

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

NORTH CENTRAL REGION
1701 NIMBUS ROAD
RANCHO CORDOVA, CA 95670

**AMENDMENT NO. 3**

(A Minor Amendment)

California Endangered Species Act
Incidental Take Permit No. 2081-2019-024-02-A3
Biggs-West Gridley Water District
Gray Lodge Water Supply Project in Butte County

INTRODUCTION

On August 1, 2019, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2019-024-02 (ITP) to Biggs-West Gridley Water District (Permittee), authorizing take of giant garter snake (*Thamnophis gigas*) (Covered Species) associated with and incidental to the Gray Lodge Water Supply Project in Butte County, California (Project). The Project as described in the ITP as originally issued by CDFW includes the structural modification of portions of the Biggs-West Gridley Water District's (Water District) water conveyance facilities. The Project includes approximately 5.64 linear miles of canals, plus a 200-foot buffer on each side of the canal centerline. The Project includes the construction of 31 minor modifications. The minor modifications consist primarily of concrete structure work including water control structures (in-canal check structures, turnouts, and headgates), county road crossings, farm road crossings, a railroad under-crossing, and drain crossings. Major modifications consist primarily of canal work involving raising, reshaping, or widening the canal banks, compacting embankment soils, and placing erosion control rock on side slopes. In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate Project impacts of the taking on the Covered Species and that issuance of the ITP would not jeopardize the continued existence of the Covered Species.

On October 15, 2020, the CDFW issued Minor Amendment No. 1 for this ITP. Amendment 1 made three specific changes to the ITP as originally issued: (1) the construction sequencing and methodology were changed resulting in a substantial reduction of the temporary impacts, (2) required notification of observations of Covered Species to be provided to CNDDB concurrently with submission of the Quarterly Compliance Report or Annual Status Report, and (3) updated the Project impacts to Covered Species pursuant to an impact assessment prepared on July 31, 2020.

On October 28, 2021, the CDFW issued Updated Major Amendment No. 2 for this ITP. Updated Amendment No. 2 made the following changes to the existing ITP and Mitigation Monitoring and Reporting Program (MMRP): (1) increased the total linear miles of canals within the Project from 5.64 miles to 6.36 miles, (2) updated Figure 2 of the ITP, and (3)

Minor Amendment No. 3
Incidental Take Permit 2081-2019-024-02
BIGGS WEST GRIDLEY IRRIGATION DISTRICT

updated the Project impacts to Covered Species habitat. Updated impacts were mitigated for by the purchase of 3.308 credits of GGS habitat from the Sutter Basin Conservation Bank.

On June 28, 2022, the CDFW received a request from the Permittee for Amendment No. 3, a Minor Amendment. This Minor Amendment No. 3 makes the following changes to the existing ITP and Mitigation Monitoring and Reporting Program (MMRP):

First, this Amendment updates the Principal Officer and Contact Person from Eugene Massa Jr. to Danny Robinson, General Manager of the Biggs-West Gridley Water District.

Second, this Amendment adds new areas of construction and staging including 3 new minor modification projects.

Third, this Amendment updates Figure 2 of the ITP which depicts the proposed timing of the work associated with Lower Belding and Schwind Laterals. In addition, Figure 3A is added to the ITP and shows the location of a new staging area located on Farris Road 0.1 miles south of the Lower Belding Lateral.

AMENDMENT

The ITP is amended as follows (amended language in ***bold italics***; deleted language in ~~strike through~~):

1. The first paragraph of the "Project Description" section on page 4 is updated as follows:

The Project includes the structural modification of portions of the Biggs-West Gridley Water District's (Water District) water conveyance facilities. The Project includes approximately 6.36 linear miles of canals, plus a 200-foot buffer on each side of the canal centerline. The Project includes the construction of ~~34~~ ***34*** minor modifications. The minor modifications consist primarily of concrete structure work including water control structures (in-canal check structures, turnouts, and headgates), county road crossings, farm road crossings, a railroad under-crossing, and drain crossings. The major modifications consist primarily of canal work involving raising, reshaping, or widening the canal banks, compacting embankment soils, and placing erosion control rock on side slopes. The main canal, undersized and in poor condition, needs to be widened and, in some reaches, deepened to increase flow capacity to meet water supply requirements. The levee embankments will be compacted to minimize seepage losses and water control structures will be replaced to accommodate adjusted locations and hydraulic capacity.

2. The last paragraph in the ITP under the heading "Impacts of the taking on Covered Species" on page 6 shall be amended to read: The Project is expected to cause the permanent loss of ~~2.758~~ **2.787** acres of upland habitat for the Covered Species, and temporary loss of ~~21.374~~ **21.272** acres of habitat for the Covered Species ~~4.320~~ **4.22** acres of aquatic habitat and ~~17.054~~ **17.052** acres of upland habitat). The Project is expected to result in the expansion of Covered Species habitat of ~~5.293~~ **5.276** acres. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts).

3. Condition 4. of the ITP shall be amended to read:

ESA Compliance: Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Formal Consultation on the Gray Lodge Wildlife Area Water Supply Infrastructure Improvement Project Phase 2 (~~08ESMF00-2019-F-1312-R003-1~~ **08ESMF00-2019-F-1312-R004-1**) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.

4. Figure 2 Project Phasing of the ITP shall be replaced by the figure attached to this document.
5. Figure 3A is added to the ITP and shows the location of a new staging area located on Farris Road 0.1 miles south of the Lower Belding Lateral.
6. Condition 9.1 of the ITP and MMRP shall be amended to read:

9.1 Covered Species Credits. In compliance with the originally issued ITP, Permittee purchased 10.8 acres of Covered Species credits from a CDFW-approved mitigation bank on August 2, 2019. On August 18, 2021, Permittee purchased an additional 3.22 acres of Covered Species credits from the Sutter Basin Conservation Bank to mitigate impacts associated with Amendment No. 2. In both cases, proof of payment was submitted to CDFW prior to starting any covered activities. ***A habitat "Impacts Verification" was conducted in November 2021 in compliance with ITP Condition 8.11, which confirmed the Project has a +0.39 acre/credit balance. Proposed work along the Lower Belding and Schwind Laterals added by Amendment No. 3 will result in permanent impacts of 0.046 acre (0.029 acre of upland habitat and 0.017 of aquatic habitat) and temporary impacts of 0.038 acres of upland habitat. Permittee shall mitigate these impacts by purchasing 0.25 credits of GGS habitat from a CDFW-approved conservation bank. The new total mitigation***

for this project is 14.358 acres of Covered Species Credits. Proof of Covered Species credit purchase shall be provided to CDFW prior to the start of work authorized by Amendment #3.

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 increase the amount of impacts to Covered Species' habitat, however, by continuing to implement the Conditions of Approval from the ITP including biological monitoring and by purchasing 0.25 acres of credits of additional GGS habitat at a CDF-approved conservation bank, it is not expected that this Amendment will substantially increase Project impacts as a whole on these species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).

Discussion: This Amendment makes three specific changes to the ITP as originally issued. Changes include new Project construction phasing, impacts update, and addition of new areas of staging and construction. These changes will result in permanent and temporary impacts to GGS habitat which will be fully mitigated for through the purchase of 0.25 credits at a CDFW-approved conservation bank. CDFW has determined that although these Project changes will result in additional impacts to Covered Species habitat, this Amendment will not substantially increase other Project impacts on these species because, in all other respects, the types of remediation activities authorized by the ITP remain unchanged.

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 2019, and reaffirmed in October 2020, August 2021, October 2021, and 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 significantly increase the amount or severity of Project impacts on the Covered Species, as discussed above, and (2) 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 2019, amended it in October 2020 and October 2021 and is issuing Amendment No. 3 in August 2022, as a lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), after, among other things, considering the mitigated negative declaration and subsequent addenda adopted June 17, 2019, by CDFW as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment represents a minor 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 Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

Discussion: This Amendment adds additional staging and construction areas and quantifies impacts resulting from the new project footprint and activities. These changes to the ITP will increase temporal and permanent habitat impacts on the Covered Species and require the purchase of additional 0.25 acres of credits as compensatory mitigation. Therefore, this Amendment will not significantly modify the scope of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Minor Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

The authorization provided by this Amendment is not valid until Permittee signs and dates the acknowledgement below, and 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

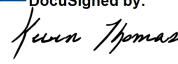
Minor Amendment No. 3
Incidental Take Permit 2081-2019-024-02
BIGGS WEST GRIDLEY IRRIGATION DISTRICT
Gray Lodge Water Delivery Project

Sacramento, CA 94244-2090

Alternatively, the Permittee shall email the digitally signed ITP to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5.

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

On 8/24/2022

DocuSigned by:

A2A0A9C574C3445...

Kevin Thomas
Regional Manager
North Central Region

ACKNOWLEDGMENT

The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of 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: Danny Robinson

Date: 8/26/2022

Printed Name: _____

DocuSigned by:

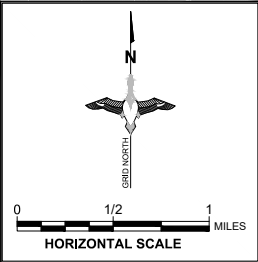
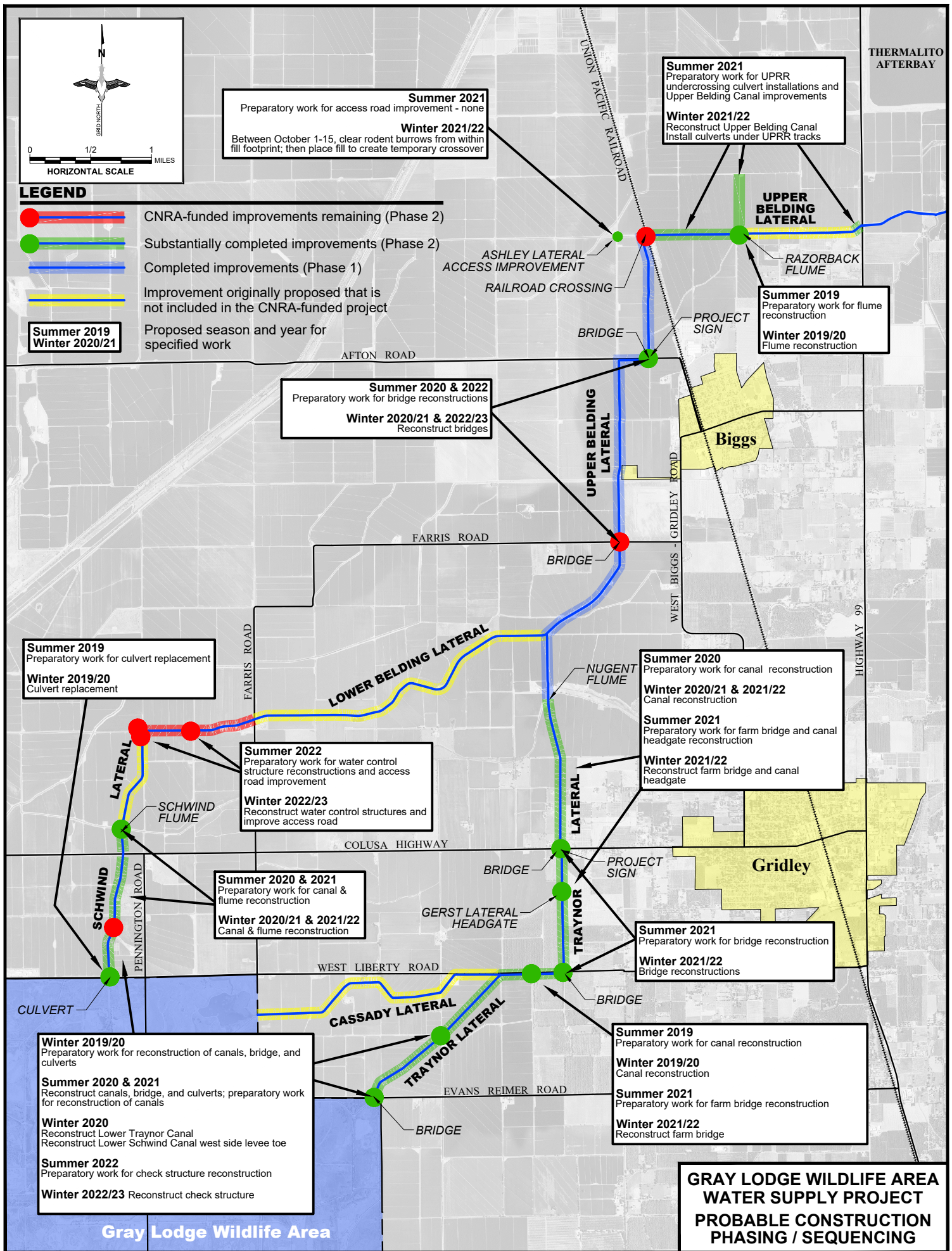
5B56188B7628474...

Title: General Manager

Attachments:

- New Figure 2 - Gray Lodge Wildlife Area Water Supply Project Probable Construction Phasing / Sequencing
- Figure 3 – Proposed Work Along or Near the Lower Belding Lateral
- Updated MMRP

Minor Amendment No. 3
Incidental Take Permit 2081-2019-024-02
BIGGS WEST GRIDLEY IRRIGATION DISTRICT
Gray Lodge Water Delivery Project



LEGEND

- CNRA-funded improvements remaining (Phase 2)
- Substantially completed improvements (Phase 2)
- Completed improvements (Phase 1)
- Improvement originally proposed that is not included in the CNRA-funded project

Summer 2019
Winter 2020/21

Proposed season and year for specified work

Summer 2021
Preparatory work for access road improvement - none

Winter 2021/22
Between October 1-15, clear rodent burrows from within fill footprint; then place fill to create temporary crossover

Summer 2021
Preparatory work for UPRR undercrossing culvert installations and Upper Belding Canal improvements

Winter 2021/22
Reconstruct Upper Belding Canal
Install culverts under UPRR tracks

Summer 2019
Preparatory work for flume reconstruction

Winter 2019/20
Flume reconstruction

Summer 2020 & 2022
Preparatory work for bridge reconstructions

Winter 2020/21 & 2022/23
Reconstruct bridges

Summer 2019
Preparatory work for culvert replacement

Winter 2019/20
Culvert replacement

Summer 2022
Preparatory work for water control structure reconstructions and access road improvement

Winter 2022/23
Reconstruct water control structures and improve access road

Summer 2020 & 2021
Preparatory work for canal & flume reconstruction

Winter 2020/21 & 2021/22
Canal & flume reconstruction

Summer 2020
Preparatory work for canal reconstruction

Winter 2020/21 & 2021/22
Canal reconstruction

Summer 2021
Preparatory work for farm bridge and canal headgate reconstruction

Winter 2021/22
Reconstruct farm bridge and canal headgate

Summer 2021
Preparatory work for bridge reconstruction

Winter 2021/22
Bridge reconstructions

Winter 2019/20
Preparatory work for reconstruction of canals, bridge, and culverts

Summer 2020 & 2021
Reconstruct canals, bridge, and culverts; preparatory work for reconstruction of canals

Winter 2020
Reconstruct Lower Traynor Canal
Reconstruct Lower Schwind Canal west side levee toe

Summer 2022
Preparatory work for check structure reconstruction

Winter 2022/23 Reconstruct check structure

Summer 2019
Preparatory work for canal reconstruction

Winter 2019/20
Canal reconstruction

Summer 2021
Preparatory work for farm bridge reconstruction

Winter 2021/22
Reconstruct farm bridge

**GRAY LODGE WILDLIFE AREA
WATER SUPPLY PROJECT
PROBABLE CONSTRUCTION
PHASING / SEQUENCING**



Figure 3A. Locations of proposed water control structure and access road improvements, staging area, and temporary use/work area.

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
CALIFORNIA ENDANGERED SPECIES ACT
Attachment 1**

INCIDENTAL TAKE PERMIT NO. 2081-2019-024-02-A3

PERMITTEE: **Biggs-West Gridley Water District**

PROJECT: **Gray Lodge Water Supply**

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 the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 6.1	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 and natural history 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 # 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 the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided for any new workers before their performing work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.	ITP Condition # 6.4	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 closed (animal-proof) containers and removed regularly (at least once a week) to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 6.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
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 # 6.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
6	Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes or flags. Permittee shall restrict all Covered Activities to within the fenced, staked or flagged areas. Permittee shall maintain all fencing, stakes and flags until the completion of Covered Activities in that area.	ITP Condition # 6.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 6.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	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	
9	No later than thirty (30) days prior to starting construction activities for each construction phase of the Project, Permittee shall submit for review 100 percent design and engineering plans prepared for this project for all construction activities covered under this Agreement. If new previously undisclosed impacts are discovered when reviewing the final plans, CDFW may require the implementation of new avoidance, minimization, and/or mitigation measures prior to starting construction activities covered under the ITP.	ITP Condition # 8.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
10	No later than 30 days before starting any construction activities a GGS Relocation Plan shall be submitted to CDFW for review and approval. The plan shall be tiered to each construction area and updated for each construction phase. The relocation plan shall include Covered Activities tagging methods and capture, handling and transportation methodologies. This plan shall identify the areas where Covered Species encountered will be relocated as well as identify emergency procedures if a Covered Species is injured by construction activities. For each proposed relocation site, the Permittee shall quantify the amount, relative location, and quality of suitable habitat (aquatic and terrestrial) including invasive and non-native species present, available upland burrows/refugia, suitable prey items, and potential barriers for movement. The plan shall include procedures if a Covered Species is killed by Covered Activities.	ITP Condition # 8.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
11	No later than 30 days prior to starting construction activities, Permittee shall submit to CDFW for review and approval a Construction GGS Avoidance Plan. The Plan shall incorporate all construction site specific avoidance, minimization, and construction methodologies that were developed by the GGS Working Group established by Permittee. This Plan shall include the location of all proposed Covered Species fencing and barriers proposed for each construction phase of the Project and site-specific dewatering plans. This plan shall be updated and approved by CDFW for each construction phase of the Project. Any changes to this plan shall be approved in writing by CDFW	ITP Condition # 8.4	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
12	No more than 24 hours prior to the commencement of Covered Activities at any individual Project Site, the Designated Biologist shall survey the entire Project site for the Covered Species. The Designated Biologist will provide the CDFW with a written report that adequately documents the monitoring efforts within 24 hours of commencement of Covered Activities. If a lapse in Covered Activities occurs two weeks or longer at a particular Project Site, and within suitable Covered Species habitat, the Designated Biologist shall re-survey the Project Site.	ITP Condition # 8.6	Before commencing ground- or vegetation-disturbing activities	Permittee	
13	In compliance with the originally issued ITP, Permittee purchased 10.8 acres of Covered Species credits from a CDFW-approved mitigation bank on August 2, 2019. On August 18, 2021, Permittee purchased an additional 3.22 acres of Covered Species credits from the Sutter Basin Conservation Bank to mitigate impacts associated with Amendment No. 2. In both cases, proof of payment was submitted to CDFW prior to starting any covered activities. A habitat "Impacts Verification" was conducted in November 2021 in compliance with ITP Condition 8.11, which confirmed the Project has a +0.39 acre/credit balance. Proposed work along the Lower Belding and Schwind Laterals added by Amendment No. 3 will result in permanent impacts of 0.046 acre (0.029 acre of upland habitat and 0.017 of aquatic habitat) and temporary impacts of 0.038 acres of upland habitat. Permittee shall mitigate these impacts by purchasing 0.25 credits of GGS habitat from a CDFW-approved conservation bank. The new total mitigation for this project is 14.358 acres of Covered Species Credits. Proof of Covered Species credit purchase shall be provided to CDFW prior to the start of work authorized by Amendment #3.	ITP Condition # 9.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
DURING CONSTRUCTION					
14	The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 6.5	Entire Project	Permittee	
15	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	Entire Project	Permittee	
16	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 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 6.11	Entire Project	Permittee	
17	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the areas identified as staging areas in Figure 2. 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 the ITP.	ITP Condition # 6.12	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
18	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	
19	Permittee shall provide CDFW staff with reasonable access to the Project Area and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 6.14	Entire Project	Permittee	
20	The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or the MMRP. The Designated Representative shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 7.2	Entire Project	Permittee	
21	The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP. The Designated Biologist shall conduct compliance inspections a minimum of one per month during periods of inactivity and at least weekly after clearing, grubbing, and grading are completed.	ITP Condition # 7.3	Entire Project	Permittee	
22	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 the ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Representative is CESA Desk, (R2CESA@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 7.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
23	Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year 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	
24	The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) concurrent with submission of the Quarterly Compliance Reports and ASR and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR.	ITP Condition # 7.6	Entire Project	Permittee	
25	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 emailing the Regional Office at R2CESA@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. Modifications to this two-day window shall be pre-approved by CDFW. 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. If more than a hundred (100) Covered Species are taken by the Covered Activities, Permittee shall consult with CDFW to review the Project circumstances which resulted in take of the Covered Species and to evaluate the efficiency of the measures implemented to reduce the take of Covered Species.	ITP Condition # 7.8	Entire Project	Permittee	
26	Uninjured Covered Species encountered during construction activities shall be allowed to move away from the area on their own volition. If this is not possible or work is occurring during the Covered Species inactive season, the Designated Biologist shall relocate Covered Species found within the Project Area to appropriate habitat in accordance with the approved Covered Species Relocation Plan (Condition of Approval 8.2) and monitor the Covered Species until it is determined that the Covered Species is not imperiled by predators or other dangers. The Designated Biologist shall notify CDFW following measure 7.8 of the ITP. Notification shall include the ITP number, date, time, location, circumstances of the incident, and any associated data (pictures, weight, length, sex, tag #, etc.).	ITP Condition # 8.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
27	<p>Permittee shall establish Environmentally Sensitive Areas (ESAs) on the Project Site to minimize the disturbance of Covered Species habitat from construction-related activities. Permittee shall erect ESA fencing as directed by the Designated Biologist(s), 200 feet from the edge of potential aquatic Covered Species habitat. The Designated Biologist(s) shall identify and flag all potential small mammal burrows within the Project area as ESAs. In addition, all potential Covered Species habitat that can be reasonably avoided during construction activities shall be identified as ESAs and shall be marked by the Designated Biologist(s). All construction personnel shall avoid ESAs during all phases of the Project. Permittee shall avoid ESAs when siting all staging areas, spoils disposal areas, borrow pits, and construction equipment access routes. The Designated Biologist(s) shall inspect the fencing before the start of each workday and the Permittee shall maintain the fencing until the completion of the Project. Permittee shall remove all fencing material upon completion of the Project.</p>	ITP Condition # 8.5	Entire Project	Permittee	
28	<p>At the end of each workday, Permittee shall place an escape ramp at each end of any open trench/pit to allow any animals that may have become trapped to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30 degrees. Alternatively, the Permittee may cover open pits/trenches and secure the material(s) used to cover the opening and ensure that no Covered Species may enter the trench/pit and be captured.</p> <p>The Designated Biologist(s) shall check all excavated open holes and trenches for Covered Species at the beginning, middle, and end of each day for trapped animals. If there are Covered Species trapped in these features, the Designated Biologist(s) shall remove and relocate the animal(s) to a safe location within suitable habitat (Condition of Approval 8.2). If the individual is found within the fenced Project Site, the Designated Biologist shall move the individual outside of the area of construction.</p> <p>Before Permittee fills trenches or holes, the Designated Biologist will thoroughly inspect them for trapped Covered Species. If at any time a trapped Covered Species is discovered by the Designated Biologist(s) or anyone else, the Designated Biologist(s) shall move the animal to a safe nearby location. If the individual is found within the fenced Project Site, the Designated Biologist(s) shall move the individual outside of the area of construction (see Condition of Approval 8.3).</p>	ITP Condition # 8.7	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
29	Permittee shall install erosion control structures concurrently with construction. Permittee shall ensure tightly woven fiber netting (mesh size less than 0.25 inch) or similar material for erosion control or other purposes at the Project Site is used to protect the Covered Species and other reptiles or amphibians from being trapped by the erosion control material. Coconut coir matting is an acceptable erosion control material. Permittee shall not use plastic monofilament, jute netting, 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 materials approved by CDFW and USFWS 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 measures shall direct water flow into existing drainages or disperse water across vegetated areas in order to avoid concentrating water. Erosion control measures shall include the proper installation of BMPs and may include applications of seed, certified weed free straw, compost, fiber, commercial fertilizer, stabilizing emulsion mulch, or combinations thereof. Following construction all disturbed upland areas shall be stabilized and re-seeded with an erosion control mix consisting of regionally appropriate, native grass and forb species. Revegetation of such sites shall be completed as soon as possible after Project activities in those areas cease.	ITP Condition # 8.8	Entire Project	Permittee	
30	Permittee shall stockpile soil or gravel in designated staging areas, already disturbed work areas, or access roads to avoid affecting previously undisturbed areas. Permittee shall install sediment barriers (e.g., silt fences, fiber rolls, and straw bales) as described in Condition of Approval 8.8 around the base of the stockpiles to intercept runoff and sediment during storm events. If necessary, Permittee will also cover stockpiles to provide additional protection against wind and water erosion.	ITP Condition # 8.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
POST-CONSTRUCTION					
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 # 6.15	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 the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 7.7	Post-construction and after completion of mitigation	Permittee	
33	Permittee shall remove all temporary flagging, fencing, and/or barriers from the Project Site upon completion of Covered Activities.	ITP Condition # 8.10	Post-construction	Permittee	
34	Permittee shall conduct impact verification exercises to ensure Project compliance. Reports shall be submitted after each construction season. First report shall be submitted no later than November 15, 2020, the last report shall be submitted no later than 60 days from the project completion.	ITP Condition # 8.11	Post-construction	Permittee	