



The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region/Region 2
1701 Nimbus Road
Rancho Cordova, CA 9567
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 23, 2022

Tracy Bettencourt, Regulatory and Grants Manager
City of Chico
PO Box 3420
Chico, CA 95927
Tracy.bettencourt@chicoca.gov

Subject: INCIDENTAL TAKE PERMIT FOR BRUCE ROAD WIDENING & RECONSTRUCTION (2081-2020-055-02)

Dear Ms. Bettencourt:

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 (Department). Please read the permit carefully, sign the acknowledgement, and return the original **no later than 30 days from Department signature**, and prior to initiation of ground-disturbing activities. You may return a hard copy of the permit via mail to:

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

Alternatively, 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.

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 Department staff when requested.

The permit will not take effect until the signed acknowledgement is received by the Department. If you wish to discuss these instructions or have questions regarding the permit, please contact Ian Boyd, Senior Environmental Scientist (Specialist), at (916) 932-3035.

Sincerely,

DocuSigned by:
A stylized signature of Kevin Thomas in black ink.
A2A0A9C574C3445...

Kevin Thomas, Regional Manager
California Department of Fish and Wildlife



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

California Endangered Species Act
Incidental Take Permit No. 2081-2020-055-02

BRUCE ROAD WIDENING AND RECONSTRUCTION PROJECT IN CHICO

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 However, CDFW may authorize the take of any such species by permit pursuant to the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) (See Cal. Code Regs., tit. 14, § 783.4).

Permittee:	City of Chico
Principal Officer:	Tracy Bettencourt, Regulatory and Grants Manager
Contact Person:	Tracy Bettencourt, (530) 879-6903
Mailing Address:	P.O. Box 3420 Chico, CA 95927

Effective Date and Expiration Date of this ITP:

This ITP shall become effective when signed by all parties and received by CDFW as described in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **June 1, 2026**.

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

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

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

Project Location:

The Bruce Road Widening and Reconstruction Project (Project) is located within the City of Chico, Butte County, California (See Figure 1). The Project is located along an approximately 2-mile segment of Bruce Road and is bounded by State Route (SR) 32 to the north and Skyway Road to the South. The center of the Project segment lies at approximately latitude 39.72803, longitude -121.78744.

Project Description:

The Project includes the reconstruction and widening of an approximately 2-mile segment of Bruce Road from SR 32 to Skyway Road. Project activities include grubbing and grading of the entire Project site, trench digging, road construction, stormwater facilities construction, tree removal, and other activities. Reconstruction and widening of Bruce Road will expand the existing two-lane arterial roadway to a four-lane arterial roadway. The overall project will also require the replacement of a bridge over Little Chico Creek. In addition to the increase in lanes along Bruce Road, the ultimate roadway design will be expanded to an approximate 105-foot-wide Right-Of-Way and will include the construction of the following:

- A 14-foot landscaped center median;
- Roadway lighting;
- Five-foot bike lanes with 2-foot buffered striping on each side of Bruce Road;
- Dedicated left turn lanes at various intersections;
- Concrete curb, gutter, and curb ramps;
- A 12-foot-wide concrete multi-use path on the west side of Bruce Road;
- A 5-foot-wide sidewalk on the east side of Bruce Road;
- Seven-foot-wide parkway shoulder planting areas on each side of Bruce Road; and
- Storm drainage improvements such as bioretention facilities, drainage pipe, manholes, curb inlets, and minor extensions of sewer facilities.

Storm drain improvements will extend west of Bruce Road on the Chico Unified School District, Canyon View High School site that was previously graded and disturbed as authorized in ITP No. 2081-2015-037-02. Excavation depths throughout the Project are estimated between 1 to 3 feet below existing grade for the general construction of the roadway and associated improvements. Trenching for landscape and drainage structures will be excavated to a maximum depth of 6 feet and will be backfilled upon completion of the installation. The bridge structure will have a maximum excavation depth of 35 feet for abutment supports. The new bridge will measure approximately 96 feet long by 96.5 feet wide and will be comprised of a three-span, cast-in-place, reinforced concrete slab superstructure founded on pile supported abutments and 16-inch diameter multi-column piers supported on spread footings.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

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Name	CESA Status
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- | | |
|---|-------------------------|
| 1. Butte County meadowfoam (<i>Limnanthes floccosa</i> ssp. <i>californica</i>) | Endangered ³ |
|---|-------------------------|

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

Impacts of the Taking on Covered Species:

Activities undertaken to implement the Project as described above in the Project Description (Covered Activities) and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species (seeds and plants). The activities described above that are expected to result in incidental take of individuals of the Covered Species include: grubbing and grading, excavation of roadway and shoulder subgrades, road paving and concrete pouring, bike lane paving, sidewalk construction, direct filling of occupied habitat, trench excavation, stormwater facilities construction, bridge replacement, vegetation landscape installation, landscape irrigation installation, roadway lighting and signage installation, and capture and relocation of Covered Species.

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as crushing, removal and burial of seedbank and individual plants of the Covered Species, direct filling of occupied habitat during construction activities, and alteration of hydrologic flow as a result of construction activities. Incidental take of individuals of the Covered Species in the form of capture may occur as a result of implementing Take Minimization Measures by collecting seed of the Covered Species and relocating them to preserved habitat. The areas where authorized take of the Covered Species is expected to occur include: the 31.3-acre Project boundary containing annual grassland and vernal pool/swale habitat along approximately 2 miles of road shoulders adjacent to the existing Bruce Road, between SR 32 to the north and Skyway Road to the south (collectively, the Project Area).

The Project will result in 0.0005 acres of indirect impacts and 0.0007 acres of direct impacts for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to increased use of the widened road, temporal losses, increased habitat fragmentation and edge effects, and the Project’s incremental contribution to cumulative impacts (indirect impacts). These impacts include impacts to pollinators, the long term and short term effects of soil disturbance and compaction; introduction and spread of exotic species and pathogens; increased dust, pollution, runoff, and trash; use and accidental release of herbicides, pesticides, and other chemicals; altered hydrologic flow conditions and increased development pressure in the region.

³See Cal. Code Regs. tit. 14 § 670.2, subd. (a)(18)(C).

Incidental Take Authorization of Covered Species:

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

Conditions of Approval:

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

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration and Initial Study (SCH No.: 2020090452) adopted by the City of Chico on November 24, 2020, and upheld on February 2, 2021, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (Notification No. EPIMS-BUT-14322-R2) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
4. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Biological Opinion (Reference Number 08ESMF00-200-F0373; in process at the time of writing this ITP) for the Project pursuant to the Federal Endangered Species Act. For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
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

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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 before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 6.2. Designated Biologist.** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed.
- 6.3. Designated Biologist Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.

- 6.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.
- 6.5. Construction Monitoring Notebook.** The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.
- 6.6. 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.
- 6.7. Project Access.** Project-related personnel shall access the Project Area using existing routes and shall not cross Covered Species' habitat outside of or in route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel 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.
- 6.8. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked

Project Area unless provided for as described in Condition of Approval 6.7 of this ITP.

- 6.9. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 6.10. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 6.11. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

7. Monitoring, Notification and Reporting Provisions:

- 7.1. Notification Before Commencement.** The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 7.2. Notification of Non-compliance.** The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 7.3. Compliance Monitoring.** The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.

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- 7.4. Quarterly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Quarterly 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. Quarterly 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 email is R2CESA@wildlife.ca.gov and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 7.5. Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 7.6. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.7. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an

assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.

7.8. Seed Collection Report. Permittee shall submit a Seed Collection Report to CDFW within 30 calendar days of the seed collection and dispersal on the Meriam Park Preserve (Preserve) or submittal to the California Botanic Garden (CBG, previously Rancho Santa Ana Botanic Garden). This report shall describe the dates of collection and dispersal or submittal, methods used to collect the seed and temporary storage, locations of seed collection, quantity of seed collected, and quantity of individual plants collected from, general conditions of the collection sites (i.e., weather conditions, surrounding vegetation, aspect and slope, habitat type, and habitat condition), chain of custody for the seed, and (if applicable) verification of receipt from CBG.

8. Take Minimization Measures:

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

8.1. Hydrological Study Report. No later than 30 business days prior to starting construction activities covered under this ITP, Permittee shall submit a hydrological study report to CDFW for review and approval. The report shall be prepared by a California licensed hydrologic engineer. The report shall assess project-related hydrologic changes to adjacent occupied Covered Species habitat by completing a detailed hydrologic study. The study shall include development of accurate rainfall-runoff models that compare existing (i.e., pre-construction) hydrologic conditions in the channels/swales and vernal pools in the Action Area (identified in Figure 1) with future conditions once the Covered Activities are completed. The Action Area shown in Figure 1 includes the Project Area, which encapsulates all proposed construction activities, and a 250-foot buffer around the Project Area. The study shall utilize existing detailed topography for existing conditions, construction-level grading, and final design plans for the future conditions. The grading and design plans shall include detailed graded topography, final stormwater plans, best management practices, and pervious and impervious landscaped features. The study shall address and discuss hydrological changes to the small drainage channels/swales and interconnected vernal pools within the Action Area taking into consideration the features that are occupied by the Covered Species. If new previously undisclosed impacts are discovered in the hydrological study report, Permittee shall amend this ITP and develop suitable Covered Species mitigation for impacts to the Covered Species in consultation with CDFW.

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- 8.2. Erosion and Dust Control.** Permittee shall prepare and implement a detailed Erosion Control Plan (Plan). The Plan shall include appropriate erosion control measures to be implemented during construction and shall limit ground disturbance activities to dry weather to avoid increased surface water runoff and erosion on-site and sedimentation in Covered Species habitat located on and offsite. Erosion control elements shall be checked and maintained daily to ensure proper function. The Designated Biologist shall check the effectiveness of dust control measures on a weekly basis and work with the Designated Representative to implement additional measures to prevent damage to Covered Species, as needed. If straw wattles are used, they shall be made from biodegradable materials only. Runoff from dust control shall be retained in the Project Area and prevented from flowing into adjacent habitat for the Covered Species. Runoff shall be controlled in the Project Area by installing appropriate erosion control devices, such as silt fences. Permittee shall use water trucks throughout construction for dust suppression. Permittee shall ensure that dust control watering does not cause puddling or sheeting flow of dust control water.
- 8.3. Weed Free Straw/Hay Bales.** To minimize introduction of exotic weeds, Permittee shall ensure that all straw/hay bales used for erosion control or other purposes during construction are certified weed-free.
- 8.4. Pre-construction Covered Species Survey.** Prior to initiating ground-disturbing or vegetation removing activities, Permittee shall survey the Project Area for Covered Species in accordance with CDFW's "[Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities \(March 20, 2018\)](#)." Results of pre-construction surveys will be provided to CDFW prior to ground-disturbing or vegetation removal, for review. If new occurrences of Covered Species are present and will be affected by the Project, the Designated Biologist shall provide to CDFW measures to fully avoid the new Covered Species occurrences. If new occurrences of Covered Species will be directly or indirectly impacted, Permittee shall amend this ITP and develop suitable Covered Species mitigation for impacts to the Covered Species in consultation with CDFW.
- 8.5. Collection of Seed.** Prior to commencing any Project activity, the Designated Biologist shall collect Covered Species seed within the Project Area that will be directly impacted in the form of kill as a result of Project construction activities. If the Covered Species fails to germinate or seed is not produced, Permittee may commence Project activities without seed collection.
- 8.5.1.** Prior to seed collection activities, Permittee shall coordinate with the Executive Director of California Open Lands (COL), a non-profit entity, to disperse the collected Covered Species seed at the Meriam Park Preserve (Preserve) by contacting them at the following address:

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California Open Lands
PO Box 4440
Chico, CA 95927
(530) 872-7281

8.5.2. The entire inflorescence shall be collected when flowers have senesced and developed viable seed. Collection of seed shall be conducted after seed set, generally between late April and June and when Covered Species habitat is dry. The Designated Biologist shall adhere to the CBG Seed Collection [Guidelines](#) and [Policy](#) when collecting Covered Species seed. The collected seed will be temporarily stored in a cool, dry, dark location in paper bags or envelopes and dispersed within 30 calendar days.

8.5.3. Permittee's Designated Biologist shall disperse the collected Covered Species seed into suitable Covered Species habitat within the Preserve at COL direction. The Preserve is a 42.5 acre preserve that contains approximately 10 acres of habitat for the Covered Species where COL is authorized by CDFW to act as grantee for a conservation easement over the preserve.

8.5.4. If coordination with COL results in access restrictions to the Preserve, Permittee shall submit Covered Species seed to CBG for seed processing, viability assessments, and permanent conservation. Submittal of Covered Species seed to CBG will allow the seed to be made available for viability testing, future recovery efforts, and distribution for research projects that will enhance the conservation of the species. Permittee shall coordinate with the Seed Conservation Program Manager at the CBG for proper shipping methods.

9. Habitat Management Land Acquisition: CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation as described below.

To meet this requirement, the Permittee shall purchase 0.016 acres of Covered Species credits from the Dove Ridge Conservation Bank (Condition of Approval 9.1). CDFW determined that the purchase of 0.016 acres of Covered Species credits at Dove Ridge Conservation Bank is of higher quality than the small amount of habitat being impacted by the Project (i.e., roadside annual grasslands and roadside vernal swale) and Dove Ridge Conservation Bank, its land manager and easement holder (i.e., Wildlands, Inc and Wildlife Heritage Foundation, respectively) are in good standing with regulatory agencies

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at the time of the writing of this ITP. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations.

- 9.1. Covered Species Credits.** Permittee purchased 11.435 Butte County meadowfoam preservation credits in 2006 and to date has allocated 4.102 of the purchased credits towards compensatory mitigation for other projects. Permittee has 7.333 remaining allocations of Butte County meadowfoam preservation credits available. Permittee shall dedicate 0.016 acres of the purchased Covered Species credits from the Dove Ridge Conservation Bank prior to initiating Covered Activities.
- 9.2. Cost Estimates.** CDFW has estimated the purchase of Covered Species credits at the Dove Ridge Conservation Bank identified in Condition of Approval 9.1, estimated at \$122,431.00 per acre, to be **\$1,960.00**.
- 9.3. Bill of Sale and Credit Authorization.** Permittee has submitted to CDFW a copy of the Bill of Sale and Payment Receipt (Attachment 2) for the bulk purchase of credits related to other Permittee projects. Permittee shall submit to CDFW, a Preservation Credit Authorization letter from the U. S. Fish and Wildlife Service, identifying the use of 0.016 acres of Covered Species credits by this Project.

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 **\$1,960.00**. This amount is based on the cost estimates identified in Condition of Approval 9.2 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.

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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:

- Copy of Preservation Credit Authorization letter.

Even if Security is provided, the Permittee must complete the purchase of Covered Species credits no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional Covered Species credits and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

Amendment:

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

Stop-Work Order:

CDFW may issue Permittee a written stop-work order requiring Permittee to suspend any Covered Activity for an initial period of up to 30 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 30 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.

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Notices:

The Permittee shall sign and return this ITP to CDFW. A manual or digital signature is acceptable, provided a digital signature complies with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned. Manual (wet) signatures on duplicate original paper copies shall be returned by the Permittee via 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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2020-055-02) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Kevin Thomas, Regional Manager
c/o CESA Desk
California Department of Fish and Wildlife
1701 Nimbus Road
Rancho Cordova, CA 95670
Phone: (916) 358-2900
Fax: (916) 358-2912
Email: R2CESA@wildlife.ca.gov

and a copy to:

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

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

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Region 2, CESA Desk
 California Department of Fish and Wildlife
 1701 Nimbus Road
 Phone (916) 358-2930
 Email: R2CESA@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, the City of Chico. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Bruce Road Reconstruction Project (Capital Project No. 16038) Mitigated Negative Declaration, (SCH No.: 2020090452) dated September 23, 2020, that the City of Chico adopted for the Bruce Road Reconstruction Project (Capital Project No. 16038) on November 24, 2020, and upheld on February 2, 2021. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, Bruce Road Reconstruction Project (Capital Project No. 16038) Mitigated Negative Declaration, Biological Assessment for the Bruce Road Widening Project, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

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- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) a pre-construction survey during the blooming period for the Covered Species; (2) collection of seeds from impacted occurrences; (3) establishment of avoidance zones; (4) permanent protection of Covered Species habitat; and (5) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the purchase of 0.016 acres Covered Species credits at the Dove Ridge Conservation Bank is of higher quality than the habitat being impacted 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.

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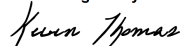
Attachments:

FIGURE 1	Map of Regional Location and Project Location
FIGURE 2	Project Impacts Maps
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Dove Ridge Conservation Bank Credit Bill of Sale and Payment Receipt
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

On 2/23/2022

DocuSigned by:



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Kevin Thomas, Regional Manager
North Central Region

ACKNOWLEDGMENT

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

DocuSigned by:

By: 

Date: 2/23/2022

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Printed Name: Tracy Bettencourt

Title: Regulatory and Grants Manager

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