



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



July 19, 2022

Deems Katada, Engineer II  
San Benito County Department of Public Works  
2301 Technology Parkway  
Hollister, California 95023

**Subject: Incidental Take Permit for Rosa Morada Road Bridge Replacement Project  
(2081-2021-023-04)**

Dear Deems Katada:

Enclosed you will find an electronic copy of the incidental take permit for the above referenced Project, which has been digitally signed by the California Department of Fish and Wildlife (CDFW). Please read the permit carefully, sign the acknowledgement, and return the original **no later than 30 days from CDFW signature**, and prior to initiation of ground-disturbing activities. You may return a hard copy of the permit via mail to:

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

Alternatively, you may return an electronic copy of the permit with digital signature to [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned.

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

The permit will not take effect until the signed acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the permit, please contact Kristie Stein, Environmental Scientist, at [kristie.stein@wildlife.ca.gov](mailto:kristie.stein@wildlife.ca.gov).

Sincerely,

DocuSigned by:

A handwritten signature in black ink, appearing to read "Julie A. Vance".

FA83F09FE08945A...

Julie A. Vance, Regional Manager  
Central Region  
California Department of Fish and Wildlife

Enclosure

*Conserving California's Wildlife Since 1870*



**California Department of Fish and Wildlife  
Central Region  
1234 EAST SHAW AVENUE  
FRESNO, CALIFORNIA 93710**

California Endangered Species Act  
Incidental Take Permit No. 2081-2021-023-04

## **ROSA MORADA ROAD BRIDGE REPLACEMENT 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 take<sup>1</sup> of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.<sup>2</sup> 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).

<b>Permittee:</b>	<b>San Benito County Department of Public Works</b>
<b>Principal Officer:</b>	<b>Deems Katada, Engineer II</b>
<b>Contact Person:</b>	<b>Deems Katada, 831-902-2270</b>
<b>Mailing Address:</b>	<b>San Benito County Public Works Department 2301 Technology Parkway Hollister, California 95023</b>

### **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 **December 31, 2025**.

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 6.11 of this ITP.

<sup>1</sup>Pursuant 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".])

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

### **III. Project Location:**

The Rosa Morada Road Bridge Replacement Project (Project) is located at the crossing of Rosa Morada Road over Arroyo Dos Picachos, approximately 4 miles northeast of downtown Hollister, in San Benito County, California (Figure 1). The bridge, on which the Project is centered, is located at 36.8938, -121.3522. Access to the Project site will primarily be from Rosa Morada Road. The Project site is bounded by developed and undeveloped features including paved roads and a residential driveway as well as valley needlegrass grassland, ruderal grassland, agricultural, riparian grassland, riparian eucalyptus woodland, and aquatic habitats.

### **IV. Project Description:**

As part of its ongoing bridge and traffic safety efforts, San Benito County has selected the Rosa Morada Bridge for replacement. The Project includes (1) roadway alignment and profile grading, (2) construction of an on-site detour, (3) removal of the existing Rosa Morada Road Bridge, (4) construction of the replacement Rosa Morada Road Bridge, (5) channel improvements, and (6) removal of existing trees.

#### **(1) Roadway Alignment and Profile Grade:**

It is expected that the Project will maintain the existing horizontal roadway alignment of Rosa Morada Road. Due to an existing 33-inch water main that runs parallel to Rosa Morada Road on the north side, the new bridge will need to be constructed slightly offset to the south to maintain an adequate separation between the new bridge abutments and water line. The roadway approaches to the bridge will be reconstructed as a continuous two-lane facility with standard shoulders and lane widths.

The Project will raise the profile over the bridge by approximately 2 feet and eliminate the current sag condition. Based on preliminary engineering estimates, it is anticipated that this profile correction across the bridge will begin approximately 300 feet from the west of the existing bridge and extend to approximately 400 feet to the east. Retaining walls will be required on each side of the roadway at the east embankment, to retain the fill used to correct the sag. They are anticipated to be Caltrans Standard Type 1 reinforced concrete walls on spread footings, with a length of approximately 75 feet on each side of the road and a maximum exposed height of approximately 5 feet.

#### **(2) Temporary On-site Detour Construction:**

The temporary on-site detour will enter and exit Rosa Morada Road at the limits of construction work. It is anticipated that a temporary low-water crossing measuring approximately 24 feet wide and 70 feet long will be used to carry the detour across the creek. The crossing will be constructed using a corrugated steel pipe culvert(s) to allow for potential water flow within the creek in the unlikely event that substantial rains occur during construction. Gravel and/or native soil fill will create the detour roadbed. Upon completion of the replacement bridge and roadway work and prior to the onset of the wet season, the low-water crossing will be removed, and the creek bed restored to its original condition.

Construction of the approximately 700-foot long temporary detour roadway beyond the low-water crossing and outside the creek banks will involve excavating an area approximately 8 inches deep and 24 feet wide for the temporary roadway. The temporary roadway will consist of a section with 2 inch deep asphalt concrete over 6-inch deep aggregate base. If the soil excavated for the temporary roadway is of sufficient quality for use as fill for the low-water crossing or for the roadway improvements, it will be used to offset the need for imported fill. However, the soil quality will not be known until construction has started, and use of this soil for the project will require agreement from the property owner.

After the detour is no longer needed, the temporary roadway section will be removed on each side of the creek. If the excavated soil is used as fill in other locations on the project, the voided detour roadway area will be moderately graded. The grading will soften the voided area, but because it will not be filled, an undulation will remain where the detour roadway once was. Otherwise, the excavated soil will be restored and moderately graded.

(3) Existing Bridge Removal:

The Rosa Morada Road Bridge is a single-span structure approximately 31 feet long and 15 feet wide. The existing railings are metal beam guard railings supported on steel posts that anchor to the sides of the concrete deck and to the steel girders below. The bridge is supported at each end by reinforced concrete abutments with flared wingwalls. The foundation type for the abutments is unknown, and may consist of spread footings only, or footings with piles.

Removal of the bridge will involve the removal of the entire bridge superstructure and abutments, including the abutment foundations. This work will require demolition and removal of the steel railing posts and beams, the reinforced concrete deck and steel girders, and the reinforced concrete abutments and spread footing or pile foundations. Per Caltrans Standards, if the abutments are supported on piles, the piles will be removed down to a minimum of 1 foot below the existing grade or thalweg.

Once the existing abutments and piles are removed, the existing embankments will be graded back at a 2:1 slope to open up the channel, as described under Channel Improvements below. The removal of the existing bridge, abutments and foundations, and the channel grading will involve temporary disturbance to the channel. In the final project condition, the majority of the permanent impacts will remain outside the limits of the low flow channel; however, approximately 0.03 acre of rock slope protection will be located within the aquatic habitat to help stabilize the channel banks.

(4) Replacement Bridge Construction:

The proposed bridge is anticipated to be a single-span structure approximately 65 to 70 feet in length. The bridge will be 36 feet wide, and the abutments 42 feet wide. The bridge is anticipated to be a precast prestressed voided slab girder structure with a composite concrete topping slab, supported on cast-in-place concrete seat-type

abutments. The abutments will be supported on concrete cast-in-drilled-hole piles, and maximum pile depth is estimated to be approximately 40 feet. At the west abutment, wingwalls will extend approximately 8 to 13 feet beyond the abutment wall, and will cantilever off the corners of the abutment, providing support and protection for the approach embankment. At the east abutment, the approach fill adjacent to the bridge will be retained by wingwalls that extend approximately 26.5 feet behind the abutment and have single-pile supports at the ends.

Construction of the replacement bridge will begin with drilling and casting the piles at the abutments. The abutment walls will then be formed and cast over the piles. The bridge superstructure will then be constructed by installing the precast girders on the abutments and casting the concrete deck on top of the girders. Formwork for the edges of the deck will be supported by the girders, and will not need supports in the creek bed. Once the deck concrete has cured, barriers, railings, and joint seals will be installed on the bridge deck.

(5) Channel Improvements:

*Approach Embankment Grading* - The existing bridge approach embankments encroach approximately 10 to 15 feet into the channel at the bridge location, and they create a point of constriction within the channel. The abutments will be set farther back from the channel and embankment encroachment will be removed by re-grading the existing embankments at a 2:1 slope, to open up the channel and reduce scour.

*Approach Embankment Protection* – Rock slope protection will be required for protection of the roadway embankments at the bridge abutments and to provide further protection from scour. The rock slope protection along the east bank of the creek will cover the abutment under the bridge and extend approximately 5 feet to the north of the bridge and 23 feet to the south, for a total length of approximately 64 feet. The rock slope protection on the west bank will cover the abutment under the bridge and extend approximately 4.5 feet to the north of the bridge and 32 feet to the south, for a total extent of approximately 72.5 feet. It is estimated that 75-pound rock with an average diameter of approximately 1 foot will provide sufficient protection for the roadway embankments at these locations. Removal of the existing bridge and channel grading will involve temporary disturbance to the channel, and 0.03 acre of rock slope protection will be located within the aquatic habitat to protect against bank erosion.

(6) Tree Removal:

Up to 27 trees may be removed by the Project in order to replace the bridge, install rock slope protection to provide erosion control, and widen Rosa Morada Road. This includes all 15 trees within the riparian habitat as well as 12 roadside trees.

Specifically, for bridge construction up to 15 riparian trees may be removed. Trees to be removed include eight blue gums, two silver wattles, one California buckeye, one Monterey pine, and one California sycamore. Implementation of the project may also necessitate the removal of two red ironbark trees adjacent to the Elking property

driveway gate. These trees will not directly interfere with bridge construction but they could be affected by grading and rock slope protection installation at the southwest creek bank. The project has been designed to avoid this eventuality if possible, but the possibility of damage to the trees cannot be ruled out.

There are 12 existing non-riparian trees and one sapling located along the southern edge of the existing roadway that will also need to be removed to widen Rosa Morada Road. These include four roadside blue gum trees in the 40- to 60-inch diameter range along the southeastern portion of the Project. They also include five valley oak trees, approximately 3- to 5-inches in diameter, and one valley oak sapling, less than 2 inches in diameter. In addition, two English walnut (*Juglans regia*) trees in the 2- to 6-inch diameter range will be removed as well as one very small fruit tree.

The Project will require an estimated 750 cubic yards (yd<sup>3</sup>) of imported soil for permanent roadway fill prisms, and 650 yd<sup>3</sup> for the temporary detour fill prisms across the creek. Earthwork from the excavations needed to construct the permanent roadway and the temporary detour, along with re-grading of the existing embankment encroachment into the channel, may contain suitable material for these fill prisms and it could possibly be used to offset some of the need for imported soil. Potential fill from these excavations is estimated to be approximately 400 yd<sup>3</sup> from the roadway excavation and 300 yd<sup>3</sup> from the detour excavation. However, the actual amount of suitable material that may be available from these earthwork activities will not be known prior to construction.

The Project is expected to be constructed in 1 year and 6 months. Equipment needed to perform the above Project activities may include backhoes, loaders, dump truck, haulers, demolition equipment, excavators, asphalt pavers, roll compactors, long flat-bed trucks, bulldozers, compaction equipment, pile driving equipment, cranes, concrete pumps, and concrete mixer trucks.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA/NPPA Status<sup>3</sup></u>
1. California tiger salamander ( <i>Ambystoma californiense</i> )	Threatened <sup>4</sup>

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 all construction activities associated with roadway alignment, grading, and paving; temporary detour construction;

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

<sup>4</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(3)(G).

bridge demolition; bridge construction; removal of temporary detour; channel improvements; tree removal; materials stockpiling, laydown, and transport; heavy equipment staging and operations; and re-vegetation. These Project-related activities constitute the Covered Activities under this ITP.

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities. This mortality could occur as a result of: construction vehicle/equipment strikes and burrow collapse associated with earthwork and hauling of materials and spoils; crushing or suffocation by heavy equipment or laydown of equipment and materials; entrapment and desiccation within trenches, open pipelines, and uncovered excavations; and entombment from deposition of stockpiled soil over occupied burrows and during vegetation, top soil, or soil compaction, grading activities, and development of roadbeds and other surface infrastructure. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursuit, catch, capture, or attempt to do so through: entrapment in holes or trenches; uncovering individuals during salvage excavation of burrow systems and crevices; collaring into a confined area when barrier fencing is constructed, and when individuals of the Covered Species are salvaged, collected, and relocated or translocated out of harm's way as required by this ITP.

The Project is expected to cause the temporary loss of 1.08 acres of habitat and the permanent loss of 0.32 acres of habitat for the Covered Species (Figure 2). 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 ground disturbance, equipment operation, and traffic; stress resulting from capture and relocation; increased exposure or stress from disorientation; and long-term effects due to displacement from preferred habitat, loss of foraging habitat, changes in drainage patterns that favor different vegetative growth, increased pollution, increased competition for food and space, loss of burrowing habitat used for shelter, reproduction, and escape cover, and increased vulnerability to predation. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying capacity or are unsuitable for colonization. Authorized take of the Covered Species is expected to occur within the 1.4-acre Project site (Project Area).

## **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.

Incidental Take Permit  
No. 2081-2021-023-04  
SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS  
ROSA MORADA ROAD BRIDGE REPLACEMENT PROJECT

**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, equipment and materials staging and parking, and noise and vibration generating activities that may cause take. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Initial Study/Mitigated Negative Declaration (SCH No.: 2015021078) adopted by San Benito County on March 2015 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 (LSA) Agreement for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
- 4. 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.
- 5. General Provisions:**
  - 5.1. 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.
  - 5.2. Designated Biologist(s) and/or Designated Monitor(s).** Permittee shall submit to CDFW, in writing, the name, qualifications, business address, and contact information of the Designated Biologist(s) and Designated Monitor(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) and Designated Monitor(s) are knowledgeable and experienced in the biology, natural history, collecting, and handling of the Covered Species. The Designated Biologist(s) and Designated



Monitor(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) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed.

- 5.3. 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.
- 5.4. 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 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. 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.
- 5.5. Construction Monitoring Documentation.** The Designated Biologist(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.

- 5.6. 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.
- 5.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 5.8. 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. Permittee shall deploy erosion control mats, blankets, or coir rolls that consist of only natural-fiber, biodegradable materials.
- 5.9. Delineation of Property Boundaries.** Before starting Covered Activities, 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 Project Area. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.
- 5.10. 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.
- 5.11. Project Access.** Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.

- 5.12. 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 5.11 of this ITP.
- 5.13. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 5.14. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.15. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

## **6. Monitoring, Notification and Reporting Provisions:**

- 6.1. 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.
- 6.2. 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.
- 6.3. Compliance Monitoring.** The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections a minimum of once a month during periods of inactivity and after clearing, grubbing, and grading are completed. 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.

- 6.4. Covered Species Mortality Reduction and Relocation Plan.** Prior to conducting the Pre-Activity Clearance Survey (Condition of Approval 7.2) and any Covered Activities, the Designated Biologist shall prepare a *Covered Species Mortality Reduction and Relocation Plan* and submit it to CDFW for approval. The *Covered Species Mortality Reduction and Relocation Plan* shall include, but not be limited to, a discussion (and map) of the Project Area boundary including the location of known or potential breeding habitat within 562 meters of the Project Area and the area within 562 meters of known or potential breeding habitat for the Covered Species; identification of survey, burrow/crevice excavation technique, capture, handling, and relocation methods; identification of relocation areas; and identification of a wildlife rehabilitation center or veterinary facility. Covered Activities within the Project Area may not proceed until the *Covered Species Mortality Reduction and Relocation Plan* is approved in writing by CDFW. Designated Monitors are prohibited from capturing and handling Covered Species unless approved in writing by CDFW and working under the direct supervision of the Designated Biologist.
- 6.5. Habitat Restoration Plan.** Within three months of issuance of this ITP, the Permittee shall prepare a *Habitat Restoration Plan* to facilitate revegetation of the 1.08 acres of temporary construction disturbance on-site and shall submit the Plan to CDFW for written approval. At a minimum, the Plan shall include the following information: (1) an aerial map that identifies the location of the areas to be revegetated; (2) a description of the existing physical and biological conditions of the areas prior to commencement of any restoration or enhancement activities; (3) a plan for initial removal of nonnative plant species, trash, and debris; (4) a California native plant palette and seed sources; (5) a planting plan, including seed application method; (6) procedures to ensure that nonnative plants are not introduced or allowed to sustain within the revegetation areas and an annual nonnative removal plan; (7) monitoring and maintenance measures and a timeline; and (8) success standards and contingency measures if the first application is unsuccessful.

- 6.6. Pre-Activity Clearance Survey Report.** Permittee shall provide the results of the Pre-Activity Clearance Survey (Condition of Approval 7.2) to CDFW in a written report prior to the beginning of Covered Activities.
- 6.7. Record of Covered Species Observation and Relocation Efforts.** The Designated Biologist shall maintain a record of all Covered Species handled, and all documented observations of Covered Species. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult/juvenile); (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, emaciation, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall satisfy all reporting requirements outlined in Condition of Approval 6.9 and 6.11 below and shall also prepare a Relocation Summary and include it in the Quarterly Compliance Report described in Condition of Approval 6.8 below. The Relocation Summary in the Final Mitigation Report, described in Condition of Approval 6.11 below, shall include cumulative results, analysis of data collected, and conclusions.
- 6.8. Quarterly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 6.3 and 6.7 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 is Kristie Stein (Kristie.Stein@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.
- 6.9. 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; (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.

**6.10. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.

**6.11. 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.

**6.12. Notification of Take or Injury** Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two 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.

**7. 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:

**7.1. Designated Biologist On-Site.** The Designated Biologist shall be on site for the duration of Covered Activities each workday.

- 7.2. Pre-Activity Clearance Surveys and Reporting.** No more than 14 days prior to any vegetation- or ground-disturbing activities at the Project Area, the Designated Biologist shall survey that part of the Project Area which represents potential habitat for the Covered Species. These surveys shall provide 100 percent visual coverage of the potential habitat (including burrow and crevice openings) at the Project Area as well as a 50-foot buffer zone around the Project Area. If individuals of the Covered Species are found, the Designated Biologist(s) shall relocate them from the Project Area in accordance with the CDFW-approved *Covered Species Mortality Reduction and Relocation Plan* (Condition of Approval 6.4). The Permittee shall provide the survey results to CDFW in a written report prior to the beginning of Covered Activities within the Project Area.
- 7.3. Covered Species Observations.** During all Covered Activities, all workers shall inform the Designated Biologist(s) if an individual of the Covered Species is observed at the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until the Designated Biologist(s) can relocate the Covered Species following the CDFW approved *Covered Species Mortality Reduction and Relocation Plan* specified in Condition of Approval 6.4.
- 7.4. Flag Burrows/Crevices.** During the Pre-Activity Clearance Surveys (Condition of Approval 7.2), the Designated Biologist shall flag all animal burrows and crevices suitable for Covered Species occupancy within the Project Area and a 50-foot buffer outside the Project Area. An avoidance buffer of 50 feet or greater around animal burrows/crevices shall be maintained regardless of if the burrow/crevice is in the Project Area or solely within the Project Area's 50-foot buffer zone. Flagged burrows/crevices which occur within 562 meters of known or potential breeding habitat which cannot be avoided by 50 feet, shall be fully excavated in accordance with Condition of Approval 7.5 below.
- 7.5. Animal Burrow and Crevice Excavation.** Prior to any vegetation- or ground-disturbing activities, those animal burrows and crevices identified during the Pre-Activity Clearance Surveys (Condition of Approval 7.2) and flagged (Condition of Approval 7.4) within 562 meters of known or potential Covered Species breeding habitat as identified in a *Covered Species Mortality Reduction and Relocation Plan* (Condition of Approval 6.4), and which cannot be fully avoided by at least 50 feet, shall be fully excavated. Applicable burrows/crevices may be excavated by hand or in a manner otherwise approved by CDFW in accordance with the CDFW-approved *Covered Species Mortality Reduction and Relocation Plan* (Condition of Approval 6.4). Burrow/crevice excavation shall occur under the direct supervision of the Designated Biologist(s).

Those animal burrows and crevices identified outside but within 50 feet of the Project Area shall be similarly excavated if they occur within 50 feet of ground disturbance within the Project Area. This excavation requirement applies

regardless of whether the burrow/crevice is located within the Project Area or within 50 feet of the Project Area, except for the following instances, in which excavation is not needed: (1) burrows/crevices outside of the Permittee's access and/or control. The Designated Biologist(s) shall relocate any live Covered Species discovered during burrow/crevice excavation in accordance with the *Covered Species Mortality Reduction and Relocation Plan* required in Condition of Approval 6.4 above. Excavation shall occur no more than 14 days after the completion of the Pre-Activity Clearance Surveys as described in Condition of Approval 7.2.

- 7.6. Covered Species Exclusion Fencing.** After surveying, flagging, and excavating small mammal burrows and prior to any surface disturbance, in accordance with Conditions of Approval 7.3, 7.4, and 7.5 above, Permittee shall install exclusion fencing around the perimeter of the active Project Area to prevent individuals of the Covered Species from migrating into the cleared Area. Fencing shall be installed such that travel using the temporary on-site detour is unimpeded. The Covered Species exclusion fencing shall be installed in accordance with a *Covered Species Exclusion Plan* reviewed and approved in writing by CDFW before exclusion fencing installation. The exclusion fence shall be installed under the direct supervision of the Designated Biologist and no later than 48 hours **after** the burrow/crevice excavation and relocation work is completed. The Permittee shall also avoid animal burrows and crevices to the maximum extent possible during the installation of the exclusion fence. When animal burrows and crevices that are within 562 meters of known or potential Covered Species breeding habitat cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 7.5, above, prior to commencing fence installation. The exclusion fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities. The Designated Biologist(s) shall check the exclusion fence at least once weekly and inform Permittee of necessary maintenance or repairs. Temporary exclusion fencing shall be removed immediately upon completion of Covered Activities in the fenced Project Area.
- 7.7. Covering, Ramping, and Inspecting Excavations.** To prevent inadvertent entrapment of Covered Species or any other animals during the construction phase of the Project, Permittee shall ensure that all excavated, steep-walled holes or trenches are covered and inspected as described below. Permittee shall ensure that all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered when workers and/or equipment are not actively working in them and at the end of each work day. Covers shall be made of plywood or similar solid material. Permittee shall ensure that the edges of the covers are covered with dirt to prevent Covered Species from crawling under them. Worker(s) shall thoroughly inspect all trenches, holes, or other excavations for Covered Species (or other wildlife) before they are back-filled. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment or injury in excavations are warranted, then Permittee shall request

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and obtain CDFW's written concurrence prior to implementing the alternative. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist(s) shall capture and relocate the Covered Species as per the *Covered Species Mortality Reduction and Relocation Plan* required in Condition of Approval 6.4.

- 7.8. Curbs, Berms, and/or Dikes. Permittee shall not construct roadways with steep curbs, berms, or dikes, which prevent Covered Species from exiting the roadway. If curbs are necessary for safety and/or surface runoff, the Permittee shall design them to allow Covered Species to walk over them. Caltrans' Standard Plan Type E curbs and Type D and Type E dikes are preferred designs and shall be used where possible (refer to Caltrans' Standard Plan A87, Curbs, Dikes, and Driveways). These rounded or gently sloping structures allow Covered Species to crawl over them. If steep dikes are required, design shall include over-side drains or curb/dike breaks spaced at intervals of 25 feet to allow Covered Species passage.
- 7.9. Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved *Covered Species Mortality Reduction and Relocation Plan* required in Condition of Approval 6.4.
- 7.10. Materials Inspection. Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the object is subsequently moved, buried, or capped. If during inspection, an individual of the Covered Species is discovered inside a pipe, culvert, or similar structure, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved *Covered Species Mortality Reduction and Relocation Plan* required in Condition of Approval 6.4.
- 7.11. Precipitation. The Designated Biologist and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 50 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in all portions of the Project Area where ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is a zero percent chance of precipitation in the 72-hour forecast.

- 7.12. Work Hours.** Permittee shall strictly prohibit Covered Activities from occurring beginning 30 minutes before sunset and ending 30 minutes after sunrise when a 50 percent or greater chance of rainfall is predicted within 72 hours of Covered Activities until no further rain is forecast. The Permittee shall use sunrise and sunset times established by the United States Naval Observatory Astronomical Applications Department for determining when Covered Activities shall terminate and resume. Except when necessary for construction, or driver/pedestrian safety, Permittee shall minimize lighting of the Project Area by artificial lighting during nighttime hours to the maximum extent practicable.
- 7.13. Soil Stockpiles.** Permittee shall place soil stockpiles where soil shall not pass into potential Covered Species breeding habitat; nor shall it pass into any other "Waters of the State," in accordance with Fish and Game Code 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion, in accordance with Condition of Approval 5.8 above. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.
- 7.14. Fieldwork Code of Practice.** To ensure that the Designated Biologist(s) do not convey disease between the Project Area and areas outside the Project Area, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 3) shall be followed at all times. The Designated Biologist(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution.
- 7.15. Covered Species Injury.** If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility that routinely evaluates and treats amphibians. As required in Condition 6.4, 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. The 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 Conditions 6.7 and 6.12. Notification shall include the name of the facility where the animal was taken.

**8. 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 2.8 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of

Approval 8.1 below. Purchase of Covered Species credits must be complete before starting Covered Activities. The Permittee shall also restore on-site the complete acreage of the of temporarily impacted Covered Species habitat pursuant to Condition of Approval 8.3 below.

- 8.1. Covered Species Credits. Permittee shall purchase 2.8 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project.
- 8.2. Credit Transfer Agreement. Permittee shall submit to CDFW a copy of the executed Credit Transfer Agreement prior to Project activities.
- 8.3. Habitat Restoration. Permittee shall restore on-site the 1.08 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions following the approved *Habitat Restoration Plan* as required by Condition of Approval 6.5. Permittee shall ensure that the *Habitat Restoration Plan* is successfully implemented by the contractor. Monitoring and maintenance of the Restoration Areas shall be conducted annually for a minimum of (2) years or until CDFW determines that the restoration/enhancement effort is successful.

#### **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 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 Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 30 additional days.

If 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 nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

#### **XI. Liability:**

All terms and conditions of this ITP shall be binding upon each Permittee. Notwithstanding California Civil Code section 1431 or any other provision of law, each Permittee shall be jointly and severally liable for performance of all terms, conditions, and obligations of this ITP and shall be jointly and severally liable for any unauthorized take or other violations of this ITP, whether committed by Permittees or any person acting on behalf of one or more Permittees, including their officers, employees, representatives, agents or contractors and subcontractors. Any failure by one or more Permittees to comply with any term, condition, or obligation herein shall be deemed a failure to comply by all Permittees.

#### **XII. 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.

#### **XIII. 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, California 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 (2081-2021-023-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager  
California Department of Fish and Wildlife  
1234 East Shaw Avenue  
Fresno, California, 93710  
Telephone (559) 243-4014  
R4CESA@wildlife.ca.gov

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and a copy to:

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

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

Kristie Stein  
California Department of Fish and Wildlife  
1234 East Shaw Avenue  
Fresno, California, 93710  
Kristie.Stein@wildlife.ca.gov

**XIV. 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, San Benito County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Initial Study/Mitigated Negative Declaration, (SCH No.: 2015021078) dated February 2015 that the San Benito County adopted for Rosa Morada Road Bridge Replacement Project on March 2015. 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.

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**XV. 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, Initial Study/Mitigated Negative Declaration, 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 include: (1) permanent habitat protection through the purchase of covered species credits from a CDFW approved mitigation or conservation bank; (2) establishment of avoidance zones; (3) worker education; and (4) 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 conservation bank credits in advance of initiating Covered Activities, 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

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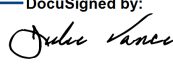
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population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

#### **XVI. Attachments:**

FIGURE 1	Vicinity Map
FIGURE 2	Impacts Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Fieldwork Code of Practice

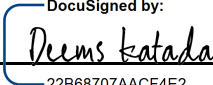
**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 7/26/2022**

DocuSigned by:  
  
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Julie A. Vance, Regional Manager  
 Central Region

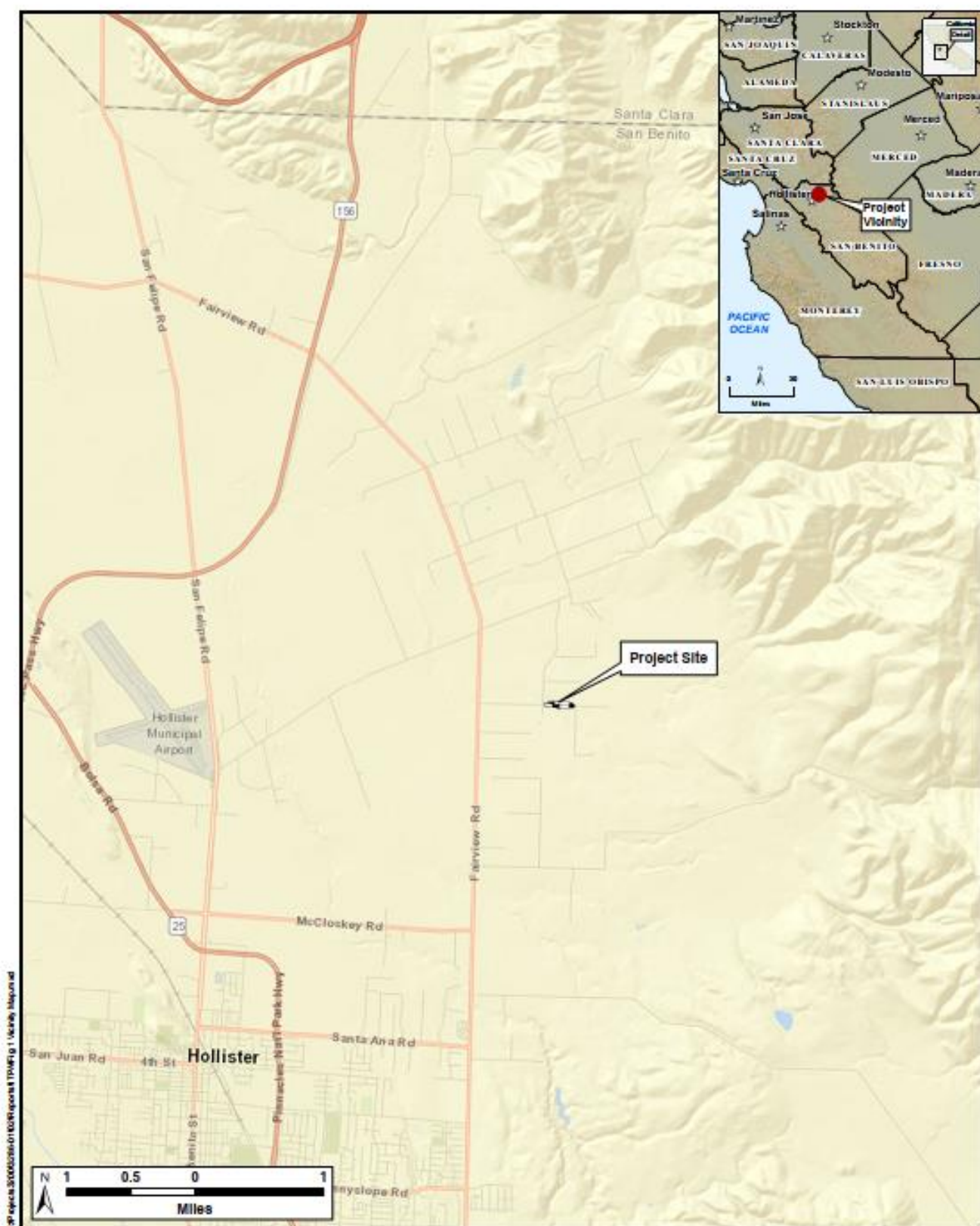
#### **ACKNOWLEDGMENT**

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

By:  Date: 7/27/2022  
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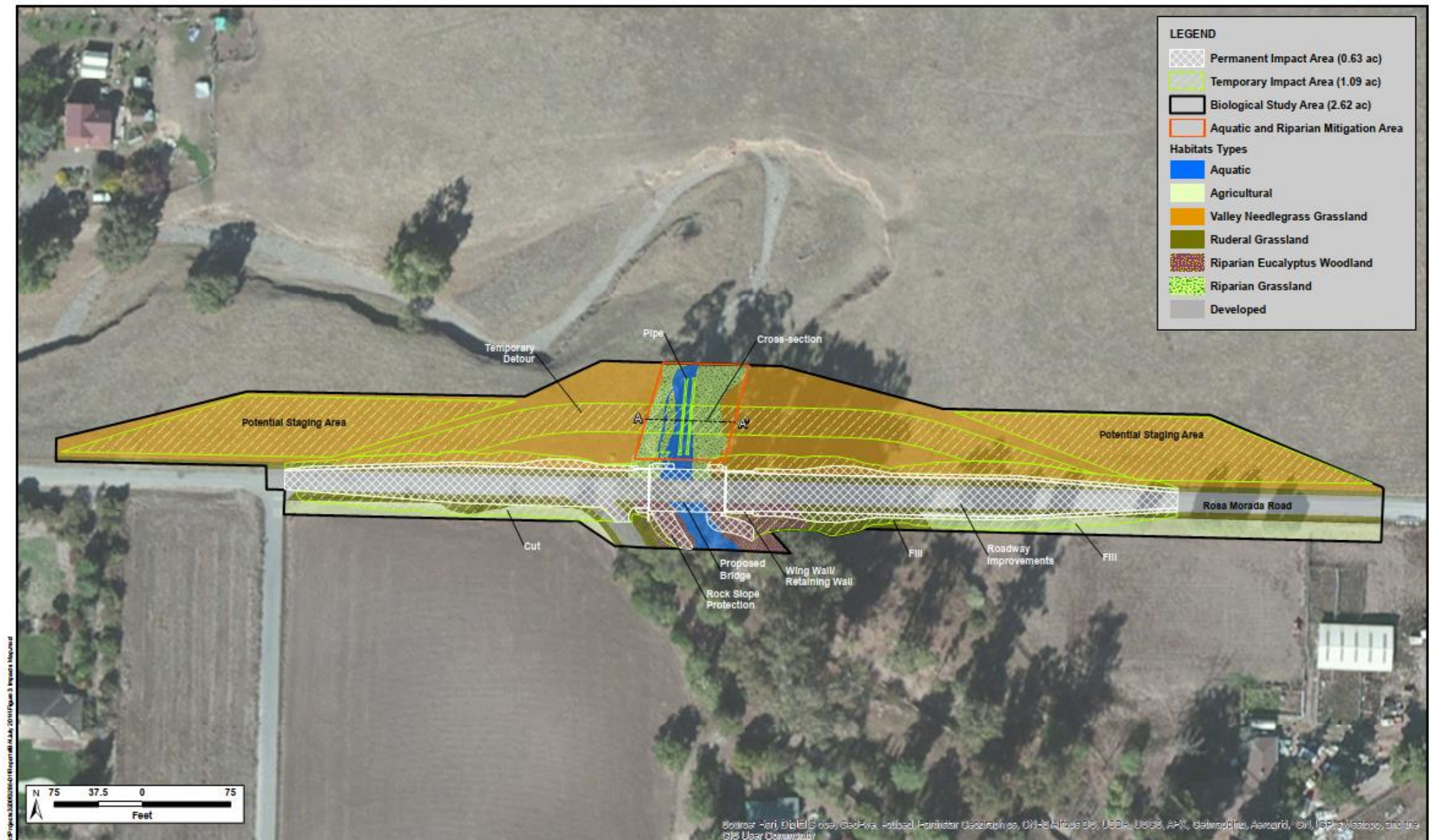
Printed Name: Deems Katada Title: Senior Engineer

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**Figure 1. Vicinity Map**  
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Rosa Morada Bridge Replacement Project





## **Attachment 1**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2021-023-04**

**PERMITTEE: San Benito County Department of Public Works**

**PROJECT: Rosa Morada Road Bridge Replacement Project**

### **PURPOSE OF THE MMRP**

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

### **OBLIGATIONS OF PERMITTEE**

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

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

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

## **TABLE OF MITIGATION MEASURES**

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<b>BEFORE DISTURBING SOIL OR VEGETATION</b>					
1	<u>Designated Representative</u> . Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the 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 the ITP.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist(s) and/or Designated Monitor(s)</u> . Permittee shall submit to CDFW, in writing, the name, qualifications, business address, and contact information of the Designated Biologist(s) and Designated Monitor(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) and Designated Monitor(s) are knowledgeable and experienced in the biology, natural history, collecting, and handling of the Covered Species. The Designated Biologist(s) and Designated Monitor(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) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	<u>Education Program</u> . 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 the 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. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	<u>Trash Abatement</u> . 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.	ITP Condition # 5.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
5	<u>Dust Control</u> . Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 5.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	<u>Delineation of Property Boundaries</u> . Before starting Covered Activities, 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 Project Area. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.	ITP Condition # 5.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	<u>Delineation of Habitat</u> . 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.	ITP Condition # 5.10	Before commencing ground- or vegetation-disturbing activities	Permittee	
8	<u>Notification Before Commencement</u> . 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.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	<u>Covered Species Mortality Reduction and Relocation Plan</u> . Prior to conducting the Pre-Activity Clearance Survey (Condition of Approval 7.2) and any Covered Activities, the Designated Biologist shall prepare a Covered Species Mortality Reduction and Relocation Plan and submit it to CDFW for approval. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to, a discussion (and map) of the Project Area boundary including the location of known or potential breeding habitat within 562 meters of the Project Area and the area within 562 meters of known or potential breeding habitat for the Covered Species; identification of survey, burrow/crevice excavation technique, capture, handling, and relocation methods; identification of relocation areas; and identification of a wildlife rehabilitation center or veterinary facility. Covered Activities within the Project Area may not proceed until the Covered Species Mortality Reduction and Relocation Plan is approved in writing by CDFW. Designated Monitors are prohibited from capturing and handling Covered Species unless approved in writing by CDFW and working under the direct supervision of the Designated Biologist.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
10	<u>Habitat Restoration Plan</u> . Within three months of issuance of the ITP, the Permittee shall prepare a Habitat Restoration Plan to facilitate revegetation of the 1.08 acres of temporary construction disturbance on-site and shall submit the Plan to CDFW for written approval. At a minimum, the Plan shall include the following information: (1) an aerial map that identifies the location of the areas to be revegetated; (2) a description of the existing physical and biological conditions of the areas prior to commencement of any restoration or enhancement activities; (3) a plan for initial removal of nonnative plant species, trash, and debris; (4) a California native plant palette and seed sources; (5) a planting plan, including seed application method; (6) procedures to ensure that nonnative plants are not introduced or allowed to sustain within the revegetation areas and an annual nonnative removal plan; (7) monitoring and maintenance measures and a timeline; and (8) success standards and contingency measures if the first application is unsuccessful.	ITP Condition # 6.5	Before commencing ground- or vegetation-disturbing activities OR within three (3) months of ITP issuance	Permittee	
11	<u>Pre-Activity Clearance Survey Report</u> . Permittee shall provide the results of the Pre-Activity Clearance Survey (Condition of Approval 7.2) to CDFW in a written report prior to the beginning of Covered Activities.	ITP Condition # 6.6	Before commencing ground- or vegetation-disturbing activities	Permittee	
12	<u>Pre-Activity Clearance Surveys and Reporting</u> . No more than 14 days prior to any vegetation- or ground-disturbing activities at the Project Area, the Designated Biologist shall survey that part of the Project Area which represents potential habitat for the Covered Species. These surveys shall provide 100 percent visual coverage of the potential habitat (including burrow and crevice openings) at the Project Area as well as a 50-foot buffer zone around the Project Area. If individuals of the Covered Species are found, the Designated Biologists(s) shall relocate them from the Project Area in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 6.4). The Permittee shall provide the survey results to CDFW in a written report prior to the beginning of Covered Activities within the Project Area.	ITP Condition # 7.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Designated Biologist	
13	<u>Flag Burrows/Crevices</u> . During the Pre-Activity Clearance Surveys (Condition of Approval 7.2), the Designated Biologist shall flag all animal burrows and crevices suitable for Covered Species occupancy within the Project Area and a 50-foot buffer outside the Project Area. An avoidance buffer of 50 feet or greater around animal burrows/crevices shall be maintained regardless of if the burrow/crevice is in the Project Area or solely within the Project Area's 50-foot buffer zone. Flagged burrows/crevices which occur within 562 meters of known or potential breeding habitat which cannot be avoided by 50 feet, shall be fully excavated in accordance with Condition of Approval 7.5 below.	ITP Condition # 7.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Designated Biologist	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
14	<p><u>Animal Burrow and Crevice Excavation.</u> Prior to any vegetation- or ground-disturbing activities, those animal burrows and crevices identified during the Pre-Activity Clearance Surveys (Condition of Approval 7.2) and flagged (Condition of Approval 7.4) within 562 meters of known or potential Covered Species breeding habitat as identified in a Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 6.4), and which cannot be fully avoided by at least 50 feet, shall be fully excavated. Applicable burrows/crevices may be excavated by hand or in a manner otherwise approved by CDFW in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 6.4). Burrow/crevice excavation shall occur under the direct supervision of the Designated Biologist(s).</p> <p>Those animal burrows and crevices identified outside but within 50 feet of the Project Area shall be similarly excavated if they occur within 50 feet of ground disturbance within the Project Area. This excavation requirement applies regardless of whether the burrow/crevice is located within the Project Area or within 50 feet of the Project Area, except for the following instances, in which excavation is not needed: (1) burrows/crevices outside of the Permittee's access and/or control. The Designated Biologist(s) shall relocate any live Covered Species discovered during burrow/crevice excavation in accordance with the Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 6.4 above. Excavation shall occur no more than 14 days after the completion of the Pre-Activity Clearance Surveys as described in Condition of Approval 7.2.</p>	ITP Condition # 7.5	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Designated Biologist	
15	<p><u>Covered Species Exclusion Fencing.</u> After surveying, flagging, and excavating small mammal burrows and prior to any surface disturbance, in accordance with Conditions of Approval 7.3, 7.4, and 7.5 above, Permittee shall install exclusion fencing around the perimeter of the active Project Area to prevent individuals of the Covered Species from migrating into the cleared Area. Fencing shall be installed such that travel using the temporary on-site detour is unimpeded. The Covered Species exclusion fencing shall be installed in accordance with a Covered Species Exclusion Plan reviewed and approved in writing by CDFW before exclusion fencing installation. The exclusion fence shall be installed under the direct supervision of the Designated Biologist and no later than 48 hours after the burrow/crevice excavation and relocation work is completed. The Permittee shall also avoid animal burrows and crevices to the maximum extent possible during the installation of the exclusion fence. When animal burrows and crevices that are within 562 meters of known or potential Covered Species breeding habitat cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 7.5, above, prior to commencing fence installation. The exclusion fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities. The Designated Biologist(s) shall check the exclusion fence at least once weekly and inform Permittee of necessary maintenance or repairs. Temporary exclusion fencing shall be removed immediately upon completion of Covered Activities in the fenced Project Area.</p>	ITP Condition # 7.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Designated Biologist	
16	<p><u>Covered Species Credits.</u> Permittee shall purchase 2.8 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project.</p>	ITP Condition # 8.1	Before commencing ground- or vegetation-disturbing activities	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
17	<u>Credit Transfer Agreement</u> . Permittee shall submit to CDFW a copy of the executed Credit Transfer Agreement prior to Project activities.	ITP Condition # 8.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
<b>DURING CONSTRUCTION</b>					
18	<u>Designated Biologist Authority</u> . To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist shall immediately stop any activity that does not comply with the 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 the ITP.	ITP Condition # 5.3	Entire Project	Designated Biologist	
19	<u>Construction Monitoring Documentation</u> . The Designated Biologist(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 the 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.	ITP Condition # 5.5	Entire Project	Designated Biologist	
20	<u>Erosion Control Materials</u> . 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. Permittee shall deploy erosion control mats, blankets, or coir rolls that consist of only natural-fiber, biodegradable materials.	ITP Condition # 5.8	Entire Project	Permittee	
21	<u>Project Access</u> . Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 5.11	Entire Project	Permittee	
22	<u>Staging Areas</u> . 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 5.11 of the ITP.	ITP Condition # 5.12	Entire Project	Permittee	



	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
23	<u>Hazardous Waste.</u> Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 5.13	Entire Project	Permittee	
24	<u>CDFW Access.</u> Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 5.14	Entire Project	Permittee	
25	<u>Notification of Non-compliance.</u> The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with the ITP and suggested measures to remedy the situation.	ITP Condition # 6.2	Entire Project	Permittee	
26	<p><u>Compliance Monitoring.</u> The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections a minimum of once a month during periods of inactivity and after clearing, grubbing, and grading are completed. The Designated Biologist shall conduct compliance inspections to:</p> <ul style="list-style-type: none"> <li>(1) minimize incidental take of the Covered Species;</li> <li>(2) prevent unlawful take of species;</li> <li>(3) check for compliance with all measures of the ITP;</li> <li>(4) check all exclusion zones; and</li> <li>(5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.</li> </ul> <p>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 the ITP.</p>	ITP Condition # 6.3	Entire Project	Designated Biologist	
27	<u>Record of Covered Species Observation and Relocation Efforts.</u> The Designated Biologist shall maintain a record of all Covered Species handled, and all documented observations of Covered Species. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult/juvenile); (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, emaciation, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall satisfy all reporting requirements outlined in Condition of Approval 6.9 and 6.11 below and shall also prepare a Relocation Summary and include it in the Quarterly Compliance Report described in Condition of Approval 6.8 below. The Relocation Summary in the Final Mitigation Report, described in Condition of Approval 6.11 below, shall include cumulative results, analysis of data collected, and conclusions.	ITP Condition # 6.7	Entire Project	Designated Biologist	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
28	<u>Quarterly Compliance Report</u> . The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 6.3 and 6.7 into a Quarterly Compliance Report and submit it to CDFW along with a copy of this 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 the ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Representative is Kristie Stein (Kristie.Stein@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 6.8	Entire Project	Permittee	
29	<u>Annual Status Report</u> . Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the 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; (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 this 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.	ITP Condition # 6.9	Entire Project	Permittee	
30	<u>CNDDDB Observations</u> . The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 6.10	Entire Project	Designated Biologist	
31	<u>Notification of Take or Injury</u> . Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two 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.	ITP Condition # 6.12	Entire Project	Permittee	
32	<u>Designated Biologist On-Site</u> . The Designated Biologist shall be on site for the duration of Covered Activities each workday.	ITP Condition # 7.1	Entire Project	Designated Biologist	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
33	<u>Covered Species Observations.</u> During all Covered Activities, all workers shall inform the Designated Biologist(s) if an individual of the Covered Species is observed at the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until the Designated Biologist(s) can relocate the Covered Species following the CDFW approved Covered Species Mortality Reduction and Relocation Plan specified in Condition of Approval 6.4.	ITP Condition # 7.3	Entire Project	Permittee	
34	<u>Covering, Ramping, and Inspecting Excavations.</u> To prevent inadvertent entrapment of Covered Species or any other animals during the construction phase of the Project, Permittee shall ensure that all excavated, steep-walled holes or trenches are covered and inspected as described below. Permittee shall ensure that all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered when workers and/or equipment are not actively working in them and at the end of each work day. Covers shall be made of plywood or similar solid material. Permittee shall ensure that the edges of the covers are covered with dirt to prevent Covered Species from crawling under them. Worker(s) shall thoroughly inspect all trenches, holes, or other excavations for Covered Species (or other wildlife) before they are back-filled. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment or injury in excavations are warranted, then Permittee shall request and obtain CDFW's written concurrence prior to implementing the alternative. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist(s) shall capture and relocate the Covered Species as per the Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 6.4.	ITP Condition # 7.7	Entire Project	Permittee	
35	<u>Curbs, Berms, and/or Dikes.</u> Permittee shall not construct roadways with steep curbs, berms, or dikes, which prevent Covered Species from exiting the roadway. If curbs are necessary for safety and/or surface runoff, the Permittee shall design them to allow Covered Species to walk over them. Caltrans' Standard Plan Type E curbs and Type D and Type E dikes are preferred designs and shall be used where possible (refer to Caltrans' Standard Plan A87, Curbs, Dikes, and Driveways). These rounded or gently sloping structures allow Covered Species to crawl over them. If steep dikes are required, design shall include over-side drains or curb/dike breaks spaced at intervals of 25 feet to allow Covered Species passage.	ITP Condition # 7.8	Entire Project	Permittee	
36	<u>Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 6.4.	ITP Condition # 7.9	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
37	<u>Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the object is subsequently moved, buried, or capped. If during inspection, an individual of the Covered Species is discovered inside a pipe, culvert, or similar structure, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 6.4.	ITP Condition # 7.10	Entire Project	Permittee	
38	<u>Precipitation.</u> The Designated Biologist and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 50 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in all portions of the Project Area where ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is a zero percent chance of precipitation in the 72-hour forecast.	ITP Condition # 7.11	Entire Project	Permittee	
39	<u>Work Hours.</u> Permittee shall strictly prohibit Covered Activities from occurring beginning 30 minutes before sunset and ending 30 minutes after sunrise when a 50 percent or greater chance of rainfall is predicted within 72 hours of Covered Activities until no further rain is forecast. The Permittee shall use sunrise and sunset times established by the United States Naval Observatory Astronomical Applications Department for determining when Covered Activities shall terminate and resume. Except when necessary for construction, or driver/pedestrian safety, Permittee shall minimize lighting of the Project Area by artificial lighting during nighttime hours to the maximum extent practicable.	ITP Condition # 7.12	Entire Project	Permittee	
40	<u>Soil Stockpiles.</u> Permittee shall place soil stockpiles where soil shall not pass into potential Covered Species breeding habitat; nor shall it pass into any other "Waters of the State," in accordance with Fish and Game Code 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion, in accordance with Condition of Approval 5.8 above. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.	ITP Condition # 7.13	Entire Project	Permittee	
41	<u>Fieldwork Code of Practice.</u> To ensure that the Designated Biologist(s) do not convey disease between the Project Area and areas outside the Project Area, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 3) shall be followed at all times. The Designated Biologist(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution.	ITP Condition # 7.14	Entire Project	Permittee	
42	<u>Covered Species Injury.</u> If a Covered Species is injured as a result of Project related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility that routinely evaluates and treats amphibians. As required in Condition 6.4, 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. The 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 Conditions 6.7 and 6.12. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 7.15	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
43	<u>Habitat Restoration</u> . Permittee shall restore on-site the 1.08 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions following the approved Habitat Restoration Plan as required by Condition of Approval 6.5. Permittee shall ensure that the Habitat Restoration Plan is successfully implemented by the contractor. Monitoring and maintenance of the Restoration Areas shall be conducted annually for a minimum of (2) years or until CDFW determines that the restoration/enhancement effort is successful.	ITP Condition # 8.3	Entire Project	Permittee	
<b>POST-CONSTRUCTION</b>					
44	<u>Refuse Removal</u> . Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.15	Post-construction	Permittee	
45	<u>Final Mitigation Report</u> . 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 this 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 the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 6.11	Post-construction and after completion of mitigation	Permittee	
46	CDFW accepts the Final Mitigation Report as complete.	ITP Condition # 6.11	Post-construction	CDFW	

## Attachment 2

**\*\*\* Please Note: While use of this form is not mandatory, CDFW strongly recommends completing this form as it will ensure the receipt of adequate information and expedite CDFW review of biologist's qualifications. \*\*\***

**Name of Biologist & Contact Information**

**Education:** (include year graduated)

**Training/Workshops:** (be prepared to provide copies of certificates upon request; these should be related to the Covered Species (or similar species) in the Incidental Take Permit)

**Certifications:** (please provide any copies of a CDFW Scientific Collecting Permit, MOU, or USFWS 10(a)(1)(A)) permit; these should be related to the Covered Species (or similar species) in the Incidental Take Permit)

**Species Name #1: (Example: California Tiger Salamander)**

Project Name #1 (list the information below for all projects (separately) where biologist worked with this species; projects may be listed more than once under each separate species and please only include projects on the resume that demonstrate experience with the Covered Species (or similar species) in the ITP)

Location:

Project date completed: To and from date (month and year)

Incidental Take Permit (ITP) # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #2

Location:

Project date completed: To and from date

Incidental Take Permit # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #3 ...

**Species Name #2: (Example: Similar or related species to CTS)**

Project Name #1 (list the information below for all projects (separately) where the biologist worked with this species)

Location:

Project date completed: To and from date

Incidental Take Permit # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #2

Location:

Project date completed: To and from date

Incidental Take Permit # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #3 ...

Include any other relevant information to the Covered Species or implementation of Conditions of Approval in the ITP

## Attachment 3

## The Declining Amphibian Task Force Fieldwork Code of Practice

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

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