

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
NORTH CENTRAL REGION
1701 NIMBUS ROAD
RANCHO CORDOVA, CA 95670



AMENDMENT NO. 1
(A Major Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2021-065-02-A1
Butte County Public Works
Ord Ferry Road at Little Chico Creek Bridge Replacement Project in Butte County

INTRODUCTION

On August 5, 2022, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2021-065-02 (ITP) to Butte County Public Works (Permittee) authorizing take of giant garter snake (GGS, *Thamnophis gigas*) and Central Valley spring-run Chinook salmon (CVSR, *Oncorhynchus tshawytscha*) (collectively, the Covered Species) associated with and incidental to the Ord Ferry Road at Little Chico Creek Bridge Replacement project in Butte, California (Project). The Project as described in the ITP originally issued by CDFW includes removal of the structurally deficient existing bridge and construction of a new wider bridge. In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

To fully mitigate project-related impacts to Covered Species, the ITP required the purchase of 0.56 acres of GGS upland credits, 0.09 acres of GGS aquatic credits, and 0.07 acres of CVSR credits from a CDFW-approved conservation bank (Bank). After issuance of the ITP, Permittee purchased all required GGS credits; however, there are currently no CVSR Bank credits available for purchase in the North Central Region. As there are no Banks with available CVSR credits, the ITP is being amended to include alternative options to fully mitigate project-related impacts to CVSR.

To fully mitigate project-related impacts to CVSR, Permittee shall design and implement a shaded riverine restoration project at the CDFW-owned Butte Creek Ecological Reserve (Reserve). The 2018 Camp Fire destroyed nearly all shaded riverine habitat within the Reserve. The Project will restore 0.07 acres of CVSR habitat by planting riparian trees and maintaining them for 3 years. Once mature, the riparian trees will shade Butte Creek to the benefit of CVSR. The area to be restored is located on a stretch of Butte Creek that provides CVSR migration and rearing habitat.

This Major Amendment No. 1 (Amendment) makes the following changes to the existing ITP and Mitigation Monitoring and Reporting Program (MMRP):

First, this Amendment updates the methods of compensatory mitigation to fully mitigate Project impacts to CVSR.

Second, this Amendment updates the required Security amount to reflect the costs of both proposed and completed compensatory mitigation.

AMENDMENT

Despite the removal of Condition of Approval 9.2 via this Amendment, the remaining Conditions of Approval numbering will be unchanged. The ITP is amended as follows (amended language in ***bold italics***; deleted language in ~~strike through~~):

1. Condition 9 of the ITP and MMRP shall be amended to read:

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

Permittee has satisfied permanent and perpetual management of compensatory habitat for GGS by purchasing 0.66 acres of GGS credits from the Colusa Basin Mitigation Bank. Permittee has submitted to CDFW a copy of the Bill of Sale and Payment Receipt for the credit purchase.

To meet this requirement ***for CVSR***, ~~the Permittee shall purchase 0.09 acres of GGS aquatic credits, 0.56 acres of GGS upland credits, and 0.07 acres of CVSR credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 9.2 below;~~ ***Permittee shall design and implement a 0.07-acre CVSR habitat restoration project at the Butte Creek Ecological Reserve. Permittee shall submit to CDFW for review and approval a CVSR Habitat Restoration Plan (CHRP) that includes the following information: 1) an aerial map of the 0.07-acres of CVSR habitat to be restored; 2) a description of the existing physical conditions of the proposed restoration site, including water resources and habitat types; 3) a plan for the preparation of the restoration site, including the removal of nonnative plant species; 4) a planting plan,***

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including the riparian tree species that will be planted on-site, quantity, and location; 5) monitoring and maintenance measures and a timeline; 6) an irrigation plan; 7) procedures to ensure that nonnative plants are not introduced or allowed to sustain within the creation or restoration site and a nonnative plant removal plan; and 8) success standards with contingency measures. Monitoring and maintenance of the restoration site shall be conducted annually for three (3) years. ~~Purchase of Covered Species credits~~ **Implementation of the restoration project** must be complete before starting Covered Activities, or within 18 months of the effective date of this **Amendment ITP** if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations.

The Permittee shall also restore on-site 1.54 acres of upland and 0.17 acres of aquatic Covered Species habitat temporarily impacted by the Project, pursuant to Condition of Approval 9.4 below.

9.1. Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete **the remaining** acquisition, protection, and perpetual management of the Habitat Management (HM) lands and restoration of temporarily disturbed habitat as follows:

9.1.1. ~~Purchase 0.56 acres of GGS upland credits and 0.09 acres of GGS aquatic credits from a CDFW-approved conservation or mitigation bank pursuant to Condition of Approval 9.2 below, estimated at \$58,500. Purchase of **Restore** 0.07 acres of CVSR habitat at the **Butte Creek Ecological Reserve and maintain the restoration area for 3 years** credits from a CDFW-approved conservation or mitigation bank pursuant to Condition of Approval 9.2 below, estimated at \$16,000 \$14,000. Total credit purchase costs for the Project area estimated at \$72,500.~~

9.1.2. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 9.4, calculated at \$80,000/upland acre for 1.54 acres: \$123,200 and \$50,000/aquatic acre for 0.17 acres: \$8,500, for a total restoration cost of **\$131,700**.

9.2. Covered Species Credits. ~~If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 0.09 acres of GGS aquatic credits, 0.56 acres of GGS upland credits, and 0.07 acres of CVSR credits from a CDFW-approved mitigation or conservation bank prior to starting Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation~~

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~~bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.~~

9.3. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.

9.4. Habitat Restoration. Permittee shall restore to pre-project or better conditions the 1.54 acres of upland and 0.17 acres of aquatic Covered Species habitat that will be temporarily disturbed during construction. Within 120 days of the execution of this ITP, the Permittee shall prepare a Vegetation Restoration Plan (Plan) to facilitate restoration of the 1.71 acres of temporary construction disturbance on-site and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include the following:

9.4.1. Detailed specifications for restoring site elevations and vegetative cover of all temporarily disturbed areas to pre-project conditions;

9.4.2. A local California native plant palette and planting plan including seed mixes and application methods and species and number of trees to be planted;

9.4.3. An irrigation plan;

9.4.4. Procedures to ensure nonnative plants are not allowed to sustain within the creation or restoration site and a nonnative plant removal plan;

9.4.5. Success standards with contingency measures.

10. Security: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

10.1. Security Amount. The Security shall be in the amount of ~~\$147,700~~ ~~\$204,200~~ or in the amount identified in 9.1 specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Conditions of Approval 9.1 above, sufficient for CDFW or its contractors to purchase credits at a CDFW-approved conservation bank and restore the site to pre-project conditions.

- 10.2. Security Form.** The Security shall be in the form of an irrevocable letter of credit (see Attachment 3), or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 10.3. Security Timeline.** The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 10.4. Security Holder.** The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 10.5. Security Transmittal.** Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.
- 10.6. Security Drawing.** The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 10.7. Security Release.** The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
- Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits;
 - Timely submission of all required reports; and,
 - The site has been restored to pre-project conditions consistent with the CDFW-approved Vegetation Restoration Plan.

Even if Security is provided, the Permittee must complete the required restoration no later than 30 days following the completion of construction. CDFW may require the Permittee to provide additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

All terms and conditions of the ITP and MMRP that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittee.

FINDINGS

Issuance of this Amendment will not increase the amount of take of the Covered Species compared to the Project as originally approved; nor will this Amendment increase Project impacts on these species (i.e., “impacts of taking” as used in Fish and Game Code Section 2081, subd. (b)(2)).

Discussion: This Amendment makes two specific changes to the ITP as originally issued. Changes include compensatory mitigation methods for impacts to CVSR and reduces the required Security amount to reflect the County’s purchase of GGS credits from a CDFW-approved conservation bank. Total impacts to the Covered Species remain unchanged.

CDFW has determined that changes to the method of compensatory mitigation and adjusting the Security amount will not increase the amount of take or the severity of other impacts of the taking on the Covered Species. Given the circumstances of this Project, CDFW believes that the changes to the Project or Conditions of the ITP described in this Amendment will not increase the total impacts to the Covered Species.

Issuance of this Amendment does not affect CDFW’s previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

Discussion: CDFW determined in August 2022 that the Project, as approved, met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to this Amendment because the Project and ITP as amended: (1) will not increase the amount of take of the Covered Species compared to the Project as originally approved, (2) will have no effect on the amount or severity of Project impacts on the Covered Species, as discussed above, and (3) does not substantively alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on the Covered Species. Permittee’s continued adherence to and implementation of the avoidance and minimization measures set forth in the ITP’s Conditions of Approval and MMRP will minimize and fully mitigate impacts of the taking on the Covered Species.

None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of this Amendment.

Discussion: CDFW issued the ITP in August 2022 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the Mitigated Negative Declaration adopted by Butte County as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment represents a major change in the Project as originally approved. However, for the reasons explained above, CDFW concludes this Amendment is not a change in the Project that has the potential to create a new significant effect not previously analyzed, a substantial change in the circumstances under which the Project is being undertaken requiring major revisions to previous CEQA documents, or new information of substantial importance. As a result, CDFW finds that no additional subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of this Amendment.

CDFW finds that this Amendment is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

Discussion: This Amendment changes the CVSR compensatory mitigation method from purchase of credits at a conservation bank to a habitat restoration project on conserved lands. This Amendment also reduces the Security amount required as the County has completed the purchase of GGS credits at a CDFW-approved conservation bank and provided a bill of sale as proof. As described above, these change the nature of the CVSR compensatory mitigation and Security funding only. Therefore, this Amendment will not significantly modify the scope or nature of the permitted Project or activity, but will significantly modify the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Major Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

The authorization provided by this Amendment is not valid until Permittee signs and dates the acknowledgement below via DocuSign, and/or returns one of the duplicate originals of this Amendment by registered first class mail to CDFW at:

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

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APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 3/24/2023

DocuSigned by:
Kevin Thomas
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Kevin Thomas
Regional Manager
North Central Region

ACKNOWLEDGMENT

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

By: *Terry Edwards*
25ADF009AC8B48B...

Terry Edwards

Printed Name: _____

Date: 3/27/2023

Assistant Director -Public

Title: Works

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Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2021-065-02-A1

PERMITTEE: Butte County Public Works

**PROJECT: ORD FERRY ROAD AT LITTLE CHICO CREEK 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
BEFORE DISTURBING SOIL OR VEGETATION					
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 # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Before starting Covered Activities, Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Biological 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 Biological Monitor(s) are knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist(s) and Biological 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 Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Biological Monitor(s) must be changed.	ITP Condition # 6.2	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 # 6.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	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.	ITP Condition # 6.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
5	If there are areas of Covered Species habitat within the Project Area that can be avoided, Permittee shall clearly delineate those areas with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of the avoided Covered Species' habitat.	ITP Condition # 6.10	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
6	No more than 24 hours prior to commencement of Covered Activities, the site shall be surveyed for the Covered Species by the Designated Biologist. The Designated Biologist shall survey all suitable habitat in the Project area (including all upland habitat within 200 feet of Covered Species aquatic habitat) and the Designated Biologist shall repeat the survey if a lapse in Covered Activities of fourteen (14) consecutive days or greater occurs. The Designated Biologist shall provide CDFW with a report documenting the survey results within 24 hours of commencement of Covered Activities.	ITP Condition # 8.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
7	Permittee shall develop a GGS Relocation Plan and submit it to CDFW for approval ten (10) calendar days prior to initiating Covered Activities. Permittee shall quantify the amount, relative location, and quality of suitable habitat (aquatic and terrestrial) for relocation areas, including invasive and non-native species present, available upland burrows, suitable prey items, and potential barriers for movement. Due to genetically distinct populations, relocation areas should be within the same watershed as the site and must be pre-approved in writing by the CDFW.	ITP Condition # 8.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
8	<p>The Permittee shall develop a detailed Dewatering and CVSR Rescue Plan and submit it to CDFW for approval at least ten (10) calendar days prior to initiating dewatering in Little Chico Creek. The CVSR Dewatering and Rescue Plan shall include, at a minimum, the following measures:</p> <ul style="list-style-type: none"> Only a CDFW-approved Designated Biologist with experience in CVSR capture and handling shall participate in the capture, handling, and monitoring of CVSR. Relocation activities shall be performed during the morning when temperatures are coolest. Hourly air and water temperatures shall be measured and recorded. Identify the most appropriate release location(s). Release locations shall provide suitable habitat elements for CVSR and shall be selected to minimize the likelihood of re-entering the work area. Pictures and a map of the release locations shall be included in the Dewatering and Rescue Plan. Little Chico Creek shall be dewatered by first installing a downstream cofferdam and then pumping water from within the Project area to downstream of the cofferdam. Dewatering pumps will comply with NMFS Southwest Region's Juvenile Fish Screen Pump Criteria for Pump Intakes. The outflow end of the pump will be equipped with a sediment filter to dissipate outlet flows and serve as backup filtration media. Water being pumped from pools would be drawn down incrementally by 50%, 75%, 90%, and 100% to facilitate fish capture and relocation. During dewatering efforts and prior to fully dewatering the Project Area, Covered Species in the work area shall be rescued and relocated. Efforts shall be made to reduce collecting and handling stress, minimize the time that CVSR are held in buckets, and minimize handling stress during processing and release. Covered Species shall not be held in containers with other <p>(continues on next page)</p>	ITP Condition # 8.3	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
8	<ul style="list-style-type: none"> species. If not immediately released, buckets must be kept in the shade and water temperatures monitored to be consistent with the temperature in the creek. Immediately after collection, CVSR shall be identified and counted. Capture methods may include dip nets. All nets shall be made of a soft braded nylon material that is nonabrasive. Mesh sizing shall be matched to species and the life stages likely encountered. Covered Species shall be processed first and released as soon as possible. Species name and length data will be recorded on data sheets, as well as time, date, location, gear type, water temperature, and any other pertinent observations of the Covered Species. Rescue operations may result in Covered Species mortality. If Covered Species suffer mortality, the Permittee shall preserve individuals by freezing or placing in a sealed container with 10 percent formalin solution. Information on time and exact location of any incidental take, method of take, length of time from death to preservation, water temperature, and any other relevant information will be recorded in writing. Permittee shall contact the CDFW regional representative for instructions on transmitting preserved individuals. After completing the rescue, a brief documentation report shall be prepared. The report shall include information on the personnel conducting the Covered Species rescue, methods used, numbers of Covered Species collected and relocated, relocation site information, length data, and estimate of the survival of Covered Species immediately after release. Photographs of the site and rescue operations shall be included. Any take of non-Covered Species shall be documented. The report shall be provided by the Permittee to CDFW within 10 days of the rescue effort. After the Covered Species rescue effort is completed, if additional Covered Species are observed, Project activities shall cease until those individuals have been relocated. The Designated Biologist shall remain at the site during dewatering to rescue additional Covered Species as necessary. 	ITP Condition # 8.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	Permittee shall establish ESAs in the Project area, by installing orange construction barrier fencing, to prevent encroachment of construction personnel and equipment into areas of Covered Species habitat that are outside of or adjacent to the Project footprint no more than five days prior to the commencement of Covered Activities. All potential Covered Species habitat that can be reasonably avoided during construction activities shall be identified as ESAs. All construction personnel shall avoid ESAs. The Permittee shall avoid ESAs when siting all Staging Areas, spoils disposal areas, and construction equipment access routes. The ESAs shall be identified on all engineering plans or construction specifications. The Designated Biologist shall inspect the fencing when onsite and the Permittee shall maintain the fencing until the completion of the Project. Fencing shall be removed upon completion of Covered Activities.	ITP Condition # 8.13	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
10	<p>Permittee shall install exclusionary fencing linearly, where feasible and safe to do so, in upland areas and adjacent to aquatic habitat to help prevent the Covered Species from traveling toward the Project area. The exclusionary fencing shall consist of 3-foot-tall silt fencing buried six (6) inches below ground level. Permittee shall install the fencing at least ten (10) feet from aquatic habitat to reduce the hazard of trenching into the Covered Species. Permittee shall place contiguous sandbags on the fence on the inside of the Project Area when trenching is not feasible. Permittee shall avoid damage to small mammal burrows to the maximum extent possible during installation of the exclusion fencing. Covered Species found during fence installation shall be relocated per Condition of Approval 8.4. The Designated Biologist(s) shall check the fencing each morning when onsite to ensure no Covered Species have moved into the Project area. Permittee shall ensure the fence is taut and the bottom edge remains buried. Permittee shall remove the fencing upon completion of the Project.</p>	ITP Condition # 8.14	Before commencing ground-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<p>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.</p> <p>Permittee has satisfied permanent and perpetual management of compensatory habitat for GGS by purchasing 0.66 acres of GGS credits from the Colusa Basin Mitigation Bank. Permittee has submitted to CDFW a copy of the Bill of Sale and Payment Receipt for the credit purchase.</p> <p>To meet this requirement for CVSR, Permittee shall design and implement a 0.07-acre CVSR habitat restoration project at the Butte Creek Ecological Reserve. Permittee shall submit to CDFW for review and approval a CVSR Habitat Restoration Plan (CHRP) that includes the following information: 1) an aerial map of the 0.07-acres of CVSR habitat to be restored; 2) a description of the existing physical conditions of the proposed restoration site, including water resources and habitat types; 3) a plan for the preparation of the restoration site, including the removal of nonnative plant species; 4) a planting plan, including the riparian tree species that will be planted on-site, quantity, and location; 5) monitoring and maintenance measures and a timeline; 6) an irrigation plan; 7) procedures to ensure that nonnative plants are not introduced or allowed to sustain within the creation or restoration site and a nonnative plant removal plan; and 8) success standards with contingency measures. Monitoring and maintenance of the restoration site shall be conducted annually for three (3) years. Implementation of the restoration project must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations.</p> <p>The Permittee shall also restore on-site 1.54 acres of upland and 0.17 acres of aquatic Covered Species habitat temporarily impacted by the Project, pursuant to Condition of Approval 9.4 below.</p> <p>For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete the remaining acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows:</p> <p>Restore 0.07 acres of CVSR habitat at the Butte Creek Ecological Reserve and maintain the restoration area for 3 years credits, estimated at \$16,000.</p> <p>Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 9.4, calculated at \$80,000/upland acre for 1.54 acres: \$123,200 and \$50,000/aquatic acre for 0.17 acres: \$8,500, for a total restoration cost of \$131,700.</p>	ITP Condition # 9.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
12	Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.	ITP Conditions #9.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
13	<p>Permittee shall restore to pre-project or better conditions the 1.54 acres of upland and 0.17 acres of aquatic Covered Species habitat that will be temporarily disturbed during construction. Within 120 days of the execution of this ITP, the Permittee shall prepare a Vegetation Restoration Plan (Plan) to facilitate restoration of the 1.71 acres of temporary construction disturbance on-site and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include the following:</p> <ul style="list-style-type: none"> • Detailed specifications for restoring site elevations and vegetative cover of all temporarily disturbed areas to pre-project conditions; • A local California native plant palette and planting plan including seed mixes and application methods and species and number of trees to be planted; • An irrigation plan; • Procedures to ensure nonnative plants are not allowed to sustain within the creation or restoration site and a nonnative plant removal plan; • Success standards with contingency measures. 	ITP Conditions #9.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
14	<p>The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ol style="list-style-type: none"> <u>Security Amount</u>. The Security shall be in the amount of \$147,700. This amount is based on the cost estimates identified in Condition 9.1 above; <u>Security Form</u>. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel; <u>Security Timeline</u>. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of the ITP, whichever occurs first; <u>Security Holder</u>. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW; <u>Security Transmittal</u>. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other; <u>Security Drawing</u>. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of the ITP; <u>Security Release</u>. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: <ul style="list-style-type: none"> Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits; Timely submission of all required reports; and, The site has been restored to pre-project conditions consistent with the CDFW-approved Vegetation Restoration Plan. <p>Even if Security is provided, the Permittee must complete the required restoration no later than 30 days following the completion of construction. CDFW may require the Permittee to provide additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition # 10	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
15	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 # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
16	No later than 10 days prior to the start of construction activities, submit a final plan set via email to the CDFW Regional Representative.	ITP Condition # 8.20	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
DURING CONSTRUCTION					
17	The Designated Biologist shall be on-site daily during clearing, grubbing, initial grading, dewatering, and during the installation and removal of the clear water diversions. Following the completion of these activities, the Designated Biologist shall conduct monthly 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.	ITP Condition # 7.3	Entire Project	Permittee	
18	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 # 7.2	Entire Project	Permittee	
19	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 # 6.6	Entire Project	Permittee	
20	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 # 6.7	Entire Project	Permittee	
21	Permittee shall install erosion control structures and materials concurrently with construction. Permittee shall construct and install these structures and materials, so runoff is directed away from ESAs. Permittee shall use tightly woven fiber netting (mesh size less than 0.25 inch) or similar material for erosion control or other purposes at the Project site to ensure the Covered Species and other reptiles or amphibians are not trapped by the erosion control material. Permittee shall not use plastic monofilament or wire mesh in the straw wattles or erosion control blankets. Only erosion control materials (blankets, rolls, mats, etc.) with natural coir fibers or other netting approved by the wildlife agencies shall be used. The edge of the material shall be buried in the ground to prevent the Covered Species and other reptiles and amphibians from crawling underneath the material. Erosion control structures and materials shall direct water flow into existing drainages or disperse water across vegetated areas. 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.	ITP Condition # 6.8 and 8.17	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
22	Project-related personnel shall access the Project Area using existing routes and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 6.11	Entire Project	Permittee	
23	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.11 of this ITP.	ITP Condition # 6.12	Entire Project	Permittee	
24	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 # 6.13	Entire Project	Permittee	
25	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 # 6.14	Entire Project	Permittee	
26	The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.	ITP Condition # 6.5	Entire Project	Permittee	
27	Stream Diversions/Dewatering. Once all Covered Species have been relocated the Permittee shall finish dewatering all suitable Covered Species aquatic habitat and install stream diversion(s). Construction activities shall not occur within aquatic habitat until all dewatering and stream diversion installation are complete and the aquatic habitat has remained dry for 48 hours. Stream flow(s) shall be diverted using gravity flow through temporary culverts, pipes, k-rails. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as, gravel bags, water dams, or clean/washed river gravel which will cause little or no siltation. Stream diversions, including a majority of the clean river gravel, shall be removed and the channel restored prior to the closing of the in-water work window each construction season.	ITP Condition # 8.4	Entire Project	Permittee	
28	Permittee shall divert flow in a manner that prevents turbidity, siltation, or pollution and provides flows downstream. Flows downstream shall be provided during all times that the natural flow would have supported aquatic life. Said flows shall be sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion.	ITP Condition # 8.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
29	All water diversion facilities shall be designed, constructed, and maintained so they do not prevent, impede, or tend to prevent or impede the passing of fish downstream, as required by Fish and Game Code section 5901. This includes, but is not limited to, maintaining, or providing a supply of water at an appropriate depth and velocity to facilitate downstream migration of juvenile and adult salmonids.	ITP Condition # 8.6	Entire Project	Permittee	
30	Permittee shall restore normal flows to suitable Covered Species aquatic habitat immediately upon completion of each construction season.	ITP Condition # 8.7	Entire Project	Permittee	
31	Notwithstanding Section 6027 of the Fish and Game Code, fish screens shall be in place and maintained in working order at all times water is being diverted or dewatered.	ITP Condition # 8.8	Entire Project	Permittee	
32	If night work is necessary, lighting shall be selectively placed, shielded, and directed away from Covered Species' natural habitat. Night work shall be restricted to activities that are not in-water to ensure CVSR are allowed to migrate upstream and downstream (10pm to 8am are typical periods for the migration of the CVSR in their juvenile and adult life stages).	ITP Condition # 8.10	Entire Project	Permittee	
33	Permittee shall stockpile soil or grading spoils in the designated Staging Areas to avoid affecting previously undisturbed areas. Permittee shall install sediment barriers (e.g., silt fences, fiber rolls, and straw bales) around the base of the stockpiles to intercept runoff and sediment during storm events. If necessary, Permittee shall also cover stockpiles to provide additional protection against wind and water erosion.	ITP Condition # 8.11	Entire Project	Permittee	
34	Permittee shall confine clearing of vegetation and scraping or digging of soil to the minimal area necessary to facilitate construction activities, to the maximum extent feasible.	ITP Condition # 8.12	Entire Project	Permittee	
35	To prevent inadvertent entrapment of the Covered Species during construction, the Designated Biologist(s) and/or construction foreman/manager shall ensure all excavated, steep-walled holes or trenches more than 12-inches deep are provided with one or more escape ramps constructed of earthen fill or wooden planks at no greater than 30 degrees. These areas shall be inspected prior to sunrise each morning. Before such holes or trenches are filled, they shall be thoroughly inspected by either the Designated Biologist(s) and/or construction foreman/manager for trapped animals.	ITP Condition # 8.15	Entire Project	Permittee	
36	When onsite the Designated Biologist(s) shall perform a daily inspection to check under vehicles and equipment, along exclusion fences, and in debris piles/excavated pits for the Covered Species before the vehicles and equipment are moved. When the Designated Biologist is not onsite the Permittee is responsible for performing daily species checks. If a Covered species is observed, the Permittee and/or their worker shall notify the Designated Biologist(s). Activities with potential to take the Covered Species shall cease until the animal moves away from the Project area on its own or the Capture Biologist(s) moves the animal to a safe location nearby as determined by Condition of Approval 8.4.	ITP Condition # 8.16	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
37	The Designated Biologist shall be immediately notified by Project personnel if Project activities injure a Covered Species. The Designated Biologist shall immediately notify CDFW and the Capture and Handling Designated Biologist of the injured Covered Species and have the injured Covered Species transported to a CDFW approved wildlife rehabilitation or veterinarian facility. A clean snake bag shall be kept on-site to transport any injured Covered Species. Permittee shall identify the wildlife rehabilitation or veterinarian facility, and provide their authorizations to handle the Covered Species, that will receive and treat any injured or dead Covered Species before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Designated Biologist(s) shall provide notification to CDFW as detailed in Condition of Approval 7.8. Permittee shall also include the name and phone number for the facility where the Covered Species was taken.	ITP Condition # 8.19	Entire Project	Permittee	
38	To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist shall have authority to immediately stop any activity that is not in compliance with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species, or a species not covered by the ITP.	ITP Condition # 6.3	Entire Project	Permittee	
39	The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Senior Environmental Scientist, Melissa Murphy (melissa.murphy@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 # 7.4	Entire Project	Permittee	
40	Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species	ITP Condition # 7.5	Entire Project	Permittee	
41	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 # 7.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
42	Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all flagging, temporary fencing, barriers, 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 # 6.15 and 8.18	Post-construction	Permittee	
43	No later than 45 days after completion of all site restoration, 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 # 7.7	Post-construction and after completion of mitigation	Permittee	
44	CDFW accepts the Final Mitigation Report as complete.	ITP Condition # 7.7	Post-construction	CDFW	