



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*



November 7, 2022

Alyssa Kemp, Acting Biology Branch Chief, South  
California Department of Transportation  
2015 East Shiels Avenue, Suite 200  
Fresno, California 93726

**Subject: Incidental Take Permit for Stratford-Kings River Bridge Replacement  
Project (2081-2022-046-04)**

Dear Alyssa Kemp:

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). This permit is different than the version previously sent via DocuSign on November 2, 2022; typographical errors in Condition of Approval 8 were corrected and project description clarifications were made.

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

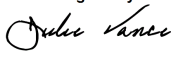
Alternatively, you may return an electronic copy of the permit with digital signature to [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned.

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.

Alyssa Kemp, Acting Biology Branch Chief, South  
California Department of Transportation  
November 7, 2022  
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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 Javier Mendez, Environmental Scientist, at [javier.mendez@wildlife.ca.gov](mailto:javier.mendez@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager

Enclosure



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

California Endangered Species Act  
Incidental Take Permit No. 2081-2022-046-04

**STRATFORD KINGS RIVER 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>California Department of Transportation</b>
<b>Principal Officer:</b>	<b>Alyssa Kemp, Acting Biology Branch Chief, South</b>
<b>Contact Person:</b>	<b>Audrey Sohikian, (559) 383-5541</b>
<b>Mailing Address:</b>	<b>2015 East Shields Avenue Suite 200 Fresno California, 93726</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, 2027**.

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 6.8 of this ITP.

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<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 Stratford Kings River Bridge Replacement Project (Project) is located along State Route 41 on Bridge No. 45-0007 in Kings County (See Figure 1). The Project is located approximately 0.7 miles southwest of the community of Stratford centered at approximately 36.180131 latitude, -119.834626 longitude.

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

The Project involves the 35-acre Project Area including the replacement of the existing Stratford Kings River bridge, work on State Route 41, and the surrounding right-of-way. The Project also involves a 50-mile-long detour that follows State Route 198 west, south onto Avenal Cutoff Road, west onto State Route 269, south on Interstate 5, and back onto State Route 41 in Kettleman City. The existing bridge will be replaced with a new, 330-foot long, 44-foot-wide bridge, to accommodate two twelve-foot lanes and 8-foot shoulders. Project activities include the demolition of the existing bridge, construction of the new bridge, the installation of rock slope protection (RSP), and the construction of a temporary wooden trestle. The Project also involves approximately 90 nights of work to accomplish the bridge replacement activities.

#### Temporary wood trestle and removal of the existing bridge:

Prior to the removal and replacement of the existing bridge, a temporary wood trestle will be installed on the northbound side of the existing bridge to accomplish the piece-by-piece removal of the existing bridge and subsequent construction of the new bridge. Crane mats and temporary rock-fill will be placed adjacent to the northbound lane of the bridge, supporting the installation of a 50-foot wide, 354-foot-long temporary wood trestle across the stream. The wood trestle, the temporary rock fill, and all associated materials will be removed following the bridge replacement activities.

#### Construction of the new bridge:

Replacement of the existing bridge involves the construction of the new 330-foot long, 44-foot-wide bridge. The new bridge profile will increase by 1.15 feet and the bridge abutments will be constructed eight feet further from the wetted stream, compared to existing. Each new abutment will consist of six, two-foot diameter steel-reinforced cast-in-steel-shell (CISS) piles joined by cast in-place pile caps. The joined, CISS abutment piles support the abutment wing walls and stem wall (face wall). The existing bridge's nine, seven-pile bents will be removed via excavator three feet below the streambed, and replaced with six, three-pile bents. Each bent will be composed of three, three-foot diameter steel reinforced CISS piles joined by a precast concrete drop cap. The two abutments and six bents will be the foundation for precast, prestressed concrete bridge deck sections, installed via a crane positioned on the temporary trestle. The bridge deck sections will be joined, and voids filled with non-shrink grout, and the completed bridge deck will be smoothed with polymer fiber concrete.

To construct the abutment and bridge piles, steel shells will be pile driven no more than 190 feet below the streambed, a drill rig will excavate the contained soils and present water will be pumped to an upland location where it will be containerized and/or deposited for

off-site infiltration. Steel reinforcement will then be placed within the steel shells, and each will be filled with no more than 40 cubic yards of concrete slurry.

Approximately 225 square feet of sandbags will be temporarily placed around the southern abutment. Additional ground disturbance will be performed involving the replacement of four, 12-inch diameter over-side drains with new, asphaltic concrete over-side drains and the placement of new RSP.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> <sup>3</sup>
1. Swainson's hawk ( <i>Buteo swainsoni</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:**

Riparian habitat and irrigated agricultural lands at and adjacent to the Stratford Kings River bridge replacement Project Site constitute roosting, nesting, and foraging habitat for the Covered Species, and as recently as April 2022, an active Covered Species nest existed approximately 200 feet west of the Project Site within a riparian area adjacent to the Kings River. While Covered Species nesting, foraging, or roosting at and adjacent to the Project Site may have become habituated to the local baseline of vehicular through traffic, recreation, and agricultural activities, many of the Project-related activities may represent a novel disturbance and could result in incidental take of individuals of the Covered Species. The activities described above that are expected to result in incidental take of individuals of the Covered Species include: tree and vegetation removal; the removal of the existing bridge; mass grading; cut and fill; trenching; the construction and dismantling of falsework, formwork, and the temporary wood trestle; pile driving; the use of artificial lighting; welding; concrete cutting; the excavation and stockpiling of materials and materials laydown; roadbed, over-side drain, and bridge construction; the installation of RSP; and the operation and staging of heavy equipment. 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 vehicle strikes due to increased Project-related traffic from site preparation and hauling of materials and spoils; and as a result of the loss of young, fledglings, or eggs due to destruction of nests or abandonment of nests during Project Activities which occur in close proximity to active Covered Species nests. Incidental take of individuals of the Covered Species may also occur through capture when eggs or individuals of the Covered Species are salvaged after parental nest abandonment has occurred, though the chance of viability of eggs and/or survival for the Covered Species in this circumstance is greatly reduced. Direct

<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)(5)(A).

impacts to foraging habitat could also affect migrating individuals, and the fitness of Covered Species young raised in close proximity to the Project due to reduced or disrupted foraging opportunities that reduce the ability of parents to acquire food for their dependent young. Other potential indirect impacts to the Covered Species and their habitat include effects of the novel disturbance associated with implementation of the Covered Activities. These include construction-related noise; ground vibration; fugitive dust; habitat loss and modification; introduction or spread of invasive species; and increased human activity which could result in a reduction in prey abundance and/or availability. Noise and vibration could cause physiological and/or behavioral disruptions that may interfere with breeding, result in nest abandonment, and a loss of fitness in dependent young resulting from interruptions to brooding and/or feeding schedules.

Covered Activities will result in temporary impacts to 0.87 acres of riparian habitat, 0.28 acres of dry grain seed crops, and 0.33 acres of irrigated row field crops. In the Central Valley, as documented in CDFW's 2016 Five Year Status Review for Swainson's Hawk, Covered Species will nest at the periphery of riparian forests or in riparian corridors where they have greater access to foraging areas, lone trees in agricultural fields or pastures, and roadside trees when they are adjacent to suitable foraging. Suitable foraging habitat includes mixed agricultural lands that support irrigated hay crops (e.g., alfalfa), as well as dryland pasture, grassy ruderal lots, and some irrigated crops. The remainder of the Project site includes habitat types that are not typically associated with Covered Species habitat (e.g., emergent wetland, residential, and rivers and canals). The areas where authorized take of the Covered Species is expected to occur include known and potential Covered Species nest trees at and within one-half mile of the Project Site. Even with implementation of the Take Minimization Measures outlined below, as many as one nest (eggs and/or chicks) could be lost in association with the Covered Activities over the term (one nesting season) of this ITP.

#### **VII. Incidental Take Authorization of Covered Species:**

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

#### **VIII. Conditions of Approval:**

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

Incidental Take Permit  
No. 2081-2022-046-04  
CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STRATFORD KINGS RIVER BRIDGE REPLACEMENT

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration (SCH No.: 2020049051) adopted by the California Department of Transportation on August 10, 2020, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration (LSA) Agreement (EPIMS No. KIN-13591) 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. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, and collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed.
  - 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 their 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 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.** Delineation of Project Site 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 areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 5.9.** Project Access. Project-related personnel shall access the Project Area using existing routes, and from all four corners of the bridge. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and paths below the top of bank. 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.
- 5.10.** 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 5.9 of this ITP.
- 5.11.** 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.
- 5.12.** CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.13.** 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 at the Project Site daily when Covered Activities occur within 1,000 feet of an active Covered Species nest. The Designated Biologist shall, on a daily basis, check for compliance with all measures of this ITP; observe any active Covered Species nest(s) and identify new active nest(s) within ½-mile of the Project Site; ensure that the Project Site delineation signage, staking, or fencing are intact; and ensure that Covered Activities are only occurring at the Project Site. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing the status of active Covered Species nests within ½-mile of the Project Site and general compliance with the ITP. These daily inspections and written records by the Designated Biologist may be reduced to once weekly between February 15 and August 15 if an active nest becomes non-active, or if no active nests occur at or within ½-mile of the Project Site. Observation and compliance inspections by the Designated Biologist are not required between August 15 and February 15 (outside the Covered Species nesting season).
- 6.4. Quarterly Compliance Report.** The Designated Representative or Designated Biologist shall compile the daily observation and inspection records identified in Condition of Approval 6.3 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to CDFW's offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative, Regional Office and Headquarters CESA Program. The first Quarterly Compliance Report shall be submitted within 30 days after the close of the calendar quarter wherein the Project Activities commenced. At the time of this ITP's approval, the CDFW Regional Representative is Javier Mendez ([javier.mendez@wildlife.ca.gov](mailto:javier.mendez@wildlife.ca.gov)), the Regional office email is [R4CESA@wildlife.ca.gov](mailto:R4CESA@wildlife.ca.gov), and the headquarters CESA Program email is [CESA@wildlife.ca.gov](mailto: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.

- 6.5. Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for the previous 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.
- 6.6. 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.
- 6.7. Nest Abandonment Contingency Plan.** The Designated Biologist shall prepare a Nest Abandonment Contingency Plan and submit it to CDFW for written approval no more than three (3) business days of commencing Covered Activities. The Nest Abandonment Contingency Plan shall include, but not be limited to, identify methods to access an abandoned nest, methods to secure landowner permission to access an abandoned nest, identification of capture methods, handling methods, methods to return SWHA back into the wild, and the identification of a wildlife rehabilitation center or veterinary facility.
- 6.8. 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.

- 6.9. 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. Swainson's Hawk (SWHA) Surveys.** If Project Activities will **commence during** the SWHA nesting season (February 15 through August 15), the Designated Biologist shall conduct pre-construction surveys and document the location and status of all active SWHA nests within 1,000 feet of the Project Site. If Project Activities will **commence outside** the SWHA nesting season but extend into the SWHA nesting season, the Designated Biologist shall begin SWHA surveys for active nests weekly beginning at the on-set of the SWHA nesting season (February 15). The Designated Biologist or Designated Representative shall provide the survey results to CDFW in a written report no more than five days after completing the surveys. The Designated Biologist or Designated Representative shall notify CDFW within 24 hours of the location of each new nest detected at and within 1,000 feet of the Project Site.
- 7.2. SWHA Nest Mapping.** As the Designated Biologist identifies active SWHA nests at and within 1,000 feet of the Project Site, the Designated Biologist shall map the nests and make them known to all employees and contractors with access to the Project Site and shall provide initial mapping of the nests in the SWHA Survey Report (as required in Condition of Approval 7.1 above) to CDFW (i.e., by email) no more than five days after completing surveys and within 24 hours of each new nest detection following the start of Covered Activities.
- 7.3. SWHA Nest Monitoring.** If an active SWHA nest is found at or within 1,000 feet of the Project Site, the Designated Biologist(s) shall be present daily to monitor the behavior of the nesting SWHA(s). The Designated Biologist shall monitor the nest for the entire duration of any Covered Activities until the young have fledged or the

Designated Biologist determines that the young are no longer dependent on the nest or parental care. The Designated Biologist(s) shall have the authority to order the cessation of all Covered Activities if the bird(s) exhibits distress and/or abnormal nesting behavior (swooping/stooping, excessive vocalization (distress calls), agitation, failure to remain on nest, failure to deliver prey items for an extended time period, failure to maintain nest, etc.) which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Permittee shall not resume Covered Activities until CDFW has been consulted by the Designated Biologist and with written CDFW approval.

If no active SWHA nests are found at or within 1,000 feet of the Project Site, weekly observations shall be conducted through July 1 to identify new arrivals nesting within 1,000 feet of the Project Site, which, if discovered, shall trigger the daily monitoring and records required under this Condition of Approval and Condition of Approval 7.2.

- 7.4. SWHA Nest Buffers.** The Permittee and Designated Biologist(s) shall ensure that no Covered Activities occur within 100 feet of a SWHA nest, except for equipment moving within 50-100 feet of a SWHA nest. Worker foot traffic, water and restroom facilities, employee break areas, and worker vehicle parking is prohibited within 500 feet of any active SWHA nest. The no-disturbance buffers shall not be reduced or otherwise modified without first consulting with and receiving written CDFW approval. An email will suffice for CDFW written approval.
- 7.5. SWHA Injury.** If a SWHA 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. Permittee shall identify the facility and shall bear any costs associated with the care or treatment of such injured SWHA. The Permittee shall notify CDFW of the injury to the SWHA immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.8. Notification shall include the name of the facility where the animal was taken.
- 7.6. SWHA Nest Abandonment.** If a SWHA nest is abandoned and nestlings are still alive, the Permittee shall notify CDFW immediately and initiate action to salvage any abandoned eggs in accordance with the CDFW-approved Nest Abandonment Contingency Plan (Condition of Approval 6.7). If the young have already hatched, they shall be retrieved and returned to the wild using methods acceptable to CDFW and approved by CDFW in the Nest Abandonment Contingency Plan. The Permittee shall fund the recovery and hacking (controlled release) of the nestlings.
- 7.7. Equipment Fueling.** Permittee shall ensure that mobile equipment fueling, and maintenance occur at least 1,000 feet from any SWHA nest. Permittee shall locate permanent and temporary equipment fueling and maintenance areas at a distance of at least 100 feet from any known or potential animal den or burrow and

1,000 feet from active SWHA nests, and shall include permanent containment devices that will preclude fuel or other liquids from exiting the equipment fueling or maintenance area in the event of a spill or leak. Permittee shall ensure that sufficient spill containment and cleanup equipment are present at all mobile, temporary, and permanent equipment fueling and maintenance locations.

- 7.8. Lighting.** Permittee shall ensure that no permanent or temporary, fixed, exterior lighting, including motion-triggered security lighting, will cast light on SWHA habitat beyond the footprint of permanent or temporary Project facilities between sunset and sunrise. Permittee shall not use motion-triggered lighting (including visible spectrum and infrared) within the Project Site.

**8. Compensatory Mitigation:**

CDFW has determined that the permanent protection and perpetual management of compensatory nesting habitat for the Covered Species is necessary and required pursuant to CESA, to fully mitigate the Project-related impacts of the taking on the Covered Species that will result from the Covered Activities at the Project Site during the term of this ITP. This determination is based on factors including an assessment of the importance of Covered Species nesting habitat at and in the vicinity of the Project Site, the extent to which the Covered Activities will impact the Covered Species reproduction within that habitat, and CDFW's estimate of the Covered Species habitat required to provide for adequate compensation.

To meet this requirement, the Permittee shall purchase four (4) acres of Covered Species habitat credits from a CDFW-approved mitigation or conservation bank with a service area that encompasses the Project Area. The Covered Species credits shall provide for the long-term benefit of the Covered Species. The CDFW-approved conservation bank shall: have a service area that encompasses the Project Area, be known to provide habitat to support the Covered Species, have been conserved in perpetuity through a conservation easement, and have funds for long-term management of the conserved lands. Endowment costs shall be included in the sale price of the mitigation or conservation bank credits.

- 8.1. Covered Species Credits.** Permittee shall purchase four (4) acres of Covered Species credits from a CDFW-approved mitigation or conservation bank with a service area that encompasses the Project Area and provide proof of credit purchase to CDFW prior to commencement of Covered Activities under this ITP.

**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. Compliance with Other Laws:**

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

**XII. Notices:**

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 (2081-2022-046-04) in a cover letter and on any other associated documents.

Incidental Take Permit  
No. 2081-2022-046-04  
CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STRATFORD KINGS RIVER BRIDGE REPLACEMENT

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager  
California Department of Fish and Wildlife  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93721  
Telephone (559) 243-4014  
R4CESA@wildlife.ca.gov

and a copy to:

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

Javier Mendez, Environmental Scientist  
California Department of Fish and Wildlife  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
[javier.mendez@wildlife.ca.gov](mailto:javier.mendez@wildlife.ca.gov)

**XIII. Compliance with the California Environmental Quality Act:**

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, California Department of Transportation. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Stratford Kings River Bridge Replacement Project Mitigated Negative Declaration and Initial Study, (SCH No.: 2020049051) dated August 2020 that the California Department of Transportation adopted for Stratford Kings River Bridge Replacement Project on August 10, 2020. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's Mitigated Negative Declaration for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not

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result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

#### **XIV. Findings Pursuant to CESA:**

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

CDFW finds based on substantial evidence in the ITP application, Stratford Kings River Bridge Replacement Initial Study and Mitigated Negative Declaration, 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) compensatory mitigation through the purchase of Covered Species credits; (2) establishment of no-disturbance buffers; (3) worker education; and (4) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the vicinity of the Project Site, the extent to which the Covered Activities will impact successful breeding, and CDFW's estimate of the breeding habitat required to provide for adequate compensation. Based on this evaluation, CDFW determined that the purchase of Covered Species credits along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;

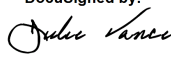
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the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

**XV. Attachments:**

FIGURE 1	Site Location Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON**

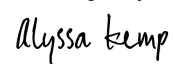
11/7/2022

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

**ACKNOWLEDGMENT**

The undersigned: (1) warrants that they are 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.

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 641ECE5BF3E94C2...

By: \_\_\_\_\_

Date: 11/8/2022

Printed Name: Alyssa Kemp

Title: Acting Senior Env. Planner (NS)

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Figure 1. Site Location Map



**Attachment 1**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2022-046-04**

**PERMITTEE: California Department of Transportation**

**PROJECT: Stratford Kings River 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	Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, and collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	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.	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	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	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	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 areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.	ITP Condition # 5.8	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
7	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	
8	To meet this requirement, the Permittee shall purchase four (4) acres of Covered Species habitat credits from a CDFW-approved mitigation or conservation bank with a service area that encompasses the Project Area. The Covered Species credits shall provide for the long-term benefit of the Covered Species. The CDFW approved conservation bank shall: have a service area that encompasses the Project Area, be known to provide habitat to support the Covered Species, have been conserved in perpetuity through a conservation easement, and have funds for long-term management of the conserved lands. Endowment costs shall be included in the sale price of the mitigation or conservation bank credits.	ITP Condition # 8	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	Permittee shall purchase four (4) acres of Covered Species credits from a CDFW-approved mitigation or conservation bank with a service area that encompasses the Project Area and provide proof of credit purchase to CDFW prior to commencement of Covered Activities under this ITP.	ITP Condition # 8.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
<b>DURING CONSTRUCTION</b>					
10	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 their 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.	ITP Condition # 5.3	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
11	The Designated Biologist 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.	ITP Condition # 5.5	Entire Project	Permittee	
12	Project-related personnel shall access the Project Area using existing routes, and from all four corners of the bridge. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and paths below the top of bank. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 5.9	Entire Project	Permittee	
13	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 5.9 of this ITP.	ITP Condition # 5.10	Entire Project	Permittee	
14	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 # 5.11	Entire Project	Permittee	
15	Permittee shall provide CDFW staff with reasonable access to the Project, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	ITP Condition # 5.12	Entire Project	Permittee	
16	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.	ITP Condition # 6.2	Entire Project	Permittee	
17	The Designated Biologist shall be at the Project Site daily when Covered Activities occur within 1,000 feet of an active Covered Species nest. The Designated Biologist shall, on a daily basis, check for compliance with all measures of this ITP; observe any active Covered Species nest(s) and identify new active nest(s) within ½-mile of the Project Site; ensure that the Project Site delineation signage, staking, or fencing are intact; and ensure that Covered Activities are only occurring at the Project Site. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing the status of active Covered Species nests within ½-mile of the Project Site and general compliance with the ITP. These daily inspections and written records by the Designated Biologist may be reduced to once weekly between February 15 and August 15 if an active nest becomes non-active, or if no active nests occur at or within ½-mile of the Project Site. Observation and compliance inspections by the Designated Biologist are not required between August 15 and February 15 (outside the Covered Species nesting season).	ITP Condition # 6.3	Entire Project	Permittee	



	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
18	The Designated Representative or Designated Biologist shall compile the daily observation and inspection records identified in Condition of Approval 6.3 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to CDFW's offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative, Regional Office and Headquarters CESA Program. The first Quarterly Compliance Report shall be submitted within 30 days after the close of the calendar quarter wherein the Project Activities commenced. At the time of this ITP's approval, the CDFW Regional Representative is Javier Mendez (javier.mendez@wildlife.ca.gov), the Regional office email is R4CESA@wildlife.ca.gov and the 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 # 6.4	Entire Project	Permittee	
19	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 the previous 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.	ITP Condition # 6.5	Entire Project	Permittee	
20	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 # 6.6	Entire Project	Permittee	
21	The Designated Biologist shall prepare a Nest Abandonment Contingency Plan and submit it to CDFW for written approval no more than three (3) business days of commencing Covered Activities. The Nest Abandonment Contingency Plan shall include, but not be limited to, identify methods to access an abandoned nest, methods to secure landowner permission to access an abandoned nest, identification of capture methods, handling methods, methods to return SWHA back into the wild, and the identification of a wildlife rehabilitation center or veterinary facility.	ITP Condition # 6.7	Entire Project	Permittee	
22	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 # 6.9	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
23	If Project Activities will commence during the SWHA nesting season (February 15 through August 15), the Designated Biologist shall conduct pre-construction surveys and document the location and status of all active SWHA nests within 1,000 feet of the Project Site. If Project Activities will commence outside the SWHA nesting season but extend into the SWHA nesting season, the Designated Biologist shall begin SWHA surveys for active nests weekly beginning at the on-set of the SWHA nesting season (February 15). The Designated Biologist or Designated Representative shall provide the survey results to CDFW in a written report no more than five days after completing the surveys. The Designated Biologist or Designated Representative shall notify CDFW within 24 hours of the location of each new nest detected at and within 1,000 feet of the Project Site.	ITP Condition # 7.1	Entire Project	Permittee	
24	As the Designated Biologist identifies active SWHA nests at and within 1,000 feet of the Project Site, the Designated Biologist shall map the nests and make them known to all employees and contractors with access to the Project Site and shall provide initial mapping of the nests in the SWHA Survey Report (as required in Condition of Approval 7.1 above) to CDFW (i.e., by email) no more than 5 days after completing surveys and within 24 hours of each new nest detection following the start of Covered Activities.	ITP Condition # 7.2	Entire Project	Permittee	
25	If an active SWHA nest is found at or within 1,000 feet of the Project Site, the Designated Biologist(s) shall be present daily to monitor the behavior of the nesting SWHA(s). The Designated Biologist shall monitor the nest for the entire duration of any Covered Activities until the young have fledged or the Designated Biologist determines that the young are no longer dependent on the nest or parental care. The Designated Biologist(s) shall have the authority to order the cessation of all Covered Activities if the bird(s) exhibits distress and/or abnormal nesting behavior (swooping/stooping, excessive vocalization (distress calls), agitation, failure to remain on nest, failure to deliver prey items for an extended time period, failure to maintain nest, etc.) which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Permittee shall not resume Covered Activities until CDFW has been consulted by the Designated Biologist and with written CDFW approval.  If no active SWHA nests are found at or within 1,000 feet of the Project Site, weekly observations shall be conducted through July 1 to identify new arrivals nesting within 1,000 feet of the Project Site, which, if discovered, shall trigger the daily monitoring and records required under this Condition of Approval and Condition of Approval 7.2.	ITP Condition # 7.3	Entire Project	Permittee	
26	The Permittee and Designated Biologist(s) shall ensure that no Covered Activities occur within 100 feet of a SWHA nest, except for equipment moving within 50-100 feet of a SWHA nest. Worker foot traffic, water and restroom facilities, employee break areas, and worker vehicle parking is prohibited within 500 feet of any active SWHA nest. The no disturbance buffers shall not be reduced or otherwise modified without first consulting with and receiving written CDFW approval. An email will suffice for CDFW written approval.	ITP Condition # 7.4	Entire Project	Permittee	
27	If a SWHA 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. Permittee shall identify the facility and shall bear any costs associated with the care or treatment of such injured SWHA. The Permittee shall notify CDFW of the injury to the SWHA immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.8. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 7.5	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
28	If a SWHA nest is abandoned and nestlings are still alive, the Permittee shall notify CDFW immediately and initiate action to salvage any abandoned eggs in accordance with the CDFW approved Nest Abandonment Contingency Plan (Condition of Approval 6.7). If the young have already hatched, they shall be retrieved and returned to the wild using methods acceptable to CDFW and approved by CDFW in the Nest Abandonment Contingency Plan. The Permittee shall fund the recovery and hacking (controlled release) of the nestlings.	ITP Condition # 7.6	Entire Project	Permittee	
29	Permittee shall ensure that mobile equipment fueling, and maintenance occur at least 1,000 feet from any SWHA nest. Permittee shall locate permanent and temporary equipment fueling and maintenance areas at a distance of at least 100 feet from any known or potential animal den or burrow and 1,000 feet from active SWHA nests, and shall include permanent containment devices that will preclude fuel or other liquids from exiting the equipment fueling or maintenance area in the event of a spill or leak. Permittee shall ensure that sufficient spill containment and cleanup equipment are present at all mobile, temporary, and permanent equipment fueling and maintenance locations.	ITP Condition # 7.7	Entire Project	Permittee	
30	Permittee shall ensure that no permanent or temporary, fixed, exterior lighting, including motion-triggered security lighting, will cast light on SWHA habitat beyond the footprint of permanent or temporary Project facilities between sunset and sunrise. Permittee shall not use motion-triggered lighting (including visible spectrum and infrared) within the Project Site.	ITP Condition # 7.8	Entire Project	Permittee	
<b>POST-CONSTRUCTION</b>					
31	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 # 5.13	Post-construction	Permittee	
32	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.	ITP Condition # 6.8	Post-construction and after completion of mitigation	Permittee	
33	CDFW Accepts the Final Mitigation Report as complete.	ITP Condition # 6.8	Post-construction and after completion of mitigation	CDFW	





Department of Fish and Wildlife

**BIOLOGIST RESUME FORM**

*This form requests information about the qualifications of the Qualified Biologist, Designated Biologist and Biological Monitor specified in California Endangered Species Act Incidental Take Permits (ITP) and Lake or Streambed Alteration (LSA) Agreements issued by California Department of Fish and Wildlife (CDFW).*

*Completing this form will ensure the receipt of adequate information and expedite CDFW review of qualifications.*

**SECTION I. NAME AND CONTACT INFORMATION**

Name:		Title:	
Company Name & Address:		Phone:	
		Email:	

**SECTION II. EDUCATION**

College/University & Degree Type Related to Natural Resource Science:	
Other Relevant Workshops & Training:	

**SECTION III. ROLE(S) AND PERMIT REQUIREMENTS**

Requested Role(s):	
Relevant LSA Agreement Measures or ITP Conditions <sup>2</sup> :	

**SECTION IV. SPECIES AND RESOURCE EXPERIENCE – SUMMARY**

*This section summarizes experience by special status species and other resource. Use one row for each species or other resource where surveys or special protections are required in the CESA ITP or LSA Agreement for which biologist approval is requested.<sup>3</sup> If more space is needed, add rows to this table. Provide details in Section 5.*

Species or Resource	Number of Field Seasons & Hours, Life Stages Observed <i>Provide project details in Section 5</i>	Life History Knowledge <i>Describe formal workshops &amp; training with dates, or informal training details</i>	CDFW SCP, MOU, & USFWS 10a1a Authorization Number & Authorized Activities <i>This form does not fulfill SCP, MOU, &amp; USFWS 10a1a reporting requirements</i>
Insert Species or Resource 1	Field seasons: Hours: Life Stages:		Issued to: Expiration: Agency contact:
Insert Species or Resource 2	Field seasons: Hours: Life Stages:		Issued to: Expiration: Agency contact:
Insert Species or Resource 3	Field seasons: Hours: Life Stages:		Issued to: Expiration: Agency contact:

<sup>2</sup> List all measures and conditions from the LSA Agreement or ITP requiring biological staff (i.e., Qualified Biologist, Designated Biologist, or Biological Monitor).

<sup>3</sup> Often LSA Agreements/ITPs require surveys and other protections for multiple species and other resources. Include only those for which the biologist has experience and is requesting approval.

**SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS**

*This section details experience from the three most recent and relevant projects for each species and resource identified in Section 4. If more space is needed, attach additional pages in the same table format (i.e., copy/paste format).*

<b>A. Species or Resource:</b>			
Project 1 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s) <sup>4</sup> :	
Survey Type(s) <sup>5</sup> :		Construction Monitoring <sup>6</sup> :	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB <sup>7</sup> (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 2 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 3 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:

<sup>4</sup> Insert the role as described in the associated LSA Agreement, ITP or other agency permit. If these permits were not issued, describe the role based on the duties, e.g., "lead biologist with handling authorization" or "biological monitor."

<sup>5</sup> For example, pre-construction survey or description of the protocol or guideline followed.

<sup>6</sup> Include the number of days and describe the types of activities monitored (e.g., heavy equipment operation).

<sup>7</sup> CNDDDB is the abbreviation for California Natural Diversity Database.

**Project Name:**  
**LSA Agreement/ITP Number(s):**

Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Additional Information:			

<b>B. Species or Resource:</b>			
Project 1 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 2 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 3 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:

**Project Name:**  
**LSA Agreement/ITP Number(s):**

Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Additional Information:			

<b>C. Species or Resource:</b>			
Project 1 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 2 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 3 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:



**Project Name:**  
**LSA Agreement/ITP Number(s):**

Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why: CDFW and Other Agency Email:			
Additional Information:			