



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

California Endangered Species Act
Incidental Take Permit No. 2081-2021-083-02

AUXILIARY DRAINAGE PUMP STATION PROJECT

I. 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:	Reclamation District 1001
Principal Officer:	Thomas Engler, District Engineer
Contact Person:	Andrew Dellas, Wood Rodgers, Inc. adellas@woodrodgers.com (916) 586-1695
Mailing Address:	1959 Cornelius Avenue Rio Oso, CA 95674

II. 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 and its authorization to take the Covered Species shall expire on **five years from the date it is signed by CDFW**.

Notwithstanding the expiration date on the take authorization provided by this ITP, the 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.

III. Project Location:

The Auxiliary Drainage Pump System Project (Project) is located along the Natomas Cross Canal (NCC) North Levee at the south end of the Reclamation District (RD) 1001 Lateral 4 Channel, approximately one mile northeast of the existing RD 1001 Main Drainage Pump Plant within Sutter County, California (See Figure 1 and 2). The Project is located at approximately 38.8010°, -121.5806° within Township 11 north, Range 4 east, and sections 7 and 18 of the Verona United States Geological Survey (USGS) 7 ½ minute quadrangle . The Project site is bounded by the RD 1001 Lateral 4 Channel and rice fields to the north and NCC to the south.

IV. Project Description:

The Project includes the construction of a new auxiliary drainage pump station located along the NCC. RD 1001 currently has two electrically powered pump stations, which discharge drainage flows from the agricultural areas within RD 1001 into the NCC. However, electrical power to these pump stations is unreliable and, due to their age, the existing pump stations cannot be upgraded with backup generators. The Project will construct a fuel-powered pump station that would remain operational during the loss of electrical power, maintaining some pumping capacity of drainage flows.

The Project consists of the following activities:

- Raising and widening of the NCC North Levee to accommodate the new pump station discharge pipes and associated appurtenances including propane tanks, and to maintain levee crown access around the proposed facilities. Two landside ramps and one waterside ramp will also be constructed to provide access to the auxiliary pump station and an outfall structure from the levee crown.
- Construction of the pump station at the south end of the Lateral 4 Channel at the landside toe of the NCC North Levee. The pump station will consist of a steel frame structure with a concrete mattress foundation, two vertical turbine pumps, two propane power units, and associated appurtenances. A walkway will be constructed from the levee crown to the proposed pump station for maintenance access. Propane tanks will be located on the levee crown with fuel lines running from the propane tanks to the power units.
- Construction of two 36-inch drainage discharge pipes. The discharge pipes will begin at the proposed pump station, cross the NCC North Levee within the levee embankment, and end at a proposed concrete outfall structure located at the waterside toe of the levee. The discharge pipes will include appurtenances located at the pump station and at the crown of the levee. The appurtenances at the crown of the levee will be contained within a concrete vault structure. The discharge pipes will be supported on pipe support structures from the pump station to a location where the pipes enter the levee embankment.

- Construction of a railcar bridge that will span the Lateral 4 Channel at a location just upstream of the proposed pump station. The proposed bridge will include a trash rack at its upstream end. An existing drainpipe will be relocated to accommodate the railcar bridge and trash rack.
- Grading of two irrigation ditches to convey flows from the existing ditches west and east of the Project site. The ditches will outfall to the Lateral 4 Channel at a location upstream of the proposed railcar bridge and trash rack. The proposed ditch alignments will encroach onto the surrounding fields and will include 12-foot access roads. The remainder of the existing ditch located in between the proposed irrigation ditches and the pump station will be filled.

Construction access will be along the crown of the NCC North Levee, with access provided to the levee crown either from the Garden Highway or from the East Striplin Frontage Road. Construction staging will be located at the landside toe of the NCC North Levee within the proposed construction limits.

V. Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ³
1. Giant garter snake (<i>Thamnophis gigas</i>)	Threatened ⁴

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

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include: relocation of Covered Species outside of the Project construction footprint, vegetation removal, grubbing, grading, excavation to complete the bridge replacements and new roadway alignment, levee raising and widening, installation of the pump station and associated appurtenances, drainage discharge pipes, concrete vault structure, concrete outfall structure, and access ramps, pile driving to install pipe support columns, relocation of an existing drainpipe, placement of fill materials, dredging of the Lateral 4 Channel, recontouring of construction access areas, and construction traffic (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 or other pollutants resulting from in-water work, runoff from construction sites, or sediment removal activities; mortality resulting from stress or injury associated with capture and relocation efforts; crushing by construction equipment, vehicles, or placement of materials; stress resulting from noise and vibrations from excavation and pile driving; entombment during excavation and placement of spoil; removal of the

³ Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species.

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

existing drainpipe; and construction of temporary access roads and staging areas. Trenches left open overnight could trap snakes moving through the construction area during the early morning hours. Fuel or oil spills from construction equipment into aquatic habitat could also cause illness or mortality of the Covered Species. 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 from capture and relocation efforts and entrapment in excavated areas, construction materials, and fenced areas. The areas where authorized take of the Covered Species is expected to occur include: within and along the landside and waterside of the NCC North Levee, south end of the Lateral 4 Channel, and proposed ditch alignment locations (collectively, the Project Area) (see Figure 3).

The Project is expected to cause the permanent loss of 0.94 acres of habitat for the Covered Species, and temporary loss of 2.98 acres of habitat for the Covered Species. However, approximately 0.24 acres of the permanent habitat impacts to rice and upland habitat include a conversion into aquatic habitat, providing an uplift for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from construction activities and capture and relocation, displacement from preferred habitat, increased competition for food and space, potential injury and illness resulting from contaminants entering the water from the construction site, and increased vulnerability to predation.

VII. 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.

VIII. Conditions of Approval:

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for vehicular ingress and egress, staging and parking, and noise and vibration generating activities that may cause take. CDFW's issuance of this ITP and the Permittee's authorization to take the Covered Species are subject to the 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.: 2020099009) adopted by Reclamation District 1001 on October 28, 2020, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSA) (EPIMS Notification No. SUT-16708-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 Programmatic Biological Opinion on the Federal Emergency Management Agency's Disaster, Mitigation, and Preparedness Programs in California (official Biological Opinion No. 08ESMF00-2018-F-3331-1) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
- 5. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
- 6. General Provisions:**
 - 6.1. Designated Representative.** Before starting Covered Activities, the 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(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology and natural history of the Covered Species. The Designated Biologist(s) 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(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s)

must be changed. If a Covered Species needs to be captured and relocated, the Designated Biologist(s) will notify the Capture and Handling Designated Biologist(s), and will stop work until the Covered Species either leaves the construction area on its own, or the Capture and Handling Designated Biologist(s) performs the capture and relocation.

6.3. Capture and Handling Designated Biologist(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a Capture and Handling Designated Biologist(s) (Capture Biologist) at least 30 days before starting Covered Activities, who will be responsible for the capture and handling of the Covered Species. Permittee shall ensure that the Capture Biologist(s) is knowledgeable and experienced in the biology, natural history, and handling of the Covered Species. Permittee shall obtain CDFW approval of the Capture Biologist(s) in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Capture Biologist(s) must be changed.

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

6.4. Designated Biologist(s) and Capture Biologist(s) Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and Capture Biologist(s) 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(s) and Capture Biologist(s) in the performance of his/her duties. If the Designated Biologist(s) and Capture Biologist(s) are unable to comply with the ITP, then the Designated Biologist(s) 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(s) and Capture Biologist(s) 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.

6.5. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist(s) 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 prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. 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. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.

- 6.6. Construction Monitoring Documentation.** The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format 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 documentation is available for review at the Project site upon request by CDFW.
- 6.7. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.8. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 6.9. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 6.10. Delineation of Property Boundaries.** Before starting Covered Activities, the Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.
- 6.11. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 6.12. Project Access.** Project-related personnel shall access the Project Area using existing routes, 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 within the Project Area do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. If the Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.

- 6.13. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, the Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.12 of this ITP.
- 6.14. Hazardous Waste.** Permittee shall 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.
- 6.15. 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.
- 6.16. Refuse Removal.** Upon completion of Covered Activities, the 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 if 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 follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.

7.3. Compliance Monitoring. The Designated Biologist(s) shall be on-site daily when Covered Activities occur. While the Project is in its construction phase, the Designated Biologist(s) shall conduct compliance inspections a minimum of once a week during periods of inactivity and after clearing, grubbing, and grading are completed. Upon CDFW written approval, less frequent compliance inspections may be approved during inactive periods if the Project is delayed and pushed out to another construction season. The Designated Biologist(s) 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(s) 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. Monthly Compliance Report. The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative 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 the 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 Monthly 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(s) 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(s) shall include copies of the submitted forms with the next Monthly 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, the Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly 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. Notification of Take or Injury.** Permittee shall immediately notify the Designated Biologist(s) 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(s) or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (916) 358-2930 and emailing R2CESA@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, the Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.
- 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. Seasonal Work Period.** Permittee shall conduct all Covered Activities within Covered Species upland and aquatic habitat, including activity within 200 feet of aquatic habitat, between May 1 and October 1 when the Covered Species are generally more active.
- 8.2. Seasonal Work Period Exception.** Applicant may conduct work between October 2 and October 31, or April 1 and April 30, provided the ambient air temperatures exceed 75 degrees Fahrenheit (F) during work and maximum daily air temperatures have exceeded 75 degrees F for at least three consecutive days immediately preceding work. CDFW may consider requests to work outside of the Seasonal Work Period (Condition of Approval 8.1) on an activity-by-activity basis. Permittee shall submit these requests in writing for review and approval by CDFW 48 hours preceding construction activities. Requests shall include a justification for the request and any additional information CDFW deems necessary.
- 8.3. Work Period in Low Rainfall / Dry Weather Only.** The work period for Covered Activities within suitable aquatic and upland habitat of the Covered Species shall be restricted to periods of low rainfall (less than 1/2-inch per 24-hour period) and periods of dry weather (with less than a 50% chance of rain). Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. No work shall occur during a dry-out period of 24 hours after the above referenced wet weather. Weather forecasts shall be provided to CDFW upon request.
- 8.4. Delineation of Environmentally Sensitive Areas.** Permittee shall establish Environmentally Sensitive Areas (ESAs) in the Project Area to minimize the disturbance of Covered Species habitat as necessary from construction-related activities. At the discretion of the Designated Biologist(s), all areas 200 feet from the edge of potential Covered Species aquatic habitat shall be avoided unless noted to be impacted by completion of the Project. The Designated Biologist(s) shall identify and flag all potential small mammal burrows within the Project Area as ESAs. In addition, all potential Covered Species habitat that can be reasonably avoided during construction activities shall be identified as ESAs and shall be marked by the Designated Biologist(s). All construction personnel shall avoid ESAs during all phases of construction. Permittee shall avoid ESAs when siting all staging areas, spoils disposal areas, borrow pits, and construction equipment access routes. Permittee shall not use plastic mono-filament netting on the Project site for ESA fencing, erosion control, or any other purpose to avoid entanglement of the Covered Species (see Conditions of Approval 6.9 and 8.16). The Designated Biologist(s) shall inspect the fencing before the start of each workday and the Permittee shall maintain the fencing until the completion of the Project. Permittee shall remove all fencing material upon completion of the Project.
- 8.5. Pre-Construction Survey and Refugia Flagging.** No more than 24 hours prior to commencement of Covered Activities within 200 feet of Covered Species aquatic habitat, the Designated Biologist(s) shall conduct a Pre-Construction Survey for the Covered Species. The Designated Biologist(s) shall survey all upland habitat within 200 feet of the Covered

Species aquatic habitat for burrows, soil cracks, and crevices that may be suitable for use by the Covered Species. Any identified burrows, soil cracks, crevices, or other habitat features that are outside of the area planned for direct disturbance (e.g. grading, excavation, etc.) shall be flagged or marked by the Designated Biologist(s). Permittee shall avoid flagged locations during Covered Activities to the maximum extent feasible. In areas planned for disturbance, a Designated Biologist(s) shall be onsite to monitor during ground disturbing activities. If Covered Activities stop for more than 14 calendar days, the Designated Biologist(s) shall repeat surveys for burrows, soil cracks, and similar features as described above, prior to resuming the Covered Activities.

- 8.6. Exclusion Fencing.** Permittee shall submit an exclusion fencing design to CDFW for approval no less than 30 days prior to the proposed start of Covered Activities. Prior to the start of any construction ground disturbance, the Permittee shall install exclusion fencing around the perimeter of all work areas that include or fall within 200 feet of identified potential Covered Species aquatic habitat. Vegetation removal or excavation needed to install the exclusion fencing may occur first. The Designated Biologist(s) shall survey the areas to be fenced to ensure that no individuals of the Covered Species are present and become trapped within the fenced area. The bottom edge of the fencing shall be installed at least six inches below the ground surface and soil shall be compacted against both sides of the fence to prevent snakes from entering the Project Area under the fence. Fencing shall consist of taught silt fencing supported by wooden stakes on the Project side only. Fencing shall extend 12 to 18 inches above the ground. The Designated Biologist(s) shall inspect the fencing daily, ensure that the exclusion fencing is maintained, and any necessary repairs are implemented immediately. Permittee shall avoid damage to small mammal burrows to the maximum extent possible during installation of the exclusion fencing. When the Permittee cannot avoid burrows, burrows shall be hand excavated by the Designated Biologist(s) prior to trenching activities. If exclusion fencing is found to be compromised, construction within the fenced area shall immediately stop and the Designated Biologist(s) shall survey the fenced area for the Covered Species. Any Covered Species found within the fenced area shall be allowed to leave on their own or captured and relocated following the methods described in the Giant Garter Snake Capture and Relocation Plan described in Condition of Approval 8.12. Permittee shall remove fencing and all fencing materials upon completion of construction.
- 8.7. Dewatering Aquatic Habitat.** Permittee shall dewater (or, in the case of rice fields, not irrigate the portion of field within the Project Area) suitable Covered Species aquatic habitat (eg., wetlands, drainages, rice fields) prior to any Covered Activities occurring in the suitable aquatic habitat. Permittee shall ensure the habitat remains dry for at least 15 consecutive days after April 15 and prior to excavating or filling of aquatic habitat. Permittee shall limit dewatering to the immediate Project Area and shall ensure that alternative aquatic habitat is available. Prior to the placement of any fill, the Designated Biologist(s) shall visually survey the area for the Covered Species.

8.8. Vegetation Removal. Vegetation clearing shall be limited to the minimum area necessary within 200 feet of the banks of any aquatic habitat. All vegetation removal shall be monitored by the Designated Biologist(s).

8.9. Disposal of Debris. Permittee shall use one, but not both, of the following methods to handle natural debris (debris composed of on-site vegetation, usually removed from waterways and does not include spoils from dredging):

8.9.1. Debris shall be placed in piles at least 200 feet from aquatic habitat. If debris piles will be burned, Permittee shall burn piled vegetation when it will not impact snakes, nesting birds, roosting bats, or other wildlife. If vegetation has been left piled overnight or longer, Permittee shall start the fire on one side of the pile to allow wildlife to escape the pile as the fire moves to the opposite side of the pile.

8.9.2. Debris shall be immediately hauled off-site for disposal.

8.10. Covered Species Checks and Observations. All workers shall inform the Designated Biologist(s) if they encounter a Covered Species within or near the Project Site during all phases of the Project construction. Workers shall inspect under vehicles and equipment for the Covered Species before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s). All Covered Activities with potential to take the Covered Species shall cease until the animal moves away from construction activities on its own or the Designated Biologist(s) moves the animal to a safe location nearby. If the individual is found within the fenced Project site, the Designated Biologist(s) shall move the individual outside of the area of construction (See Condition of Approval 8.12 Capture and Relocation Plan).

8.11. Capture and Handling. Covered Species may only be captured and handled by the Capture Biologist(s). The Capture Biologist(s) shall determine whether the animal should be captured and handled. The Capture Biologist(s) shall minimize capture and handling to the extent feasible as most reptiles experience stress in response to capture and short-term confinement.

8.12. Capture and Relocation Plan. Permittee shall develop a Capture and Relocation Plan for the Covered Species and submit it to CDFW for approval 30 days prior to initiating Covered Activities. CDFW will provide a written response within 15 business days of submittal. The Capture and Relocation Plan shall describe how and where the Covered Species will be captured and relocated if it becomes necessary to move them to avoid injury or mortality. All capturing and handling shall be conducted by a Capture Biologist(s) with experience and expertise in handling the Covered Species. The Capture and Relocation Plan shall include the name and qualifications of the Capture Biologist(s) responsible for capturing and handling the Covered Species, the methods that will be used to capture and relocate the

Covered Species, and a map showing where the Covered Species will be released. Permittee shall quantify the amount, relative location, and quality of suitable habitat (aquatic and terrestrial) for relocation areas, including invasive and non-native species present, available upland burrows, suitable prey items, and potential barriers for movement. Permittee shall also identify a wildlife rehabilitation or veterinary facility that will be used if any captured Covered Species are injured. Relocation areas should be within the same watershed as the Project Area. If a Covered Species is found on the Project Site, the Designated Biologist(s) shall be notified immediately, and the Designated Biologist(s) will notify the Capture Biologist(s) if the Covered Species needs to be captured and relocated. Covered Species encountered in active construction areas shall be allowed to leave on their own volition. The Capture Biologist(s) shall only relocate the Covered Species if the animal is directly threatened by immediate Covered Activities and the animal is unable to move to a safe area on its own. The Capture Biologist(s) shall only relocate the Covered Species to areas identified in the Capture and Relocation Plan. Relocated animals shall be released as soon as possible. The Designated Representative shall notify CDFW of the incident immediately or no later than noon on the next business day if the incident occurs outside of normal business hours. Notification to CDFW shall be via telephone or email, followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident.

- 8.13. Open Pipes Restriction.** Permittee shall thoroughly inspect all construction pipe or similar structures with a diameter of 0.25 inches or greater that are stored for one or more overnight periods for presence of the Covered Species before the pipe is subsequently moved, buried, or capped. If the individual is found within the fenced Project Site and cannot safely escape, the Designated Biologist(s) shall notify the Capture Biologist(s) to capture and relocate the individual outside of the area of construction (See Condition of Approval 8.12 Capture and Relocation Plan).
- 8.14. Provide Escape Ramps or Cover Open Trenches.** The Designated Biologist(s) shall check all excavated open holes, pumps, and trenches for the Covered Species at the beginning, middle, and end of each day for trapped animals. To avoid entrapment of wildlife, all excavated steep-walled holes or trenches more than two feet deep will be provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each workday. If escape ramps cannot be provided, then holes or trenches will be covered with plywood or similar materials. If at any time a trapped Covered Species is discovered by the Designated Biologist(s) or anyone else, the Capture Biologist(s) shall be notified to move the individual outside of the area of construction (See Condition of Approval 8.12 Capture and Relocation Plan).
- 8.15. Covered Species Injury.** If a Covered Species is injured as a result of Project-related activities, the Capture Biologist(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting

Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition 7.8. Notification shall include the name of the facility where the animal was taken.

- 8.16. Erosion Control.** Permittee shall install erosion control structures concurrently with construction. Permittee shall construct these structures, so runoff is directed away from ESAs. Permittee shall ensure that all fiber rolls and erosion control blankets or netting is made of loose-weave mesh that is not fused at the intersections of the weave, such as coconut (coir) fiber, or other products without welded weaves. Permittee shall not use products with plastic monofilament or jute netting or any material with cross joints in the netting that are bound/stitched (such as that found in straw wattles/fiber rolls and some erosion control blankets), which may cause entrapment of the Covered Species. Permittee shall cover the edges of erosion control blankets or netting with soil, sandbags, or similar materials to prevent Covered Species from crawling underneath the material and become entrapped. Permittee shall communicate this limitation to the contractor through use of Special Provisions included in the bid solicitation package.
- 8.17. Equipment and Maintenance.** Permittee shall maintain all equipment such that there will be no leaks of fluids such as diesel, hydraulic fluid, grease, gasoline, oils, or solvents.
- 8.18. Run-Off Control.** Consistent with requirements in the Project's CEQA document and Condition of Approval 2 of this ITP, Permittee shall prepare a Storm Water Pollution Prevention Plan (SWPP) and/or Water Pollution Control Program (WPCP) prior to ground-disturbing activities. The SWPP and/or WPCP shall detail Best Management Practices (BMPs) to minimize effects to Covered Species during construction, prevent sediment from entering ESAs, and reduce erosion, dust, and other deleterious aspects of construction related activities. BMPs may include, but are not limited to, silt fencing, temporary berms, restrictions on cleaning equipment in or near ESAs, installation of vegetative filter strips, and temporary sediment disposal.
- 8.19. Use of Cementitious Materials.** Concrete shall be isolated from the wetted channel and be allowed to cure. The Permittee shall apply water to the concrete and test this water until the pH is between 6.5 and 8.0 pH units before allowing the wetted channel to be exposed to the concrete. Water contaminated with leachate shall be separated from the wetted channel flow via a diversion structure until the pH falls within the range specified.

- 9. Habitat Management Land Acquisition and Restoration:** CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from 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 protected acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall purchase 2.82 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 9.1 below. Purchase of Covered Species credits 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. Permittee shall also restore on-site 2.98 acres of temporarily impacted Covered Species habitat and the 0.24 acres of converted habitat pursuant to Condition of Approval 9.2 below.

9.1. Cost Estimates. CDFW has estimated the cost of Covered Species credit purchase and restoration of temporarily disturbed habitat as follows:

- 9.1.1. **Covered Species Credits.** Permittee shall purchase **2.82 acres** of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below. Prior to purchase of Covered Species credits, the Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided. The estimated cost for credit purchase is estimated at **\$90,000/acre for 2.82 credits: \$253,800.**
- 9.1.2. **Restoration Cost.** Restoration of on-site temporary effects to **3.22 acres** of Covered Species habitat as described in Condition of Approval 9.2, calculated at \$7,000 for the Revegetation Plan, \$6,420 for the Revegetation Implementation, and \$22,800 for the converted aquatic habitat: **\$36,220.**
- 9.1.3. Cost estimates for Conditions of Approval 9.1.1 and 9.1.2 is estimated to be: **\$290,020.**

9.2. Habitat Restoration. Permittee shall restore on-site the 2.98 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions and establish the 0.24 acres of converted aquatic habitat. Permittee shall re-contour, if appropriate, and re-vegetate these areas with appropriate locally available native plant species, and the areas shall be monitored and maintained for one year. Within 6 months of issuance of this ITP, the Permittee shall prepare and submit to CDFW for approval a Vegetation Restoration Plan to facilitate revegetation of the 2.98 acres of temporary construction disturbance on-site, and shall ensure that the Plan is successfully implemented

by the contractor. The Plan shall include detailed specifications for restoring all temporarily disturbed areas and the 0.24 acres of converted aquatic habitat, such as seed mixes and application methods. The plan shall also indicate the best time of year for seeding to occur. Plantings shall include regular watering, if necessary, to ensure adequate growth.

9.2.1. Restoration Success. Permittee shall ensure that vegetation plantings are successful and that aquatic resource functions are enhanced or restored. The percent relative cover shall equal 75 percent of native plant cover, with no more than 25 percent invasive plant cover and no more than 50 percent unvegetated bare ground one (1) year after implementation. If success criteria have not been achieved by the end of the one-year monitoring period, annual monitoring shall continue until these criteria have been met unless CDFW determines that modification of the success criteria or off-site compensatory mitigation is warranted based on continued failure after implementation of remedial actions.

10. Security: 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 **\$290,020** or in the amount identified in 9.1 specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.

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. 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 an escrow agreement, 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:

- Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits;
- Restoration of the Project Area; and
- Timely submission of all required reports.

IX. 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.

X. Stop-Work Order:

If CDFW determines the Permittee has violated any term or condition of this ITP or has engaged in unlawful take, CDFW may issue the Permittee a written stop-work order instructing the Permittee to suspend any Covered Activity for an initial period of up to 30 days or risk suspension or revocation of this ITP. CDFW can issue a stop-work order 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, regardless of whether that species is a Covered Species under this ITP. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to the Permittee, CDFW may extend any stop-work order issued to the Permittee for a period not to exceed 30 additional days.

If the Permittee fails to remedy the violation or to comply with a stop-work order, CDFW may proceed with suspension and revocation of this ITP. 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(s) nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

XI. 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.

XII. Notices:

Permittee shall sign and return this ITP to CDFW. Alternatively, the Permittee shall email the digitally

signed ITP to CESA@wildlife.ca.gov. 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, the Permittee, and ITP Number (2081-2021-083-02) 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
Telephone (916) 358-2930
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
CESA@wildlife.ca.gov

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

CESA Desk
California Department of Fish and Wildlife
1701 Nimbus Road
Rancho Cordova, CA 95670

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RECLAMATION DISTRICT 1001
AUXILIARY DRAINAGE PUMP STATION PROJECT

Telephone (916) 358-2930

R2CESA@wildlife.ca.gov

XIII. Compliance with the California Environmental Quality Act:

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, R. D. 1001. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the R. D. 1001 Auxiliary Drainage Pump Station Project Mitigated Negative Declaration and Initial Study, (SCH No.: 2020099009)] dated October 2020 that the R. D. 1001 adopted for the Reclamation District 1001 Auxiliary Drainage Pump Station Project on October 28, 2020. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project, it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

XIV. 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, subs. (a)-(b), 783.5, subd. (c)(2).)

CDFW finds based on substantial evidence in the ITP application, R. D. 1001 Auxiliary Drainage Pump Station Project Mitigated Negative Declaration and Initial Study, LSA Agreement, Biological Opinion, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures

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include: (1) permanent habitat protection; (2) on-site restoration of temporary habitat impacts (3) establishment of avoidance zones; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 2.82 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 the 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.

XV. Attachments:

FIGURE 1 and 2	Project Location
FIGURE 3	Project Impacts
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form

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ATTACHMENT 4

Mitigation Payment Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON (05/17/2022)

DocuSigned by:
Kevin Thomas
A2A0A9C574C3445...

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:
Thomas Engler
4A53B1934B9B401...

By: _____ Date: 5/19/2022

Printed Name: Thomas Engler Title: District Engineer

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