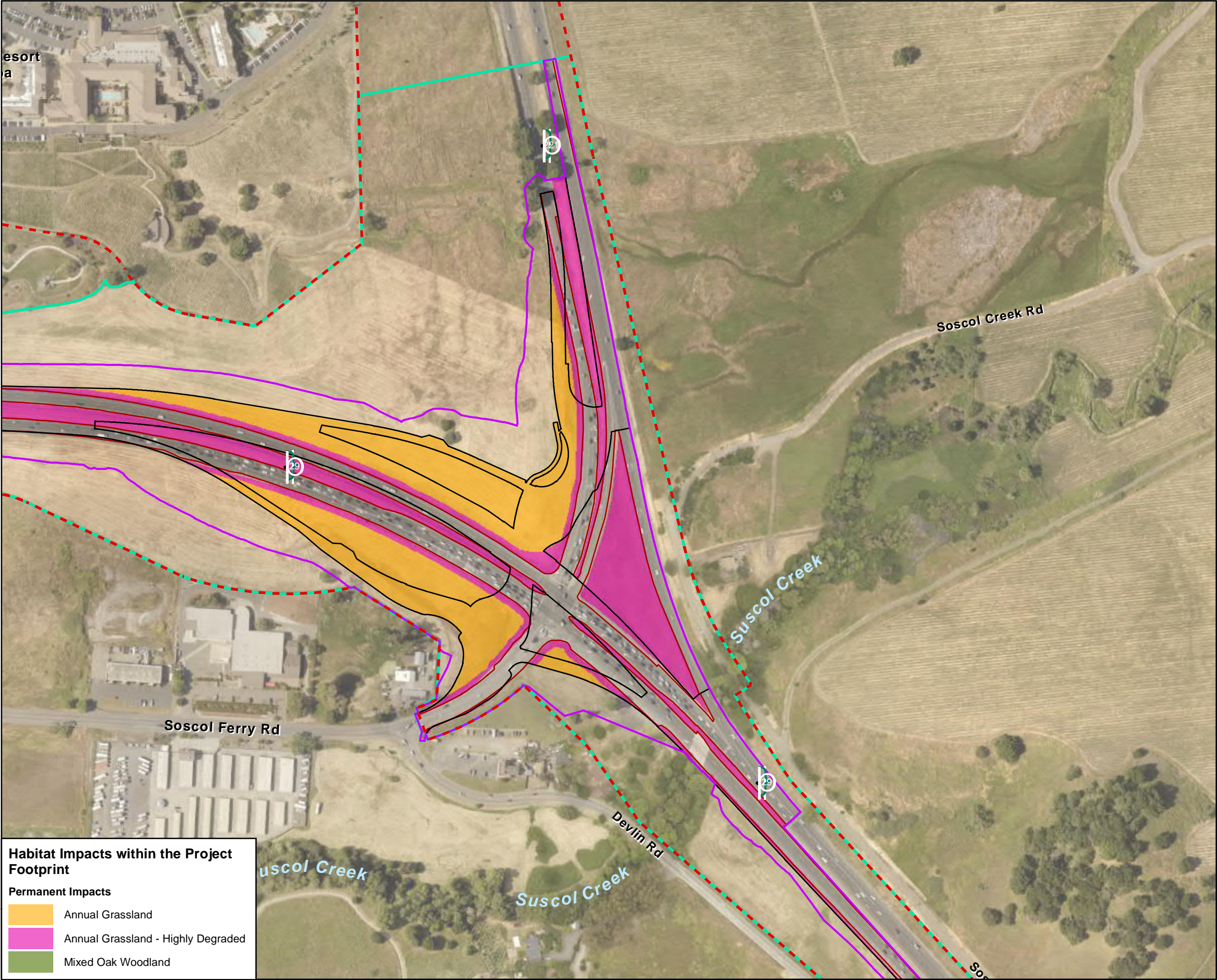
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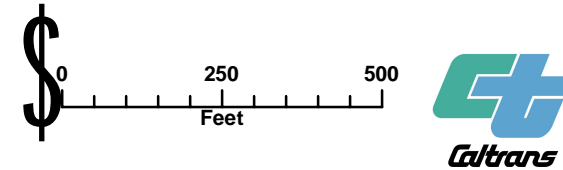
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STAGE 4: JUL, 2023 - AUG, 2023
MAP 1 OF 3
PROJECT IMPACTS TO VEGETATION
State Route 29/221 Suscol Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California

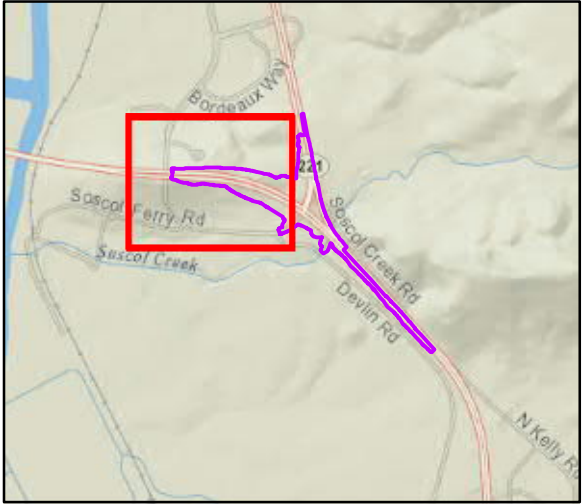
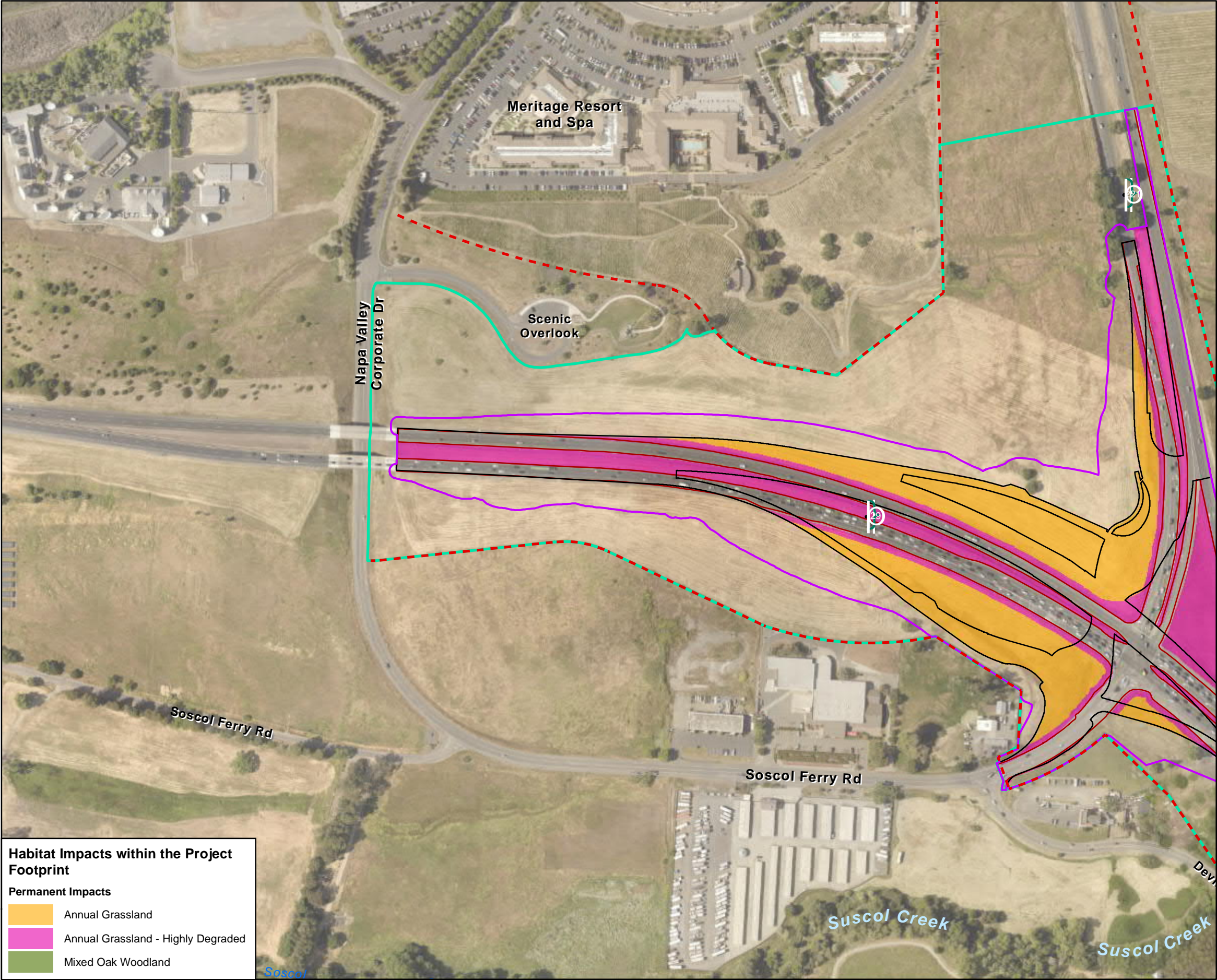


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 - Proposed Paved Surfaces (18.35 acres)
 - Caltrans Right of Way

Service Layer Credits:
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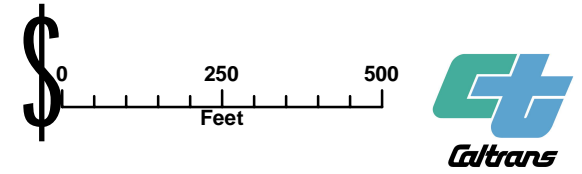
STAGE 4: JUL, 2023 - AUG, 2023
MAP 2 OF 3
PROJECT IMPACTS TO VEGETATION
State Route 29/221 Soscol Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
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Napa County, California



LEGEND

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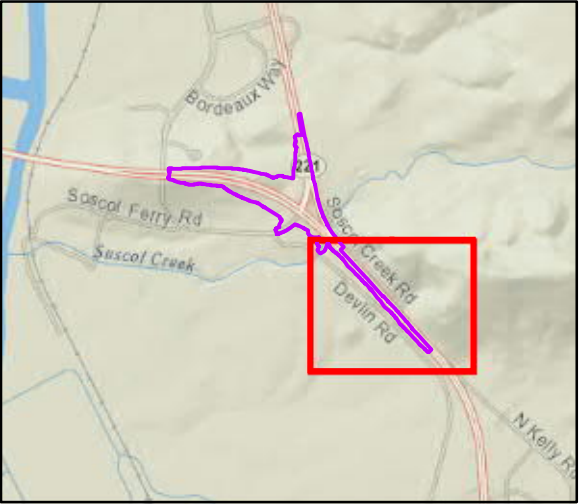


STAGE 4: JUL, 2023 - AUG, 2023
MAP 3 OF 3
PROJECT IMPACTS TO VEGETATION
State Route 29/221 Soscot Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California

Habitat Impacts within the Project Footprint

Permanent Impacts

- Annual Grassland
- Annual Grassland - Highly Degraded
- Mixed Oak Woodland



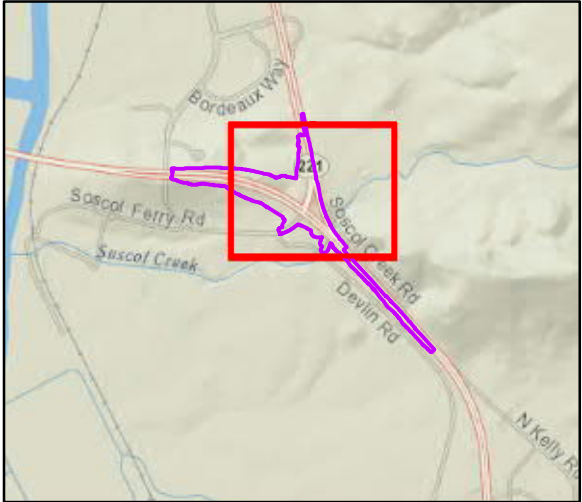
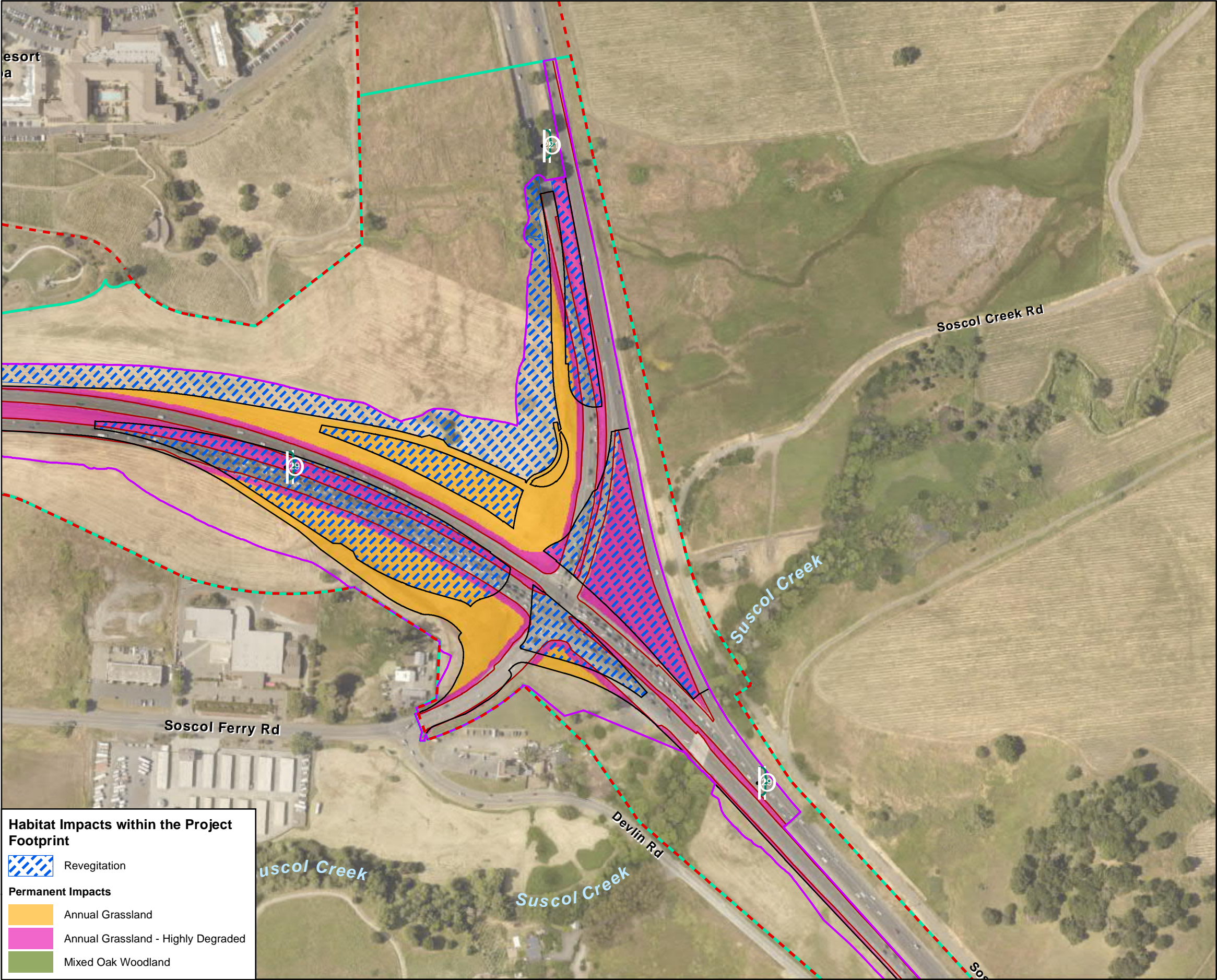
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\$ 0 250 500 Feet

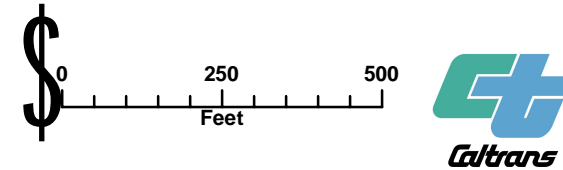
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STAGE 5: AUG, 2023 - JAN, 2024
MAP 1 OF 3
PROJECT IMPACTS TO VEGETATION
State Route 29/221 Sausal Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California

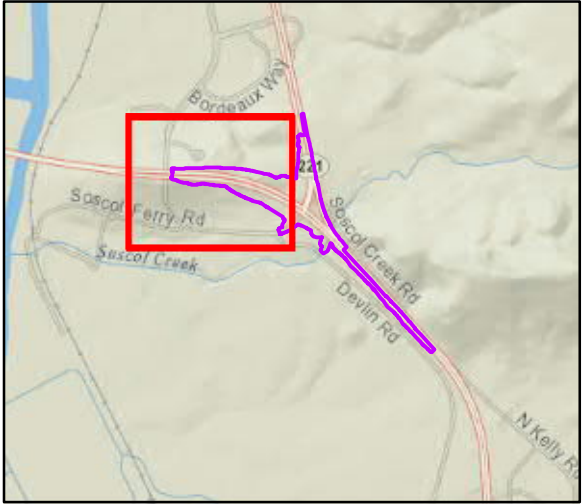
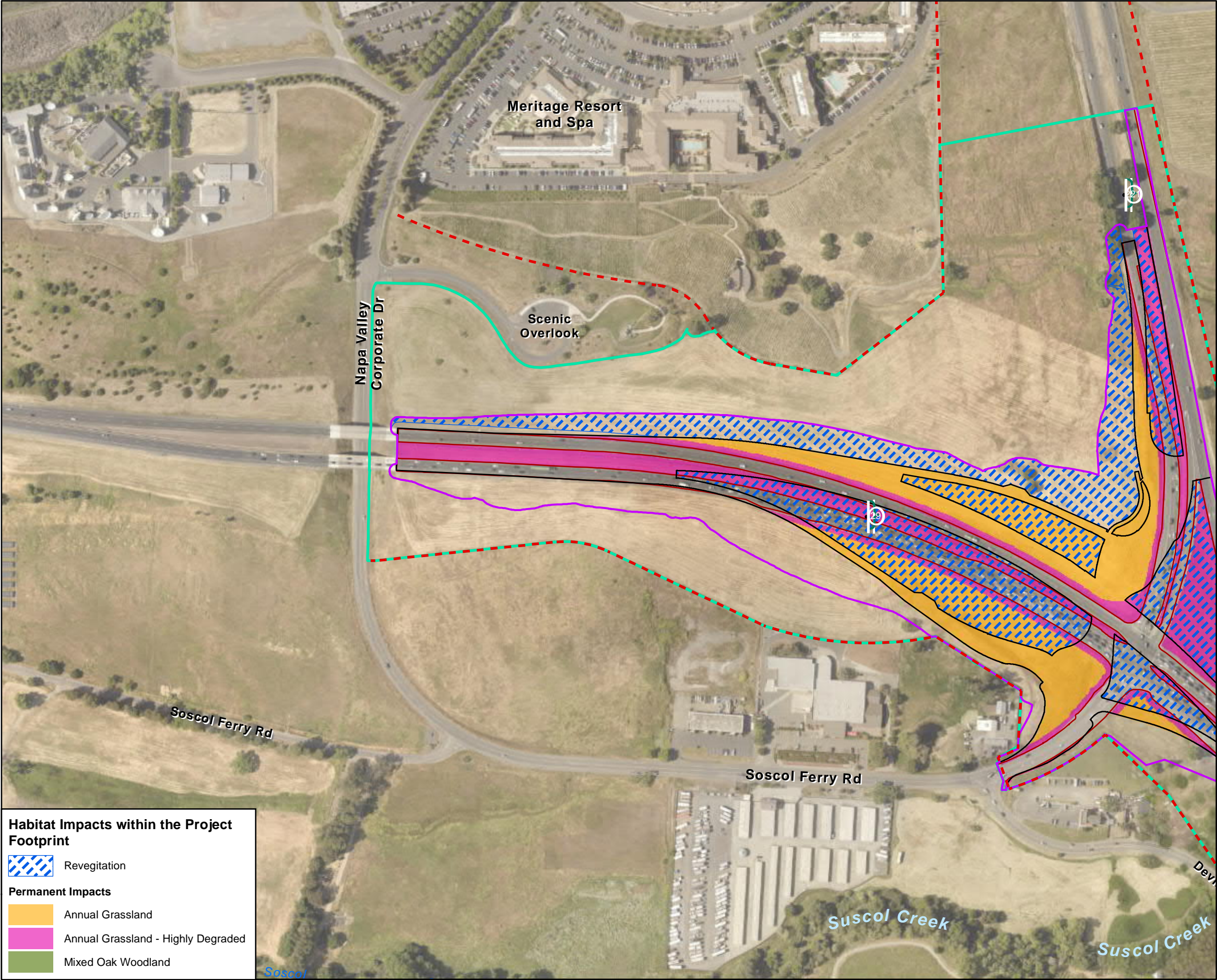


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National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.

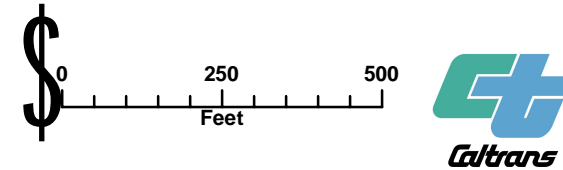


STAGE 5: AUG, 2023 - JAN, 2024
MAP 2 OF 3
PROJECT IMPACTS TO VEGETATION
State Route 29/221 Soscol Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California




- LEGEND**
- Biological Study Area (87.87)
 - Project Footprint (41.23 acres)
 - Existing Pavement (13.28 acres)
 - Proposed Paved Surfaces (18.35 acres)
 - Caltrans Right of Way

Service Layer Credits:
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
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STAGE 5: AUG, 2023 - JAN, 2024
MAP 3 OF 3
PROJECT IMPACTS TO VEGETATION
State Route 29/221 Soscot Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California


Habitat Impacts within the Project Footprint

 Revegetation

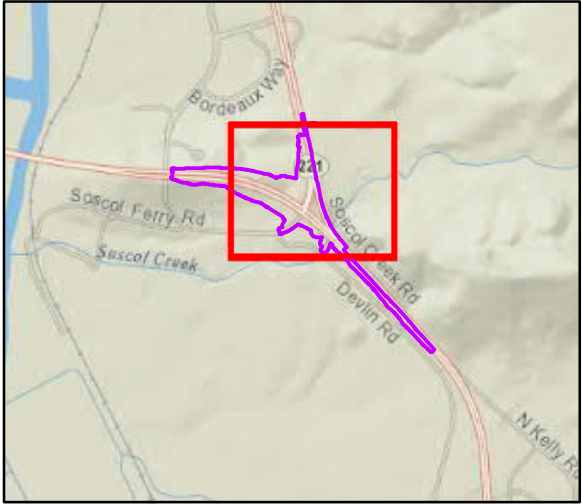
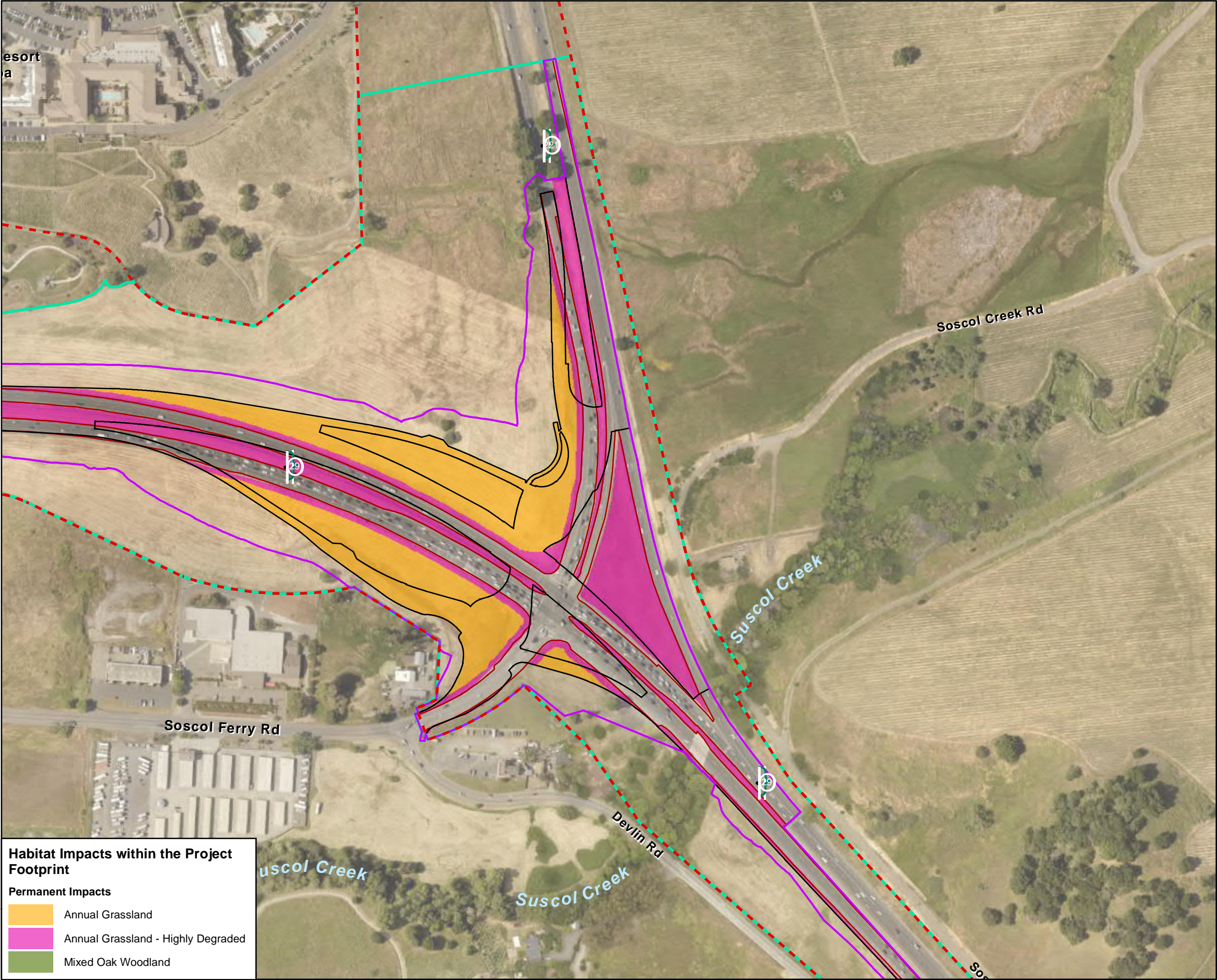
Permanent Impacts

 Annual Grassland

 Annual Grassland - Highly Degraded

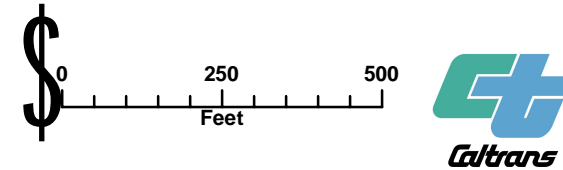
 Mixed Oak Woodland



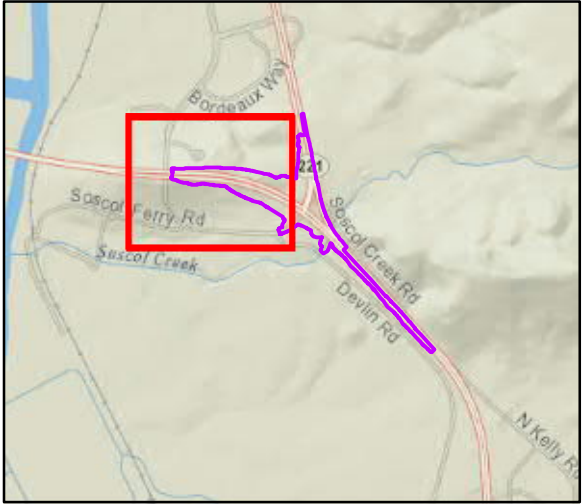
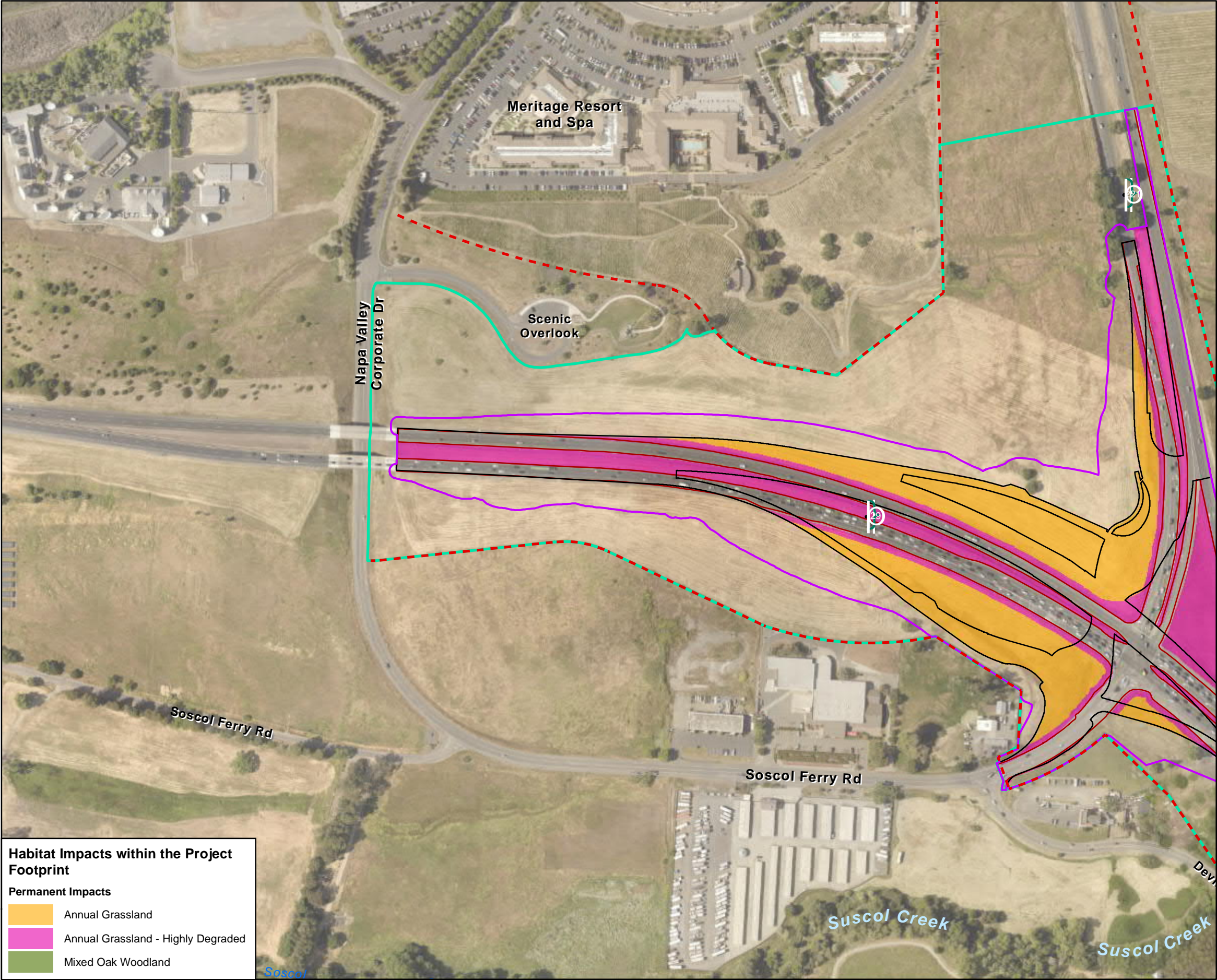


- LEGEND**
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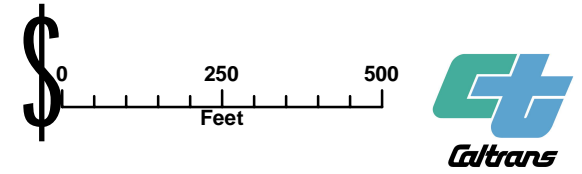
STAGE 6: JAN, 2024 - FEB, 2024
MAP 2 OF 3
PROJECT IMPACTS TO VEGETATION
State Route 29/221 Soscol Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California



LEGEND

-  Biological Study Area (87.87)
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-  Caltrans Right of Way


Service Layer Credits:
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STAGE 6: JAN, 2024 - FEB, 2024
MAP 3 OF 3
PROJECT IMPACTS TO VEGETATION
State Route 29/221 Soscot Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California

STATE OF CALIFORNIA

DEPARTMENT OF TRANSPORTATION



CONSULTANT FUNCTIONAL SUPERVISOR

DAN K. YAU

CALCULATED--
DESIGNED BY

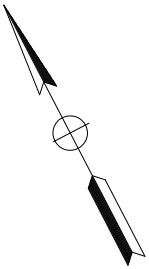
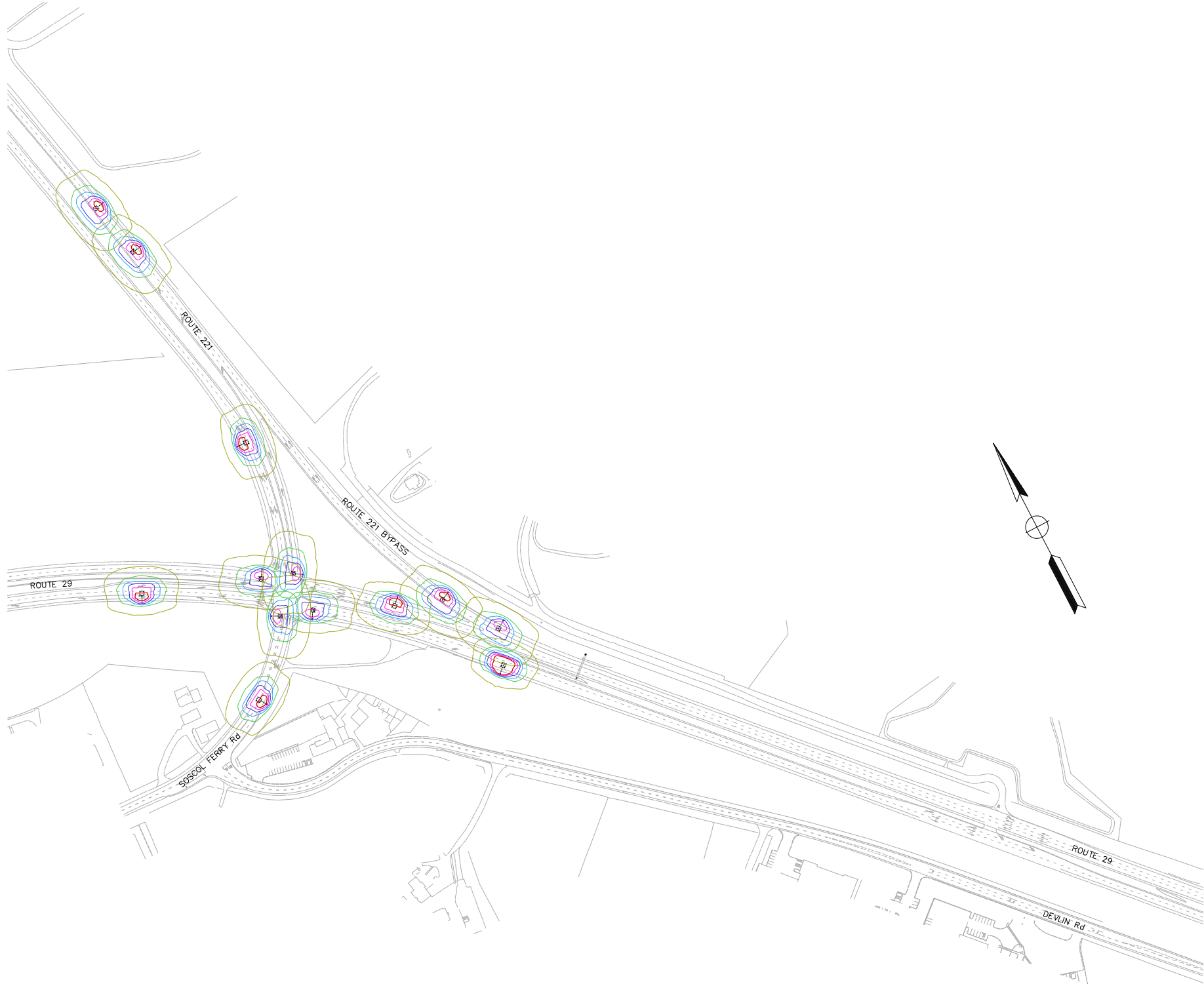
SHANNON LIAO

CHECKED BY

KIN CHAN

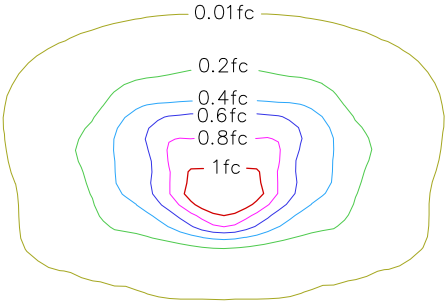
REVISED BY

DATE REVISED



LEGEND

SYMBOL	DESCRIPTION
	Rdwy 1- EXISTING Rdwy 1 LUMINAIRE MOUNTED ON TYPE 15 POLE
	Rdwy 2- EXISTING Rdwy 2 LUMINAIRE MOUNTED ON TRAFFIC SIGNAL POLE
	Rdwy 2- EXISTING Rdwy 2 LUMINAIRE MOUNTED ON TYPE 30 POLE




Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Nap	29,221	5.5/6.7, 0.0/0.2		--

REGISTERED CIVIL ENGINEER

DATE

PLANS APPROVAL DATE



THE STATE OF CALIFORNIA OR ITS OFFICERS
OR AGENTS SHALL NOT BE RESPONSIBLE FOR
THE ACCURACY OR COMPLETENESS OF SCANNED
COPIES OF THIS PLAN SHEET.

Y&C TRANSPORTATION
CONSULTANTS, INC
3250 RAMOS CIRCLE
SACRAMENTO, CA 95827

NAPA VALLEY
TRANSPORTATION AUTHORITY
625 BURNELL STREET
NAPA, CA 94559

EXISTING LIGHTING ANALYSIS

SCALE: 1" = 200'

BORDER LAST REVISED 7/2/2010

USERNAME ==> cliao
DGN FILE ==> Existing Lighting Analysis Exhibit (06-23-21).dwg

RELATIVE BORDER SCALE
IS IN INCHES


UNIT 0741

PROJECT NUMBER & PHASE

04000007691

LAST REVISION
09-18-20
DATE PLOTTED => 23-Jun-21
TIME PLOTTED => 14:52

STATE OF CALIFORNIA



CONSULTANT FUNCTIONAL SUPERVISOR

DAN K. YAU

CALCULATED-DESIGNED BY

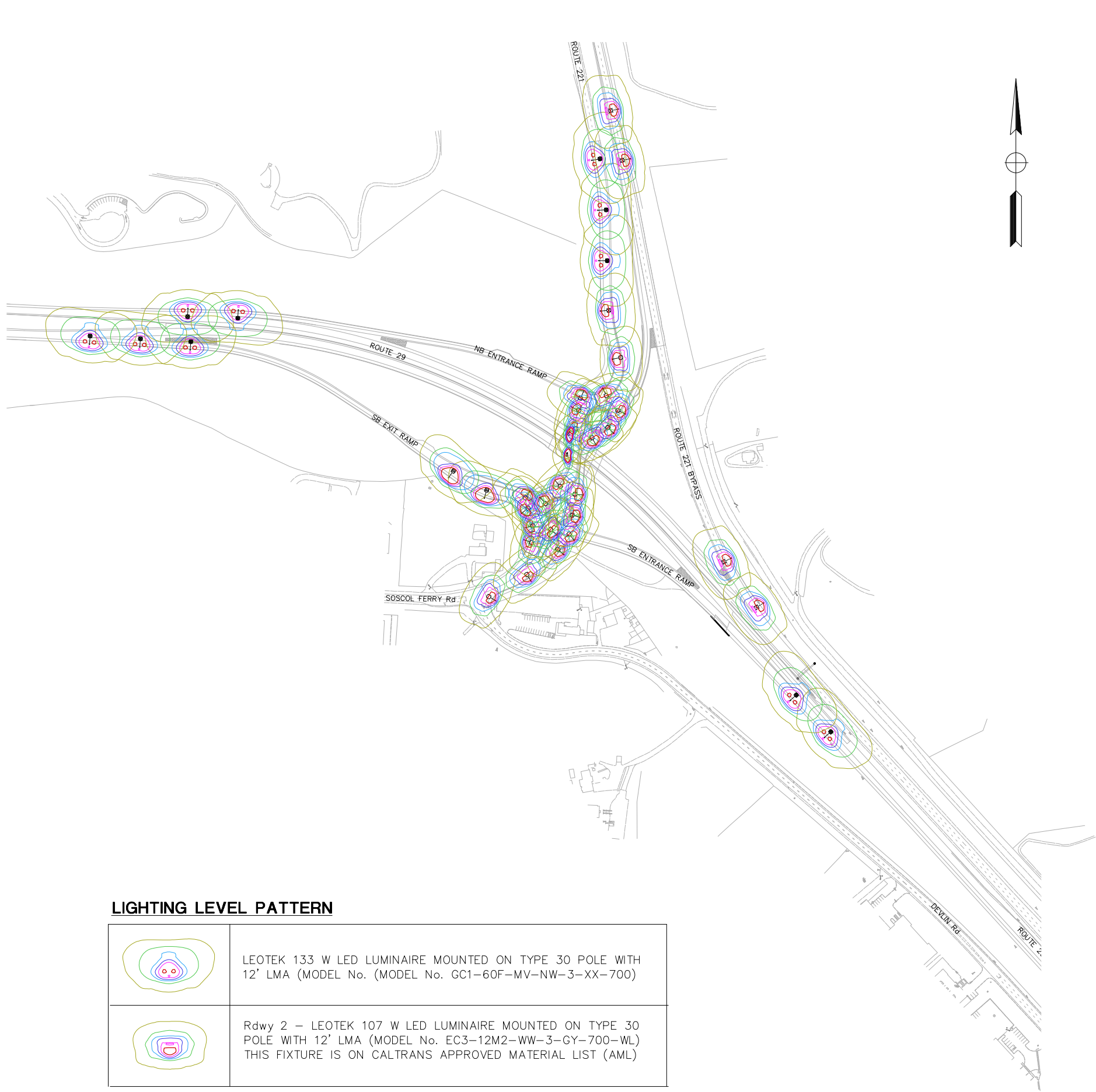
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SHANNON LIAO

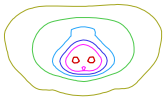

KIN CHAN

REVISED BY







DATE REVISED

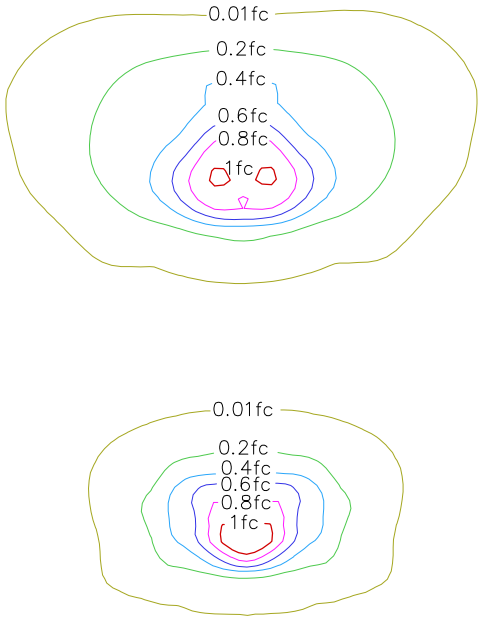


LIGHTING LEVEL PATTERN

	LEOTEK 133 W LED LUMINAIRE MOUNTED ON TYPE 30 POLE WITH 12' LMA (MODEL No. (MODEL No. GC1-60F-MV-NW-3-XX-700)
	Rdwy 2 - LEOTEK 107 W LED LUMINAIRE MOUNTED ON TYPE 30 POLE WITH 12' LMA (MODEL No. EC3-12M2-WW-3-GY-700-WL) THIS FIXTURE IS ON CALTRANS APPROVED MATERIAL LIST (AML)

LEGEND

SYMBOL	DESCRIPTION
	Rdwy 1 - LEOTEK 87 W LED LUMINAIRE MOUNTED ON TYPE 15 POLE WITH 12' LMA (MODEL No. EC3-10M2-WW-3-GY-700-WL) THIS FIXTURE IS ON CALTRANS APPROVED MATERIAL LIST (AML)
	Rdwy 2 - LEOTEK 107 W LED LUMINAIRE MOUNTED ON TYPE 30 POLE WITH 12' LMA (MODEL No. EC3-12M2-WW-3-GY-700-WL) THIS FIXTURE IS ON CALTRANS APPROVED MATERIAL LIST (AML)
	LEOTEK 133 W LED LUMINAIRE MOUNTED ON TYPE 15 POLE WITH 12' LMA (MODEL No. GC1-60F-MV-NW-3-XX-700)
	LEOTEK 133 W LED LUMINAIRE MOUNTED ON TYPE 30 POLE WITH 12' LMA (MODEL No. (MODEL No. GC1-60F-MV-NW-3-XX-700)
	Rdwy 2- EXISTING Rdwy 2 LUMINAIRE MOUNTED ON TYPE 30 POLE
	CALTRANS 70 W HPS SOFFIT LIGHT



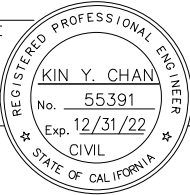
LIGHTING ANALYSIS
SCALE: 1" = 200'

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Nap	29,221	5.5/6.7, 0.0/0.2		--

REGISTERED CIVIL ENGINEER

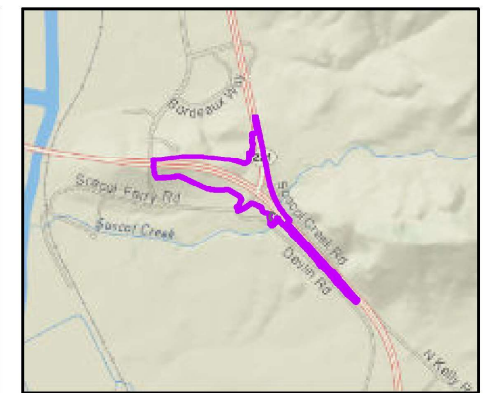
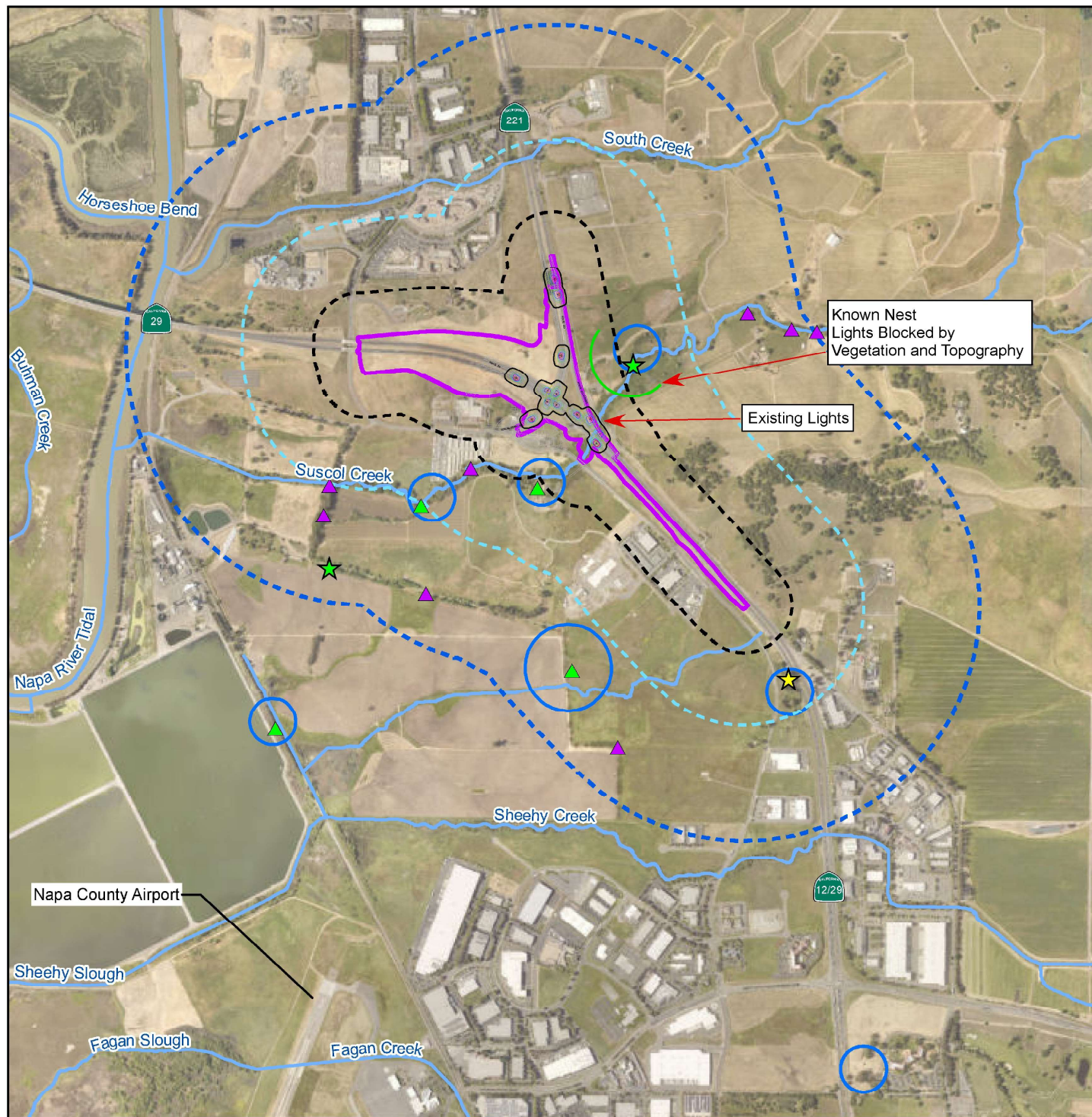
DATE

PLANS APPROVAL DATE



Y&C TRANSPORTATION
CONSULTANTS, INC
3250 RAMOS CIRCLE
SACRAMENTO, CA 95827

NAPA VALLEY
TRANSPORTATION AUTHORITY
625 BURNELL STREET
NAPA, CA 94559



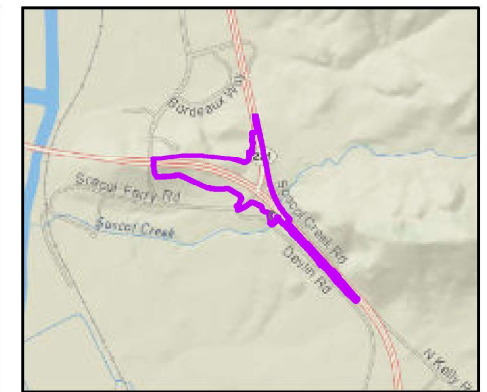
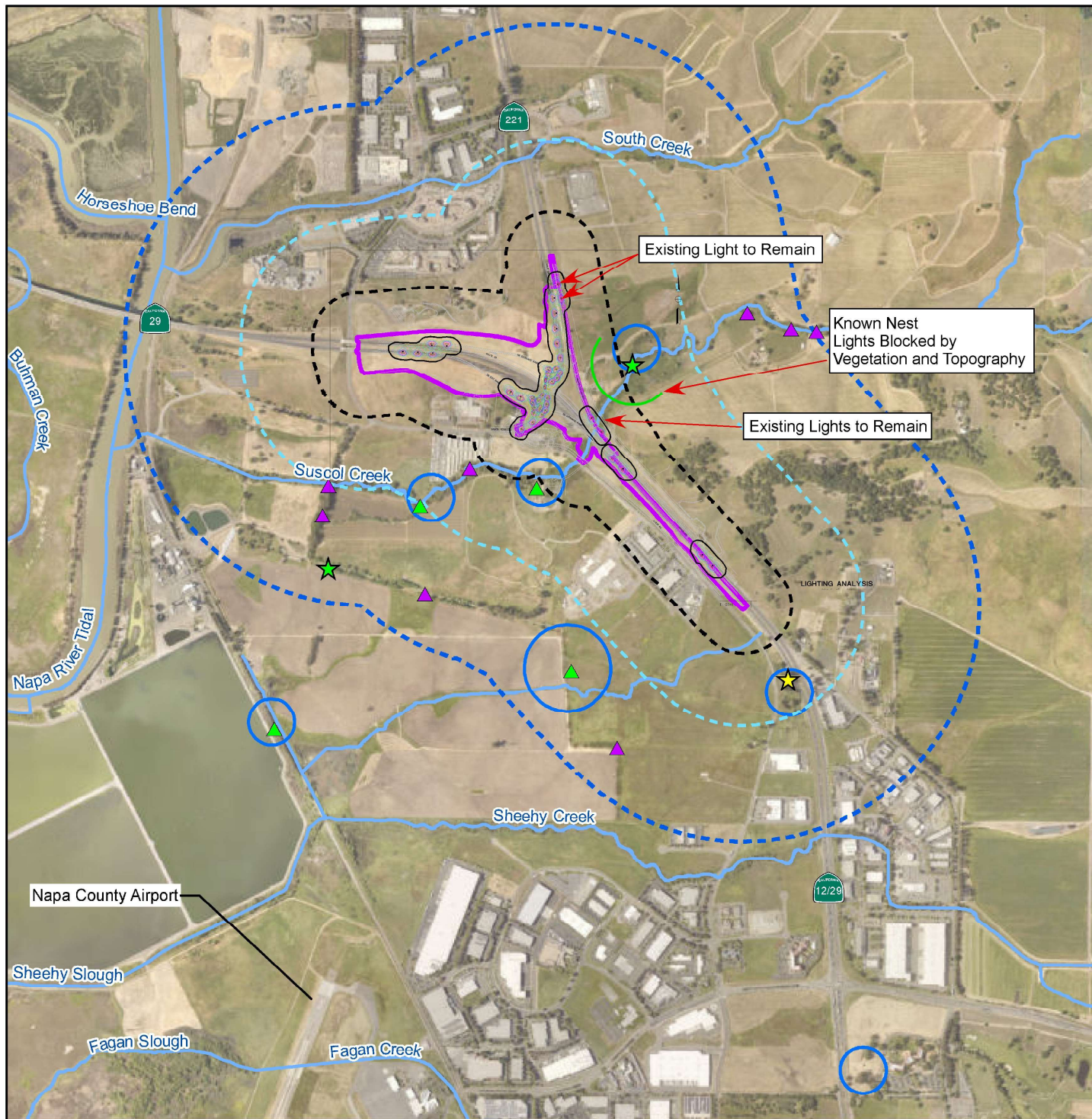
LEGEND

- Project Footprint (50.71 acres)
- 500 Feet from Project Footprint
- 0.25 mile from Project Footprint
- 0.5 mile from Project Footprint
- Swainson's hawk (CNDDDB Oct 2020)
- ★ Active SWHA Nest (SBI 2020)
- ★ Other Active Raptor Nest (SBI 2020)
- ▲ Historical SWHA Nest (CNDDDB 2020)
- ▲ Inactive Raptor Nest (SBI 2020)
- ~ Stream/River
- Light Group w/
Zero Lux Border



SWAINSON'S HAWK NEST OCCURRENCES AND EXISTING LIGHTING PLAN

State Route 29/221 Soscot Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California



LEGEND

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- ~ Stream/River

 Light Group w/
Zero Lux Border



0 0.2 0.4
Miles



SWAINSON'S HAWK NEST OCCURRENCES AND PROPOSED LIGHTING PLAN

State Route 29/221 Solscol Junction
Improvement Project
EA 28120, NAP-29 Post Mile 5.12 / 7.05
NAP-221 Post Mile 0 / 0.55
Napa County, California

INDEX OF PLANS

SHEET No. DESCRIPTION

- TITLE SHEET AND LOCATION MAP
- TYPICAL CROSS SECTIONS
- KEY MAP AND LINE INDEX
- PROJECT CONTROL AND MONUMENTATION
- LAYOUTS
- PROFILE AND SUPERELEVATION DIAGRAMS
- CONSTRUCTION DETAILS
- TEMPORARY WATER POLLUTION CONTROL PLANS
- WATER POLLUTION CONTROL PLAN AND DETAILS
- CONTOUR GRADING
- DRAINAGE PLANS, PROFILES, DETAILS, AND QUANTITIES
- UTILITY PLANS, DETAILS AND QUANTITIES
- CONSTRUCTION AREA SIGNS
- MOTORIST INFORMATION PLANS
- STAGE CONSTRUCTION PLANS
- TRAFFIC HANDLING PLANS, DETAILS, AND QUANTITIES
- DETOUR PLANS AND QUANTITIES
- PAVEMENT DELINEATION PLANS, DETAILS, AND QUANTITIES
- SIGN PLANS, DETAILS, AND QUANTITIES
- SUMMARY OF QUANTITIES
- IRRIGATION SCHEDULE, PLANS, DETAILS, AND QUANTITIES
- PLANTING LEGEND, PLANS, DETAILS, AND QUANTITIES
- EROSION CONTROL PLANS AND QUANTITIES
- ELECTRICAL PLANS, DETAILS, AND QUANTITIES

STRUCTURE PLANS

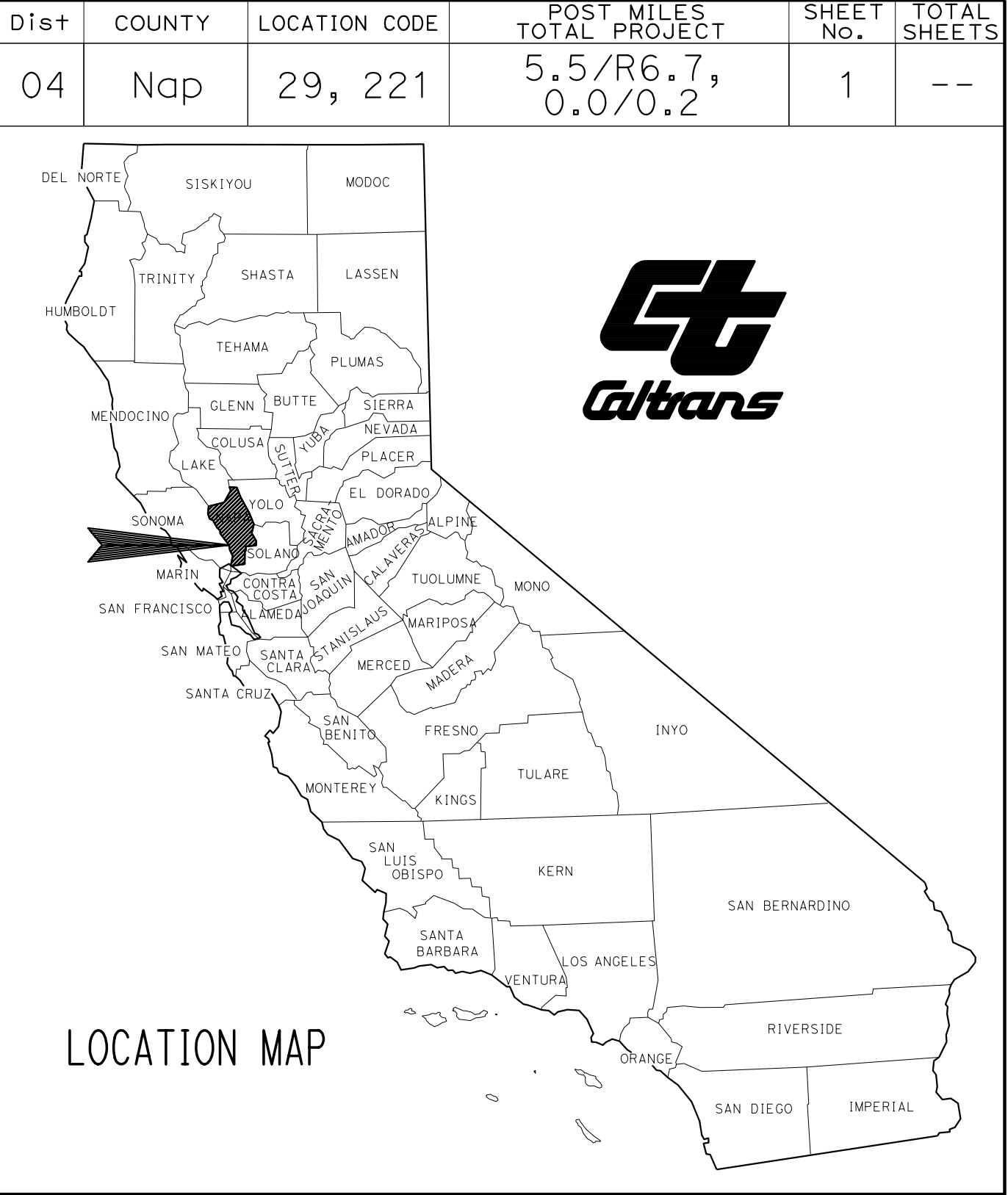
SUSCOL CREEK BRIDGE WIDENING, Br No. 21-0071L
ROUTE 29/221 SEPARATION STRUCTURE, Br No. 21-0119

THE STANDARD PLANS LIST APPLICABLE TO THIS CONTRACT IS INCLUDED
IN THE NOTICE TO BIDDERS AND SPECIAL PROVIVIONS BOOK.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY

IN NAPA COUNTY NEAR NAPA
ON ROUTE 29 FROM 0.7 MILE SOUTH
TO 0.5 MILE NORTH OF ROUTE 221 AND
ON ROUTE 221 FROM 0.2 MILES NORTH OF
ROUTE 29 TO ROUTE 29

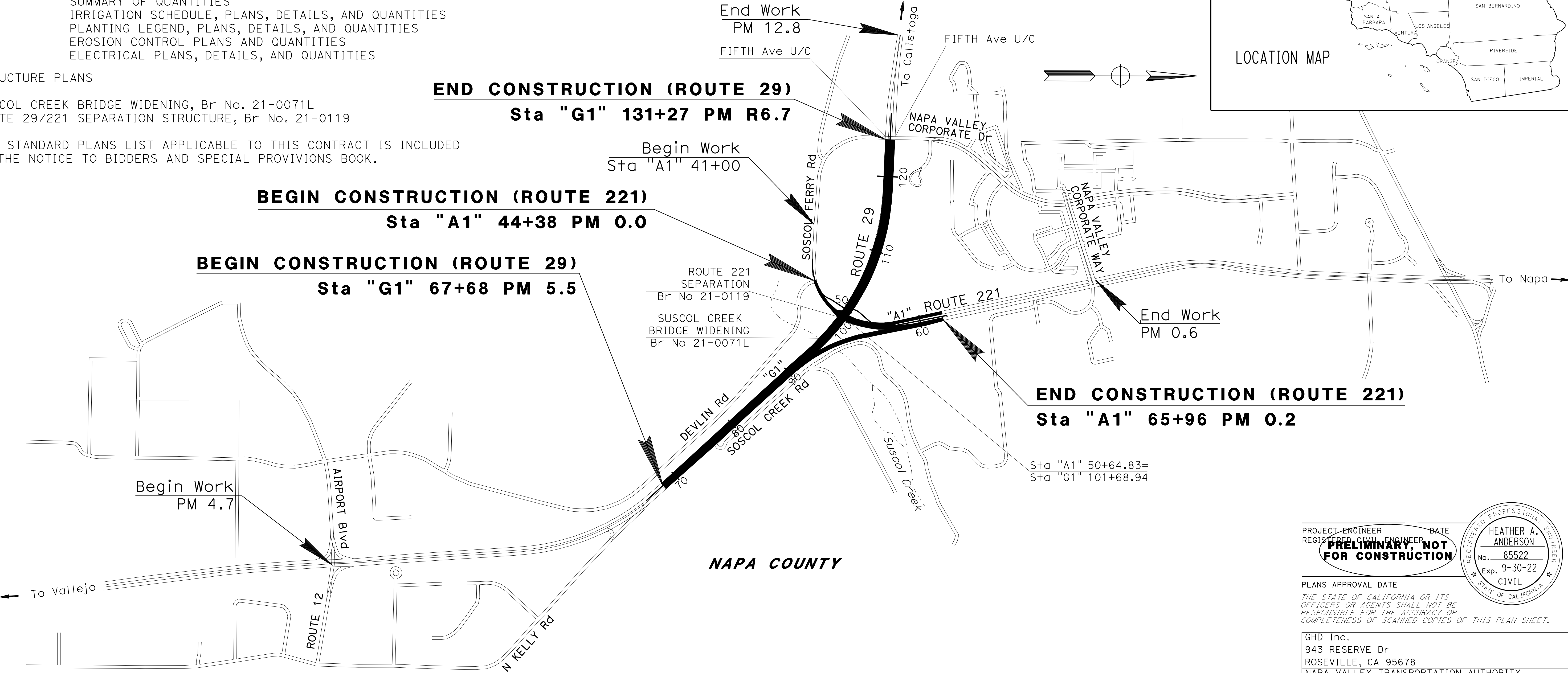
TO BE SUPPLEMENTED BY STANDARD PLANS DATED 2018



END CONSTRUCTION (ROUTE 29)
Sta "G1" 131+27 PM R6.7

BEGIN CONSTRUCTION (ROUTE 221)
Sta "A1" 44+38 PM 0.0

BEGIN CONSTRUCTION (ROUTE 29)
Sta "G1" 67+68 PM 5.5



NAPA COUNTY

PROJECT ENGINEER
REGISTERED CIVIL ENGINEER

DATE

HEATHER A.
ANDERSON
No. 85522
Exp. 9-30-22
CIVIL
STATE OF CALIFORNIA

PRELIMINARY, NOT
FOR CONSTRUCTION

PLANS APPROVAL DATE

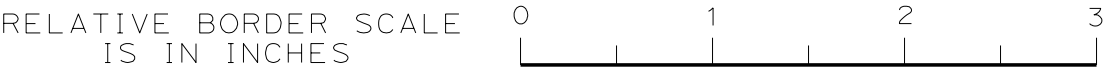
THE STATE OF CALIFORNIA OR ITS
OFFICERS OR AGENTS SHALL NOT BE
RESPONSIBLE FOR THE ACCURACY OR
COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

GHD Inc.
943 RESERVE Dr
ROSEVILLE, CA 95678
NAPA VALLEY TRANSPORTATION AUTHORITY
625 BURNELL STREET
NAPA, CA 94559

CONTRACT No.	04-281204
PROJECT ID	0400000769

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES)
OF LICENSE AS SPECIFIED IN THE "NOTICE TO BIDDERS."

NO SCALE



USERNAME => mpitcock
DGN FILE => 0400000769ab001.dgn

UNIT 0741 PROJECT NUMBER & PHASE 0400007691

Attachment 1**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
CALIFORNIA ENDANGERED SPECIES ACT****INCIDENTAL TAKE PERMIT NO. 2081-2021-020-03****PERMITTEE: California Department of Transportation****PROJECT: State Route 29/State Route 221 Soscol Junction Improvement
Project; EA 04-21120****PURPOSE OF THE MMRP**

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.	ITP Condition # 4.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Designated Biologist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history and the collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed.	ITP Condition # 4.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately stop any activity, in consultation with the Resident Engineer, that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall accommodate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP due to a conflict with Project construction, then the Designated Biologist shall notify the CDFW representative immediately.	ITP Condition # 4.3	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
4	Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition # 4.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
5	Design Plan Review. All final design plan sets shall be submitted to CDFW a minimum of 30 days prior to the initiation of construction for written review and acceptance. Work may not proceed without acceptance in writing on the final design plan set from CDFW. At the discretion of CDFW, any proposed design plan modifications may require an amendment to this Incidental Take Permit. Design plans may be subject to change dependent upon submission and consultation with CDFW.	Condition # 4.5	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	Delineation of Property Boundaries. Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags and discuss the boundaries in the Education Program with all on-	ITP Condition # 4.10	Before Commencing Covered Activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	sit personnel. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.				
7	Delineation of Habitat. Before the initiation of Covered Activities the Permittee shall clearly delineate habitat of the Covered Species within the Project Area beyond those areas within the immediate project construction footprint with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' nesting activities.	ITP Condition # 4.11	Before Commencing Covered Activities	Permittee	
8	Notification before Commencement. The Designated Representative shall notify CDFW 5 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
9	Pre-Construction Surveys. Prior to initiating Covered Activities and at the onset of nesting season (beginning in March) during each year the Project is in active construction, the Designated Biologist(s) shall conduct reconnaissance surveys to identify all potential nesting habitat within 0.25 miles of the Project Area and identify any potential Covered Species active nests. Surveys shall follow methods outlined in the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds). The survey shall include all potential staging areas, storage areas, stockpile areas, and vehicle access routes. All results shall be submitted to CDFW a minimum of 7 days prior to initiating Covered Activities for review.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
10	<p>Habitat Management Land Acquisition and Restoration: CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation.</p> <p>To meet this requirement, the Permittee shall purchase one (1) Covered Species credit for suitable nesting habitat from a CDFW-approved mitigation or conservation bank (Condition of Approval 7.2) to cover the loss or abandonment of one Covered Species nest. The Permittee shall also purchase 17.34 acres of Covered Species credit for suitable foraging habitat from a CDFW-approved mitigation or conservation bank (Condition of Approval 7.2). OR shall provide for both the permanent protection and management of 17.34 acres of Habitat Management (HM) lands, pursuant to Condition of Approval 7.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 7.4 below. Compensatory habitat shall include upland foraging and dispersal habitat for Covered Species through preservation, restoration, enhancement, and/or creation of habitat that is the same or better quality as upland habitat that will be impacted. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 8 below for all uncompleted obligations. The Permittee shall also restore on-site 10.09 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 7.5 below.</p>	ITP Condition # 7	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<p>Cost Estimates. CDFW has estimated the cost of purchasing credits from a from a CDFW-approved mitigation or conservation bank and restoration of temporarily disturbed habitat as follows:</p> <p>Purchase of one Covered Species nesting habitat credits identified in Condition of Approval 7, estimated at \$160,000.00;</p> <p>Purchase of 17.34 credits of Covered Species foraging habitat credit identified in Condition of Approval 7, estimated at \$150,000.00/acre; \$2,601,000.00;</p> <p>Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 7.5 (Habitat Restoration), calculated at \$3,900.00/acre for 10.09 acres: \$39,351.00.</p>	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	
12	<p>Habitat Acquisition and Protection. To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall:</p> <p>Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);</p> <p>HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2B) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;</p> <p>HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2A). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;</p> <p>Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.</p> <p>Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see https://wildlife.ca.gov/Conservation/Planning/Banking); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3)</p>	ITP Condition # 7.2	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;</p> <p>Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management, and restoration of disturbed habitat. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.</p>				
13	<p>Endowment Fund. The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 7.2.5 (Start Up Activities). Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p> <p>Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written</p>	ITP Condition # 7.3	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).;</p> <p>Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.</p> <p>Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.</p> <p>Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:</p> <p>10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.</p> <p>Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.</p> <p>Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.</p> <p>Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p>				
14	Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.	ITP Condition # 7.4	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	
15	On-Site Habitat Restoration. Permittee shall submit an On-Site Restoration Plan a minimum of 60 days prior to the initiation of construction for CDFW approval. All plantings within the entire Project Area shall consist of regionally native species. The On-Site Restoration Plan success criteria shall be applicable to an area of at least 10.09 acres of Covered Species Habitat within the Project Area. All plantings will be subject to a survivorship criteria developed in consultation with CDFW and identified in the Habitat Restoration Plan. All Impacted areas shall be seeded with an erosion control seed mix consisting of regionally native species to the area approved in advance by CDFW. The seed mix shall also include native milkweed (<i>Asclepias fascicularis</i>) or other regionally native milkweed species approved in advance by CDFW. If seed mix fails,	ITP Condition # 7.5	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>additional efforts shall be required-. All irrigation systems shall be removed prior to CDFW final approval for on-site restoration. Failure to meet any of the success criteria noted in this condition shall result in additional seeding, plantings and years of additional monitoring until the success criteria are achieved as specified in this condition. All monitoring reports shall be submitted by December 31 to CDFW for review and acceptance, until milestones are achieved. The monitoring reports shall include photographs from five pre-determined stations that illustrate before, during and after construction activity as well as the restoration efforts over the course of the agreed upon monitoring timeframe and any additional years of monitoring, as applicable.</p> <p>Invasive Species Removal. Invasive species removal and control specification shall be included in the Habitat Restoration Plan and shall focus on those invasive species rated as "High" by the California Invasive Plant Council (https://www.cal-ipc.org/plants/inventory/). Species removal shall occur over the course of Covered Activities and throughout the 10.09-acre restoration area. At the end of the monitoring period noted in the Habitat Restoration Plan, the Permittee shall ensure that invasive species rated as "High" by the California Invasive Plant Council are maintained at 10% or less ground cover.</p> <p>Covered Species Prey Monitoring. Over the course of Covered Activities, the Permittee shall develop and implement a Covered Species prey monitoring plan to monitor prey items selected by the Covered Species and to determine the activity levels of those prey items in the temporarily impacted areas noted in the Project Impacts section of this ITP.</p>				
16	<p>The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 7 (Habitat Management Land Acquisition and Restoration) that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <p>Security Amount. The Security shall be in the amount of \$2,800,351.00. This amount is based on the cost estimates identified in Condition of Approval 7.1 (Cost Estimates) above.</p> <p>Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.</p> <p>Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 6 months after the effective date of this ITP, whichever occurs first.</p> <p>Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</p> <p>Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.</p> <p>Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.</p> <p>Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:</p> <p>Submission of Bill of Sale from a CDFW approved Bank;</p> <p>Written documentation of the acquisition of the HM lands;</p> <p>Copies of all executed and recorded conservation easements;</p> <p>Written confirmation from the approved Endowment Manager of its receipt of the full</p>	ITP Condition # 8 to 8.7	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>Endowment; and</p> <p>Timely submission of all required reports</p> <p>All milestones are achieved as specified in Condition of Approval 7.5</p> <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>				
DURING CONSTRUCTION					
17	Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 4.6	Entire Project	Permittee	
18	Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 4.7	Entire Project	Permittee	
19	Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall adhere to Caltrans Standard Specification 10-5 for dust control strategies.	ITP Condition # 4.8	Entire Project	Permittee	
20	Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species, such as monofilament netting (erosion control matting), filter-fabric, geo-textile fabric or similar plastic-based material in potential Covered Species' habitat.	ITP Condition # 4.9	Entire Project	Permittee	
21	Project Access. Project-related personnel shall access the Project Area using the staging and access routes identified in Figure 2, Staging, Phasing and Timeline Plan and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour when driving the staging area, access routes or Project Area. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 4.12	Entire Project	Permittee	
22	Hazardous Waste. Permittee shall immediately stop and pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 4.13	Entire Project	Permittee	
23	CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	ITP Condition # 4.14	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
24	Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.	ITP Condition # 5.2	Entire Project	Permittee	
25	Compliance Monitoring. The Designated Biologist shall be required on-site during Covered Activities, refer to Condition of Approval 6.2 for guidance in regard to compliance monitoring schedule requirements. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species, as feasible; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) establish and maintain nest buffer zones, as applicable (See Condition of Approval 6.3); (5) ensure that signs, stakes, and fencing are intact, and (6) capture photos of Project Area conditions and Covered Activities and to ensure that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare written observation and inspection records as specified in Condition of Approval 6.3; summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.	ITP Condition # 5.3	Entire Project	Permittee	
26	Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 5.3 (Compliance Monitoring) into a Monthly Compliance Reports and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Robert Stanley (Robert.Stanley@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 5.4	Entire Project	Permittee	
27	Daily Construction Surveys. A Designated Biologist(s) shall be on-site daily for all Covered Activities occurring during the Covered Species nesting season from March 15 to September 15. If a Covered Species nest within 0.25 miles of the Project Area is active beyond the nesting season, monitoring shall continue each day until the young have fledged. Outside of the Covered Species nesting season, if no nests are active within a 0.25-mile radius, the Designated Biologist may develop an alternate monitoring schedule in coordination with the CDFW representative. Surveys shall follow methods outlined in the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds). Survey requirements and buffer limits may be modified with written request to and approval from CDFW. If a lapse in Covered Activities of 7 days or longer occurs, additional surveys shall be performed prior to resuming Covered Activities during the nesting season (March 15 to September 15) and the results sent to CDFW 48 hours prior to the re-initiation of work. All daily construction survey results should be submitted weekly to CDFW when an active nest is present and monthly when no active nest is present.	ITP Condition # 6.2	Entire Project	Permittee	
28	Active Nest Buffer Zones. If active Covered Species nests are found, no Covered Activities shall occur within 0.25 miles of an active Covered Species nest unless a smaller buffer is established in consultation with CDFW. If Covered Species do not exhibit signs of disturbance, as specified in Condition of Approval 6.4, the buffer distance can be incrementally reduced based on	ITP Condition # 6.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>monitoring the response of Covered Species to Covered Activities. With written approval from CDFW, the Designated Biologist(s) may increase, reduce or remove the buffer based on the monitoring responses of Covered Species. If more than one (1) nest site is found within 0.25 miles of the Project Area an amendment to this ITP is required to address changed biological circumstances.</p> <p>The Permittee shall clearly delineate the buffer zone around an active nest within the Project Area with posted signs demarcating the area to avoid and using stakes, fencing, flags, and/or rope or cord to minimize the disturbance of Covered Species nesting behaviors. All construction personnel shall be notified of the existence and location of the known active Covered Species nest site and any active Covered Species nest sites detected during pre-construction surveys. Construction Personnel shall be instructed to minimize disturbances to these sites to the maximum extent feasible during nesting season. Trees or other features containing active nests shall be flagged or otherwise marked in the field. The marking should be readily visible at a distance of at least 100 feet. If a nest is located on an off-site property, signage and/or flagging shall be placed at the property boundary near where the nest is located. The sign shall indicate the direction and approximate distance of the nest from the property line.</p>				
29	CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report, whichever is submitted first relative to the observation.	ITP Condition # 5.5	Entire Project	Permittee	
30	Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (707) 428-2002 and the regional representative within 24 hours. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two business days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information. The report and notification shall also be submitted to CDFW's Regional Representative Robert Stanley (Robert.Stanley@wildlife.ca.gov).	ITP Condition # 5.7	Entire Project	Permittee	
31	Stop Work for Abnormal Nesting Behavior. A Designated Biologist(s), who is experienced in raptor behavior and approved by CDFW, shall be assigned to monitor the behavior of actively nesting Covered Species within 0.25 miles of the Project Area. The Designated Biologist(s) shall have the authority to stop all Covered Activity determined to cause abnormal nesting behavior in Covered Species, which may cause nest abandonment and loss of eggs/young. Abnormal nesting behaviors include, but are not limited to, swooping/stooping excessive vocalization (distress calls), agitation, standing up from a brooding position, failure to remain on the nest, and failure to deliver prey items for an extended time-period. Project activities resulting in abnormal nesting behavior shall not resume until the Designated Biologist(s) has consulted with CDFW and both the Designated Biologist and CDFW confirm that the bird's behavior has normalized, or the young have left the nest. On a weekly basis, the Designated Biologist shall report directly to CDFW the status of each Covered Species active nest. Reports shall include observations of abnormal nesting behaviors and any significant changes in ambient conditions due to Covered Activities. Significant changes would include noise levels and visual conditions such as an increase in the number of personnel walking around the Project Area or mobilization of large equipment into the Project Area.	ITP Condition # 6.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
32	Nest Abandonment and Hacking. If the Project results in nest abandonment and nestling(s) are still alive, the Designated Biologist(s) shall recover the hatchling(s) or egg(s) and immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall bear any cost associated with recovery of nestling(s) and hacking (controlled release of captive reared young) of the nestling(s).	ITP Condition # 6.5	Entire Project	Permittee	
33	Removal of Nest Trees. No active nest trees, or trees known to have active nests in the last five years are authorized for removal under the conditions of this ITP.	ITP Condition # 6.6	Entire Project	Permittee	
34	Project Access and Staging. The Permittee shall establish and maintain all Project Areas, Staging Areas and Access Routes within areas of previously identified impacts as described in this Incidental Take Permit and shall not traverse Covered Species Habitat outside specified areas of impact for any purpose including personnel on foot (Figure 3, Project Habitat Impacts Map). Staging areas and laydown areas shall not occur within the active nest buffer as specified in Condition of Approval 6.3. No night delivery of material is authorized to occur within the active nest buffer as specified in Condition of Approval 6.3.	ITP Condition # 6.7	Entire Project	Permittee	
35	Signs and Fence Post Restrictions. Any fencing posts or signposts installed temporarily or permanently throughout the course of the Project will prevent the entrapment of wildlife, specifically birds of prey. If open-ended pipes or bollards are used for posts, they shall be capped. If metal posts with post holes are used (including, but not limited to U-channel posts and T-posts), the posts shall have the top three post holes or any post holes above an affixed sign capped, covered, or filled. The Designated Biologist will be responsible for ensuring compliance with this measure throughout the course of the Project and will inspect each post for compliance when at the Project Site.	ITP Condition # 6.8	Entire Project	Permittee	
36	Temporary Artificial Lighting Restrictions and Nightwork. All temporary lighting shall be required to have shielding and shall be focused to the Project Area to avoid to the maximum extent feasible scattering of artificial light into natural lands. When not in use all temporary lighting shall be shut down upon the completion of work each day. No nightwork is authorized to occur within the active nest buffer as specified in Condition of Approval 6.3.	ITP Condition # 6.9	Entire Project	Permittee	
37	Permanent Artificial Lighting Restrictions. All new installations and replacements of previously existing light emitters, luminaires or bulb types for permanent use within the Project Area shall have a maximum output programmed at 2700 kelvin or less. All new installations or replacements of lighting shall be fitted with back-shielding, and the surface area of the light shall be directed so that it does not project into natural lands. The Isolux Analysis baseline of current artificial lighting conditions (Figure 4, Existing Lighting Isolux Analysis Map) establishes the baseline of existing conditions and the proposed lighting output of new and replacement emitters over the surface area of natural lands. An updated Isolux analysis shall be required within 60 days of completion of Covered Activity completion to determine real-world light levels. All permanent lighting shall be directed towards the surface of the road and employ adjusted mast height and adjusted reach arm lengths to reduce light pollution into natural lands. Additional avoidance and minimization conditions may be required in consultation with CDFW if an increase in lighting output is determined to occur onto natural lands greater than the initial projections when compared to the Final Isolux Diagram that measures the real-world artificial lighting outputs.	ITP Condition # 6.10	Before and After Construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
POST CONSTRUCTION					
38	Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 4.15	Post-construction	Permittee	
39	Construction Survey and Monitoring. Throughout the course of Covered Activities, the Designated Biologist(s) shall conduct reconnaissance surveys to identify all potential nesting habitat within 0.25 miles of the Project Area and identify any potential Covered Species active nests. Surveys shall follow methods outlined in the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds). All results shall be submitted to CDFW as part of the On-Site Restoration Plan, as specified in Condition of Approval 7.5.	ITP Condition # 6.11	Post Construction	Permittee	
40	Annual and Final Construction Reports. No later than 60 days after completion of construction for each year of Covered Activities the Permittee shall provide CDFW with an Annual or Final Construction Report. The Designated Biologist shall prepare the Final Construction Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about the Projects annual impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future Projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 5.6	During and Post Construction	Permittee	

ATTACHMENT 2A
DEPARTMENT OF FISH AND WILDLIFE
HABITAT MANAGEMENT LAND ACQUISITION PACKAGE CHECKLIST FOR PROJECT APPLICANTS

The following checklist is provided to inform you of what documents are necessary to expedite the Department of Fish and Wildlife (CDFW) processing of your Habitat Management Land acquisition proposal. Any land acquisition processing requests which are incomplete when received, will be returned. The Region contact will review and approve the document package and forward it to the Habitat Conservation Planning Branch Senior Land Agent with a request to process the land acquisition for formal acceptance.

To: _____
Regional Manager, Region Name

From: _____
Project Applicant

Phone: _____

Tracking #: _____
CDFW assigned permit or agreement #

Project Name: _____

Enclosed is the complete package for the ☐ Conservation Easement OR ☐ Grant Deed

Documents in this package include:

- ☐ Fully executed, approved as to form Conservation Easement Deed or Grant Deed with legal description stamped by a licensed surveyor. Date executed: _____
- ☐ Proposed Lands for Acquisition Form (PLFAF)
- ☐ Phase I Environmental Site Assessment Report Date on report: _____
(An existing report may be used, but it must be less than two years old.)
- ☐ Preliminary Title Report(s) for subject property is enclosed and has been reviewed for Encumbrances, including severed mineral estates, and other easements. The title report must be less than six months old when final processing is conducted.

Included are additional documents:

- ☐ document(s) to support title exceptions
- ☐ document(s) to explain title encumbrances
- ☐ a plot or map of easements/encumbrances on the property
- ☐ Policy of Title Insurance (an existing title policy is not acceptable)
- ☐ County Assessor Parcel Map(s) for subject property
- ☐ Site Location Map (Site location with property boundaries outline on a USGS 1:24,000 scale topo)
- ☐ Final Permit or Agreement (or other appropriate instrument)
Type of agreement: ☐ Bank Agreement ☐ Mitigation Agreement
☐ Permit _____ Other: _____
(write in type of permit)
- ☐ Final Management Plan (if required prior to finalizing permit or agreement or if this package is for a Grant Deed)
- ☐ Biological Resources Report
- ☐ Draft Summary of Transactions ☐ hard copy ☐ electronic copy (both are required)



**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
PROPOSED LANDS FOR ACQUISITION FORM ("PLFAF")**

Date: _____

TO: Regional Representative

Facsimile:

FROM: _____

Applicant proposes that the following parcel(s) of land be considered for approval by the California Department of Fish and Wildlife as suitable for purposes of habitat management lands to compensate the adverse environmental impacts of the Project:

<u>Section(s)</u>	<u>Township</u>	<u>Range</u>	<u>County</u>	<u>Acres</u>
-------------------	-----------------	--------------	---------------	--------------

_____	_____	_____	_____	_____
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Current Legal Owner(s), of the surface and mineral estates, include Assessor's Parcel Number(s):

General Description of Location of Parcel(s):

Land Value: \$

For Region Use Only

APPROVED ____

By: _____
Regional Manager's Signature

DATE: _____

REJECTED ____

Region: _____

Explanation: _____

[Financial institution letterhead]

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

Issue Date: **[date]**

Beneficiary:

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

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

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

Dear Sirs:

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

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

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

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

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

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

By: _____
Name: _____
Title: _____
Telephone: _____

ATTACHMENT A

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

To:

[*Name and address of financial institution*]

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY: _____

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

ATTACHMENT B

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

To:

[Name of financial institution and address]

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY: _____

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

State of California - Department of Fish and Wildlife

MITIGATION PAYMENT TRANSMITTAL FORM

DFW 1057 (NEW 07/28/17)

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

1. DATE: _____ TO: _____ Regional Manager _____ Region Office Address	2. FROM: _____ Name _____ Mailing Address _____ City, State, Zip _____ Telephone Number/FAX Number
3. RE: _____ Project Name as appears on permit/agreement	

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

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

Total \$ _____ Check No. _____

Account No. _____ Bank Routing No. _____

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

b. Habitat Enhancement Subtotal \$ _____

c. Security:

1. Cash Refundable Security Deposit Subtotal \$ _____

2. Letter of Credit Subtotal \$ _____

1. Financial Institution: _____

2. Letter of Credit Number: _____

3. Date of Expiration: _____

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