

California Department of Fish and Wildlife
South Coast Region
3883 RUFFIN ROAD
SAN DIEGO, CA 92123]

California Endangered Species Act Incidental Take Permit No. 2081-2022-084-05

NOJOQUI CREEK BRIDGE RAIL UPGRADE PROJECT

I. Authority:

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take¹ of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.² However, CDFW may authorize the take of any such species by permit pursuant to the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c). (See Cal. Code Regs., tit. 14, § 783.4).

Permittee: California Department of Transportation (Caltrans)

Principal Officer: Morgan Robertson, Sr. Environmental Scientist

Contact Person: Larissa Clarke, Environmental Scientist, 805-458-9566

Mailing Address: 50 Higuera Street

San Luis Obispo, CA 93401

II. Effective Date and Expiration Date of this ITP:

This ITP shall become effective when signed by all parties and received by CDFW as described in the Notices section of this ITP. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **December 31, 2027**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 7.8 of this ITP.

¹Pursuant to Fish and Game Code section 86, "'take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 [for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "'take' ... means to catch, capture or kill".)

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

III. Project Location:

The Nojoqui Creek Bridge Rail Upgrade Project (Project) is located on State Route 101 where it crosses Nojoqui Creek in the County of Santa Barbara (Figure 1). The coordinates are Latitude 34.59650, Longitude -120.19387. The project is located within the Solvang U.S. Geological Survey 7.5-minute Quadrangle on unincorporated land in Santa Barbara County.



Figure 1. Map of Project Locations

IV. Project Description:

The project includes removing existing rock slope protection (RSP), widening the bridges, installing new RSP, and roadway improvements. The project will consist of three construction stages and plant establishment. Stage 1 involves instream work, which is expected to be completed in one construction season, beginning June 1, 2023, and ending October 31, 2023. Stages 2 and 3 are not included as Covered Activities because they involve work outside the stream channel. Plant establishment work will follow completion of Stages 1, 2, and 3.

Access

Temporary access to the work area will be through privately-owned land on the southern approach to the northbound bridge.

Bridge Widening

The north and south bridges will be widened to accommodate current standard shoulder widths. To support the widened bridges, each bridge will have an additional 4- by 4-foot column placed outside of bents 2, 3, and 4, for a total of six additional columns. Four of these new columns will be placed below the ordinary high-water mark. In addition, one 4.5-foot-diameter cast-in-drilled-hole pile would be placed at the southern abutment of the southbound side of the bridge on the creek bank.

Placement of RSP

RSP currently exists along the south bank of the creek. The existing RSP will be removed and replaced. The RSP is mostly upslope of existing riparian vegetation, however, the proposed RSP footprint will be greater and will impact 190 square feet (less than 0.01 acre) of existing riparian vegetation.

Temporary Creek Diversion and Dewatering

A temporary creek diversion will be used to create a dry creek environment to work within. A temporary diversion berm will be placed approximately 90 feet upstream of the bridges and continue 300 feet downstream. Flow will bypass the work area via a properly sized pipe. Any water laden with sediment as a result of dewatering activities will be pumped to a temporary sediment basin, or Baker tank system for filtration. Discharge points will be designed to avoid erosion or scour.

Revegetation and Vegetation Enhancement

Project activities, including construction access and temporary equipment storage, will impact 0.29 acre of streambed and mulefat scrub. These areas will be recontoured to match pre-project conditions and vegetated with native plants. Caltrans will enhance 0.02 acre of riparian habitat to compensate for 0.01-acre permanent impacts to stream channel and riparian vegetation as described within the Nojoqui Bridge Rail Mitigation and Monitoring Plan dated September 2019 (Attachment 1) and required by Lake and Streambed Alteration Agreement 1600-2019-0218-R5.

<u>Instream Structures</u>

To mitigate for take associated with this project, Caltrans will enhance stream habitat complexity for steelhead by placing two Post-Assisted Log Structures (PALS) approximately 30 feet and 50 feet downstream of the bridge within Caltrans right of way. Designs of structures will follow specifications listed in Utah State University's Low-Tech Process-Based Restoration of Riverscapes Design Manual.

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

This ITP covers the following species:

Name CESA Status³
Southern California Steelhead (*Oncorhynchus mykiss*) Candidate⁴

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

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species in the form of capture. The activities described above expected to result in incidental take of individuals of the Covered Species include dewatering Project work areas, installation of temporary creek diversion systems, sediment mobilization, contaminants, temporary reduction in riparian vegetation, and installation of rock slope protection (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as exposure to suspended sediments, contaminants released during demolition and construction of bridges, stranding during dewatering, relocation, and entrapment in temporary dewatering systems. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from exposure to suspended sediments, stranding, relocation, and entrapment in temporary diversion systems. The areas where authorized take of the Covered Species is expected to occur include the bed, bank, channel, and riparian habitat areas of Nojoqui Creek (Project Area).

The Project is expected to cause permanent impacts to 0.01 acres of habitat for the Covered Species, and temporary impacts to 0.29 acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: capture and relocation; inadvertent construction related spills and turbidity; increased competition for food and space due to relocation; and temporary decreases in food source due to dewatering and riparian vegetation removal.

VII. Incidental Take Authorization of Covered Species:

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

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

⁴The species status may change following the decision of the Fish and Game Commission to designate the species as threatened or endangered, but if there is such designation, the species will remain a Covered Species. See 2022 Cal. Reg. Notice Register, No. 19-Z, pp. 541 (May 13, 2022).

this ITP, or intentional take of Covered Species except for capture and relocation of Covered Species as authorized by this ITP.

CDFW cannot quantify the precise number of Covered Species that may be taken as a result of the proposed action but can estimate a range of take that would reasonably occur based on Project Activities and current knowledge of steelhead populations within the watershed. CDFW anticipates the overall potential for take to be low given the avoidance and minimization measures in place by the Project. CDFW must provide an initial limit for all forms of take because if significant amounts of Covered Species are encountered, it indicates that the assumptions about risk were not accurate. Therefore, if one (1) Covered Species is captured and relocated, the extent of take authorized would be met. No lethal take is authorized by this Incidental Take Permit. If this occurs, Caltrans will need to contact and consult with CDFW immediately to ensure that no additional take could occur related to the Project. Covered Activities that may result in take shall cease during this consultation because additional take cannot be authorized without amendment of this ITP.

VIII. Conditions of Approval:

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

- **1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance: Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration for the Nojoqui Bridge Rail Upgrade Project (SCH No.: 2018011003) certified by the California Department of Transportation on October 17, 2018, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- **3. LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. 1600-2019-0128-R5) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
- **4. ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Nojoqui Creek Bridge Rail Upgrade Project (Biological Opinion No. WCRO-2019-03526) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.

5. ITP Time Frame Compliance: Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 2 to this ITP.

6. General Provisions:

- 6.1. <u>Designated Representative</u>. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 6.2. Designated Biologist(s) and Biological Monitor(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Biological Monitor(s). 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.
- 6.3. <u>Designated Biologist Authority</u>. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.
- 6.4. <u>Education Program</u>. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The

program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall post 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.

- 6.5. Construction Monitoring Documentation. The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.
- 6.6. <u>Trash Abatement</u>. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.7. <u>Dust Control</u>. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 6.8. <u>Erosion Control Materials</u>. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material. Tightly woven silt fencing material or woven organic materials such as coir logs (without mono-filament netting) shall be permitted.
- 6.9. <u>Delineation of Property Boundaries</u>. 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.

- 6.10. <u>Delineation of Habitat</u>. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 6.11. <u>Project Access</u>. Project-related personnel shall access the Project Area using designated routes. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas.
- 6.12. <u>Staging Areas</u>. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas.
- 6.13. <u>Hazardous Waste</u>. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site. Permittee shall report all spills within the stream channel immediately to CDFW.
- 6.14. <u>CDFW Access</u>. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 6.15. <u>Refuse Removal</u>. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

7. Monitoring, Notification and Reporting Provisions:

- 7.1. <u>Notification Before Commencement</u>. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 7.2. Notification of Covered Species Taken During Relocation. Permittee shall provide Relocation Report within 5 days of any Covered Species relocation effort as described within the Relocation Plan. The report shall include number of Covered Species pursued, captured, and relocated; health status; and any other pertinent information of Covered Species pursued, captured, or relocated.

- 7.3. Notification of Non-compliance. The Designated Representative and/or Designated Biologist 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 or Designated Biologist shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.
- 7.4. <u>Compliance Monitoring</u>. The Designated Biologist shall be on-site daily during riparian vegetation removal or clearing, installation of exclusionary fencing, concrete pours and washouts, installation and removal of diversion. Otherwise, the Designated Biologist shall conduct inspections at least weekly and the Biological Monitor shall conduct inspections daily. The Designated Biologist shall conduct compliance inspections to:
 - (1) minimize incidental take of the Covered Species;
 - (2) prevent unlawful take of species;
 - (3) check for compliance with all measures of this ITP;
 - (4) check all exclusion zones; and
 - (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.

The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.

7.5. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.4 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall include details on temporary and permanent impacts to date; numbers of Covered Species taken to date; and monitoring results required by the terms of this ITP, including monitoring associated planning documents required per this ITP. Permittee shall submit Monthly Compliance Reports 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 Erika Cleugh (Erika.Cleugh@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 the reporting schedule requires changes, CDFW will notify Permittee in writing.

- 7.6. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.5; (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; (7) amount of take to date; (8) information about other Project impacts on the Covered Species.
- 7.7. <u>CNDDB Observations</u>. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within sixty calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.8. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 7.9. Notification of Injury or Mortality. Permittee shall immediately notify the Designated Biologist if a Covered Species is injured or killed 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 Erika Cleugh at Erika.Cleugh@wildlife.ca.gov and Headquarters CESA Program at CESA@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, and number of individuals injured or killed and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location

of the animal or carcass, and if possible, provide a photograph, explanation as to cause of injury or mortality, and any other pertinent information.

- **8. Take Minimization Measures:** The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Area during Covered Activities. Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:
 - 8.1. <u>Seasonal In Channel Work Window</u>. Project activities in and around the stream channel shall limited between June 1 and October 31 to avoid impacts to migrating steelhead. Vegetation trimming (without root removal, ground disturbance, or implemented by heavy equipment), revegetation, restoration, and erosion control work can occur outside of the above stated work window.
 - 8.2. <u>Work in Wetted Stream</u>. No work shall occur in wetted portions of the creek channel, including but not limited to ponded, flowing or wetland areas. Water shall be diverted around work area and/or dewatered in accordance with an approved diversion/dewatering plan prior to initiating work.
 - 8.3. Erosion Control. All erosion and sediment control measures shall be installed prior to Covered Activities. Permittee shall utilize erosion control measures throughout all phases of the Project where sediment runoff from exposed slopes could leave the Project Area and/or enter a drainage, stream, or ponded area. Permittee shall consult 72-hour weather forecasts from the National Weather Service to avoid starting any phase of the Project that may result in sediment runoff to a drainage, stream, or ponded area. The Designated Biologist shall monitor erosion control measures before, during, and after each storm event and Permittee shall repair and/or replace ineffective measures immediately. Following completion of the Project, Permittee shall implement erosion control measures for all disturbed areas.
 - 8.4. <u>Hours of Operation and Lighting</u>. Construction activities shall take place during daylight hours (30 minutes before sunrise to 30 minutes after sunset). If night work is necessary, it shall be limited and light shall be shielded from adjacent habitat.
 - 8.5. Weather Limitations. Permittee shall restrict work to periods of dry weather. The Permittee shall monitor the National Weather Service 72-hour forecast daily for the project area. When ¼ inch or more of precipitation is forecasted to occur, the Permittee shall stop work before precipitation commences. Work shall not restart until runoff ceases and there is less than 40 percent chance of rain forecasted for the following 24-hour period.
 - 8.6. <u>Post Storm Inspection</u>. After any storm event, Permittee shall inspect all sites within 72 hours. Permittee shall repair or correct any insufficient erosion control measures.

- 8.7. <u>Relocation Plan</u>. Permittee shall prepare and submit to CDFW for approval, a plan to relocate the Covered Species from the area proposed for dewatering. The Relocation Plan shall include at minimum the following:
 - 8.7.1. The name(s) of Designated Biologist(s) supervising the relocation. The CDFW-approved Designated Biologist shall be present during capture and relocation efforts as required by Condition of Approval 6.2.
 - 8.7.2. Prior to installation of the temporary creek diversion, the Designated Biologist shall capture and relocate Covered Species to the nearest predetermined release location, approved in advance by CDFW. Release locations shall provide suitable habitat for Covered Species.
 - 8.7.3. All dip nets used to capture Covered Species shall be made of a soft braided nylon material that is non-abrasive. Mesh sizing shall be matched to life stages likely encountered.
 - 8.7.4. Relocation activities shall be conducted in the morning if maximum daytime air temperatures are expected to exceed 23 degrees Celsius (75 degrees Fahrenheit).
 - 8.7.5. If used, electroshocking shall be conducted using the National Marine Fisheries Service Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act, June 2000. https://media.fisheries.noaa.gov/dam-migration/electro2000.pdf.
 - 8.7.6. Capture Covered Species must be kept in a closable container in an adequate amount of cool, clean, well-oxygenated water (e.g., a cooler with lid containing stream water and a battery-operated air stone). Water temperature shall be monitored and kept below 60 degrees Fahrenheit. If necessary, water shall be cooled with ice without introducing ice-borne chemical contaminants. Transport containers shall have a water volume of no less than 5 gallons. Covered Species density in the transport container shall not exceed 10 Covered Species (40-80mm in length) per gallon of water. Collected Covered Species shall not be anesthetized at any point during relocation.
 - 8.7.7. The Designated Biologist shall reduce stress on the Covered Species to the maximum extent possible. This includes reducing the time that live Covered Species are being captured, handled, and transported.
 - 8.7.8. The Designated Biologist shall record the species name, length, date, time, location, gear type, water temperature, and any other pertinent observations to be included in the Monthly Compliance Report.

- 8.7.9. Permittee shall preserve dead individuals by freezing or placing in 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 the preserved individuals. Any take of non-covered species shall be documented and included in the Mitigation Reports.
- 8.7.10. After completing the relocation, the Designated Biologist shall prepare a relocation documentation report. The report shall include information on the personnel conducting the relocation; methods used in capture and relocation; numbers and length data of each species collected and relocated; coordinates and habitat description of release location(s); and estimate of the survival immediately after release. Photographs of the site and relocation operations shall be included. The report shall be provided by the Permittee to CDFW in the next Monthly Compliance Report.
- 8.8. <u>Diversion Plan</u>. Permittee shall submit for approval a water diversion plan to CDFW at least 30 days prior to implementing diversion plan. Permittee shall resolve all CDFW comments prior to initiation of project activities. The Permittee may not commence diversion of water without the explicit approval from CDFW. The diversion plan shall include the following:
 - 8.8.1. Permittee shall describe location of diversion points including detailed drawings and geographic coordinates. Plans should include protection at the outlet if scour is possible.
 - 8.8.2. Permittee shall describe the step-by-step installation and removal method.
 - 8.8.3. Permittee shall describe materials to be used in the temporary diversion system. The Permittee shall construct temporary dams to redirect flows using non-erodible materials made out of burlap or woven synthetic material. The durability of the burlap shall be rated as 10-oz burlap. Bags should contain clean gravel that does not contain soil or fine sediment and should be sufficient size or strength to hold a minimum of 1.0 cubic foot when they are filled to 50 percent of full capacity.
 - 8.8.4. When the cofferdam or temporary creek diversion is being constructed, maintained, or placed in operation, sufficient water shall be allowed to pass downstream of the excavation to maintain aquatic life downstream. Flow shall be of sufficient quality, quantity and temperature to support fish and other aquatic species both above and below the diversion.

- 8.8.5. If pumps are necessary for dewatering, appropriate fish screening shall be implemented to avoid entrainment. Screen material may be constructed of any rigid woven, perforated, or slotted material that provides water passage while physically excluding fish. Round openings in the screen shall not exceed 3/32-inch diameter, square openings shall not exceed 3/32-inch measured diagonally. Approach velocity shall not exceed 0.33 feet per second.
- 8.8.6. Permittee shall inspect temporary diversion system daily and immediately repair any insufficiencies.
- 8.8.7. Turbidity levels in the stream, resulting from project related activities, shall not exceed 20 percent over background turbidity if background is 0-50 NTU or 10 percent over natural turbidity levels if turbidity levels are over 50 NTU as measured 200 feet upstream of the project site. Turbidity levels shall be routinely monitored and evaluated. If turbidity exceeds the above turbidity thresholds, Covered Activities shall be halted until effective measures have been implemented in coordination with CDFW.
- 8.8.8. The Designated Biologist shall monitor the installation of diversion system and daily while installed. The Designated Biologist shall look for entrainment or stranding of Covered Species through the project reach as well as up and downstream.
- 8.8.9. Temporary creek diversion systems shall remain in place and functional throughout the construction period. If the diversion fails, Permittee shall it immediately. Permittee shall remove the diversion and restore natural flows immediately upon completion of work at that location.
- 8.8.10. Reintroduction of stream flows shall be gradual to the isolated work area to prevent stranding, channel instability, and scour. The Designated Biologist shall monitor upstream and downstream to ensure no Covered Species are stranded or in distress during reintroduction of flows.
- 8.9. Riparian Habitat Restoration and Enhancement. The Permittee shall restore all temporarily impacted riparian vegetation and enhance 0.02 acre of riparian habitat onsite.
 - 8.9.1. Riparian Habitat Restoration and Monitoring Plan. The Permittee shall prepare a Riparian Habitat Restoration and Monitoring Plan that shall be submitted thirty days prior to the initiation of construction. Restoration shall include specific yearly success criteria for five (5) years. Criteria shall be defined within the plan for survivorship, species diversity, percent native cover, and percent non-native cover. The enhancement site shall be stable without additional water for at least two years. All disturbed areas shall be monitored and controlled at 0 percent invasive species rated as moderate through high by the California Invasive Plant Council's database, which is

accessible at: https://www.calipc.org/plants/inventory/. Reference site analysis and final approval of an enhancement site as having all obligations met may be accepted upon written request and written approval from CDFW. Alternative concepts for enhancement, such as land acquisition or permanent protection may be considered upon written request and written approval by CDFW. All temporary irrigation systems shall be removed upon completion of site enhancements or at such a time when supplemental watering is no longer required.

- 8.9.2. Riparian Habitat Monitoring and Reporting. The Permittee shall submit the Riparian Habitat Restoration and Monitoring Report to CDFW by December 31 for the five-year period, as well as any additional years. The report shall include quantitative summary of success criteria, photos from designated photo stations, a summary of site conditions, and a list of wildlife observed on site. The report shall also include a list of corrective actions that has occurred in the Enhancement Area.
- 8.10. Concrete Curing. All concrete used shall be excluded from the wetted channel or areas where it may come into contact with water for a period of 30 days after it is poured/sprayed. Commercial sealants may be applied to the poured concrete surface where difficulty in excluding flow for a long period may occur. If sealant is used, the proponent shall follow the instructions as noted on the product label. As an alternative, water quality testing and analysis may be conducted in coordination with CDFW. Results shall be submitted and accepted by CDFW prior to removal of the temporary diversion system that will re-introduce flows to new concrete.
- 8.11. Pollutants. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream channel shall be positioned over drip pans. Any equipment or vehicles driven and/or operated within or adjacent to the stream channel must be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. No equipment maintenance or fueling shall be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter these areas unless the appropriate spill prevention measures are in place such as catch basins or drip pans, lined with an impermeable layer that has been placed under the equipment. Building materials and/or construction equipment shall not be stockpiled or stored where they may be washed into the water or cover aquatic or riparian vegetation. Stockpiles shall be covered when measurable rain is forecasted. All removed spoils and construction debris shall be moved to areas where it may not permit to pass into, or place where it can pass into waters of the State in accordance with Fish and Game Code Section 5652.
- 8.12. <u>Preventing Spread of Deleterious Organisms</u>. Permittee shall conduct Project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, and bacteria), from one Project

site and/or waterbody to another. Prevention BMPs and guidelines for invasive plants can be found on the Cal-IPC's website at: http://www.calipc.org/ip/prevention/index.php and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: http://www.protectyourwaters.net/.

- 8.13. <u>Decontamination of Clothing and Equipment</u>. Any equipment that will be entering the channel shall be cleaned and decontaminated to spread aquatic diseases. Workers entering the riparian area, bed, bank, or channel shall decontaminate waders, boots, and other clothing that will come in direct contact with the water. Repeat decontamination is required if the equipment is used on a different water body between uses at the project site. Decontamination of clothing and equipment will be done by one of the following:
 - 8.13.1. Thoroughly drying equipment in an upland location. Drying times will be at least 7 days if average temperatures exceed 80 F. If average temperatures are below 80 F, drying times will be at least 30 days.
 - 8.13.2. A water wash with water temperatures of at least 140°F with varying high- and low-pressure spray to dislodge pathogens, vegetation, and contaminated sediment.
 - 8.13.3. Freezing at a temperature of less than 32°F for more than 72 hours.
 - 8.13.4. Soaking in a CDFW-approved disinfectant solution for at least two minutes (or longer depending upon the disinfectant used), then thoroughly rinsed in a water bath before entering stream.
- 8.14. <u>Spill Containment and Clean Up</u>. Prior to entering the work site, all field personnel shall know the location of spill kits and trained in their appropriate use. All activities performed in or near a river, stream, or lake shall have absorbent materials designated for spill containment and cleanup activities on-site for use in an accidental spill. Permittee shall notify CDFW within 24 hours of all spills.
- 9. Habitat Enhancement: CDFW has determined that aquatic habitat enhancement onsite 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 Covered Species, and CDFW's estimate requirements for adequate compensation.

To meet this requirement, the Permittee shall install at least two (2) post-assisted log structures to improve instream habitat. Restored, created, and managed habitats are collectively referred to as Habitat Management Lands (HM Lands). Funding for monitoring and management of enhanced Covered Species habitat must be secured before starting Covered Activities.

- 9.1. <u>Cost Estimates</u>. For the purposes of determining the Security amount for the instream habitat improvements, CDFW has estimated the cost of habitat enhancement, restoration, and long-term management of the HM lands and restoration of temporarily disturbed habitat as follows:
 - 9.1.1. Habitat enhancement costs for two (2) instream post-assisted log structures is estimated at \$24,186.00.
 - 9.1.2. Management and Monitoring funding for five (5) years as described in Condition of Approval 9.2, estimated at \$59,193.00. Management funding is estimated initially for the purpose of providing Security to ensure implementation of habitat creation, restoration, monitoring, and management.
 - 9.1.3. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to installation, monitoring, and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work \$5,000.00.
- 9.2. <u>Aquatic Habitat Enhancements</u>. The Permittee shall be responsible for enhancing aquatic habitat onsite by installing at least two (2) post-assisted log structures. These enhancements will increase habitat complexity of aquatic habitat.
 - 9.2.1. Aquatic Habitat Enhancement Plan. The Permittee shall develop an Aquatic Habitat Enhancement Plan that shall be submitted thirty (30) days prior to the initiation of construction. The plan shall include details describing the installation of a minimum of two (2) post-assisted log structures as described in Utah State University's Low-Tech Process-Based Restoration of Riverscapes Design Manual, monitoring metrics and schedule, success criteria, adaptive management, and reporting.
 - 9.2.2. <u>Final Design Plans</u>. Final design plans shall be submitted to CDFW for concurrence at least 30 days prior to the installation of the structures.
 - 9.2.3. Stream Geomorphic Monitoring and Reports. The Permittee shall monitor the stream channel construction work for five (5) years post installation to determine if success criteria have been achieved. Monitoring reports shall include photographs at designated photo stations; analysis of channel condition including areas of bed and bank erosion and bed composition up- and downstream of structures; longitudinal profile and cross sections survey capturing key elements; streamflow at time of survey, and recommended corrective and/or supplemental actions if needed. The reports also

- shall describe methods used to acquire the above parameters. Reports shall be submitted to CDFW with completion of annual monitoring report.
- 9.2.4. <u>As-built Channel Survey and Report</u>. An as-built survey of the channel shall be performed to document the as-built conditions. The survey shall include longitudinal profile and representative cross-sections for future comparison. Notify CDFW within 10 working days prior to completion. Permittee shall provide photos and written documentation to CDFW within 30 days of installation.
- **10. Security:** The Permittee may proceed with Covered Activities 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. <u>Master Funding Agreement.</u> Security for this ITP shall be governed by the Master Funding Agreement between the California Department of Fish and Wildlife and the California Department of Transportation, dated September 3, 2021.
 - 10.2. <u>Funding Memorandum</u>. Permittee has prepared, and CDFW has approved, the project-specific Funding Memorandum required by the Master Funding Agreement and attached to this ITP as Attachment 3.
 - 10.3. <u>Security Amount</u>. The Security shall be in the amount of **\$88,379.00**. This amount is based on the cost estimates identified in Condition of Approval 9.1 above and the Funding Memorandum.
 - 10.4. <u>Funding of the Child EA</u>. Permittee has created and funded the Child EA with funds equivalent to the Security Amount.
 - 10.5. <u>Compliance with Master Funding Agreement</u>. Permittee shall complete all requirements set forth in the Master Funding Agreement and shall at all times comply with the terms and conditions of that Agreement.
 - 10.6. <u>Completion of Mitigation Requirements</u>. Even if Security is provided, the Permittee must complete the required mitigation as required by this ITP no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or 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.

IX. Amendment:

This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the

Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

X. Stop-Work Order:

If CDFW determines the Permittee has violated any term or condition of this ITP or has engaged in unlawful take, CDFW may issue Permittee a written stop-work order instructing the Permittee to suspend any Covered Activity for an initial period of up to 30 days or risk suspension or revocation of this ITP. CDFW can issue a stop-work order to prevent or remedy a violation of this ITP, including but not limited to the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species, regardless of whether that species is a Covered Species under this ITP. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 30 additional days.

If Permittee fails to remedy the violation or to comply with a stop-work order, CDFW may proceed with suspension and revocation of this ITP. Suspension and revocation of this ITP shall be governed by California Code of Regulations, Title 14, section 783.7, and any other applicable law. Neither the Designated Biologist nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

XI. Compliance with Other Laws:

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

XII. Notices:

The Permittee shall sign and return this ITP to CDFW. A manual or digital signature is acceptable, provided a digital signature complies with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned. Manual (wet) signatures on duplicate original paper copies shall be returned by the Permittee via registered first-class mail or overnight delivery to the following address:

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently

provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2022-070-05) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Rich Burg, Acting Regional Manager South Coast Region California Department of Fish and Wildlife 3883 Ruffin Road San Diego, CA 92123 (858) 467-4210 Richard.Burg@wildlife.ca.gov

and a copy to:

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

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

Erika Cleugh, Sr. Environmental Scientist (Specialist)
South Coast Region
California Department of Fish and Wildlife
3030 Old Ranch Parkway, Ste. 400
Seal Beach, CA 90740
(562) 619-5228
Erika.Cleugh@wildlife.ca.gov

XIII. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, California Department of Transportation, District 5. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Nojoqui Bridge Rail Upgrade Project (SCH No.: 2018011003) dated January 4, 2018, that the Department of Transportation certified on October 17, 2018. At the time the lead agency certified the Mitigated

Negative Declaration and approved the Project, it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

XIV. Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) seasonal restrictions; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the necessary activities to provide for adequate compensation. Based on this evaluation, CDFW determined that the enhancement of aquatic habitat with two (2) post-assisted log structures is of higher quality than the habitat being temporarily or permanently altered by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;

- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

XV. Attachments:

ATTACHMENT 1	Nojoqui Bridge Rail Mitigation and Monitoring Plan
ATTACHMENT 2	Mitigation Monitoring and Reporting Program
ATTACHMENT 3	Funding Memorandum

6/9/2023

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON

DocuSigned by:

Kichard Burg

60630A991A5245E

Rich Burg, Acting Regional Manager South Coast Region

ACKNOWLEDGMENT

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

Dve:	DocuSigned by: 933ABA11CEC14E7	6/9/2023 _Date:
Printed Na	Morgan Robertson nme:	Senior Environmental Planner Title:

Mitigation and Monitoring Plan

Nojoqui Bridge Rail Upgrade SR-101

District 5- SB-101-56.0

E-FIS #05-1800-0112

EA: 05-0N703/05-1C823

September 2019





DocuSign Envelope ID: 0A43B9E8-2F7B-4241-AA87-C634E1BD0C0F

Mitigation and Monitoring Plan

Nojoqui Bridge Rail Upgrade SR-101

District 5- SB-101-56.0

EA: 05-1F790

Prepared By:

Sarah Sandstrom, Associate Environmental Planner- Biologist

Central Coast Environmental Management Branch
California Department of Transportation, District 5
50 Higuera Street, San Luis Obispo, CA 93401

Approved By:

Karen Holmes, Senior Environmental Planner Central Coast Environmental Management Branch California Department of Transportation, District 5 50 Higuera Street, San Luis Obispo, CA 93401 DocuSign Envelope ID: 0A43B9E8-2F7B-4241-AA87-C634E1BD0C0F

Introduction

The California Department of Transportation (Caltrans) has prepared this Mitigation and Monitoring Plan (MMP) for the proposed Nojoqui Bridge Rail Upgrade State Route (SR)-101, to be constructed in Santa Barbara County at postmile 56.0. The MMP provides a strategy for mitigating impacts to vegetation/habitat resources under the jurisdiction of the U.S. Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), the California Department of Fish and Wildlife (CDFW).

Project Description

The Federal Highway Administration (FHWA) and Caltrans are proposing to replace the existing bridge rails with Type 85 concrete barriers (modified). The project will widen each bridge to current shoulder standards and construct a total of six columns and footings to support the widened structures on the outside edge of the existing structures (four of the new columns will be located waterward of the OHWM). The southbound roadway would be shifted two feet to the west to match the new bridge configuration. Temporary access to the work area has been identified through privately-owned land on the southern approach to the northbound bridge.

Highway 101 crosses over Nojoqui Creek via two bridges (one northbound and one southbound) at post mile 56.0. Two existing pile bents of each bridge are located within the ordinary high water mark (OHWM). Concrete infill walls are present between the columns on the northbound bridge. Nojoqui Creek qualifies as Waters of the U.S, which fall under the jurisdiction of the USACE, RWQCB, and CDFW.

The left bank of the creek is steep, and it lacks riparian vegetation. The slope of the right bank is more gradual, and it supports riparian vegetation predominated by mulefat. The project will affect a portion of this associated riparian habitat area, which falls under the jurisdiction of the RWQCB and CDFW.

Impacts

The project will result in temporary and permanent impacts to Waters of the U.S. and associated riparian areas (see Table 1 below). The project team has worked to refine the alignment of proposed elements to avoid jurisdictional resources; however, total avoidance of these resources is not feasible. Unavoidable impacts to jurisdictional areas are summarized in Table 1.

Table 1.	Summary of Impacts to Jurisdictional Areas
	, .

Jurisdictional Areas	Permanent Impacts (acres)	Temporary Impacts (acres)
Intermittent Stream: Nojoqui Creek	0.001	0.230
Riparian Habitat	0.004	0.056

Compensatory Mitigation

Mitigation is proposed to compensate for unavoidable impacts to jurisdictional areas resulting from the project. Compensatory mitigation for impacts to jurisdictional features will be achieved onsite. Onsite mitigation is appropriate and significant to support riparian stream functions along Nojoqui Creek. Riparian vegetation enhancement is particularly valuable for steelhead and amphibian habitat to provide shading and temperature refugia on the southern bank, slow and infiltrate flows within the floodplain, and contribute autochthonous material to the stream channel.

Permanent impacts to jurisdictional areas will be mitigated onsite at a compensatory ratio of 3:1. Jurisdictional areas subject to temporary impacts will be restored to original or equivalent dimensions and planted with native vegetation at a ratio of 1:1 (Table 2).

As shown in Table 2, a total of **0.018** acres of native riparian vegetation will be established to compensate for permanent impacts to stream and riparian habitats, **0.056** acres of temporarily impacted riparian vegetation will be restored, and **0.230** acres of temporarily impacted streambed will be restored. The total area required to be planted as mitigation for permanent and temporary impacts is 0.074 acres, since the streambed is not vegetated in its current or restored state. The actual planting area will exceed these mitigation requirements (0.099 acres total). Caltrans shall only be held to the performance standards described in Table 3 within the area of required compensatory mitigation.

Jurisdictional	Perman	ent Impacts		Temporary Impacts				
Area	Area (acres)	Mitigation Ratio	Mitigation Area (acres)	Area (acres)	Replacement Ratio	Mitigation Area (acres)		
Intermittent Stream: Nojoqui Creek	0.001	3:1	0.004 riparian vegetation enhancement	0.230	1:1	0.230 restored to streambed		
Riparian Habitat	0.004	3:1	0.014 riparian vegetation enhancement	0.056	1:1	0.056 riparian vegetation rehabilitation		

Table 2. Mitigation Proposed for Impacts to Jurisdictional Areas

Temporary protective fencing will be installed and maintained during construction to avoid impacts to all other jurisdictional areas.

Plantings will include native species detailed on the attached plan sheets. Plant establishment and maintenance activities are described below.

Planting/Seeding and Erosion Control/Stabilization Techniques

Planting locations for the mitigation efforts are included on the Planting plans in Appendix A. Details regarding the species proposed for revegetation are also included in Appendix A. Native vegetation will be established via container planting and seeding using commercially produced seed, and live siltation planting.

Invasive Non-Native Plant Removal

Invasive plant species which have the greatest possibility of affecting the natural ecology of the riparian area at the project location include English ivy, Himalayan blackberry, Italian thistle, poison hemlock, and fennel. Invasive plants can crowd out native vegetation, damage wildlife habitat, degrade water supply and increase the risk of damage from wildfire and flooding (Cal-IPC 2018). Invasive plants will be removed from mitigation areas during the plant establishment period. Once the native species have successfully established and met performance standards, the native species will be able to shade out and effectively compete with potential invaders.

Planting and Irrigation Installation Schedule

Onsite riparian areas will initially be seeded via hydroseed with a riparian planting seed mix. Post-construction, riparian areas will be planted with container plants and live siltation.

Temporary irrigation will be installed and effective for one year.

Planting will likely be conducted in the spring and/or fall months either coinciding with or directly following irrigation installation.

Monitoring

Caltrans will conduct annual monitoring for a 5-year period. Caltrans Biology staff will monitor the success of the planted jurisdictional areas through the following performance standards (Table 3). Mitigation success will be confirmed through achievement of the Year-5 performance standards.

Table 3. Mitigation Performance Standards

Monitoring Year	Number of container plants and live siltation poles	Percent cover of willows and emergent wetland vegetation	Invasive cover	Diversity
1	100% of plan quantity (may be met through contract warranty replacement). Not applicable after Year-1	Not applicable in Years 1-2	No more than 10% cumulative cover of the following invasive species in any monitoring year (English ivy, Himalayan	Successful establishment of at least 3 woody riparian species
2	Not applicable after Year-1		blackberry, Italian thistle, poison	
3		30% cover	hemlock, and fennel)	
4		50% cover	_	
5		70% cover		

Monitoring will be performed each year between June 1 and September 1. Percent cover of native and invasive vegetation will be estimated for each jurisdictional mitigation area. Photo monitoring will also be established to track the mitigation progress of the site. Photo points will be established at locations throughout the mitigation site and a map prepared showing the photo point locations and viewing orientation. Photos will be taken annually at the photo point locations and included in annual monitoring reports to photo-document progress of preservation and enhancement at the mitigation site.

Annual post construction monitoring reports based on the success criteria outlined in the following section will be submitted to the RWQCB and CDFW for a period of five years. The monitoring reports will include information such as planting plans, delineation maps, data forms, and photographs that assess

site conditions quantitatively and qualitatively to determine whether the implemented mitigation has met the success criteria.

Maintenance and Adaptive Management

Caltrans will visit the mitigation site throughout the monitoring period. Plant establishment and maintenance will include watering and replacement of dead and dying plants and are programmed for the first year following construction. The temporary irrigation system will be removed at the end of the 12-month plant establishment period. Trash and invasive exotic species will be removed. Additional maintenance will be conducted annually as needed.

The site occurs within existing State right-of-way. To facilitate protection of the mitigation site, Caltrans will install Environmentally Sensitive Area (ESA) signage indicating it is a protected mitigation site.

Caltrans will be ultimately responsible for ensuring the site's viability. The mitigation site is designed to be self-sustaining once performance standards have been met to ensure long-term sustainability. Occasional weeding will be employed along with supplemental plantings (if necessary) if restoration acreage and native cover targets are not met. Otherwise, active long-term management and maintenance is not anticipated to be needed to ensure long-term sustainability. However, if long-term management issues arise, the issue will be identified during annual monitoring to determine whether adaptive management strategies should be employed and Caltrans will initiate a subsequent project to rectify the situation, if necessary.

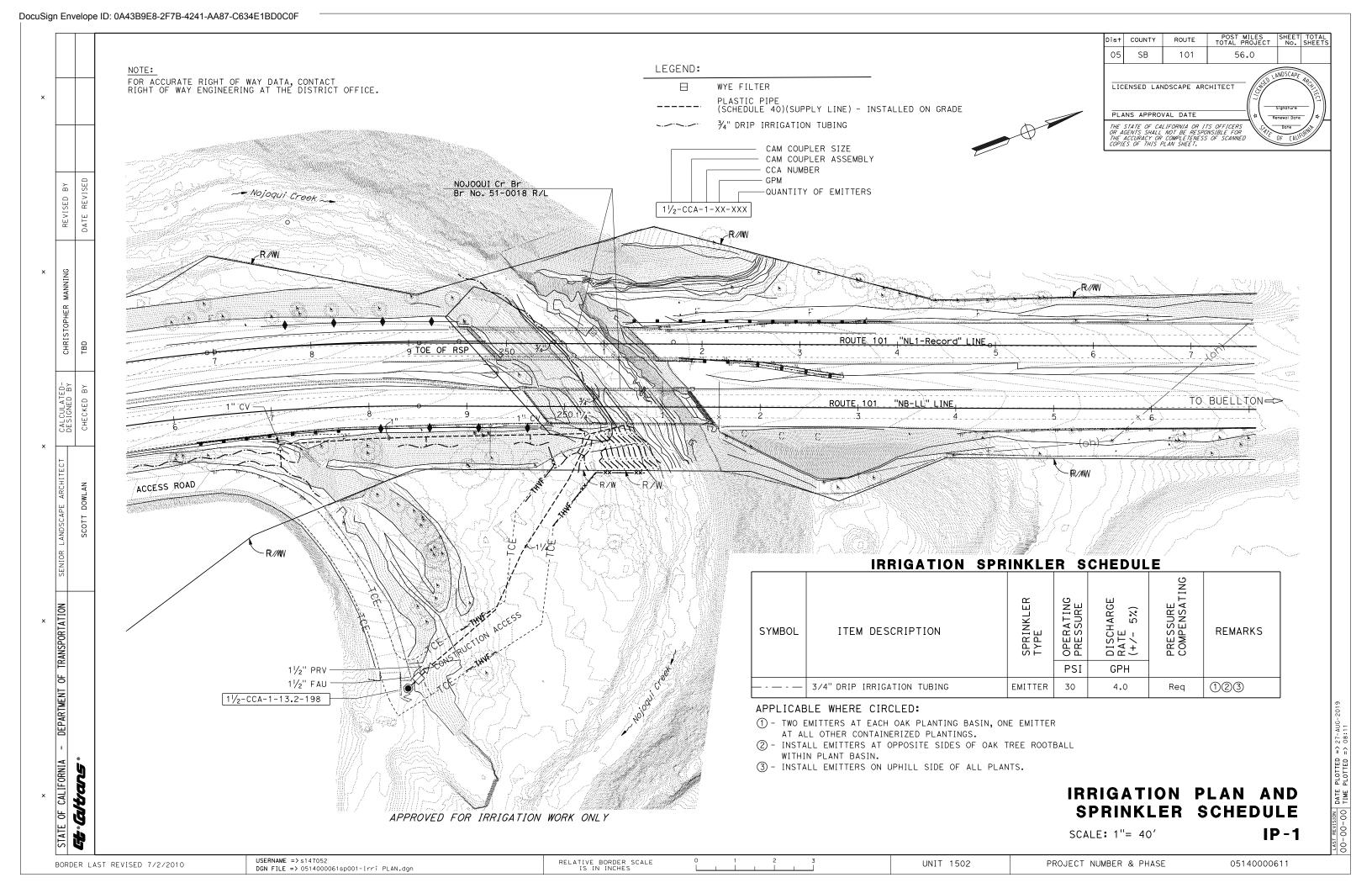
If performance standards are not met after the 5-year monitoring period, additional plantings, seeding, or exotic species control may be necessary. Caltrans would be responsible for implementing this work and any other unforeseen challenges. The actual monitoring results will be used to make adaptive management decisions. The following events may occur within the mitigation areas and may require action:

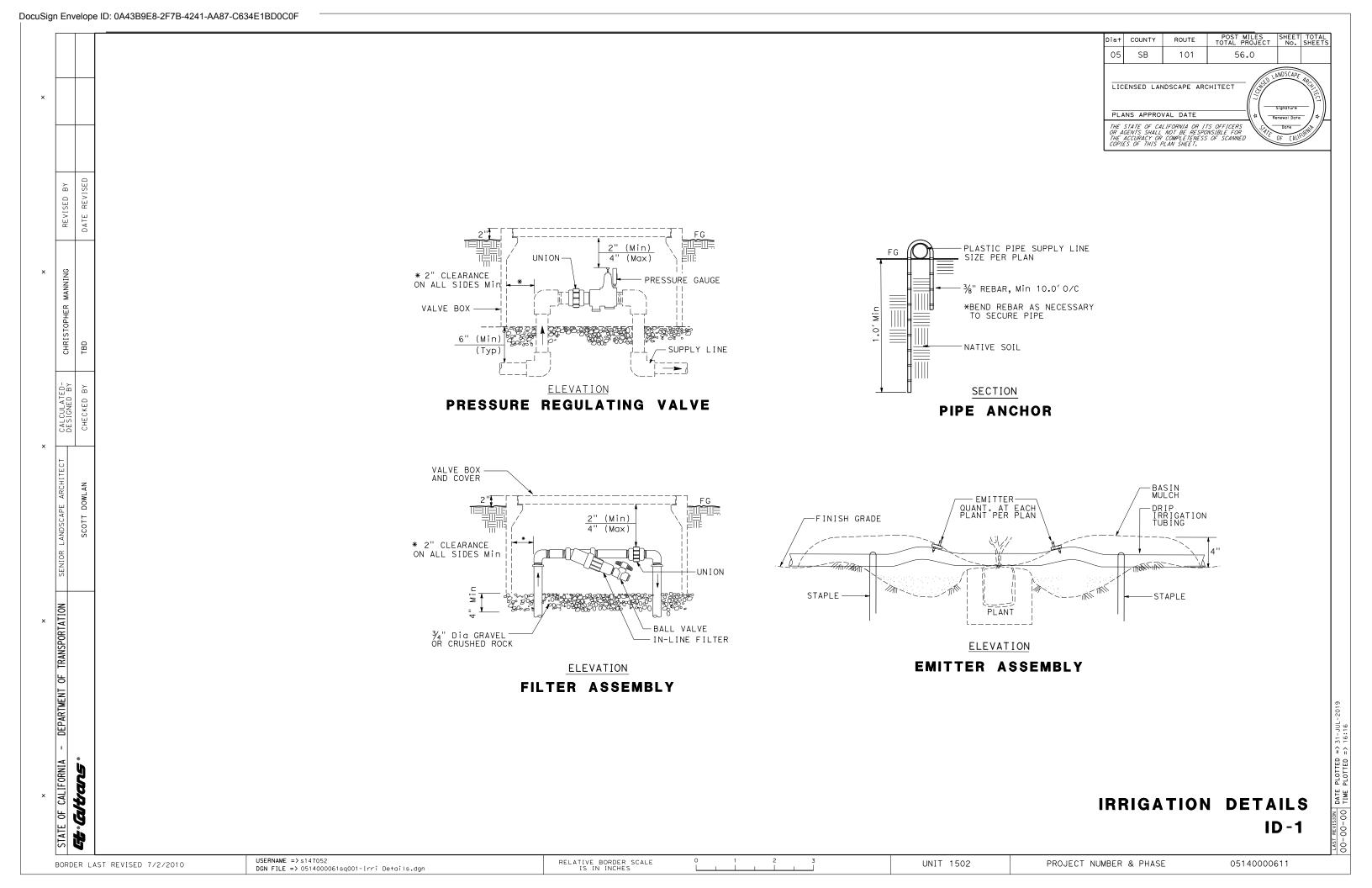
- **Flood:** Flood conditions may result in erosion, scour, and loss of vegetation, but would likely be temporary in nature. Riparian vegetation would be expected to mostly withstand flood conditions with some minor potential loss from scour. In case of catastrophic losses to the mitigation site because of flood, Caltrans will coordinate with the RWQCB and CDFW to evaluate an appropriate response.
- **Drought:** If the mitigation area experiences severe enough drought, not all planted vegetation may survive. If necessary, during the 12-month plant establishment and maintenance period, supplemental irrigation will be provided plantings to keep them alive. Plants that do not survive will be replaced during this time. After plant establishment, dead plants will be quantified, and a new plant establishment effort may be initiated if success criteria have not been met. Some plants have roots that are viable even if the above-ground portion of the plant perishes, and therefore have the potential to resprout the following growing season. On-site seed collection and dispersal may be another option to regenerate plants on the site after a drought. If a severe enough drought causes massive plant die-off and the site cannot naturally be reseeded, a separate landscape project may be developed.
- **Exotic species infestation:** Eradicating all non-native vegetation is not a realistic goal, however once natives are established and regenerating, they compete well against non-natives. Exotic species "control" is the management goal and this will be best accomplished by establishing healthy native populations. During plant establishment, a rigorous exotic species control plan will involve both hoeing and hand-pulling.
- **Herbivore damage:** If it is determined that wildlife is damaging plants, either plant protection barriers will be installed to protect the plants from browsing, or additional plantings will be installed.

- **Public use:** The on-site mitigation area would be relatively open throughout the duration of mitigation; however, the area is not easily accessible by recreationists. In lieu of fencing, signage will be placed to inform the public of the need to avoid sensitive mitigation areas.

Attachments

Appendix A: Mitigation Planting Plans





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TE OF CALIFORNIA -	DEPARTMENT OF TRANSPORTATION	SENIOR LANDSCAPE ARCHITECT	CALCULATED-	CHRISTOPHER MANNING	REVISED BY		
:			DESIGNED BY				
ہ روائدمی ہ		SCOTT DOWLAN	CHECKED BY	180	DATE REVISED		relope

ıΛ	т		

UNDERLINED PORTIONS OF BOTANICAL NAME INDICATE ABBREVIATION USED ON PLANTING PLAN.

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SB	101	56.0		

Renewal Date

LICENSED LANDSCAPE ARCHITECT

PLANS APPROVAL DATE

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETERSS OF SCANNED COPIES OF THIS PLAN SHEET.

PLANT LEGEND

					HOLE	SIZE		WC	OOD	1		ION ①		MININ	IUM PL	ANTING	DIST	ANCE F	ROM:	
PLANT GROUF (SIZE)	LAN	SYMBOL	BOTANICAL NAME	COMMON NAME	DIAMETER	ОЕРТН	BASIN TYPE		LCH 1 9 BASIN PLT ESTB	SOIL AMENDMENT®	RFI	OW- EASE ILIZER PLT ESTB	CE	ЕТМ	EP	FENCE	WALL	PAVED DITCH	EARTH DITCH	REMARKS
					INCH	INCH		CF	CF	CF	oz	oz	f†	f†	f†	f†	f†	f†	f†	
A (1 GAL) 1	<u>(A)</u>	SAMBUCUS MEXICANA	BLUE ELDERBERRY	12	12	П	1.5	1.5	1.08	2	2	(G)	40	10	5	10	5	5	② SHRUB
М	2	0	BACCHARIS SALICIFOLIA	MULEFAT	12	12	П	1.5	1.5	1.08	2	2	(5)	40	10	5	10	5	5	② SHRUB
(LINER)	3	0	QUERCUS AGRIFOLIA	COAST LIVE OAK	12	18	П	3.5	1.5	1.08	2	2	(5)	40	10	5	10	5	5	367 TREE
O (ACORN)	4	××	QUERCUS AGRIFOLIA	COAST LIVE OAK	12	18	П						5	40	10	5	10	5	5	4 TREE (ACORN)

LIVE SILTATION

SYMBOL	DESCRIPTION	BOTANICAL NAME	COMMON NAME	REMARKS
****	LIVE SILTATION	BACCHARIS SALICIFOLIA	MULEFAT	100

FOLIAGE PROTECTOR

APPLICABLE WHERE CIRCLED

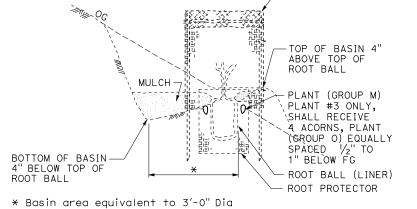
- 1 QUANTITIES SHOWN ARE "PER PLANT" UNLESS SHOWN AS SQFT OR SQYD APPLICATION RATES
- ②-WOOD MULCH AT BASIN, 2'-6" Dia, 4" DEPTH
- 3-WOOD MULCH AT BASIN, 3'-0" Dia, 6" DEPTH
- 4 SEE ACORN PLANTING DETAIL
- 5-AS SHOWN ON PLANS
- 6 ROOT PROTECTOR REQUIRED
- 7- FOLIAGE PROTECTOR REQUIRED
- 8 SOIL AMENDMENT MUST BE FINE COMPOST
- 9- WOOD MULCH MUST BE WOOD CHIP
- (10) LINEAR PLANTING, (5) BRANCHES AT 3 FT. ON CENTER

LEGEND:



EXISTING PLANTING TO REMAIN

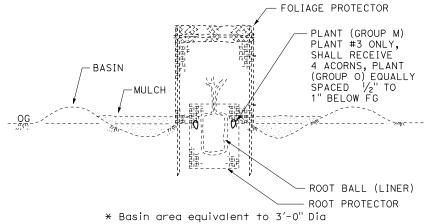
TEMPORARY FENCE (TYPE THVF)



SECTION

ACORN PLANTING

(Slope Area)



SECTION

ACORN PLANTING

(Flat Area)

PLANT LEGEND AND PLANTING DETAILS

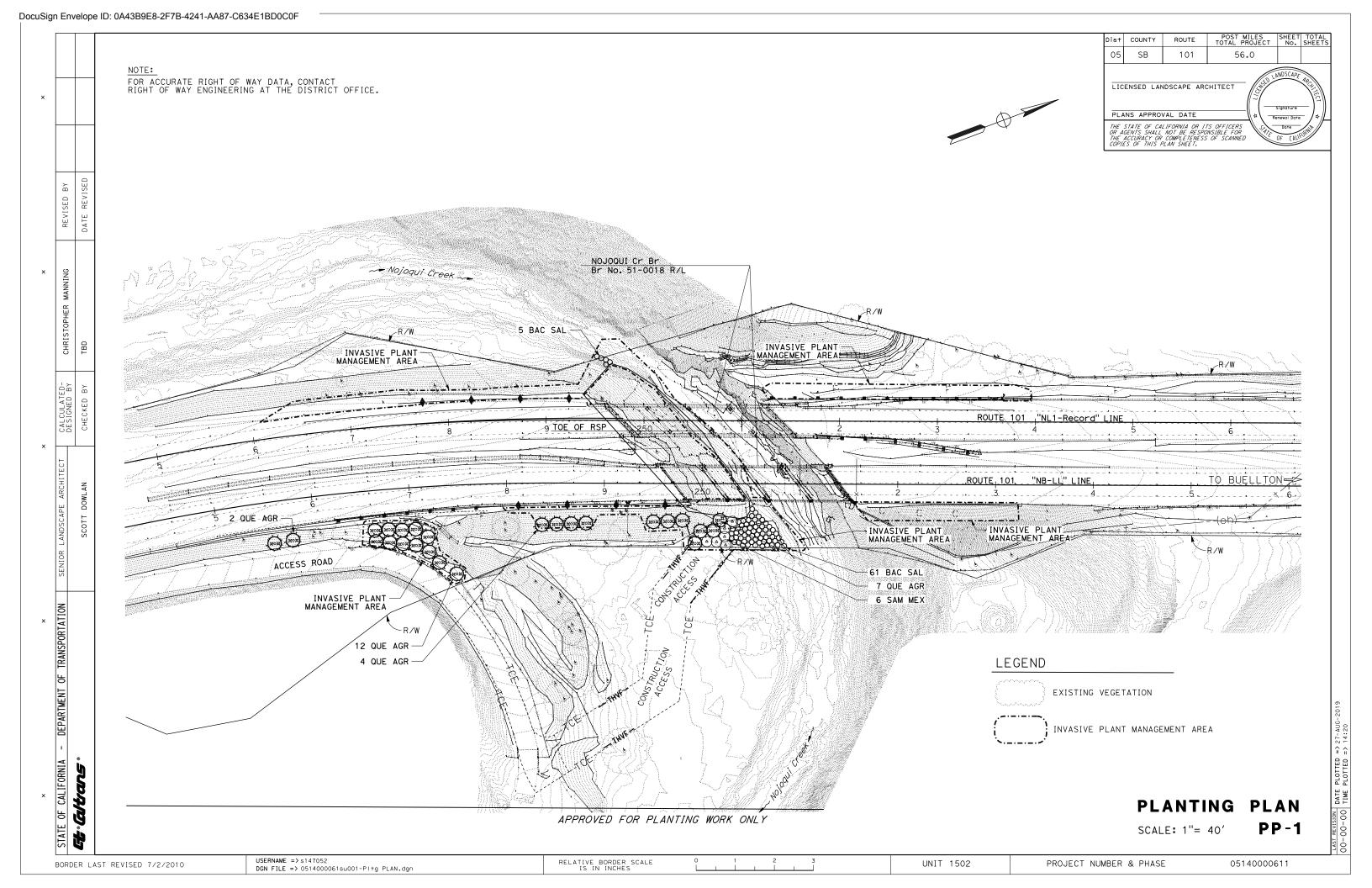
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PL-1

BORDER LAST REVISED 7/2/2010

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RELATIVE BORDER SCALE
O 1 2 3
UNIT 1502
PROJECT NUMBER & PHASE
05140000611



IRRIGATION	QUANTITIES
------------	------------

		Intitidation Goantiffe							
		VAL	VES			IRRIGA SUPPLY	ATION / LINE		
SHEET NUMBER	WYE FILTER ASSEMBLY	PRESSURE REGULATING VALVE	CHECK VALVE	CAM COUPLER ASSEMBLY	DRIP IRRIGATION TUBING	EMITERS	(sc	ASTIC PIPI HEDULE 4 PPLY LINI	0)
ES	1"	11/2"	1''	11/2"	3/4"	1"	3/4''	1"	11/4"
	EA	EA	EA	EA	LF	EA	LF	LF	LF
IP-1	1	1	2	1	1,260	190	80	350	375

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SB	101	56.0		
	ENSED LAN	NDSCAPE ARC	CHITECT	NDSCAPE	- 1 ECT
OR A THE	GENTS SHALL	LIFORNIA OR II NOT BE RESPO COMPLETENESS PLAN SHEET.	INSIBLE FOR	Date OF (ALL	SHITT .

HIGHWAY PLANTING QUANTITIES

SHEET	PLANT (GROUP A)	PLANT (GROUP M)	PLANT (GROUP O)	SOIL AMENDMENT PLANT HOLE	SLOW-RELEASE FERTILIZER	WOOD MULCH	FOLIAGE PROTECTOR	ROOT PROTECTOR
	EA	EA	EA	CY	LB	CY	EA	EΑ
LP-1	6	91	100	5.24	22.8	12.9	25	25

EROSION CONTROL QUANTITIES

		_		NO.	EROSION PRODUCT MESH)	щ.		HYDROSEED MATERIALS (N)				
SHEET NO.	EROSION CONTROL TYPE	COMPOST (RATE 1)	COMPOST (RATE 2)	HYDROSEED	ROLLED ERC CONROL PRC (JUTE ME	INCORPORATE MATERIALS	FIBER ROLL	SEED MIX 1	SEED MIX 2	SEED MIX 3	FIBER	TACKIFIER
		CY	CY	SQFT	SQFT	SQFT	LF	LB	LB	LB	LB	LB
	EROSION CONTROL TYPE 1	47.5		7,700	7,700			4.62			354	26.6
	EROSION CONTROL TYPE 2	38.3		6,200		6,200		3.71			284	21.3
EC-1	EROSION CONTROL TYPE 3		4.3	1,400		1,400			0.72		64	4.8
	EROSION CONTROL TYPE 4			12,000						8.26	550	41.3
	FIBER ROLL TYPE 1						560					
	TOTAL	90	.1	27,300	7,700	7,600	560	8.33	0.72	8.26	1252	94.0

(N)-NOT A SEPARATE PAY ITEM, FOR INFORMATION ONLY

LIVE SILTATION QUANTITIES

SHEET No.	LOCATION	6"-12" ROCK (N)	LIVE SILTATION	MULEFAT BRANCH (N)
		LF	LF	EA
EC-1	NAJOQUI CREEK (SOUTH BANK)	220	220	367

(N)-NOT A SEPARATE PAY ITEM, FOR INFORMATION ONLY

1 SEE LIVE SILTATION PLANTING DETAIL FOR LIVE SILTATION SPACING

LANDSCAPE QUANTITIES
LQ-1

 $\frac{LAST REVISION}{100-00-00}$ DATE PLOTTED => 27-,

BORDER LAST REVISED 7/2/2010

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RELATIVE BORDER SCALE 0 1 2 3
DGN FILE => 0514000061sw001-LS Quant.dgn

UNIT 1502
PROJECT NUMBER & PHASE 0514000061sw01

×	×		×		×
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	SENIOR LANDSCAPE ARCHITECT	CALCULATED-	CHRISTOPHER MANNING	REVISED BY	
		DESIGNED BY			
t atas	SCOTT DOWLAN	СНЕСКЕВ ВУ	TBD	DATE REVISED	

EROSION	CONTROL	TYPE	1

(UPLAND - GREATER THAN 2:1 SLOPE)

SEQUENCE	ITEM	MATERIA	L	APPLICATION	DEPTH	
SEGOLITOE	1101	DESCRIPTION TYPE		RATE		
STEP 1	COMPOST	COMPOST	FINE	270 CY/ACRE	2"	
		SEED	MIX 1	26.1 LB/ACRE		
STEP 2	HYDROSEED	FIBER	WOOD	2000 LB/ACRE		
		TACKIFIER	PSYLLIUM	150 LB/ACRE		
STEP 3	ROLLED EROSION CONTROL PRODUCT (JUTE MESH)	JUTE MESH				

EROSION CONTROL TYPE 2

(UPLAND - LESS THAN 2:1 SLOPE)

SEQUENCE	ITEM	MATERIA	L	APPLICATION	DEPTH	
SEQUENCE	I I E IVI	DESCRIPTION	TYPE	RATE	DEFIR	
STEP 1	COMPOST	COMPOST	FINE	270 CY/ACRE	2''	
		SEED	MIX 1	26.1 LB/ACRE		
STEP 2	HYDROSEED	FIBER	WOOD	2500 LB/ACRE		
		TACKIFIER	PSYLLIUM	150 LB/ACRE		

EROSION CONTROL TYPE 3

RIPARIAN

SEQUENCE ITEM		MATERIA	L	APPLICATION	DEPTH
		DESCRIPTION	TYPE	RATE	DEPIR
STEP 1	COMPOST	COMPOST	FINE	135 CY/ACRE	1"
		SEED	MIX 2	22.45 LB/ACRE	
STEP 2	HYDROSEED	FIBER	WOOD	2000 LB/ACRE	
		TACKIFIER	PSYLLIUM	150 LB/ACRE	

EROSION CONTROL TYPE 4

NATIVE GRASS

SEQUENCE	ITFM	MATERIA	L	APPLICATION	
SEQUENCE	I I E IVI	DESCRIPTION	TYPE	RATE	
	HYDROSEED	SEED	MIX 3	30.0 LB/ACRE	
STEP 1		FIBER	WOOD	2000 LB/ACRE	
		TACKIFIER	PSYLLIUM	150 LB/ACRE	

FIBER ROLL

SEQUENCE ITEM		MATERIAL				
SEQUENCE	1 □	DESCRIPTION	TYPE			
INSTALL FIBER ROLL PRIOR TO TYPE 1 EROSION CONTROL SEQUENCE	TYPE 1	FIBER ROLL	8" TO 10" DIA			

Dist	COUNTY	ROUTE	POST MILES	SHEET	
			TOTAL PROJECT	No.	SHEETS
05	SB	101	56.0		
	ENSED LAN	NDSCAPE ARC	CHITECT	NDSCAPE Signature	- 1501 - 1501
OR A THE	GENTS SHALL	LIFORNIA OR II NOT BE RESPO COMPLETENESS PLAN SHEET.	NSIBLE FOR ATE	OF (AL	ORILIT .

SEED MIX

SEED	BOTANICAL NAME (COMMON NAME)	PERCENT GERMINATION (MINIMUM)	POUNDS PURE LIVE SEED PER ACRE (SLOPE MEASUREMENT)
	ACMISPON GLABER (DEERWEED)	75	1.5
	ARTEMESIA CALIFORNICA (CALIFORNIA SAGEBRUSH)	60	0.1
	BROMUS CARINATUS (CALIFORNIA BROME)	80	8
	ERIOGONUM FASCICULATUM (CALIFORNIA BUCKWHEAT)	20	1
MIX 1	FESTUCA MICROSTACHYS (SMALL FESCUE)	80	6
2	LASTHENIA CALIFORNICA (CALIFORNIA GOLDENFIELDS)	55	0.5
	LAYIA PLATYGLOSSA (COASTAL TIDYTIPS)	60	1
	SALVIA MELIFERA (BLACK SAGE)	50	1
	SAMBUCUS NIGRA SSP. CAERULEA (BLUE ELDERBERRY)	40	3
	STIPA PULCHRA (PURPLE NEEDLEGRASS)	75	4
	ARTEMESIA DOUGLASIANA (MUGWORT)	40	0.2
	BACCHARIS PILULARIS (CHAPARRAL BROME)	30	0.1
×	BACCHARIS SALIFCIFOLIA (MULEFAT)	30	0.1
×IW	DESCHAMPSIA DANTHONIDES (ANNUAL HAIR GRASS)	60	2
	JUNUCS BUFONIUS (TOAD RUSH)	60	0.05
	LEYMUS TRITICOIDES (CREEPING WILDRYE)	60	8
	HORDEUM BRACHYANTHERUM CALIFORNICUM (CALIFORNIA BARLEY)	80	12
XIX 3	BROMUS CARINATUS (CALIFORNIA BROME)	80	20
∑ ′	FESTUCA MICROSTACHYS (SMALL FESCUE)	80	10

EROSION CONTROL LEGEND ECL-1

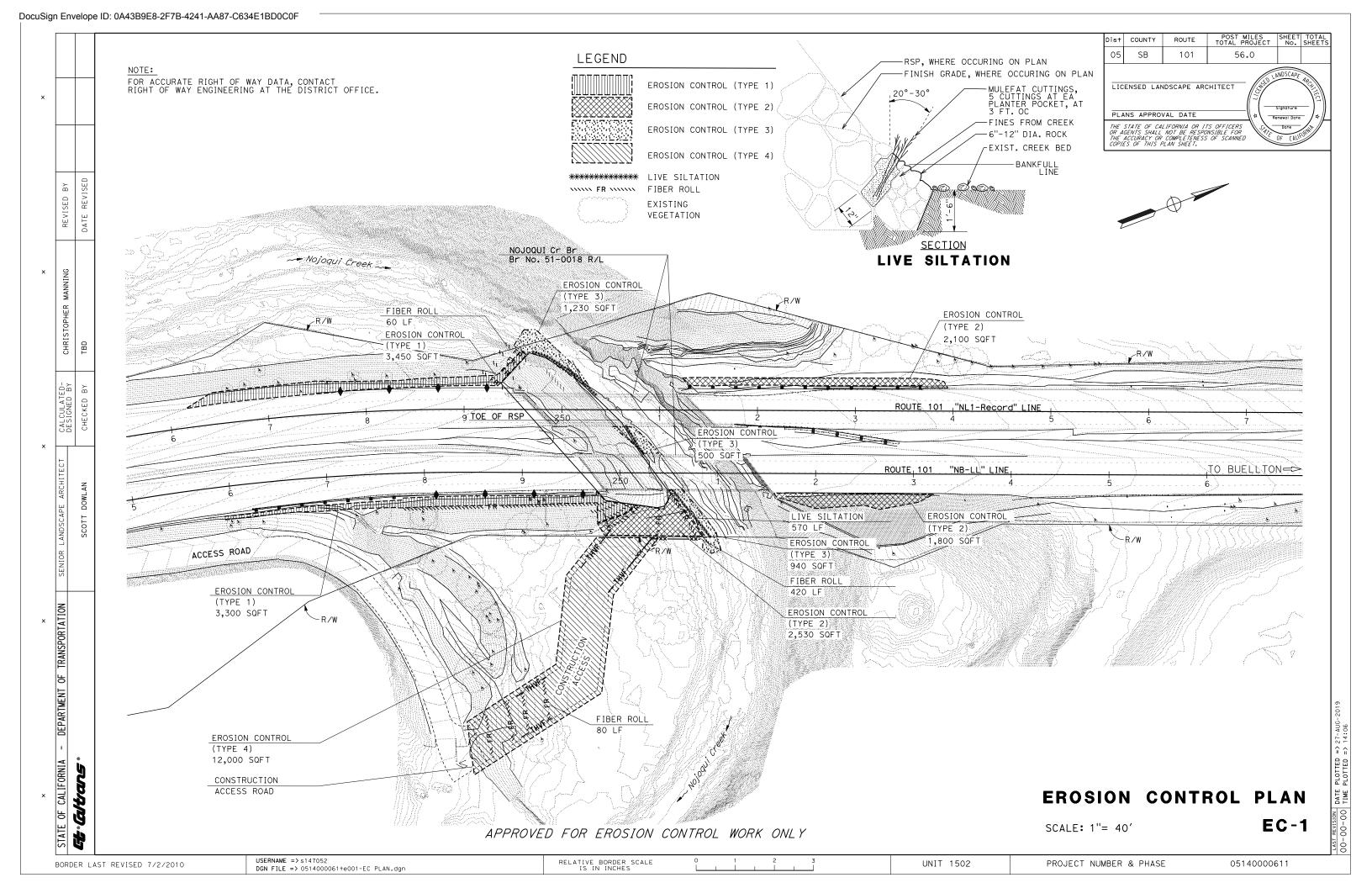
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RELATIVE BORDER SCALE
IS IN INCHES

UNIT 1502

PROJECT NUMBER & PHASE

05140000611



Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2022-084-05

PERMITTEE: California Department of Transportation

PROJECT: Nojoqui Creek Bridge Rail Upgrade 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
BEI	FORE 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	Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Biological Monitor(s). 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 post 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	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	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	All erosion and sediment control measures shall be installed prior to Covered Activities. Permittee shall utilize erosion control measures throughout all phases of the Project where sediment runoff from exposed slopes could leave the Project Area and/or enter a drainage, stream, or ponded area. Permittee shall consult 72-hour weather forecasts from the National Weather Service to avoid starting any phase of the Project that may result in sediment runoff to a drainage, stream, or ponded area. The Designated Biologist shall monitor erosion control measures before, during, and after each storm event and Permittee shall repair and/or replace ineffective measures immediately. Following completion of the Project, Permittee shall implement erosion control measures for all disturbed areas.	ITP Condition # 8.3	Before commencing ground- or vegetation-disturbing activities/ Entire Project		

	Mitigation Massura	Source	Implementation Schedule	Responsible	Status / Date / Initials
10	Mitigation Measure Permittee shall prepare and submit to CDFW for approval, a plan to relocate the Covered Species from the area proposed for dewatering. The Relocation Plan shall include at minimum the following:	Source ITP Condition # 8.7	Before commencing ground- or vegetation-disturbing	Party Permittee	Status / Date / Initials
	8.7.1. The name(s) of Designated Biologist(s) supervising the relocation. The CDFW-approved Designated Biologist shall be present during capture and relocation efforts as required by Condition of Approval 6.2.		activities/ Entire Project		
	8.7.2. Prior to installation of the temporary creek diversion, the Designated Biologist shall capture and relocate Covered Species to the nearest predetermined release location, approved in advance by CDFW. Release locations shall provide suitable habitat for Covered Species.				
	8.7.3. All dip nets used to capture Covered Species shall be made of a soft braided nylon material that is non-abrasive. Mesh sizing shall be matched to life stages likely encountered.				
	8.7.4. Relocation activities shall be conducted in the morning if maximum daytime air temperatures are expected to exceed 23 degrees Celsius (75 degrees Fahrenheit).				
	8.7.5. If used, electroshocking shall be conducted using the National Marine Fisheries Service Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act, June 2000. https://media.fisheries.noaa.gov/dam-migration/electro2000.pdf .				
	8.7.6. Capture Covered Species must be kept in a closable container in an adequate amount of cool, clean, well-oxygenated water (e.g., a cooler with lid containing stream water and a battery-operated air stone). Water temperature shall be monitored and kept below 60 degrees Fahrenheit. If necessary, water shall be cooled with ice without introducing ice-borne chemical contaminants. Transport containers shall have a water volume of no less than 5 gallons. Covered Species density in the transport container shall not exceed 10 Covered Species (40-80mm in length) per gallon of water. Collected Covered Species shall not be anesthetized at any point during relocation.				
	8.7.7. The Designated Biologist shall reduce stress on the Covered Species to the maximum extent possible. This includes reducing the time that live Covered Species are being captured, handled, and transported.				
	8.7.8. The Designated Biologist shall record the species name, length, date, time, location, gear type, water temperature, and any other pertinent observations to be included in the Monthly Compliance Report.				
	8.7.9. Permittee shall preserve dead individuals by freezing or placing in 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 the preserved individuals. Any take of non-covered species shall be documented and included in the Mitigation Reports.				
	8.7.10. After completing the relocation, the Designated Biologist shall prepare a relocation documentation report. The report shall include information on the personnel conducting the relocation; methods used in capture and relocation; numbers and length data of each species collected and relocated; coordinates and habitat description of release location(s); and estimate of the survival immediately after release. Photographs of the site and relocation operations shall be included. The report shall be provided by the Permittee to CDFW in the next Monthly Compliance Report.				Rev. 2013.1.1

	Mitiga	ation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials	
11	Permitt implem project	ee shall submit for approval a water diversion plan to CDFW at least 30 days prior to lenting diversion plan. Permittee shall resolve all CDFW comments prior to initiation of activities. The Permittee may not commence diversion of water without the explicit all from CDFW. The diversion plan shall include the following:	ITP Condition # 8.8	Before commencing ground- or vegetation-disturbing activities/	Permittee	Statue / Bato / mittale	
	8.8.1.	Permittee shall describe location of diversion points including detailed drawings and geographic coordinates. Plans should include protection at the outlet if scour is possible.		Entire Project			
	8.8.2.	Permittee shall describe the step-by-step installation and removal method.					
	8.8.3.	Permittee shall describe materials to be used in the temporary diversion system. The Permittee shall construct temporary dams to redirect flows using non-erodible materials made out of burlap or woven synthetic material. The durability of the burlap shall be rated as 10-oz burlap. Bags should contain clean gravel that does not contain soil or fine sediment and should be sufficient size or strength to hold a minimum of 1.0 cubic foot when they are filled to 50 percent of full capacity.					
	8.8.4.	When the cofferdam or temporary creek diversion is being constructed, maintained, or placed in operation, sufficient water shall be allowed to pass downstream of the excavation to maintain aquatic life downstream. Flow shall be of sufficient quality, quantity and temperature to support fish and other aquatic species both above and below the diversion.					
	8.8.5.	If pumps are necessary for dewatering, appropriate fish screening shall be implemented to avoid entrainment. Screen material may be constructed of any rigid woven, perforated, or slotted material that provides water passage while physically excluding fish. Round openings in the screen shall not exceed 3/32-inch diameter, square openings shall not exceed 3/32-inch measured diagonally. Approach velocity shall not exceed 0.33 feet per second.					
	8.8.6.	Permittee shall inspect temporary diversion system daily and immediately repair any insufficiencies.					
	8.8.7.	Turbidity levels in the stream, resulting from project related activities, shall not exceed 20 percent over background turbidity if background is 0-50 NTU or 10 percent over natural turbidity levels if turbidity levels are over 50 NTU as measured 200 feet upstream of the project site. Turbidity levels shall be routinely monitored and evaluated. If turbidity exceeds the above turbidity thresholds, Covered Activities shall be halted until effective measures have been implemented in coordination with CDFW.					
	8.8.8.	The Designated Biologist shall monitor the installation of diversion system and daily while installed. The Designated Biologist shall look for entrainment or stranding of Covered Species through the project reach as well as up and downstream.					
	8.8.9.	Temporary creek diversion systems shall remain in place and functional throughout the construction period. If the diversion fails, Permittee shall it immediately. Permittee shall remove the diversion and restore natural flows immediately upon completion of work at that location.					
	8.8.10.	Reintroduction of stream flows shall be gradual to the isolated work area to prevent stranding, channel instability, and scour. The Designated Biologist shall monitor upstream and downstream to ensure no Covered Species are stranded or in distress during reintroduction of flows.				Rev. 2013 1 1	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
12	Prior to entering the work site, all field personnel shall know the location of spill kits and trained in their appropriate use. All activities performed in or near a river, stream, or lake shall have absorbent materials designated for spill containment and cleanup activities on-site for use in an accidental spill. Permittee shall notify CDFW within 24 hours of all spills.	ITP Condition # 8.14	Before entering the worksite/ Entire Project		
13	 The Permittee shall restore and enhance 0.02 acre of riparian habitat onsite. 8.9.1. Riparian Habitat Restoration and Monitoring Plan. The Permittee shall prepare a Riparian Habitat Restoration and Monitoring Plan that shall be submitted thirty days prior to the initiation of construction. Restoration shall include specific yearly success criteria for five (5) years. Criteria shall be defined within the plan for survivorship, species diversity, percent native cover, and percent non-native cover. The enhancement site shall be stable without additional water for at least two years. All disturbed areas shall be monitored and controlled at 0 percent invasive species rated as moderate through high by the California Invasive Plant Council's database, which is accessible at: https://www.calipc.org/plants/inventory/. Reference site analysis and final approval of an enhancement site as having all obligations met may be accepted upon written request and written approval from CDFW. Alternative concepts for enhancement, such as land acquisition or permanent protection may be considered upon written request and written approval by CDFW. All temporary irrigation systems shall be removed upon completion of site enhancements or at such a time when supplemental watering is no longer required. 8.9.2. Riparian Habitat Monitoring and Reporting. The Permittee shall submit the Riparian Habitat Restoration Monitoring Report to CDFW by December 31 for the five-year period, as well as any additional years. The report shall include quantitative summary of success criteria, photos from designated photo stations, a summary of site conditions, and a list of wildlife observed on site. The report shall also include a list of corrective actions that has occurred in the Enhancement Area 	ITP Condition #8.9	Thirty Days Prior to Initiation of Project Activities/ Entire Project	Permittee	
14	Permittee shall install at least two (2) post-assisted log structures to improve instream habitat. Restored, created, and managed habitats are collectively referred to as Habitat Management Lands (HM Lands). Funding for monitoring and management of enhanced Covered Species habitat must be secured before starting Covered Activities.	ITP Condition # 9	Before starting Covered Activities	Permittee	
15	For the purposes of determining the Security amount for the instream habitat improvements, CDFW has estimated the cost of habitat enhancement, restoration, and long-term management of the HM lands and restoration of temporarily disturbed habitat as follows: 9.1.1. Habitat enhancement costs for two (2) instream post-assisted log structures is estimated at \$24,186.00. 9.1.2. Management and Monitoring funding for five (5) years as described in Condition of Approval 9.2, estimated at \$59,192.00. Management funding is estimated initially for the purpose of providing Security to ensure implementation of habitat creation, restoration, monitoring, and management. 9.1.3. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to installation, monitoring, and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work \$5,000.00.	ITP Condition #9.1	Before starting Covered Activities	Permittee	Rev. 2013.1.1

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
16	The Permittee shall be responsible for enhancing aquatic habitat onsite by installing at least two (2) post-assisted log structures. These enhancements will increase habitat complexity of aquatic habitat. 9.2.1. Aquatic Habitat Enhancement Plan. The Permittee shall develop an Aquatic Habitat Enhancement Plan that shall be submitted thirty (30) days prior to the initiation of construction. The plan shall include details describing the installation of a minimum of two (2) post-assisted log structures as described in Utah State University's Low-Tech Process-Based Restoration of Riverscapes Design Manual, monitoring metrics and schedule, success criteria, adaptive management, and reporting. 9.2.2. Final Design Plans. Final design plans shall be submitted to CDFW for concurrence at least 30 days prior to the installation of the structures. 9.2.3. Stream Geomorphic Monitoring and Reports. The Permittee shall monitor the stream channel construction work for five (5) years post installation to determine if success criteria have been achieved. Monitoring reports shall include photographs at designated photo stations; analysis of channel condition including areas of bed and bank erosion and bed composition up- and downstream of structures; longitudinal profile and cross sections survey capturing key elements; streamflow at time of survey, and recommended corrective and/or supplemental actions if needed. The reports also shall describe methods used to acquire the above parameters. Reports shall be submitted to CDFW with completion of annual monitoring report. 9.2.4. As-built Channel Survey and Report. An as-built survey shall include longitudinal profile and representative cross-sections for future comparison. Notify CDFW within 10 working days prior to completion. Permittee shall provide photos and written documentation to CDFW within 30 days of installation	ITP Condition #9.2	Thirty Days Prior to Initiation of Project Activities/ Entire Project	Permittee	Status / Date / Initials

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
17	The Permittee may proceed with Covered Activities 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. Master Funding Agreement. Security for this ITP shall be governed by the Master Funding Agreement between the California Department of Fish and Wildlife and the California Department of Transportation, dated September 3, 2021. 10.2. Funding Memorandum. Permittee has prepared, and CDFW has approved, the project-specific Funding Memorandum required by the Master Funding Agreement and attached to this ITP as Attachment 3. 10.3. Security Amount. The Security shall be in the amount of \$88,379.00. This amount is based on the cost estimates identified in Condition of Approval 9.1 above and the Funding Memorandum. 10.4. Funding of the Child EA. Permittee has created and funded the Child EA with funds equivalent to the Security Amount. 10.5. Compliance with Master Funding Agreement. Permittee shall complete all requirements set forth in the Master Funding Agreement and shall at all times comply with the terms and conditions of that Agreement. 10.6. Completion of Mitigation Requirements. Even if Security is provided, the Permittee must complete the required mitigation as required by this ITP no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or 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	ITP Condition # 10	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
DUI	RING CONSTRUCTION				
18	To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist shall immediately stop any activity that does not comply with the ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of the ITP	ITP Condition # 6.3	Entire Project	CDFW	
19	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	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
20	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. Tightly woven silt fencing material or woven organic materials such as coir logs (without monofilament netting) shall be permitted.	ITP Condition # 6.8	Entire Project	Permittee	
21	Project-related personnel shall access the Project Area using designated routes. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas.	ITP Condition # 6.11	Entire Project	Permittee	
22	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.	ITP Condition # 6.12	Entire Project	Permittee	
23	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. Permittee shall report all spills within the stream channel immediately to CDFW.	ITP Condition # 6.13	Entire Project	Permittee	
24	Permittee shall provide CDFW staff with reasonable access to the Project [and mitigation lands under Permittee control], and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 6.14	Entire Project	Permittee	
25	Permittee shall provide Relocation Report within 5 days of any Covered Species relocation effort as described within the Relocation Plan. The report shall include number of Covered Species pursued, captured, and relocated; health status; and any other pertinent information of Covered Species pursued, captured, or relocated.	ITP Condition # 7.2	Entire Project	Permittee	
26	The Designated Representative and/or Designated Biologist shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative or Designated Biologist shall follow up within 24 hours with a written report to CDFW describing, in detail, any noncompliance with the ITP and suggested measures to remedy the situation.	ITP Condition # 7.3	Entire Project	Permittee	
27	The Designated Biologist shall be on-site daily during riparian vegetation removal or clearing, installation of exclusionary fencing, concrete pours and washouts, installation and removal of diversion. Otherwise, the Designated Biologist shall conduct inspections at least weekly and the Biological Monitor shall conduct inspections daily. 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.	ITP Condition # 7.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.4 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall include details on temporary and permanent impacts to date; numbers of Covered Species taken to date; and monitoring results required by the terms of this ITP, including monitoring associated planning documents required per this ITP. Permittee shall submit Monthly Compliance Reports 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 Erika Cleugh (Erika.Cleugh@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 the reporting schedule requires changes, CDFW will notify Permittee in writing.	ITP Condition # 7.5	Entire Project	Permittee	
29	Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.5; (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; (7) amount of take to date; (8) information about other Project impacts on the Covered Species.	ITP Condition # 7.6	Entire Project	Permittee	
30	The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within sixty calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 7.7	Entire Project	Permittee	
31	Permittee shall immediately notify the Designated Biologist if a Covered Species is injured or killed 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 Erika Cleugh at Erika.Cleugh@wildlife.ca.gov and Headquarters CESA Program at CESA@wildlife.ca.gov . The initial notification to CDFW shall include information regarding the location, species, and number of individuals injured or killed and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of injury or mortality, and any other pertinent information.	ITP Condition # 7.9	Entire Project	Permittee	
32	Project activities in and around the stream channel shall limited between June 1 and October 31 to avoid impacts to migrating steelhead. Vegetation trimming (without root removal, ground disturbance, or implemented by heavy equipment), revegetation, restoration, and erosion control work can occur outside of the above stated work window.	ITP Condition # 8.1	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
33	No work shall occur in wetted portions of the creek channel, including but not limited to ponded, flowing or wetland areas. Water shall be diverted around work area and/or dewatered in accordance with an approved diversion/dewatering plan prior to initiating work.	ITP Condition # 8.2	Entire Project	Permittee	
34	Construction activities shall take place during daylight hours (30 minutes before sunrise to 30 minutes after sunset). If night work is necessary, it shall be limited and light shall be shielded from adjacent habitat.	ITP Condition # 8.4	Entire Project	Permittee	
35	Permittee shall restrict work to periods of dry weather. The Permittee shall monitor the National Weather Service 72-hour forecast daily for the project area. When ¼ inch or more of precipitation is forecasted to occur, the Permittee shall stop work before precipitation commences. Work shall not restart until runoff ceases and there is less than 40 percent chance of rain forecasted for the following 24-hour period.	ITP Condition # 8.5	Entire Project	Permittee	
36	After any storm event, Permittee shall inspect all sites within 72 hours. Permittee shall repair or correct any insufficient erosion control measures.	ITP Condition # 8.6	Entire Project	Permittee	
37	All concrete used shall be excluded from the wetted channel or areas where it may come into contact with water for a period of 30 days after it is poured/sprayed. Commercial sealants may be applied to the poured concrete surface where difficulty in excluding flow for a long period may occur. If sealant is used, the proponent shall follow the instructions as noted on the product label. As an alternative, water quality testing and analysis may be conducted in coordination with CDFW. Results shall be submitted and accepted by CDFW prior to removal of the temporary diversion system that will re-introduce flows to new concrete.	ITP Condition # 8.10	Entire Project	Permittee	
38	Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream shall be positioned over drip pans. Any equipment or vehicles driven and/or operated within or adjacent to the stream must be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. No equipment maintenance or fueling shall be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter these areas unless the appropriate spill prevention measures are in place such as catch basins or drip pans, lined with an impermeable layer that has been placed under the equipment. Building materials and/or construction equipment shall not be stockpiled or stored where they may be washed into the water or cover aquatic or riparian vegetation. Stockpiles shall be covered when measurable rain is forecasted. All removed spoils and construction debris shall be moved to areas where it may not permit to pass into, or place where it can pass into waters of the State in accordance with Fish and Game Code Section 5652.	ITP Condition # 8.11	Entire Project	Permittee	
39	Permittee shall conduct Project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one Project site and/or waterbody to another. Prevention BMPs and guidelines for invasive plants can be found on the Cal-IPC's website at: http://www.calipc.org/ip/prevention/index.php and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: http://www.protectyourwaters.net/.	ITP Condition # 8.12	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials			
40	Any equipment that will be entering the channel shall be cleaned and decontaminated to spread aquatic diseases. Workers entering the riparian area, bed, bank, or channel shall decontaminate waders, boots, and other clothing that will come in direct contact with the water. Repeat decontamination is required if the equipment is used on a different water body between uses at the project site. Decontamination of clothing and equipment will be done by one of the following:	ITP Condition # 8.13	Entire Project	Permittee				
	8.13.1.Thoroughly drying equipment in an upland location. Drying times will be at least 7 days if average temperatures exceed 80 F. If average temperatures are below 80 F, drying times will be at least 30 days.							
	8.13.2.A water wash with water temperatures of at least 140°F with varying high- and low-pressure spray to dislodge pathogens, vegetation, and contaminated sediment.							
	8.13.3. Freezing at a temperature of less than 32°F for more than 72 hours.							
	8.13.4.Soaking in a CDFW-approved disinfectant solution for at least two minutes (or longer depending upon the disinfectant used), then thoroughly rinsed in a water bath before entering stream.							
POST-CONSTRUCTION								
41	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				
42	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 Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 7.8	Post-construction and after completion of mitigation	Permittee				

EXHIBIT B TO MASTER FUNDING AGREEMENT

FUNDING MEMORANDUM

- 1. Name of Project: Nojoqui Bridge Rail Upgrade Project
- 2. Brief Description of the Project: <u>The project proposes to replace existing bridge</u> rails and widen two spans at the Nojoqui Bridge along Highway 101 in northern Santa Barbara County.
- 3. Incidental Take Permit Number or Consistency Determination Number:

<u>2081-2022-084-05</u>

- 4. CALTRANS parent project EA and program funding source: <u>05-1F79a4</u>, <u>SHOPP</u>
- 5. CALTRANS Child EA and program funding source: <u>05-1F791</u>, <u>SHOPP</u>
- 6. Estimated costs of Mitigation (including monitoring): \$88,379.00
- 7. Total amount for security (combined total of estimated costs of Mitigation and Monitoring): \$88,379.00

The funds for this project have been currently budgeted and allocated, for the project as described above. The funds that have been allocated for mitigation and monitoring will not be re-allocated to another element of the project or expended for any purpose other than completing the mitigation and monitoring requirements.

Signature Date 5/31/2023

<u>Instruction</u>: This form is to be transmitted by CALTRANS to CDFW with each application for an incidental take permit under Fish and Game Code section 2081, and with each request fora Consistency Determination under Fish and Game Code section 2080.1. CALTRANS personnel who signs permit shall also sign this form.