

State of California
Department of Fish and Wildlife



Memorandum

Date: September 27, 2021

To: Morgan Robertson
California Department of Transportation
50 Higuera Street
San Luis Obispo, CA 93401
Morgan.Robertson@dot.ca.gov

DocuSigned by:

Stephanie Fong

From: CE047D7F8D234E41 Stephanie Fong, 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 2081-2021-003-03 Soquel Bridge Scour Project (EA 05-1H480), Santa Cruz 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. 2081-2021-003-03

SOQUEL CREEK BRIDGE SCOUR PROJECT (EA 05-1H480)

Authority:

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

Permittee:	California Department of Transportation, District 5
Principal Officer:	Morgan Robertson
Contact Person:	Paul Andreano (805) 542-4688
Mailing Address:	50 Higuera Street, San Luis Obispo, CA 93401

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, 2031**.

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

Project Location:

The Soquel Creek Bridge Scour Project (Project) is located at the Soquel Creek Bridge (Bridge No.38-0013) on State Route 1 (SR-1) at Post-Mile (PM) 13.31, in the County of Santa

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

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

Cruz, State of California. Latitude, 36.98304, -121.95951 as specified in Figure 1.

Project Description:

The California Department of Transportation (Permittee) proposes the removal of existing sacked concrete at Bent 12 of the previously existing Soquel Bridge and the installation of 1,470 cubic yards of rock slope protection (RSP) to an area 148 feet long, 5.5 feet deep and varying widths from 26 to 66 feet at Bent 12 of Soquel Bridge (Figure 2).

Access and Staging

Access and staging shall be accomplished within the existing Caltrans Right-of-Way (ROW) due west of Porter Street in previously disturbed areas or in areas under temporary construction easement (Figure 2; Construction Details Sheet C-8).

Stream-Diversion and Dewatering

A stream diversion system shall be installed to direct flows through the site utilizing temporary berms on the upstream inlet and downstream inlet consisting of sacked gravel and visqueen layer under the berms. A pipe of sufficient size to adequately accommodate stream flows shall direct water through the site. At minimum the pipe shall be at least 36 inches in diameter. The size and configuration of the pipe may be adjusted as necessary to ensure water is diverted and adequate flow is maintained.

Dewatering shall occur after the stream-diversion system has been installed by utilizing low-horsepower pumps and hoses. The pumps shall be fixed with protective screens at intake ends to prevent entrainment. A temporary sediment basin or baker-tank shall be employed to capture water born sediment. Upon completion of instream work all stream-diversion and dewatering equipment shall be removed from Soquel Creek.

Sacked Concrete Removal

Heavy equipment such as excavators, backhoes and bulldozers as well as on foot-personnel utilizing hand-tools such as jack-hammers, shall be employed to remove the existing sacked concrete (burlap sacks of hardened concrete) from an area of 2,459 square feet over 109 linear feet surrounding arch column 3 and 4 (Figure 2).

Rock Slope Protection Installation

RSP shall be installed after the existing sacked concrete is removed at a 1.5 to 1 slope with a flat bench section at the top of the bank. The RSP field is 148 feet long, 5.5 feet deep and 26 to 66 feet wide. The RSP shall consist of 873 cubic yards of ½ ton RSP, 597 cubic yards of 1-ton RSP, 138 cubic yards of gravel filter and 130 cubic yards of native streambed material (Figure 2). The RSP will be placed utilizing Caltrans Method "A" placement. Method "A" placement shall place the RSP in lifts, backfilling voids and compacting each layer before the

next layer is placed. RSP fabric shall be utilized and installed above the ordinary high-water mark of the creek flow line and plant tubes shall be placed in the RSP layers below the ordinary high-water mark of the creek flow line (Figure 2). The toe of the RSP shall be backfilled and compacted with native soil (Figure 2).

Revegetation/Enhancement Work

Areas of temporary impact from temporary access, staging, excavation and fill operations adjacent to and within the bed, bank, channel and upland riparian habitat shall require the replacement of native vegetation and contouring of bed, bank and channel conditions to match pre-project upstream and downstream contours.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status ³
1. Coho salmon (<i>Oncorhynchus kisutch</i>) south of Punta Gorda (Humboldt County), California also known as Central California Coast (CCC) Evolutionarily Significant Unit (ESU)	Endangered ⁴
2. Foothill yellow-legged frog (<i>Rana boylei</i>) West/Central Coast clade	Endangered ⁵

These species and only these species are hereinafter referred to as “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 are expected to result in incidental take of individuals of the Covered Species include dewatering of Soquel Creek, installation of temporary diversion systems, demolition and removal of the existing sacked concrete, installation of new fields of rock slope protection, contaminants, and sediment mobilization (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as exposure to suspended sediments, stranding in isolated pools, relocation from isolated pools, entrapment in temporary water diversion

³ Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species. All other species are “unlisted.”

⁴ See Cal. Code Regs. tit. 14 § 670.5, subd. (a)(2)(N).

⁵ See Cal. Code Regs. tit. 14 § 670.5, subd. (a)(3)(E).

systems and contaminants released during demolition and construction. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from exposure to suspended sediments, stranding in isolated pools, relocation from isolated pools and entrapment in temporary water diversion systems. The areas where authorized take of the Covered Species is expected to occur include the bed, bank, channel and upland riparian habitat areas of Soquel Creek (collectively, the Project Area).

The Project is expected to cause the permanent impacts to of 0.035 acres of Covered Species habitat, and temporary loss of 0.143 acres over 140 linear feet of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species habitat related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: loss of covered species habitat by fill of a scour pool, potential Covered Species mortality due to displacement from preferred habitat, entrainment through uptake of sediment and water by temporary diversion systems and the potential for impacts from inadvertent construction-related spills of pollutants (oils, gasoline, diesel, lubricants, etc.).

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 as authorized in this ITP.

Conditions of Approval:

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Soquel Creek Bridge Scour Project, Mitigated Negative Declaration (SCH No. 2019059101) adopted

Incidental Take Permit
No. 2081-2021-003-03
CALIFORNIA DEPARTMENT OF TRANSPORTATION
SOQUEL CREEK BRIDGE SCOUR PROJECT

by the California Department of Transportation on April 16, 2020, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), unless otherwise conditioned herein.

3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration (LSA) Agreement, Environmental Permit Information Management System Notification; ((EPIMS) No. EPIMS-SCR-13112-R3) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
4. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the United States Fish and Wildlife Service (USFWS) Formal Consultation on the Biological Opinion for the Proposed Soquel Creek Bridge Scour Repair Project, Santa Cruz County, California (Caltrans EA 05-1H480) (Biological Opinion 08EVEN00-2019-F-0821) and the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA NMFS) Formal Consultation on the Soquel Creek Bridge Scour Repair Project, Santa Cruz County, California (Caltrans EA 05-1H480) (Biological Opinion NMFS #WCRO-2019-02689) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
5. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
6. **General Provisions:**
 - 6.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing 30 days prior to 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 during the term of this ITP.
 - 6.2. Designated Biologist(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a Designated Biologist at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully

mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat.

- 6.3. Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologists shall communicate to the resident engineer when any activity is not in compliance with this Permit and the resident engineer shall immediately stop the activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. 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/Designated Representative shall notify the CDFW representative immediately.
- 6.4. Training Session for Personnel. Permittee shall ensure the Designated Biologist, designated biological monitor, or Designated Representative conducts an education program for all persons employed on the Project prior to performing Covered Activities. Instruction shall consist of a presentation that includes a discussion of the biology and general behavior of any sensitive species in the area, how they may be encountered within the work area, and procedures to follow when encountered. The status of Covered Species including legal protection, penalties for violations and project-specific conditions in this Permit shall be discussed. Interpretation shall be provided for non-English speaking persons. Copies of the Permit for this Project shall be maintained at the worksite with the resident engineer. The Designated Biologist, designated biological monitor or Designated Representative shall prepare and distribute wallet-sized cards or a factsheet handout containing this information for all persons to carry on-site. Upon completion of the program an affidavit of all persons on site shall be provided stating they attended the program and understand all protection measures. The forms and education pamphlet shall be filed at the Permittee's office and submitted to CDFW prior to construction completion.
- 6.5. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Covered Activities. 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. Plastic water bottles and plastic bags shall be picked up and removed daily even if not generated by on-site personnel.
- 6.6. Erosion Control. All erosion and sediment control measures shall be installed prior to Covered Activities. Permittee shall utilize erosion control measures throughout all phases of the Project where sediment runoff from exposed slopes could leave the Project Area and/or enter a drainage, stream, or ponded area. No phase of the

Project that may cause the introduction of sediments into a drainage, stream or ponded area may be started if that phase and its associated erosion control measures cannot be completed prior to the onset of a storm. Permittee shall consult 72-hour weather forecasts from the National Weather Service prior to the startup of any phase of the Project that may result in sediment runoff to a drainage, stream, or ponded area. The Designated Biologist shall monitor erosion control measures before, during, and after each storm event and Permittee shall repair and/or replace ineffective measures immediately. Following completion of the Project, Permittee shall implement erosion control measures for all disturbed areas, which may include reseeding using a noxious weed-free locally native seed mix, hydroseeding, jute matting, or tackifying agents to stabilize soils, dust control, and prevent erosion.

- 6.7. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as plastic or mono-filament netting (erosion control matting) or similar material. Tightly woven silt fencing material or woven organic materials such as coir logs (without mono-filament netting) shall be permitted.
- 6.8. Delineation of Property Boundaries. Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area. All fenced, staked, or flagged markers shall be removed upon completion of the Project.
- 6.9. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. If placing of markers is not feasible sensitive areas shall be discussed in the Training Session for Personnel. All fenced, staked, or flagged markers shall be removed upon completion of the Project.
- 6.10. Project Access. Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among

other reasons, if additional take of Covered Species will occur as a result of the Project modification.

- 6.11. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the staging area identified in the Project Description of this ITP. All Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream shall be positioned over drip pans. Any equipment or vehicles driven and/or operated within or adjacent to the stream must be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. No equipment maintenance or fueling shall be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter these areas unless the appropriate spill prevention measures are in place such as catch basins or drip pans, lined with an impermeable layer that has been placed under the equipment.
- 6.12. Stockpiled Material. Building materials and/or construction equipment shall not be stockpiled or stored where they may be washed into the water or cover aquatic or riparian vegetation. Stockpiles shall be covered when measurable rain is forecasted. All removed spoils and construction debris shall be moved to areas where it may not permit to pass into, or place where it can pass into waters of the State in accordance with Fish and Game Code Section 5652.
- 6.13. 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.
- 6.14. Cleaning Equipment Prior to Entering Work Area. All equipment that will be entering the Project area shall be cleaned of materials deleterious to aquatic life including oil, grease, hydraulic fluid, soil, other debris and invasive species. Wash water containing mud or silt from washing or other operations shall not be allowed to enter the channel. Permittee shall conduct Project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one Project site and/or waterbody to another. Prevention BMPs and guidelines for invasive plants can be found on the Cal-IPC's website at: <http://www.cal-ipc.org/ip/prevention/index.php> and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: <http://www.protectyourwaters.net/>.

6.15. Spill Prevention. A spill response plan shall be submitted to CDFW for approval in writing at least 7 days prior to the initiation of construction. A designated spill response inspector familiar with the construction equipment shall be onsite during all Project activities in order to monitor equipment operations, prevent waterway contamination and respond to equipment malfunctions. Hazardous material leaks and spills shall be attended to immediately as outlined in the Spill Prevention and Response Plan. Prior to entering the work site, all field personnel shall know the location of spill kits and trained in their appropriate use.

7. Monitoring, Notification and Reporting Provisions:

- 7.1. Notification Before Commencement and Construction Schedule. The Designated Representative shall notify CDFW at least 5 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities. The Designated Representative shall also provide a complete construction schedule to CDFW each year for the duration of the Project. The construction schedule shall identify the approximate beginning and completion date of Project activities. During the Project construction period, Permittee shall notify CDFW of any major changes in the construction schedule at least seven (7) days prior to implementation.
- 7.2. Notification of Non-compliance. The Designated Representative and/or Designated Biologist 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 and Designated Biologist shall report any non-compliance with this ITP to CDFW within 24 hours.
- 7.3. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.
- 7.4. 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 training program. Permittee shall

ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.

- 7.5. Monthly Compliance Reports. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall detail approximate Project impacts in acres, separated into permanent, and temporary impacts. The reports shall: (1) identify and describe the temporary and permanent impacts to date; and (2) include all monitoring information required by the terms of this ITP. 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.
- 7.6. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 30 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or Final Mitigation Report.
- 7.7. Final Mitigation Report. No later than 30 days after completion of all Covered Activities, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; (8) any other pertinent information.
- 7.8. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a

Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (707) 428-2002 and by email to Robert Stanley at Robert.Stanley@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two 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.

8. Take Minimization Measures

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

All Covered Species

- 8.1. Work Period. All work shall be limited to occur from June 1 to October 31; however, non-ground disturbing vegetation removal is authorized outside of this work window.
- 8.2. Dry Channel/Work Prohibition. No work within the active channel shall be initiated unless the Project Area is completely dry or the temporary diversion system has been installed and verified as functioning by the resident engineer.
- 8.3. Conduct Work During Daylight Hours. Work is restricted to daylight hours (30 minutes before or 30 minutes after sunset). Exceptions are authorized to occur for material delivery. Other requests may be granted upon written request and written approval from CDFW.
- 8.4. Work Period in Dry Weather Only. Permittee shall conduct work defined in the above Project Description, and within the Project Area, during periods of dry weather. The Permittee shall monitor forecasted precipitation. When $\frac{1}{4}$ inch or more of precipitation is forecasted to occur, the Permittee shall stop work before precipitation commences. No Covered Activities may be started if its associated erosion control measures cannot be completed prior to the onset of precipitation. After any storm event, the Permittee shall inspect all sites currently under construction and all sites scheduled to begin construction within the next 72 hours for erosion and sediment problems and take corrective action as needed. Seventy-two-hour weather forecasts from National Weather Service shall be consulted and work shall not start back up until runoff ceases and there is less than a 50% forecast for precipitation for the following 24-hour period.

- 8.5. Pre-Construction Covered Species Check. Forty-Eight (48) hours prior to the start of construction, the Designated Biologist shall inspect the Project Area for any Covered Species or aquatic species. Aquatic species shall be removed by the Designated Biologist and translocated to a safe location as specified in Condition of Approval 8.9.
- 8.6. Daily Aquatic Species Checks. Before the start of work each day and throughout the course of the day as determined by the Designated Biologist, the Project Area shall be inspected for any Covered Species or aquatic species as specified in Condition of Approval 8.9. Aquatic species shall be removed by the Designated Biologist and translocated to a safe location as specified in Condition of Approval 8.9.
- 8.7. Block Nets and Screens. Block nets or mesh screens shall be used to exclude Covered Species from the creek diversion pipeline and shall be checked at least twice daily to ensure they are effectively excluding Covered Species from entering the pipe and to remove debris that may clog the nets and cause them to fail. If this system becomes problematic, CDFW reserves the right to provide additional conditions of approval to this ITP.
- 8.8. Dewatering and Diversion. The Permittee shall implement the following during dewatering and water diversion:
- a) Cofferdams shall be constructed of a non-erodible material which does not contain soil or fine sediment. Gravel-filled bags shall be used to construct a dam to isolate the stream from its existing channel and re-direct flows out of the excavation area. Bags for gravel bags will be made of burlap or woven synthetic material. The bags will be of sufficient size and strength to hold a minimum of 1.0 cubic-foot of clean gravel, when they are filled to 50 percent of their full capacity. The durability of the burlap will be rated as 10-ounce burlap. The ties and burlap will be made of natural materials. The gravel-filled revetment will be wrapped in plastic to further seal the flow and prevent entrapment of Covered Species.
 - b) Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. If the cofferdams or stream diversion fail, Permittee shall repair them immediately.
 - c) When the cofferdam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall be allowed to pass downstream of the excavation to maintain aquatic life below the dam. Flow shall be of sufficient quality, quantity and temperature to support fish and other aquatic species both above and below the diversion.

- d) To minimize the potential for Covered Species to be entrained during dewatering activities, Permittee shall establish a Covered Species exclusion barrier and shall place the pump intakes away from complex vegetated banks that may contain habitat for Covered Species. Pump intakes shall be placed away from complex vegetated banks that may contain habitat for Covered Species. Screen material may be constructed of any rigid woven, perforated, or slotted material that provides water passage while physically excluding fish. Round openings in the screen shall not exceed 3/32-inch diameter, square openings shall not exceed 3/32-inch measured diagonally, and slotted openings shall not exceed 0.069 inches in width. Approach velocity shall not exceed 0.33 feet per second.
- e) Permittee shall select and install site exclusion methods to ensure that Covered Species cannot reenter the Project Area or become impinged on exclusion net or screen. The Designated Biologist shall regularly monitor site exclusion.
- f) The Designated Biologist shall monitor dewatering at all times. The Designated Biologist shall reduce the rate of diversion as needed to avoid impacts to Covered Species. The Designated Biologist shall monitor upstream and downstream reaches to ensure no Covered Species are stranded or in distress during reduction of flows.
- g) During excavation, Permittee shall install and maintain check-dams or equivalent sediment control methods as necessary to trap and control sediment-laden water.
- h) Reintroduction of stream flows shall be gradual to the isolated work area to prevent stranding, channel instability, or excessive scour. The Designated Biologist shall monitor upstream and downstream reaches to ensure no Covered Species are stranded or in distress during reintroduction of flows. If conditions causing or contributing to stress and/or injury are observed, Permittee shall take immediate remedial actions directed at lessening sources of stress. This may include a more gradual reintroduction of flows to avoid abrupt water surface elevation changes both downstream and upstream of the Project Area.
- i) In the event that work must be phased, Permittee shall remove all cofferdam material prior to the onset of high flows.

8.9. Covered Species Rescue Plan. The Permittee shall implement a Covered Species Rescue Plan to be implemented during Project exclusion and stream diversion operations for all species covered under this ITP. The Covered Species Rescue Plan shall include at minimum the following:

- a) Covered Species capture and relocation shall be conducted by or under the direct supervision of the CDFW-approved Designated Biologist, as required by Condition of Approval 6.2.
- b) Prior to the installation of cofferdams and subsequent Covered Activities, the Designated Biologist shall capture and relocate Covered Species to the nearest predetermined release location, approved in advance by CDFW.
- c) Before capture and relocation of Covered Species, the Designated Biologist shall identify the most appropriate release location(s). Permittee shall submit the proposed release locations to CDFW for review and acceptance prior to commencement of Covered Activities. Release locations shall provide suitable habitat for Covered Species and shall be selected to minimize the likelihood of Covered Species reentering the work area.
- d) All dip nets used to capture Covered Species shall be made of a soft braded nylon material that is non-abrasive. Mesh sizing shall be matched to species and the life stages likely encountered.
- e) Relocation activities shall be performed in the morning if maximum daytime air temperatures are expected to exceed 23 °C (~75 °F).
- f) Electroshocking shall be conducted using the *National Marine Fisheries Service Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act*, June 2000. http://www.westcoast.fisheries.noaa.gov/publications/reference_documents/esa_refs/section4d/electro2000.pdf.
- g) Captured Covered Species must be kept in a closable container in an adequate amount of cool, clean, well-oxygenated water (e.g., a cooler with lid containing stream water and a battery-operated air stone). Water temperature shall be monitored and kept below 60°F. If necessary, water shall be cooled with ice without introducing ice-borne chemical contaminants. Transport containers shall have a water volume of no less than 5-gallons, preferably more. Covered Species density in the transport container shall not exceed 10 Covered Species (40-80mm) per gallon of water. Collected Covered Species shall not be anesthetized at any point during the rescue operation.
- h) No employee or contractor shall remove any Covered Species, dead or alive, from the site for personal use. All efforts to reduce the time that live Covered Species are out of the water shall be made to reduce the chances of incidental take during the capture and relocation. All Covered Species are to be promptly returned to the water with the exception of mortality.

- i) Efforts shall be made to reduce capture and handling stress, minimize the time that Covered Species are held in buckets, and minimize handling stress during processing and release. Covered Species shall not be held in containers with other species. Covered Species shall be processed first and relocated as soon as possible. Species name and length data shall be recorded on data sheets, as well as time, date, location, gear type, water temperature, and any other pertinent observations of the Covered Species. Permittee shall provide Covered Species capture data to CDFW in the Monthly Compliance Report, as required by Condition of Approval 7.5.
- j) Permittee shall preserve dead individuals by freezing or placing in a sealed container with 10 percent formalin solution. Information on time and exact location of any incidental take, method of take, length of time from death to preservation, water temperature, and any other relevant information will be recorded in writing. Permittee shall contact the CDFW regional representative for instructions on transmitting preserved individuals. Any take of non-Covered Species shall be documented and included in the Monthly and Final Mitigation Reports, as required by Condition of Approval 7.5 and 7.7.
- k) After the Covered Species relocation effort is completed, if additional Covered Species are observed, Permittee shall cease Covered Activities until those individuals have been relocated. The Designated Biologist shall remain at the site during Covered Activities to capture and relocate additional Covered Species as necessary.
- l) After completing the rescue, the Designated Biologist shall prepare a brief documentation report. The report shall include information on the personnel conducting the rescue, methods used, numbers of each species collected and relocated, length data, and estimate of the survival immediately after release. Photographs of the site and rescue operations shall be included. The report shall be provided by the Permittee to CDFW in the next Monthly Compliance Report required by Condition 7.5 and in the Final Mitigation Report.

Covered Amphibian Species

8.10. Wildlife Exclusionary Fencing. An exclusionary fencing system plan shall be submitted a minimum of 30 days prior to the initiation of Covered Activities for CDFW acceptance. The plan shall include aerial plan sets of the fencing system array, design plan sets of the fence dimensions and material as well as a vegetation removal section for areas within the exclusionary fencing zone and areas immediately outside the fencing. Vegetation other than native trees marked for preservation within the exclusionary fencing zone and within a three (3) foot buffer outside the fencing system shall be maintained at ground level for the duration of the Project. All mower blade heights shall be set to 6 to 8 inches from

ground level on the initial pass to avoid harm or injury to Covered Species. Trees marked for preservation shall be pruned as necessary to maintain the three (3) foot buffer. A Designated Biologist shall be present on-site during all vegetation removal actions.

8.11. Foothill Yellow-Legged Frog (FYLF) Pre-Construction and On-Going Surveys.

Permittee shall provide a FYLF survey methodology to CDFW for acceptance 30 days prior to the initiation of construction. No Covered Activities shall begin until FYLF surveys have been completed using a method approved by CDFW. Surveys within the Project Area shall include searching; cavities under rocks, within vegetation such as sedges and other clumped vegetation, and under undercut banks. Surveys shall also be conducted throughout the course of the Project at different times of day and under variable weather conditions if possible. The surveys shall focus on the Project Area, upland habitat within and adjacent to the Project Area. Survey results shall be provided to CDFW prior to the initiation of construction. If FYLF or evidence of their presence are found the occurrences shall be submitted to CNDDDB as specified in Condition of Approval 7.6. Findings shall also be reported to the CDFW Regional contact within 24 hours of discovery.

8.12. FYLF Annual Surveys. Annual Surveys for FYLF shall be conducted throughout the course of the Project prior to Covered Activities as specified in Condition of Approval 8.12. Upon completion of Covered Activities, the annual surveys shall continue for a period of 5 years as a sub-section of the On-Site Enhancement Report as specified in Condition of Approval 9.5 to determine continued presence of the species after Covered Activities.

8.13. Lek Site Identification and Protection. The Pre-Construction, Construction and Annual Pre-Construction Surveys shall be used to determine the location of possible Covered Species lek sites within the Project Area and within a reasonable dispersal distance of the Project Area boundary. Once identified, these sites shall be avoided and marked as sensitive habitat as described in Condition of Approval 6.9 and may require Wildlife Exclusion Fencing (WEF) as specified in Condition of Approval 8.10. All Lek Sites shall have the location tagged by GPS and have multiple photos taken of the site prior to the initiation of Covered Activities and prior to any relocation activities. All Lek Site findings shall be put into daily and weekly monitoring logs and the monthly and final reports. If Lek Sites occur in areas where impact is unavoidable, CDFW shall be notified prior to the impact and any eggs or individuals shall be relocated in coordination with CDFW.

8.14. Amphibian Handling Code of Practice. All personnel on site shall adhere to the following: The Declining Amphibian Task Force Fieldwork Code of Practice (Figure 3) when on site and during the handling of amphibians by authorized individuals.

9. Habitat Management Land Acquisition and Restoration: CDFW has determined that

habitat creation, restoration and long-term 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 Covered Species habitat area required to provide for adequate compensation.

To meet this requirement, the Permittee shall be responsible for Covered Species habitat creation, restoration and long-term management of 0.105 acres of compensatory habitat at an off-site location to be selected in coordination with CDFW. The off-site habitat enhancement plan shall include the creation and management of a minimum of four (4) in-stream root-wad structures as well as monitoring and management of restored areas to meet Conditions of Approval 9.1, 9.2, 9.3 and 9.4 below. Restored, created and managed habitats are collectively referred to as the Habitat Management Lands (HM lands). Long term funding, for monitoring and management of created Covered Species habitat and vegetation management, must be secured before starting Covered Activities or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. The Permittee shall also be responsible for the restoration and enhancement of the temporarily impacted 0.143-acre area of on-site Covered Species habitat as specified in Condition of Approval 9.4.

- 9.1. Cost Estimates. CDFW has estimated the cost of habitat creation, restoration, and long-term management of Covered Species habitat creation and restoration of temporarily disturbed habitat as follows:

- 9.1.1. Habitat creation costs for four (4) root-wad log structures, estimated at **\$15,000.00**.
- 9.1.2. Habitat enhancement costs for 0.105 acres of off-site stream habitat and root-wad log structures estimated at **\$15,000.00**.
- 9.1.3. On-Site habitat restoration and enhancement costs for a total of 0.143 acres of Covered Species riparian and aquatic habitat, estimated at **\$12,418.00**.
- 9.1.4. Long-term management funding as described in Condition of Approval 9.2, estimated at **\$41,114.00**. Management funding is estimated initially for the purpose of providing Security to ensure implementation of habitat creation, restoration, monitoring and management.

- 9.2. Management Fund. The Permittee shall ensure that HM lands are managed, maintained, and monitored as described in this ITP. Permittee shall provide ten years of monitoring and management funding for activities outlined in the final accepted

Habitat Enhancement and Long-Term Management Plan consistent with Measure 9.3 below.

9.3. Off-Site Habitat Enhancement Plan. The Permittee shall be responsible for developing an Off-Site Habitat Enhancement Plan that shall be submitted thirty days prior to the initiation of construction. The plan shall at minimum include the installation of four (4) root-wad structures and enhances an area of at least 0.105 acres through habitat creation, restoration and long-term management of compensatory habitat including Covered Species monitoring for a period of ten (10) years at the off-site location. The plan shall address revegetating all access routes, staging areas and areas of temporary impacts within Covered Species habitat. All Off-Site tree and woody vegetation plantings shall be subject to a ten-year monitoring period and 75% success criteria for survivorship. All hydro-seeding shall be monitored and compared utilizing before and after images to determine success. If hydro-seeding does not take hold within 6 months, additional applications shall be required. If any tree or woody vegetation plantings fail, additional plantings shall be required and additional years of monitoring shall be required in consultation with CDFW until the success criteria are achieved as noted above. All disturbed areas shall be monitored and controlled for invasive species rated as "High" by the California Invasive Plant Council's database, which is accessible at: <https://www.cal-ipc.org/plants/inventory/>. All locations shall be required to obtain a 10% or less ground cover percentage for species rated as "High" annually for ten-years as specified in this Agreement. Reference site analysis and final approval of an enhancement site as having all obligations met may be accepted upon written request and written approval from CDFW. Alternative concepts for enhancement, such as land acquisition or permanent protection may be considered upon written request and written approval by CDFW. All temporary irrigation systems shall be removed upon completion of site enhancements or at such a time when supplemental watering is no longer required.

9.3.1. Off-Site Habitat Enhancement Plan Monitoring and Reporting. The Permittee shall submit the Off-Site Habitat Enhancement Report to CDFW by December 31 for the ten-year period, as well as any additional years. The report shall include success criteria, photos from designated photo stations, a summary of site conditions and a list of wildlife observed on site. The report shall also include a list of corrective actions that may be necessary to increase the probability of native plant recruitment or habitat improvement to the Enhancement Area.

9.3.2. Off-Site Stream Analysis. The Permittee shall obtain and submit photos from ten designated photo stations; five upstream and five downstream of the root-wad installation location. The photos shall be submitted once in year zero as a baseline and once annually for a period of ten years and shall provide a detailed description of the stream system over the course of the photo stations.

- 9.3.3. Off-Site Covered Species Monitoring. The Permittee shall be responsible for submission of an Off-Site Covered Species Monitoring Plan a minimum of thirty days prior to the initiation of construction. The plan shall focus on the determination of presence/absence of Covered salmonid species and the utilization of the proposed root-wad structures through the detection of redds, or salmonid egg deposition features within Soquel Creek. Covered Species monitoring shall occur for a period of ten years.
- 9.3.4. Off-Site FYLF Monitoring. Permittee shall provide a FYLF survey methodology to CDFW for acceptance 30 days prior to the initiation of construction. Surveys within the Off-Site Area should correspond to the photo monitoring stations noted in Condition of Approval 9.3.2. The plan shall focus on the determination of presence/absence of Covered Amphibian Species. The Methodology shall include searching; cavities under rocks, within vegetation such as sedges and other clumped vegetation, and under undercut banks. Surveys shall also be conducted at different times of day and under variable weather conditions if possible. The surveys shall focus on the root-wad log Off-Site area and the upland habitat within and adjacent to the area. Survey results shall be provided to CDFW once annually over a ten-year period by December 31 of each year. If FYLF or evidence of their presence are found the occurrences shall be submitted to CNDDDB as specified in Condition of Approval 7.6.
- 9.4. On-Site Habitat Enhancement Plan. The Permittee shall be responsible for submitting an On-Site Habitat Enhancement Plan to address an area of at least 0.143 acres. The plan shall be submitted to CDFW for written review and acceptance at least 30 days prior to the initiation of Covered Activities. The plan shall address revegetating all access routes, staging areas and areas of temporary impacts within Covered Species habitat. Areas that are shaded by the bridge or unvegetated prior to construction do not require revegetation and shall only require contouring and grading to match pre-project conditions. All other applicable areas of barren soil or upland habitat shall be hydro-seeded or planted with native vegetation appropriate to the Project Site. All on-site tree and woody vegetation plantings shall be subject to a five-year monitoring period and 75% success criteria for survivorship. All hydro-seeding shall be monitored and compared utilizing before and after images to determine success. If hydro-seeding does not take hold within 6 months, additional applications shall be required. If any tree or woody vegetation plantings fail, additional plantings shall be required and additional years of monitoring shall be required in consultation with CDFW until the success criteria are achieved as noted above. All disturbed areas shall be monitored and controlled for invasive species rated as "High" by the California Invasive Plant Council's database, which is accessible at: <https://www.cal-ipc.org/plants/inventory/>. All locations shall be required to obtain a 10% or less ground cover percentage for species rated as "High" annually for five-years as specified in this Agreement. Reference site analysis and final approval of an enhancement site as having all obligations met may be accepted

upon written request and written approval from CDFW. Alternative concepts for enhancement, such as land acquisition or permanent protection may be considered upon written request and written approval to CDFW. All temporary irrigation systems shall be removed upon completion of site enhancements or at such a time when supplemental watering is no longer required.

- 9.4.1. On-Site Habitat Enhancement Plan Monitoring and Reporting. The Permittee shall submit the On-Site Habitat Enhancement Report to CDFW by December 31 for the ten-year period, as well as any additional years, as applicable. The report shall include success criteria milestones. The report shall also include photos from designated photo stations, a summary of site conditions and a list of wildlife observed on site. The report shall also include a list of corrective actions that may be necessary to increase the probability of native plant recruitment or habitat improvement to the Project Area.
- 9.4.2. On-Site Cross Section Analysis. A qualified professional, such as a fluvial geomorphologist or hydraulic engineer, shall record cross sections a minimum of 30 days prior to Covered Activities as baseline. The survey shall document elevations obtained along the channel thalweg (lowest and deepest points) to accurately define the channel gradient through the Project Area. Additionally, the survey should document channel geometry at cross sections over a ten-year monitoring period (Year 0 = Baseline) at minimum 200 feet upstream and downstream of the bridge as access and permission shall allow. Survey information shall include analysis and documentation of streambed substrate and particle size analysis through the site. All cross-section analysis results should be provided as a sub-section of the On-Site Enhancement Plan Annual Monitoring Report.
- 9.4.3. Post-Construction Longitudinal Profile. A qualified professional such as a fluvial geomorphologist or hydraulic engineer, shall collect a longitudinal profile following the proposed channel thalweg location. This longitudinal profile shall be collected sufficiently upstream and downstream of the proposed Project conform locations. The longitudinal profile should the survey over a ten-year monitoring period (Year 0 = Baseline) at minimum 200 feet upstream and downstream of the bridge as access and permission shall allow. The longitudinal profile analysis shall be provided as a sub-section of the On-Site Enhancement Plan Annual Monitoring Report.
- 9.4.4. On-Site Covered Species Monitoring. The Permittee shall be responsible for submission of an On-Site Covered Species Monitoring Plan a minimum of thirty days prior to the initiation of construction. The plan shall focus on the determination of presence/absence of Covered salmonid species and the utilization of the proposed root-wad structures through the detection of redds, or

salmonid egg deposition features within Soquel Creek. Covered Species monitoring shall occur for a period of ten years.

9.4.5. On-Site FYLF Monitoring. Permittee shall provide a FYLF survey methodology to CDFW for acceptance 30 days prior to the initiation of construction. Surveys within the On-Site Area should correspond to the photo monitoring stations noted in Condition of Approval 9.4.1. The Methodology shall include searching; cavities under rocks, within vegetation such as sedges and other clumped vegetation, and under undercut banks. Surveys shall also be conducted at different times of day and under variable weather conditions if possible. The surveys shall focus on identified lek sites, areas of impact and areas with a high potential for FYLF occurrence, as well as the upland habitat within and adjacent to the area. Survey results shall be provided to CDFW once annually over a ten-year period by December 31 of each year as part of the On-Site Enhancement Plan Report. If FYLF or evidence of their presence are found the occurrences shall be submitted to CNDDDB as specified in Condition of Approval 7.6.

9.4.6. On-Site Game Camera Monitoring. The Permittee shall install a game-trail camera, or series of game trail cameras, as space and necessity shall allow, at the Soquel Bridge Site and develop a monitoring study in coordination with CDFW for Covered Species. The plan shall be submitted a minimum of 30 days prior to the initiation of Covered Activities. Annual monitoring reports should be included as part of the On-Site Enhancement Plan Report and submitted for a period of at least five years. The report should consist of photos downloaded from the camera and a write up on the frequency of occurrences at this location for movement.

10. 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 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

10.1. Security Amount. The Security shall be in the amount of **\$83,532.00**. This amount is based on the cost estimates identified in Condition of Approval 9.1 above.

10.2. 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.

10.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.

- 10.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 10.5. 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.
- 10.6. 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.
- 10.7. 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:
- 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;
 - Fulfillment of the on-site and/or off-site restoration requirements.

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 regulations and law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

Stop-Work Order:

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

Compliance with Other Laws:

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

Notices:

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

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

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by 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 (2081-2021-003-03) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Stephanie Fong, 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

Incidental Take Permit
No. 2081-2021-003-03
CALIFORNIA DEPARTMENT OF TRANSPORTATION
SOQUEL CREEK BRIDGE SCOUR PROJECT

and a copy to:

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

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

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 the Soquel Creek Bridge Scour Project, Mitigated Negative Declaration (SCH No.: 2019059101) adopted by the California Department of Transportation on April 16, 2020.

In fulfilling its obligations as a responsible agency, CDFW's obligations pursuant to CEQA are more limited than those of the lead agency. CDFW, in particular, is responsible for considering only the effects of those Project activities that it is required by law to carry out or approve, and mitigating or avoiding only the direct or indirect environmental effects of those parts of the Project that it decides to carry out, finance, or approve [Pub. Resources Code, § 21002.1, subd. (d); CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g)].⁵ Accordingly, because CDFW's exercise of discretion is limited to issuance of this ITP, CDFW is responsible for considering only the environmental effects that fall within its permitting authority pursuant to CESA.

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

⁵ The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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, as well as 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, the Mitigated Negative Declaration, consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) seasonal restrictions; (3) worker training; (4) Covered Species monitoring and (5) compliance reporting. 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 protection and management in perpetuity of 0.105 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;

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

Attachments:

FIGURE 1	Caltrans Project Location Map
FIGURE 2	Caltrans, 95% Design Engineering Plans Cover Page
FIGURE 3	Amphibian Fieldwork Code of Practice
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Habitat Management Land Acquisition Checklist
ATTACHMENT 3	Irrevocable Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 9/28/2021 _____.

DocuSigned by:

Stephanie Fong

CF847D7F0D234E1...

Stephanie Fong, 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:

Morgan Robertson

By: _____

Date: 9/30/2021

Printed Name: Morgan Robertson

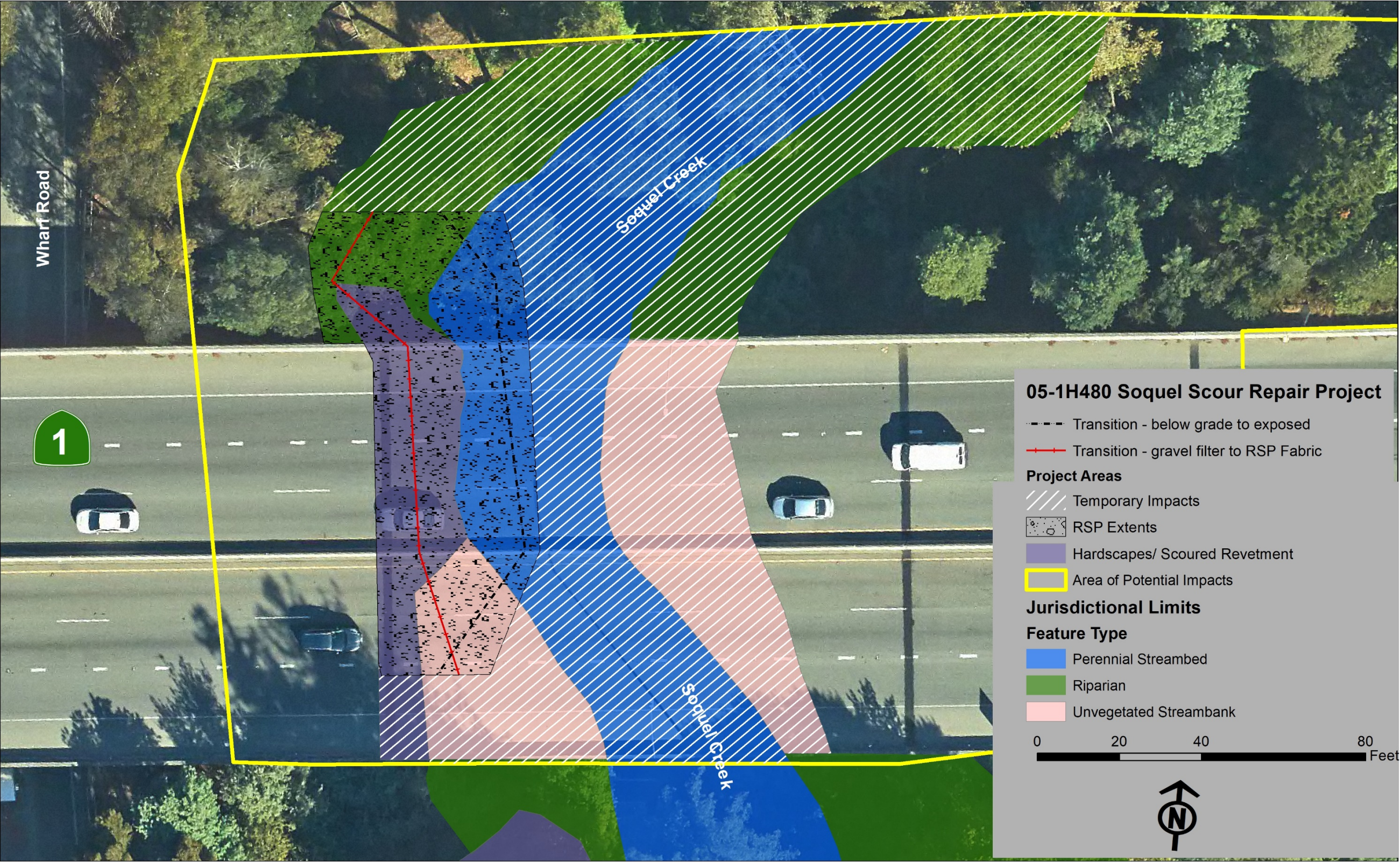
Title: Senior Environmental Planner

Incidental Take Permit
No. 2081-2021-003-03

CALIFORNIA DEPARTMENT OF TRANSPORTATION
SOQUEL CREEK BRIDGE SCOUR PROJECT

Soquel Creek Scour Repair Project
Supplement to EPIMS Notification

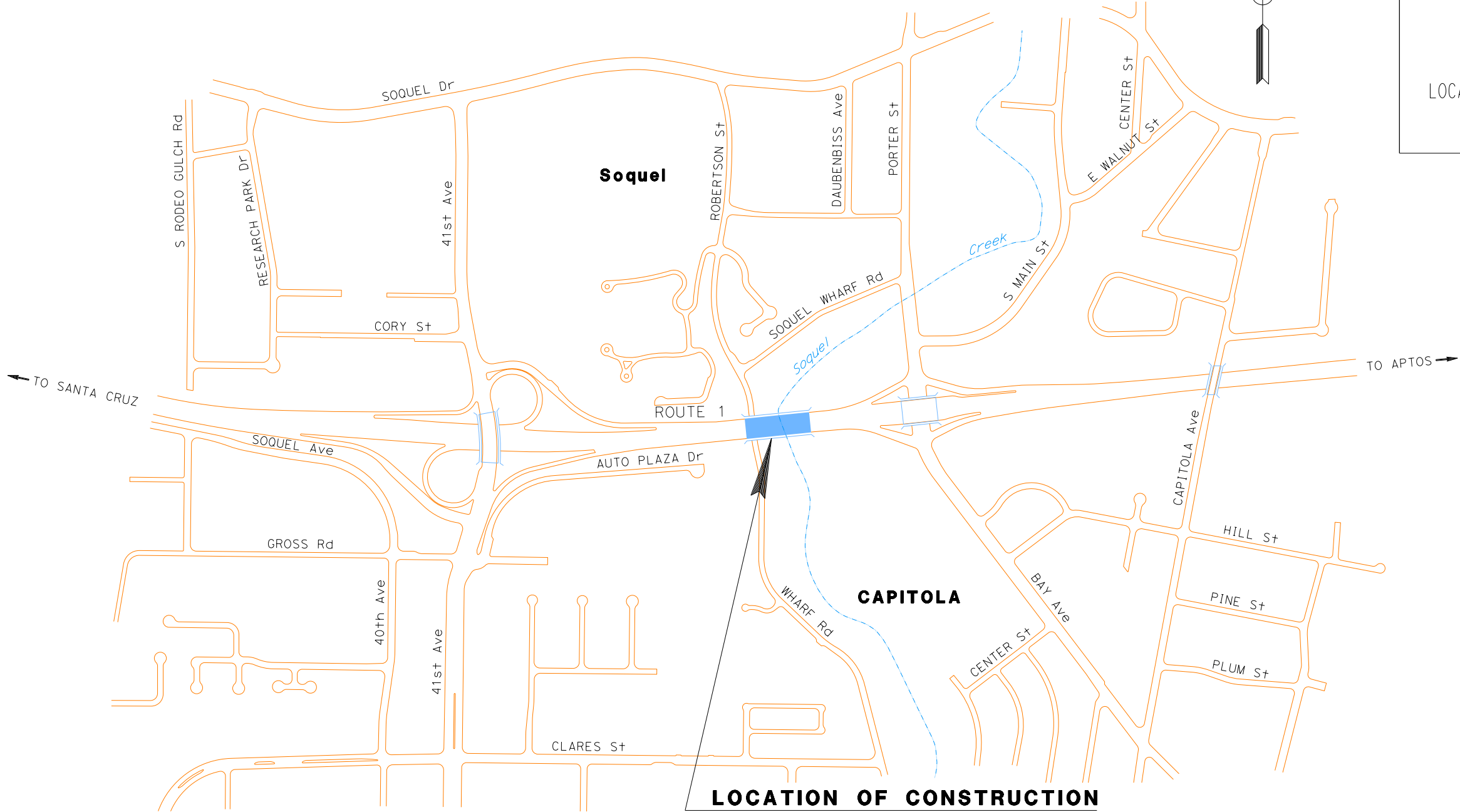
Figure 2: Impacts in CDFW Jurisdiction



INDEX OF PLANS

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY
IN SANTA CRUZ COUNTY
IN CAPITOLA
AT SOQUEL CREEK BRIDGE

TO BE SUPPLEMENTED BY STANDARD PLANS DATED 2010



LOCATION OF CONSTRUCTION
SOQUEL CREEK BRIDGE
Br No. 36-0013 PM 13.31

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SCR	1	13.31	1	???

DESIGN MANAGER	PROJECT MANAGER
BORIS AYAVIRI	LUIS DUAZO

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

PROJECT ENGINEER
REGISTERED CIVIL ENGINEER

DATE

PLANS APPROVAL DATE

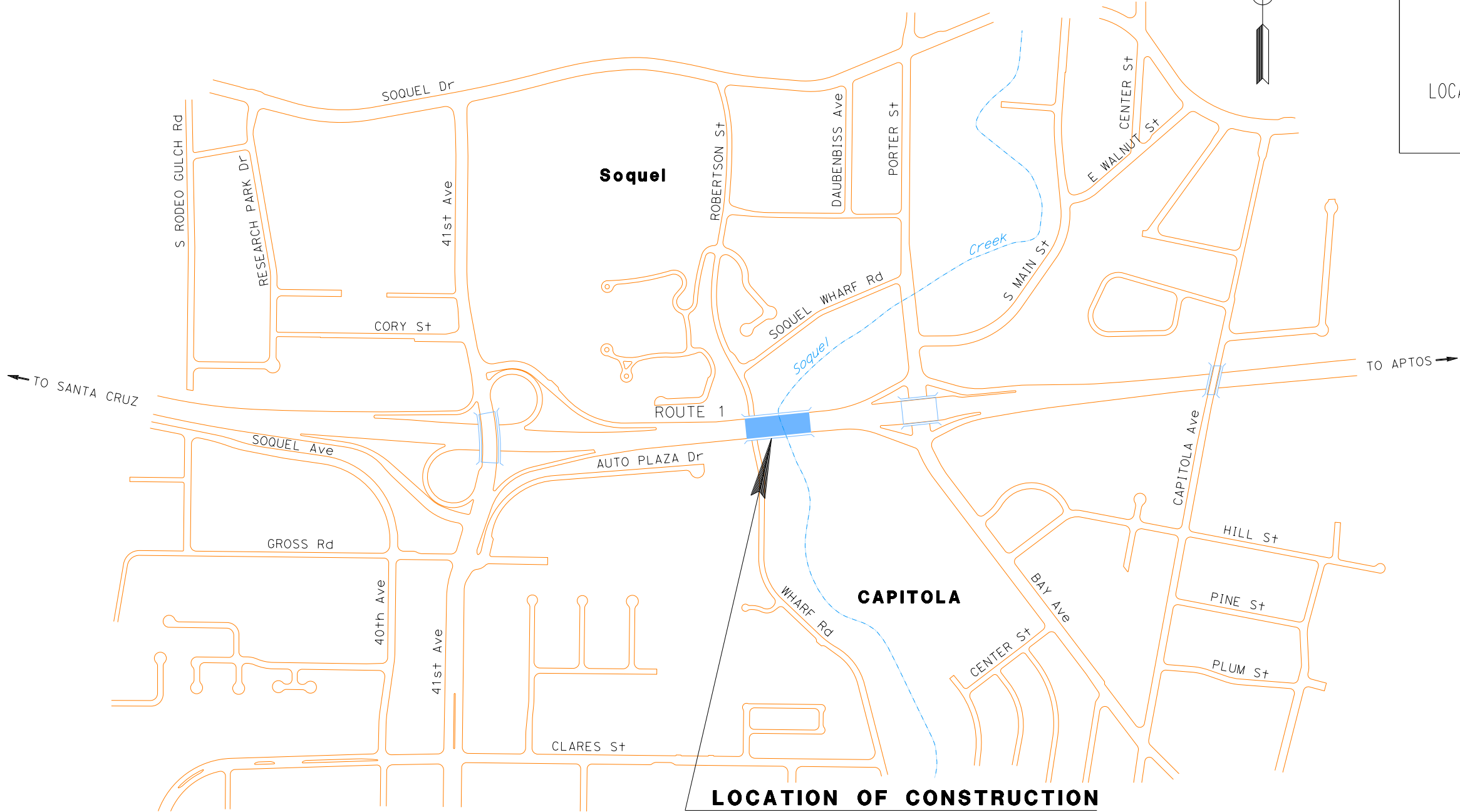
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CONTRACT No.	05-1H4804
PROJECT ID	0516000079

INDEX OF PLANS

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
PROJECT PLANS FOR CONSTRUCTION ON
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CONTRACT No.

05-1H4804

PROJECT ID

0516000079

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

LAST REVISION | DATE | BY | CHECKED | DATE

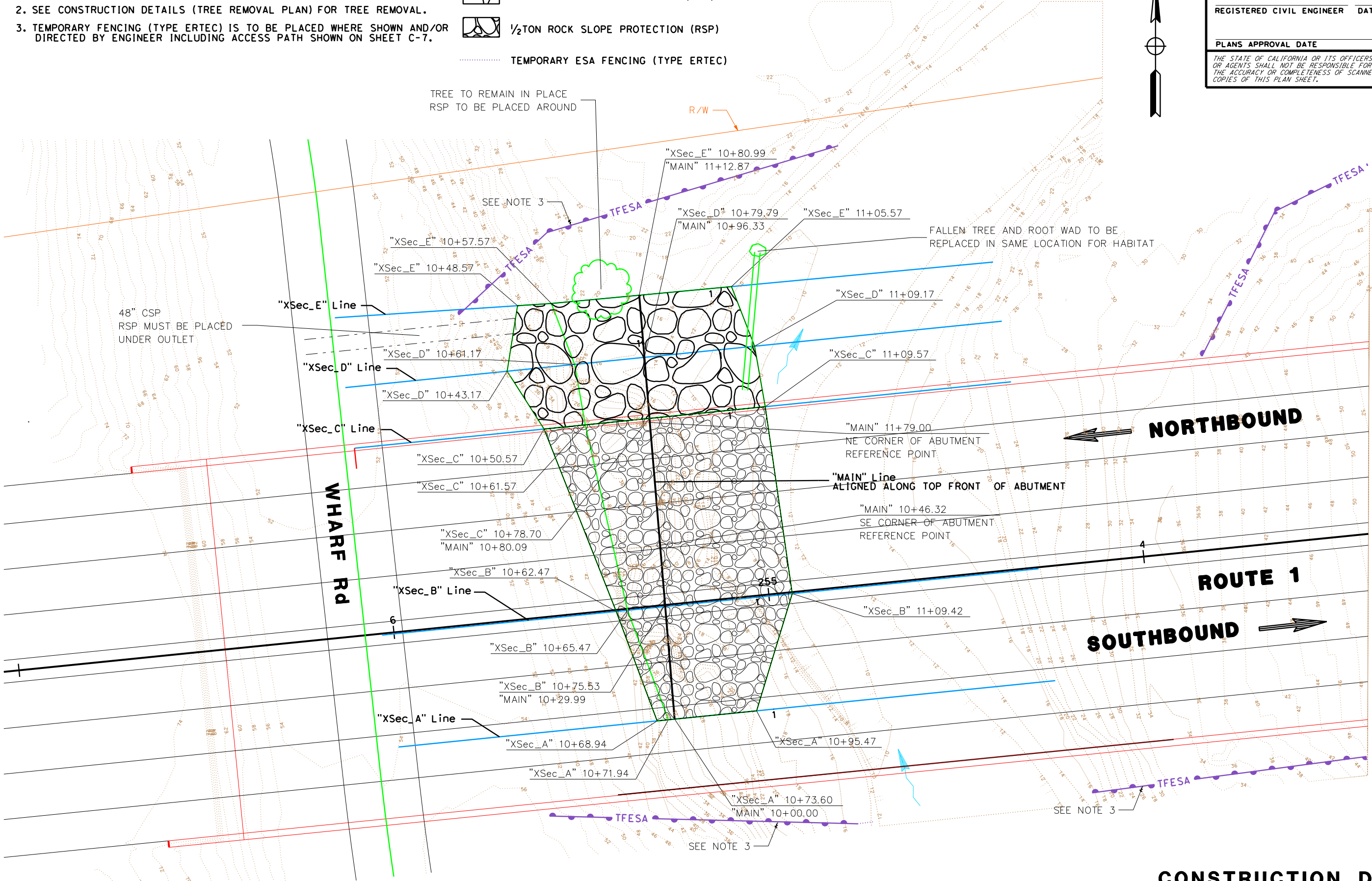
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	06-DESIGN	BORIS AYAVIRI	CALCULATED- DESIGNED BY	CHECKED BY	KEVIN KEISTER	REVISED BY	DATE	REVIS	DATE

NOTES:

- FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.
- SEE CONSTRUCTION DETAILS (TREE REMOVAL PLAN) FOR TREE REMOVAL.
- TEMPORARY FENCING (TYPE ERTEC) IS TO BE PLACED WHERE SHOWN AND/OR DIRECTED BY ENGINEER INCLUDING ACCESS PATH SHOWN ON SHEET C-7.

LEGEND:

-  1 TON ROCK SLOPE PROTECTION (RSP)
-  1/2 TON ROCK SLOPE PROTECTION (RSP)
-  TEMPORARY ESA FENCING (TYPE ERTEC)



Dist	COUNTY	LOCATION CODE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SCr	1	13.31	1	XXX

REGISTERED CIVIL ENGINEER

DATE

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REGISTERED PROFESSIONAL ENGINEER

No.

Exp.

CIVIL

STATE OF CALIFORNIA

CONSTRUCTION DETAILS
C-1

NO SCALE

DIST	COUNTY	LOCATION CODE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SCr	1	13.31	1	XXX






REGISTERED CIVIL ENGINEER	DATE
PLANS APPROVAL DATE	

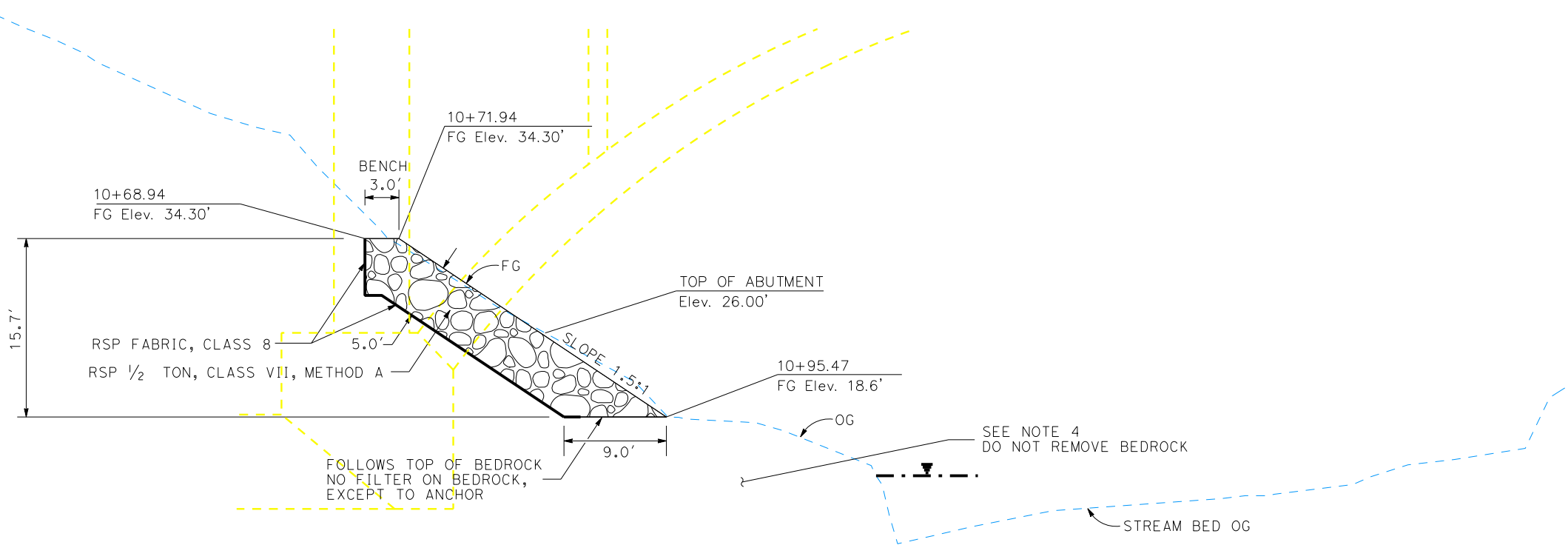
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COPIES OF THIS PLAN SHEET.

NOTES:

1. REMOVE EXISTING SACK CONCRETE.
2. PLACE RSP FABRIC OR GRAVEL FILTER WHERE INDICATED.
3. VOIDS UNDERNEATH RSP AREAS SHALL BE FILLED WITH RSP.
4. EXCAVATE TO DEPTH AND SLOPE INDICATED OR LESS IF BEDROCK IS ENCOUNTERED.
5. THERE SHALL BE NO GAP BETWEEN LEADING EDGE OF RSP BENCHING AND TERRAIN ADJACENT TO THE RSP BENCHING.
6. THE BENCHING WIDTH AT THE TOP OF RSP IS A MINIMUM OF 3' FOR LANDING IF CONSTRUCTABLE AND CAN BE ADJUSTED ACCORDING TO ENVIRONMENT.
7. SEE PLANTING PLANS AND DETAILS FOR PLANT TUBES IN RSP (SHEET PQ-1).
8. COLUMN & ARCH LOCATIONS ARE APPROXIMATE.
9. NO DUMPING OF RSP.
10. PLACE 2' OVERLAP OF RSP FABRIC AT TRANSITION.

LEGEND:

-  1 TON RSP
 1/2 TON RSP
 RSP FABRIC
 12" GRATEL FILTER
 ORDINARY HIGH WATER MARK (OHWM)



RSP TYPICAL SECTION


XSEC_A LINE

NO SCALE

CONSTRUCTION DETAILS

C-2

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION



06-DESIGN

FUNCTIONAL SUPERVISOR

BORIS AYAVIRI

CALCULATED/DESIGNED BY

CHECKED BY

REVISED BY

DATE REVISED

KEVIN KEISTER

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7. SEE PLANTING PLANS AND DETAILS FOR PLANT TUBES IN RSP (SHEET PO-1).
8. COLUMN & ARCH LOCATIONS ARE APPROXIMATE.
9. NO DUMPING OF RSP.
10. PLACE 2' OVERLAP OF RSP FABRIC AT TRANSITION.

DIST	COUNTY	LOCATION CODE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SCr	1	13.31	1	XXX

REGISTERED CIVIL ENGINEER

DATE

PLANS APPROVAL DATE

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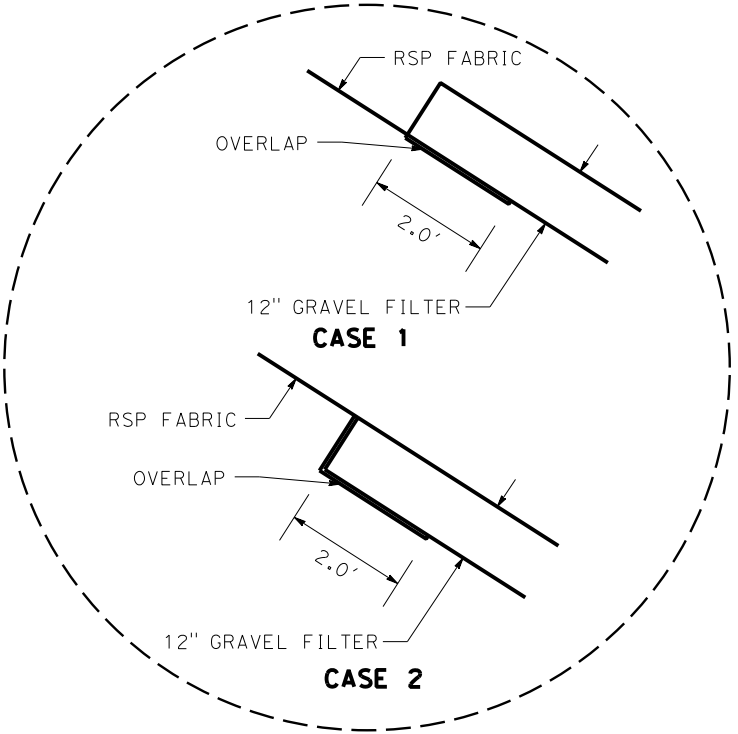
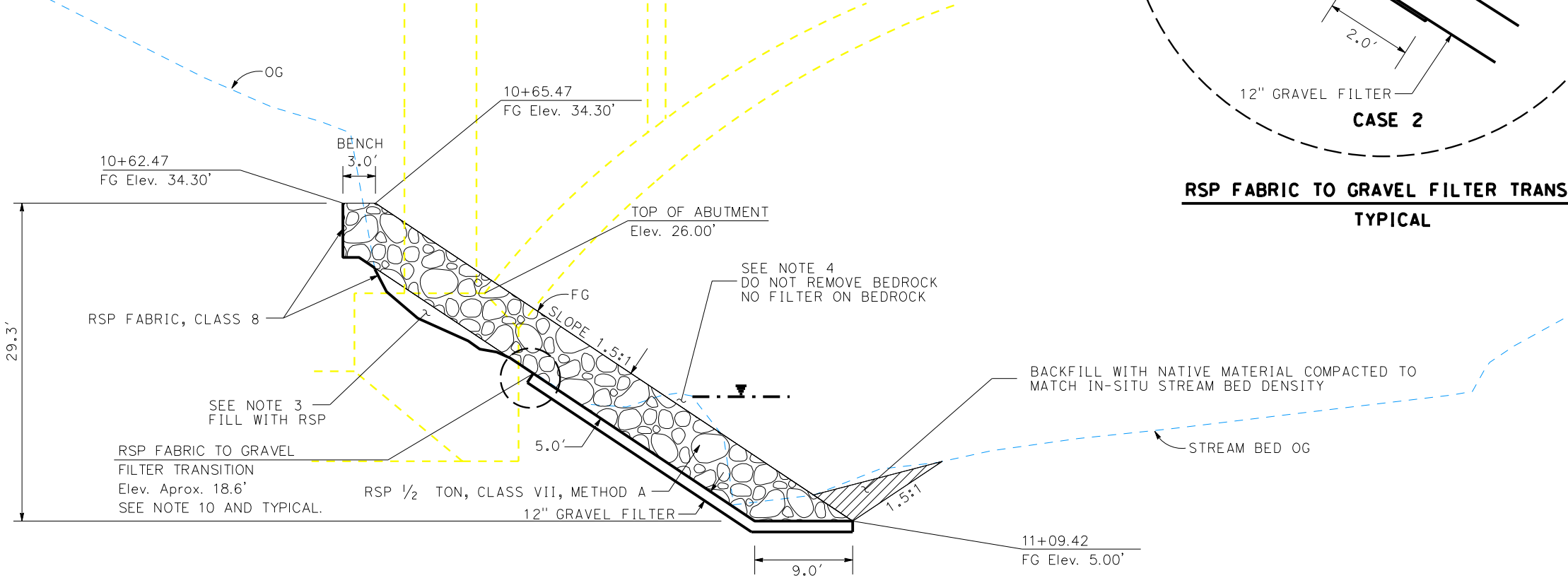
REGISTERED PROFESSIONAL ENGINEER

No.

Exp.

CIVIL

STATE OF CALIFORNIA



RSP FABRIC TO GRAVEL FILTER TRANSITION
TYPICAL

RSP TYPICAL SECTION

XSEC_B LINE

NO SCALE

CONSTRUCTION DETAILS
C-3

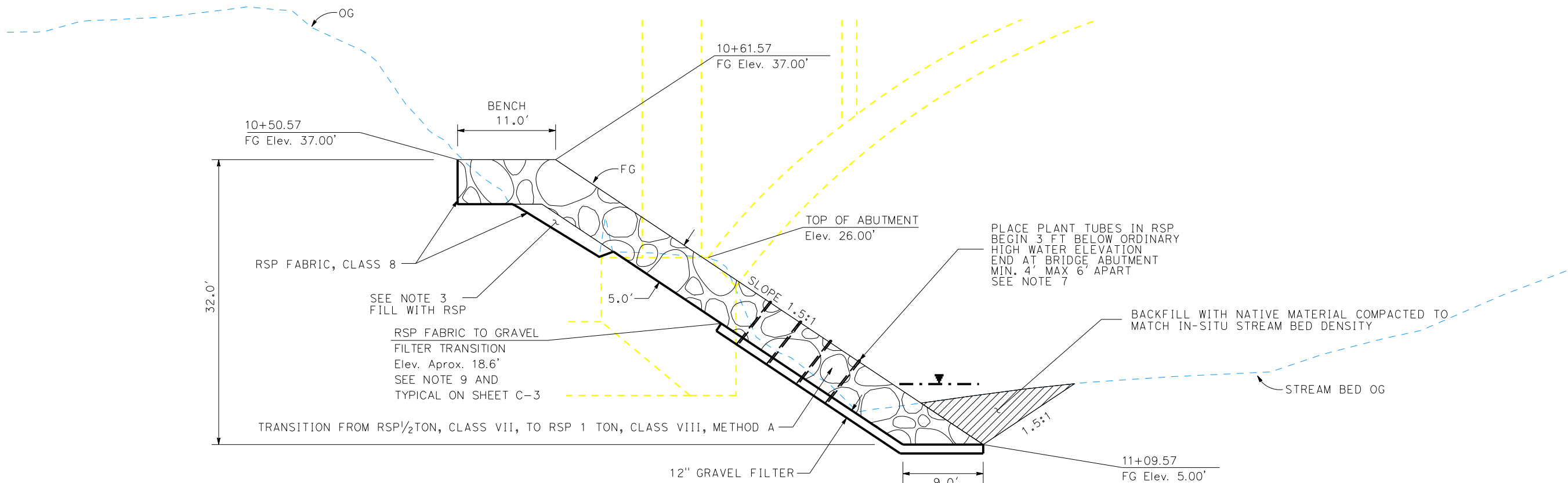


DIST	COUNTY	LOCATION CODE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SCr	1	13.31	1	XXX

REGISTERED CIVIL ENGINEER	DATE	
PLANS APPROVAL DATE		
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8. COLUMN & ARCH LOCATIONS ARE APPROXIMATE.
9. NO DUMPING OF RSP.
10. PLACE 2' OVERLAP OF RSP FABRIC AT TRANSITION.



RSP TYPICAL SECTION


XSEC_C LINE

NO SCALE

CONSTRUCTION DETAILS

C-4

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION



06-DESIGN

FUNCTIONAL SUPERVISOR

BORIS AYAVIRI

CALCULATED-DESIGNED BY

CHECKED BY

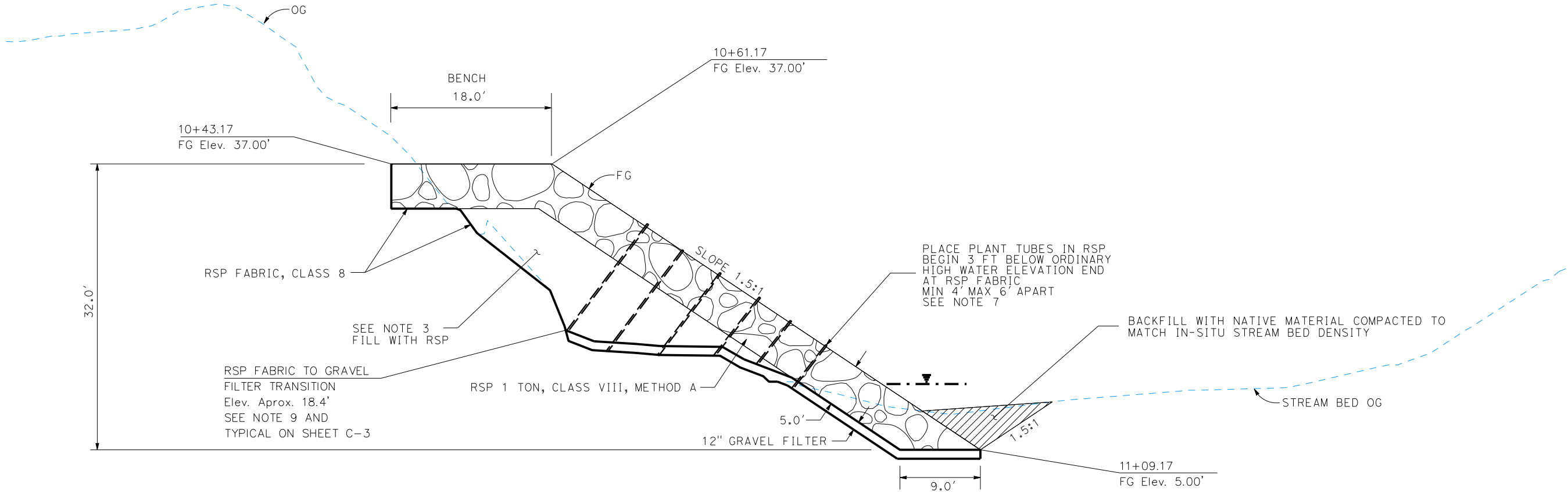
KEVIN KEISTER

REVISED BY

DATE REVISED

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7. SEE PLANTING PLANS AND DETAILS FOR PLANT TUBES IN RSP (SHEET P0-1).
8. COLUMN & ARCH LOCATIONS ARE APPROXIMATE.
9. NO DUMPING OF RSP.
10. PLACE 2’ OVERLAP OF RSP FABRIC AT TRANSITION.



RSP TYPICAL SECTION

XSEC_D LINE

NO SCALE

CONSTRUCTION DETAILS
C-5

Dist	COUNTY	LOCATION CODE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SCr	1	13.31	1	XXX
REGISTERED CIVIL ENGINEER			DATE		
PLANS APPROVAL DATE					
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REGISTERED PROFESSIONAL ENGINEER


No.

Exp.

CIVIL

STATE OF CALIFORNIA

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION



06-DESIGN

FUNCTIONAL SUPERVISOR

BORIS AYAVIRI

CALCULATED-DESIGNED BY

CHECKED BY

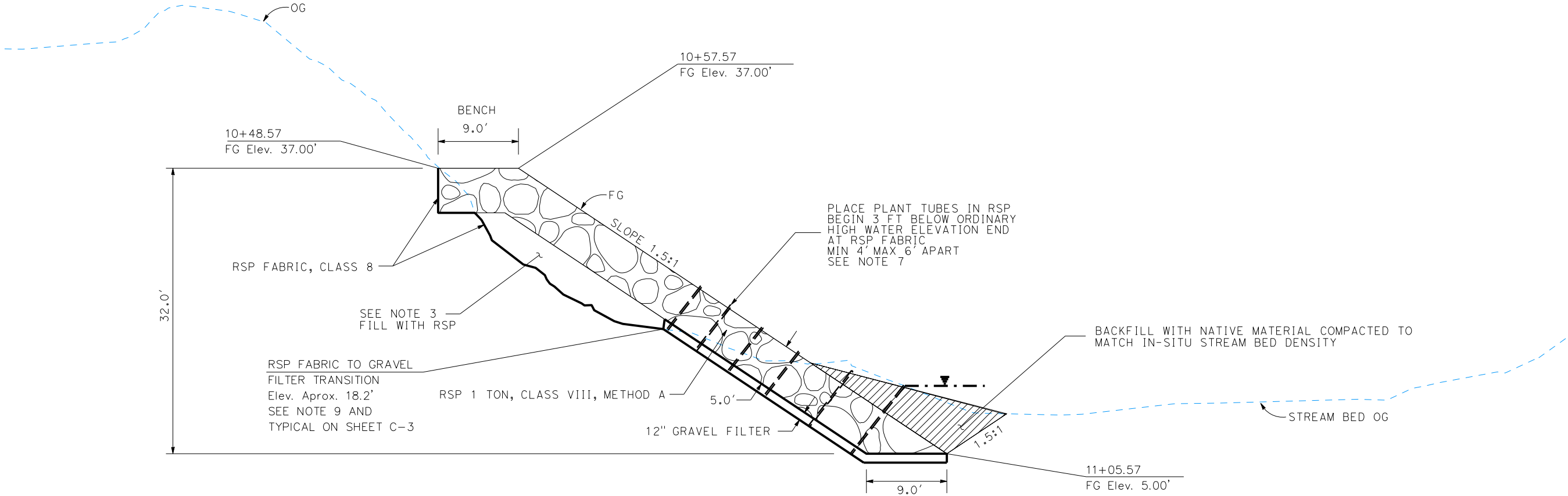
KEVIN KEISTER

REVISED BY

DATE REVISED

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8. COLUMN & ARCH LOCATIONS ARE APPROXIMATE.
9. NO DUMPING OF RSP.
10. PLACE 2’ OVERLAP OF RSP FABRIC AT TRANSITION.



RSP TYPICAL SECTION

XSEC_E LINE

NO SCALE

CONSTRUCTION DETAILS
C-6

Dist	COUNTY	LOCATION CODE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SCr	1	13.31	1	XXX

REGISTERED CIVIL ENGINEER

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REGISTERED PROFESSIONAL ENGINEER

No.

Exp.

CIVIL

STATE OF CALIFORNIA

1. FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.
2. SEE CONSTRUCTION DETAILS (TREE REMOVAL PLAN) FOR TREE REMOVAL.
3. REDWOOD TREES ON ADJACENT PROPERTY TO BE LEFT AND UNHARMED LIMBS INSIDE STATE RIGHT OF WAY TO BE TRIMMED FOR ACCESS ONLY.
4. ACCESS AREA TO BE GRADED TO PRE-EXISTING CONDITION AFTER CONSTRUCTION ACTIVITIES. REFER TO LANDSCAPE PLANS FOR PLANTING REQUIREMENTS.
5. SLOPE CAN BE USED TO DELIVER RSP, A CHUTE MUST BE MADE. AREA MUST BE RETURNED TO PRE-EXISTING CONDITION. CONTRACTOR HAS CHOICE TO USE THIS OPTION.
6. TEMPORARY K-RAIL TO HOLD BACK SLOPE FOR ACCESS. PLACEMENT IS APPROXIMATE AND UP TO THE CONTRACTOR IF NEEDED.
7. TEMPORARY FENCING (TYPE ERTEC) IS TO BE PLACED WHERE SHOWN AND/OR DIRECTED BY ENGINEER MATCHES SHEET C-1.

 TEMPORARY K-RAIL

 TEMPORARY ACCESS AREA

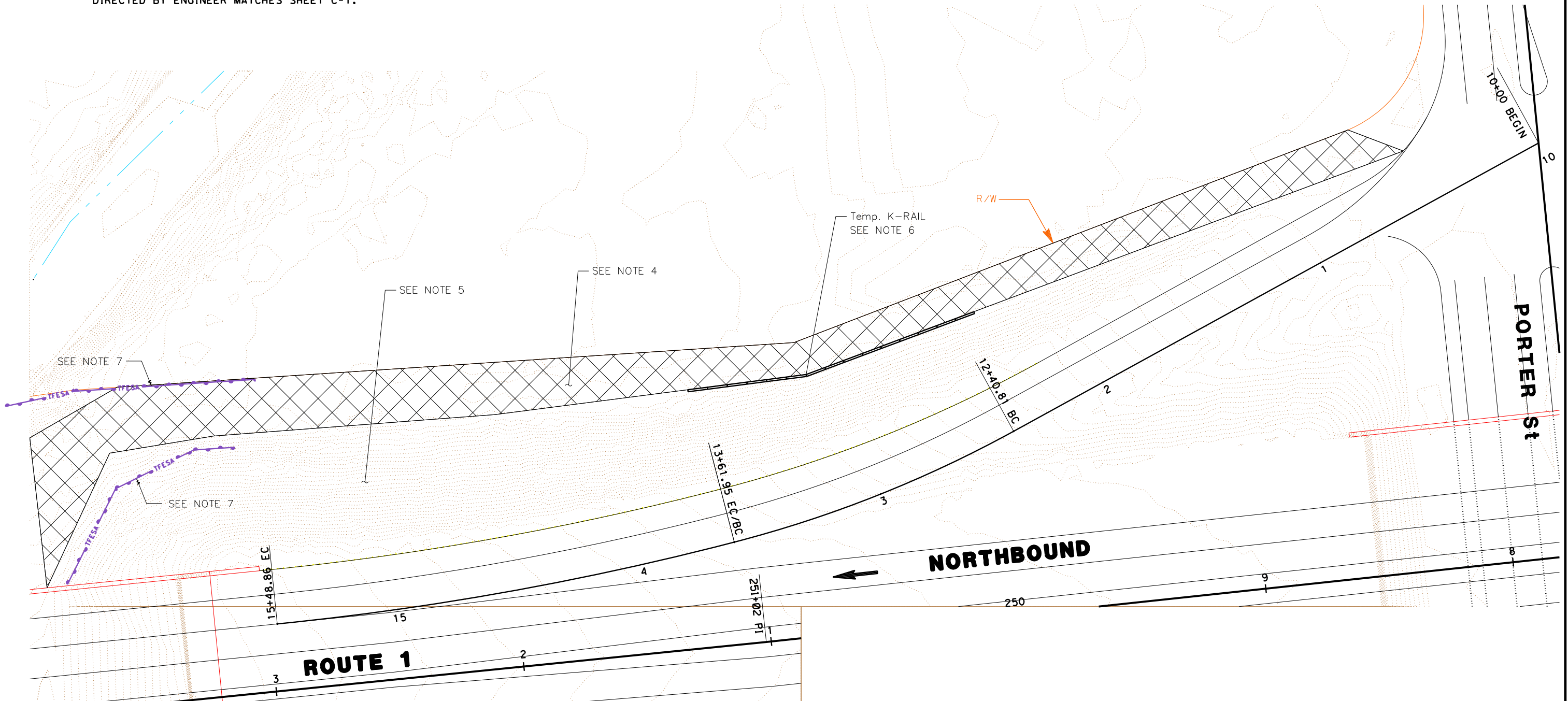
 TEMPORARY ESA FENCING (TYPE ERTEC)

Dist	COUNTY	LOCATION CODE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	Scr	1	13.31	1	XXX

REGISTERED CIVIL ENGINEER	DATE
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REGISTERED PROFESSIONAL ENGINEER
No. _____
Exp. _____
CIVIL
STATE OF CALIFORNIA



CONSTRUCTION DETAILS
C-7

NO SCALE

PROJECT NUMBER & PHASE

00000000001

BORDER LAST REVISED 7/2/2010

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RELATIVE BORDER SCALE
IS IN INCHES



UNIT 0000

DATE PLOTTED => 12/15/2020	LAST REVISION
TIME PLOTTED => 6:16:52 PM	00-00-00

Attachment 2

The Declining Amphibian Task Force Fieldwork Code of Practice

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

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

Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) CALIFORNIA ENDANGERED SPECIES ACT

INCIDENTAL TAKE PERMIT NO. 2081-2021-003-03

PERMITTEE: California Department of Transportation

PROJECT: Soquel Creek Bridge Scour Project (EA 05-1H480)

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 30 days prior to 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 during the term of this ITP.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Designated Biologist(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a Designated Biologist at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat.	ITP Condition # 6.2	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 Biologists shall communicate to the resident engineer when any activity is not in compliance with this Permit and the resident engineer shall immediately stop the activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. 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/Designated Representative shall notify the CDFW representative immediately.	ITP Condition # 6.3	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
4	Training Session for Personnel. Permittee shall ensure the Designated Biologist, designated biological monitor, or Designated Representative conducts an education program for all persons employed on the Project prior to performing Covered Activities. Instruction shall consist of a presentation that includes a discussion of the biology and general behavior of any sensitive species in the area, how they may be encountered within the work area, and procedures to follow when encountered. The status of Covered Species including legal protection, penalties for violations and project-specific conditions in this Permit shall be discussed. Interpretation shall be provided for non-English speaking persons. Copies of the Permit for this Project shall be maintained at the worksite with the resident engineer. The Designated Biologist, designated biological monitor or Designated Representative shall prepare and distribute wallet-sized cards or a factsheet handout containing this information for all persons to carry on-site. Upon completion of the program an affidavit of all persons on site shall be provided stating they attended the program and understand all protection measures. The forms and education pamphlet shall be filed at the Permittee's office and submitted to CDFW prior to construction completion.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
5	Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Covered Activities. 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. Plastic water bottles and plastic bags shall be picked up and removed daily even if not generated by on-site personnel.	Condition # 6.5	Before commencing ground- or vegetation-disturbing activities/ Entire Project, During and After Construction	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. 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. All fenced, staked, or flagged markers shall be removed upon completion of the Project.	ITP Condition # 6.8	Before Commencing Covered Activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
7	Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. If placing of markers is not feasible sensitive areas shall be discussed in the Training Session for Personnel. All fenced, staked, or flagged markers shall be removed upon completion of the Project.	ITP Condition # 6.9	Before Commencing Covered Activities	Permittee	
8	Notification Before Commencement and Construction Schedule. The Designated Representative shall notify CDFW at least 5 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities. The Designated Representative shall also provide a complete construction schedule to CDFW each year for the duration of the Project. The construction schedule shall identify the approximate beginning and completion date of Project activities. During the Project construction period, Permittee shall notify CDFW of any major changes in the construction schedule at least seven (7) days prior to implementation.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
9	Pre-Construction Covered Species Check. Forty-Eight (48) hours prior to the start of construction, the Designated Biologist shall inspect the Project Area for any Covered Species or aquatic species. Aquatic species shall be removed by the Designated Biologist and translocated to a safe location as specified in Condition of Approval 8.9.	ITP Condition # 8.5	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
10	Habitat Management Land Acquisition and Restoration: CDFW has determined that habitat creation, restoration and long-term 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 Covered Species habitat area required to provide for adequate compensation. To meet this requirement, the Permittee shall be responsible for Covered Species habitat creation, restoration and long-term management of 0.105 acres of compensatory habitat at an off-site location to be selected in coordination with CDFW. The off-site habitat enhancement plan shall include the creation and management of a minimum of four (4) in-stream root-wad structures as well as monitoring and management of restored areas to meet Conditions of Approval 9.1, 9.2, 9.3 and 9.4 below. Restored, created and managed habitats are collectively referred to as the Habitat Management Lands (HM lands). Long term funding, for monitoring and management of created Covered Species habitat and vegetation management, must be secured before starting Covered Activities or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. The Permittee shall also be responsible for the restoration and enhancement of the temporarily impacted 0.143-acre area of on-site Covered Species habitat as specified in Condition of Approval 9.4.	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	
11	Cost Estimates. CDFW has estimated the cost of habitat creation, restoration, and long-term management of Covered Species habitat creation and restoration of temporarily disturbed habitat as follows: Habitat creation costs for four (4) root-wad log structures, estimated at \$15,000.00. Habitat enhancement costs for 0.105 acres of off-site stream habitat and root-wad log structures estimated at \$15,000.00. On-Site habitat restoration and enhancement costs for a total of 0.143 acres of Covered Species riparian and aquatic habitat, estimated at \$12,418.00. Long-term management funding as described in Condition of Approval 9.2, estimated at \$41,114.00. Management funding is estimated initially for the purpose of providing Security to ensure	ITP Condition # 9.1	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
	implementation of habitat creation, restoration, monitoring and management.				
12	Management Fund. The Permittee shall ensure that HM lands are managed, maintained, and monitored as described in this ITP. Permittee shall provide ten years of monitoring and management funding for activities outlined in the final accepted Habitat Enhancement and Long-Term Management Plan consistent with Measure 9.3 below.	ITP Condition # 9.2	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	
13	<p>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 9 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 \$83,532.00. This amount is based on the cost estimates identified in Condition of Approval 9.1 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 30 days 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>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 Endowment; and</p> <p>Timely submission of all required reports;</p> <p>Fulfillment of the on-site and/or off-site restoration requirements.</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>	ITP Condition # 10	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if CDFW-approved security is provided	Permittee	
14	Off-Site Habitat Enhancement Plan. The Permittee shall be responsible for developing an Off-Site Habitat Enhancement Plan that shall be submitted thirty days prior to the initiation of construction. The plan shall at minimum include the installation of four (4) root-wad structures and enhances an area of at least 0.105 acres through habitat creation, restoration and long-term management of compensatory habitat including Covered Species monitoring for a period of ten (10) years at the off-site location. The plan shall address revegetating all access routes, staging areas and areas of temporary impacts within Covered Species habitat. All Off-Site tree and woody vegetation plantings shall be subject to a ten-year	ITP Condition # 9.3	Before commencing ground- or vegetation-disturbing activities/ Or within 18 months of effective date of ITP if	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>monitoring period and 75% success criteria for survivorship. All hydro-seeding shall be monitored and compared utilizing before and after images to determine success. If hydro-seeding does not take hold within 6 months, additional applications shall be required. If any tree or woody vegetation plantings fail, additional plantings shall be required and additional years of monitoring shall be required in consultation with CDFW until the success criteria are achieved as noted above. All disturbed areas shall be monitored and controlled for invasive species rated as "High" by the California Invasive Plant Council's database, which is accessible at: https://www.cal-ipc.org/plants/inventory/. All locations shall be required to obtain a 10% or less ground cover percentage for species rated as "High" annually for ten-years as specified in this Agreement. Reference site analysis and final approval of an enhancement site as having all obligations met may be accepted upon written request and written approval from CDFW. Alternative concepts for enhancement, such as land acquisition or permanent protection may be considered upon written request and written approval by CDFW. All temporary irrigation systems shall be removed upon completion of site enhancements or at such a time when supplemental watering is no longer required.</p> <p>Off-Site Habitat Enhancement Plan Monitoring and Reporting. The Permittee shall submit the Off-Site Habitat Enhancement Report to CDFW by December 31 for the ten-year period, as well as any additional years. The report shall include success criteria, photos from designated photo stations, a summary of site conditions and a list of wildlife observed on site. The report shall also include a list of corrective actions that may be necessary to increase the probability of native plant recruitment or habitat improvement to the Enhancement Area.</p> <p>Off-Site Stream Analysis. The Permittee shall obtain and submit photos from ten designated photo stations; five upstream and five downstream of the root-wad installation location. The photos shall be submitted once in year zero as a baseline and once annually for a period of ten years and shall provide a detailed description of the stream system over the course of the photo stations.</p> <p>Off-Site Covered Species Monitoring. The Permittee shall be responsible for submission of an Off-Site Covered Species Monitoring Plan a minimum of thirty days prior to the initiation of construction. The plan shall focus on the determination of presence/absence of Covered salmonid species and the utilization of the proposed root-wad structures through the detection of redds, or salmonid egg deposition features within Soquel Creek. Covered Species monitoring shall occur for a period of ten years.</p> <p>Off-Site FYLF Monitoring. Permittee shall provide a FYLF survey methodology to CDFW for acceptance 30 days prior to the initiation of construction. Surveys within the Off-Site Area should correspond to the photo monitoring stations noted in Condition of Approval 9.3.2. The plan shall focus on the determination of presence/absence of Covered Amphibian Species. The Methodology shall include searching; cavities under rocks, within vegetation such as sedges and other clumped vegetation, and under undercut banks. Surveys shall also be conducted at different times of day and under variable weather conditions if possible. The surveys shall focus on the root-wad log Off-Site area and the upland habitat within and adjacent to the area. Survey results shall be provided to CDFW once annually over a ten-year period by December 31 of each year. If FYLF or evidence of their presence are found the occurrences shall be submitted to CNDDDB as specified in Condition of Approval 7.6.</p>		CDFW-approved security is provided		
15	<p>On-Site Habitat Enhancement Plan. The Permittee shall be responsible for submitting an On-Site Habitat Enhancement Plan to address an area of at least 0.143 acres. The plan shall be submitted to CDFW for written review and acceptance at least 30 days prior to the initiation of Covered Activities. The plan shall address revegetating all access routes, staging areas and areas of temporary impacts within Covered Species habitat. Areas that are shaded by the bridge or unvegetated prior to construction do not require revegetation and shall only require contouring and grading to match pre-project conditions. All other applicable areas of barren soil or upland habitat shall be hydro-seeded or planted with native vegetation appropriate to the Project Site. All On-Site tree and woody vegetation plantings shall be subject to a five-year monitoring period and 75% success criteria for survivorship. All</p>	ITP Condition # 9.4	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>hydro-seeding shall be monitored and compared utilizing before and after images to determine success. If hydro-seeding does not take hold within 6 months, additional applications shall be required. If any tree or woody vegetation plantings fail, additional plantings shall be required and additional years of monitoring shall be required in consultation with CDFW until the success criteria are achieved as noted above. All disturbed areas shall be monitored and controlled for invasive species rated as "High" by the California Invasive Plant Council's database, which is accessible at: https://www.cal-ipc.org/plants/inventory/. All locations shall be required to obtain a 10% or less ground cover percentage for species rated as "High" annually for five-years as specified in this Agreement. Reference site analysis and final approval of an enhancement site as having all obligations met may be accepted upon written request and written approval from CDFW. Alternative concepts for enhancement, such as land acquisition or permanent protection may be considered upon written request and written approval to CDFW. All temporary irrigation systems shall be removed upon completion of site enhancements or at such a time when supplemental watering is no longer required.</p> <p>On-Site Habitat Enhancement Plan Monitoring and Reporting. The Permittee shall submit the On-Site Habitat Enhancement Report to CDFW by December 31 for the ten-year period, as well as any additional years, as applicable. The report shall include success criteria milestones. The report shall also include photos from designated photo stations, a summary of site conditions and a list of wildlife observed on site. The report shall also include a list of corrective actions that may be necessary to increase the probability of native plant recruitment or habitat improvement to the Project Area.</p> <p>On-Site Cross Section Analysis. A qualified professional, such as a fluvial geomorphologist or hydraulic engineer, shall record cross sections a minimum of 30 days prior to Covered Activities as baseline. The survey shall document elevations obtained along the channel thalweg (lowest and deepest points) to accurately define the channel gradient through the Project Area. Additionally, the survey should document channel geometry at cross sections over a ten-year monitoring period (Year 0 = Baseline) at minimum 200 feet upstream and downstream of the bridge as access and permission shall allow. Survey information shall include analysis and documentation of streambed substrate and particle size analysis through the site. All cross-section analysis results should be provided as a sub-section of the On-Site Enhancement Plan Annual Monitoring Report.</p> <p>Post-Construction Longitudinal Profile. A qualified professional such as a fluvial geomorphologist or hydraulic engineer, shall collect a longitudinal profile following the proposed channel thalweg location. This longitudinal profile shall be collected sufficiently upstream and downstream of the proposed Project conform locations. The longitudinal profile should the survey over a ten-year monitoring period (Year 0 = Baseline) at minimum 200 feet upstream and downstream of the bridge as access and permission shall allow. The longitudinal profile analysis shall be provided as a sub-section of the On-Site Enhancement Plan Annual Monitoring Report.</p> <p>On-Site Covered Species Monitoring. The Permittee shall be responsible for submission of an On-Site Covered Species Monitoring Plan a minimum of thirty days prior to the initiation of construction. The plan shall focus on the determination of presence/absence of Covered salmonid species and the utilization of the proposed root-wad structures through the detection of redds, or salmonid egg deposition features within Soquel Creek. Covered Species monitoring shall occur for a period of ten years.</p> <p>On-Site FYLF Monitoring. Permittee shall provide a FYLF survey methodology to CDFW for acceptance 30 days prior to the initiation of construction. Surveys within the On-Site Area should correspond to the photo monitoring stations noted in Condition of Approval 9.4.1. The Methodology shall include searching; cavities under rocks, within vegetation such as sedges and other clumped vegetation, and under undercut banks. Surveys shall also be conducted at different times of day and under variable weather conditions if possible. The surveys shall focus on identified lek sites, areas of impact and areas with a high potential for FYLF occurrence, as well as the upland habitat within and adjacent to the area. Survey results shall be provided to CDFW once annually over a ten-year period by December 31 of</p>				

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>each year as part of the On-Site Enhancement Plan Report. If FYLF or evidence of their presence are found the occurrences shall be submitted to CNDDDB as specified in Condition of Approval 7.6.</p> <p>On-Site Game Camera Monitoring. The Permittee shall install a game-trail camera, or series of game trail cameras, as space and necessity shall allow, at the Soquel Bridge Site and develop a monitoring study in coordination with CDFW for Covered Species. The plan shall be submitted a minimum of 30 days prior to the initiation of Covered Activities. Annual monitoring reports should be included as part of the On-Site Enhancement Plan Report and submitted for a period of at least five years. The report should consist of photos downloaded from the camera and a write up on the frequency of occurrences at this location for movement.</p>				
DURING CONSTRUCTION					
16	Erosion Control. All erosion and sediment control measures shall be installed prior to Covered Activities. Permittee shall utilize erosion control measures throughout all phases of the Project where sediment runoff from exposed slopes could leave the Project Area and/or enter a drainage, stream, or ponded area. No phase of the Project that may cause the introduction of sediments into a drainage, stream or ponded area may be started if that phase and its associated erosion control measures cannot be completed prior to the onset of a storm. Permittee shall consult 72-hour weather forecasts from the National Weather Service prior to the startup of any phase of the Project that may result in sediment runoff to a drainage, stream, or ponded area. The Designated Biologist shall monitor erosion control measures before, during, and after each storm event and Permittee shall repair and/or replace ineffective measures immediately. Following completion of the Project, Permittee shall implement erosion control measures for all disturbed areas, which may include reseeding using a noxious weed-free locally native seed mix, hydroseeding, jute matting, or tackifying agents to stabilize soils, dust control, and prevent erosion.	ITP Condition # 6.6	Entire Project	Permittee	
17	Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as plastic or mono-filament netting (erosion control matting) or similar material. Tightly woven silt fencing material or woven organic materials such as coir logs (without mono-filament netting) shall be permitted.	ITP Condition # 6.7	Entire Project	Permittee	
18	Project Access. Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 6.10	Entire Project	Permittee	
19	Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the staging area identified in the Project Description of this ITP. All Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream shall be positioned over drip pans. Any equipment or vehicles driven and/or operated within or adjacent to the stream must be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. No equipment maintenance or fueling shall be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter these areas unless the appropriate spill prevention measures are in place such as catch basins or drip pans, lined with an impermeable layer that has been placed under the equipment.	ITP Condition # 6.11	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
20	Stockpiled Material. Building materials and/or construction equipment shall not be stockpiled or stored where they may be washed into the water or cover aquatic or riparian vegetation. Stockpiles shall be covered when measurable rain is forecasted. All removed spoils and construction debris shall be moved to areas where it may not permit to pass into, or place where it can pass into waters of the State in accordance with Fish and Game Code Section 5652.	ITP Condition # 6.12	Entire Project	Permittee	
21	Cleaning Equipment Prior to Entering Work Area. All equipment that will be entering the Project area shall be cleaned of materials deleterious to aquatic life including oil, grease, hydraulic fluid, soil, other debris and invasive species. Wash water containing mud or silt from washing or other operations shall not be allowed to enter the channel. Permittee shall conduct Project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one Project site and/or waterbody to another. Prevention BMPs and guidelines for invasive plants can be found on the Cal-IPC's website at: http://www.cal-ipc.org/ip/prevention/index.php and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: http://www.protectyourwaters.net/ .	ITP Condition # 6.14	Entire Project	Permittee	
22	Spill Prevention. A spill response plan shall be submitted to CDFW for approval in writing at least 7 days prior to the initiation of construction. A designated spill response inspector familiar with the construction equipment shall be onsite during all Project activities in order to monitor equipment operations, prevent waterway contamination and respond to equipment malfunctions. Hazardous material leaks and spills shall be attended to immediately as outlined in the Spill Prevention and Response Plan. Prior to entering the work site, all field personnel shall know the location of spill kits and trained in their appropriate use.	ITP Condition # 6.15	Entire Project	Permittee	
23	Notification of Non-compliance. The Designated Representative and/or Designated Biologist 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 and Designated Biologist shall report any non-compliance with this ITP to CDFW within 24 hours.	ITP Condition # 7.2	Entire Project	Permittee	
24	Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.	ITP Condition # 7.3	Entire Project	Permittee	
25	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 training 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 # 7.4	Entire Project	Permittee	
26	Monthly Compliance Reports. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall detail approximate Project impacts in acres, separated into permanent, and temporary impacts. The reports shall: (1) identify and describe the temporary and permanent impacts to date; and (2) include all	ITP Condition # 7.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	monitoring information required by the terms of this ITP. 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.				
27	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 by email to Robert Stanley at Robert.Stanley@wildlife.ca.gov . The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two 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.	ITP Condition # 7.8	Entire Project	Permittee	
28	Work Period. All work shall be limited to occur from June 1 to October 31; however non-ground disturbing vegetation removal is authorized outside of this work window. Dry Channel/Work Prohibition. No work within the active channel shall be initiated unless the Project Area is completely dry or the temporary diversion system has been installed and verified as functioning by the resident engineer.	ITP Condition # 8.1 and 8.2	Entire Project	Permittee	
29	Conduct Work During Daylight Hours. Work is restricted to daylight hours (30 minutes before or 30 minutes after sunset). Exceptions are authorized to occur for material delivery. Other requests may be granted upon written request and written approval from CDFW.	ITP Condition # 8.3	Entire Project	Permittee	
30	Work Period in Dry Weather Only. Permittee shall conduct work defined in the above Project Description, and within the Project Area, during periods of dry weather. The Permittee shall monitor forecasted precipitation. When ¼ inch or more of precipitation is forecasted to occur, the Permittee shall stop work before precipitation commences. No Covered Activities may be started if its associated erosion control measures cannot be completed prior to the onset of precipitation. After any storm event, the Permittee shall inspect all sites currently under construction and all sites scheduled to begin construction within the next 72 hours for erosion and sediment problems and take corrective action as needed. Seventy-two-hour weather forecasts from National Weather Service shall be consulted and work shall not start back up until runoff ceases and there is less than a 50% forecast for precipitation for the following 24-hour period.	ITP Condition # 8.4	Entire Project	Permittee	
31	Daily Aquatic Species Checks. Before the start of work each day and throughout the course of the day as determined by the Designated Biologist, the Project Area shall be inspected for any Covered Species or aquatic species as specified in Condition of Approval 8.9. Aquatic species shall be removed by the Designated Biologist and translocated to a safe location as specified in Condition of Approval 8.9.	ITP Condition # 8.6	Entire Project	Permittee	
32	Block Nets and Screens. Block nets or mesh screens shall be used to exclude Covered Species from the creek diversion pipeline and shall be checked at least twice daily to ensure they are effectively excluding Covered Species from entering the pipe and to remove debris that may clog the nets and cause them to fail. If this system becomes problematic, CDFW reserves the right to provide additional conditions of approval to this ITP.	ITP Condition # 8.7	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
33	<p>Dewatering and Diversion. The Permittee shall implement the following during dewatering and water diversion:</p> <p>Cofferdams shall be constructed of a non-erodible material which does not contain soil or fine sediment. Gravel-filled bags shall be used to construct a dam to isolate the stream from its existing channel and re-direct flows out of the excavation area. Bags for gravel bags will be made of burlap or woven synthetic material. The bags will be of sufficient size and strength to hold a minimum of 1.0 cubic-foot of clean gravel, when they are filled to 50 percent of their full capacity. The durability of the burlap will be rated as 10-ounce burlap. The ties and burlap will be made of natural materials. The gravel-filled revetment will be wrapped in plastic to further seal the flow and prevent entrapment of Covered Species.</p> <p>Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. If the cofferdams or stream diversion fail, Permittee shall repaired them immediately.</p> <p>When the cofferdam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall be allowed to pass downstream of the excavation to maintain aquatic life below the dam. Flow shall be of sufficient quality, quantity and temperature to support fish and other aquatic species both above and below the diversion.</p> <p>To minimize the potential for Covered Species to be entrained during de-watering activities, Permittee shall establish a Covered Species exclusion barrier and shall place the pump intakes away from complex vegetated banks that may contain habitat for Covered Species. Pump intakes shall be placed away from complex vegetated banks that may contain habitat for Covered Species. Screen material may be constructed of any rigid woven, perforated, or slotted material that provides water passage while physically excluding fish. Round openings in the screen shall not exceed 3/32-inch diameter, square openings shall not exceed 3/32-inch measured diagonally, and slotted openings shall not exceed 0.069 inches in width. Approach velocity shall not exceed 0.33 feet per second.</p> <p>Permittee shall select and install site exclusion methods to ensure that Covered Species cannot reenter the Project Area or become impinged on exclusion net or screen. The Designated Biologist shall regularly monitor site exclusion.</p> <p>The Designated Biologist shall monitor dewatering at all times. The Designated Biologist shall reduce the rate of diversion as needed to avoid impacts to Covered Species. The Designated Biologist shall monitor upstream and downstream reaches to ensure no Covered Species are stranded or in distress during reduction of flows.</p> <p>During excavation, Permittee shall install and maintain check-dams or equivalent sediment control methods as necessary to trap and control sediment-laden water.</p> <p>Reintroduction of stream flows shall be gradual to the isolated work area to prevent stranding, channel instability, or excessive scour. The Designated Biologist shall monitor upstream and downstream reaches to ensure no Covered Species are stranded or in distress during reintroduction of flows. If conditions causing or contributing to stress and/or injury are observed, Permittee shall take immediate remedial actions directed at lessening sources of stress. This may include a more gradual reintroduction of flows to avoid abrupt water surface elevation changes both downstream and upstream of the Project Area.</p> <p>In the event that work must be phased, Permittee shall remove all cofferdam material prior to the onset of high flows.</p>	ITP Condition # 8.8	Entire Project	Permittee	
34	<p>Covered Species Rescue Plan. The Permittee shall implement a Covered Species Rescue Plan to be implemented during Project exclusion and stream diversion operations for all species covered under this ITP. The Covered Species Rescue Plan shall include at minimum the following:</p>	ITP Condition # 8.9	Entire Project	Permittee	

Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<p>Covered Species capture and relocation shall be conducted by or under the direct supervision of the CDFW-approved Designated Biologist, as required by Condition of Approval 6.2.</p> <p>Prior to the installation of cofferdams and subsequent Covered Activities, the Designated Biologist shall capture and relocate Covered Species to the nearest predetermined release location, approved in advance by CDFW.</p> <p>Before capture and relocation of Covered Species, the Designated Biologist shall identify the most appropriate release location(s). Permittee shall submit the proposed release locations to CDFW for review and acceptance prior to commencement of Covered Activities. Release locations shall provide suitable habitat for Covered Species and shall be selected to minimize the likelihood of Covered Species reentering the work area.</p> <p>All dip nets used to capture Covered Species shall be made of a soft braded nylon material that is non-abrasive. Mesh sizing shall be matched to species and the life stages likely encountered.</p> <p>Relocation activities shall be performed in the morning if maximum daytime air temperatures are expected to exceed 23 °C (~75 °F).</p> <p>Electroshocking shall be conducted using the <i>National Marine Fisheries Service Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act</i>, June 2000. http://www.westcoast.fisheries.noaa.gov/publications/reference_documents/esa_refs/section4d/electro2000.pdf.</p> <p>Captured Covered Species must be kept in a closable container in an adequate amount of cool, clean, well-oxygenated water (e.g., a cooler with lid containing stream water and a battery-operated air stone). Water temperature shall be monitored and kept below 60°F. If necessary, water shall be cooled with ice without introducing ice-borne chemical contaminants. Transport containers shall have a water volume of no less than 5-gallons, preferably more. Covered Species density in the transport container shall not exceed 10 Covered Species (40-80mm) per gallon of water. Collected Covered Species shall not be anesthetized at any point during the rescue operation.</p> <p>No employee or contractor shall remove any Covered Species, dead or alive, from the site for personal use. All efforts to reduce the time that live Covered Species are out of the water shall be made to reduce the chances of incidental take during the capture and relocation. All Covered Species are to be promptly returned to the water with the exception of mortality.</p> <p>Efforts shall be made to reduce capture and handling stress, minimize the time that Covered Species are held in buckets, and minimize handling stress during processing and release. Covered Species shall not be held in containers with other species. Covered Species shall be processed first and relocated as soon as possible. Species name and length data shall be recorded on data sheets, as well as time, date, location, gear type, water temperature, and any other pertinent observations of the Covered Species. Permittee shall provide Covered Species capture data to CDFW in the Monthly Compliance Report, as required by Condition of Approval 7.5.</p> <p>Permittee shall preserve dead individuals by freezing or placing in a sealed container with 10 percent formalin solution. Information on time and exact location of any incidental take, method of take, length of time from death to preservation, water temperature, and any other relevant information will be recorded in writing. Permittee shall contact the CDFW regional representative for instructions on transmitting preserved individuals. Any take of non-Covered Species shall be documented and included in the Monthly and Final Mitigation Reports, as required by Condition of Approval 7.5 and 7.7.</p> <p>After the Covered Species relocation effort is completed, if additional Covered Species are observed, Permittee shall cease Covered Activities until those individuals have been relocated. The Designated Biologist shall remain at the site during Covered Activities to capture and relocate additional Covered Species as necessary.</p>				

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	After completing the rescue, the Designated Biologist shall prepare a brief documentation report. The report shall include information on the personnel conducting the rescue, methods used, numbers of each species collected and relocated, length data, and estimate of the survival immediately after release. Photographs of the site and rescue operations shall be included. The report shall be provided by the Permittee to CDFW in the next Monthly Compliance Report required by Condition 7.5 and in the Final Mitigation Report.				
35	Wildlife Exclusionary Fencing. An exclusionary fencing system plan shall be submitted a minimum of 30 days prior to the initiation of Covered Activities for CDFW acceptance. The plan shall include aerial plan sets of the fencing system array, design plan sets of the fence dimensions and material as well as a vegetation removal section for areas within the exclusionary fencing zone and areas immediately outside the fencing. Vegetation other than native trees marked for preservation within the exclusionary fencing zone and within a three (3) foot buffer outside the fencing system shall be maintained at ground level for the duration of the Project. All mower blade heights shall be set to 6 to 8 inches from ground level on the initial pass to avoid harm or injury to Covered Species. Trees marked for preservation shall be pruned as necessary to maintain the three (3) foot buffer. A Designated Biologist shall be present on-site during all vegetation removal actions.	ITP Condition # 8.10	Entire Project	Permittee	
36	Foothill Yellow Legged Frog (FYLF) Pre-Construction and On-Going Surveys. Permittee shall provide a FYLF survey methodology to CDFW for acceptance 30 days prior to the initiation of construction. No Covered Activities shall begin until FYLF surveys have been completed using a method approved by CDFW. Surveys within the Project Area shall include searching; cavities under rocks, within vegetation such as sedges and other clumped vegetation, and under undercut banks. Surveys shall also be conducted throughout the course of the Project at different times of day and under variable weather conditions if possible. The surveys shall focus on the Project Area, upland habitat within and adjacent to the Project Area. Survey results shall be provided to CDFW prior to the initiation of construction. If FYLF or evidence of their presence are found the occurrences shall be submitted to CNDDB as specified in Condition of Approval 7.6. Findings shall also be reported to the CDFW Regional contact within 24 hours of discovery.	ITP Condition # 8.11	Before and After Construction	Permittee	
37	FYLF Annual Surveys. Annual Surveys for FYLF shall be conducted throughout the course of the Project prior to Covered Activities as specified in Condition of Approval 8.12. Upon completion of Covered Activities, the annual surveys shall continue for a period of 5 years as a sub-section of the On-Site Enhancement Report as specified in Condition of Approval 9.5 to determine continued presence of the species after Covered Activities.	ITP Condition # 8.12	During and After Construction	Permittee	
38	Lek Site Identification and Protection. The Pre-Construction, Construction and Annual Pre-Construction Surveys shall be used to determine the location of possible Covered Species lek sites within the Project Area and within a reasonable dispersal distance of the Project Area boundary. Once identified these sites shall be avoided and marked as sensitive habitat as described in Condition of Approval 6.9 and may require Wildlife Exclusion Fencing (WEF) as specified in Condition of Approval 8.10. All Lek Sites shall have the location tagged by GPS and have multiple photos taken of the site prior to the initiation of Covered Activities and prior to any relocation activities. All Lek Site findings shall be put into daily and weekly monitoring logs and the monthly and final reports. If Lek Sites occur in areas where impact is unavoidable, CDFW shall be notified prior to the impact and any eggs or individuals shall be relocated in coordination with CDFW.	ITP Condition # 8.13	Before, During, After Construction	Permittee	
39	Amphibian Handling Code of Practice. All personnel on site shall adhere to the following: The Declining Amphibian Task Force Fieldwork Code of Practice (Figure 3) when on site and during the handling of amphibians by authorized individuals.	ITP Condition # 8.14	During and After Construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
POST CONSTRUCTION					
40	CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 30 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or Final Mitigation Report.	ITP Condition # 7.6	During and Post-construction	Permittee	
41	Final Mitigation Report. No later than 30 days after completion of all Covered Activities, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; (8) any other pertinent information.	ITP Condition # 7.7	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: _____	