



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 14, 2023

Chuck Covolo, Project Manager
County of Stanislaus, Public Works
1716 Morgan Road
Modesto, California 95358

Subject: Reissue Incidental Take Permit for Milton Road Over Hoods Creek Replacement (2081-2022-061-04)

Dear Chuck Covolo:

Enclosed you will find an electronic copy of the incidental take permit for the above referenced Project, which has been digitally signed by the California Department of Fish and Wildlife (CDFW). This permit is different from the version previously sent via DocuSign on November 1, 2023; the Contact Person's phone number on page 1 has been updated.

Please read the permit carefully, sign the acknowledgement, and return the original **no later than 30 days from CDFW signature**, and prior to initiation of ground-disturbing activities. You may return a hard copy of the permit via mail to:

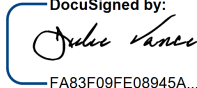
California Department of Fish and Wildlife
Habitat Conservation Planning Branch, CESA Permitting
Post Office Box 944209
Sacramento, California 94244-2090

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

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

The permit will not take effect until the signed acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the permit, please contact Crystal Sinclair, Environmental Scientist, at Crystal.Sinclair@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

Enclosure

Conserving California's Wildlife Since 1870



**California Department of Fish and Wildlife
Central Region R4
1234 EAST SHAW AVENUE
FRESNO, CALIFORNIA 93710**

California Endangered Species Act
Incidental Take Permit No. 2081-2022-061-04

MILTON ROAD OVER HOODS CREEK BRIDGE REPLACEMENT

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:	County of Stanislaus, Public Works
Principal Officer:	Chuck Covolo, Project Manager
Contact Person:	Chuck Covolo, (209) 525-4101
Mailing Address:	1716 Morgan Road Modesto, California 95358

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 **January 1, 2029**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.10 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 Milton Road over Hoods Creek Bridge Replacement (Project) is located approximately 1.5 miles south of State Route 4 and approximately 1.75 miles north of Eugene, in an unincorporated area of Stanislaus County, California. The Project is in Section 23, Township 1N, Range 10E at approximately 37.921161° latitude, -120.843923° longitude (Figures 1 and 2).

IV. Project Description:

The Project involves replacement of the existing Milton Road over Hoods Creek Bridge with a two-lane bridge structure to provide safety and improved operations. The existing bridge has been flagged as Functionally Obsolete by Caltrans under the Federal Highway Administration prescribed inspection criteria. The Project is needed to meet current structural design standards. Project components include (1) equipment/stockpile staging areas, (2) utility relocation, (3) installation of a temporary water diversion, (4) temporary road construction, (5) bridge demolition, (6) roadway improvements, and (7) bridge construction. Project activities include grubbing and grading the entire Project site, trench digging, water diversion, bridge demolition, bridge building, pile driving, road construction, and other activities. The Project site covers approximately 3.0 acres and measures approximately 920 feet from north to south and approximately 330 feet across at its widest point (Figure 3). Land cover within the 3.0 acres include: 1.2 acres of annual grassland, 0.6 acre of non-irrigated pasture, 0.04 acre of orchard, and 0.78 acre of paved road, road shoulder, and compacted dirt roads. The remaining area within the Project site is within Hoods Creek (Figures 4 and 5). Construction is anticipated to begin in July 2024 and is proposed to take approximately eight months to complete.

(1) Equipment/Stockpile Staging Areas

A 0.45-acre staging area for bridge construction has been identified within annual grassland habitat immediately north of Hoods Creek and west of Milton Road. A second potential staging area is in the non-irrigated pastureland north of Hoods Creek and east of Milton Road and is approximately 0.48 acre. Both staging areas will be located within the temporary disturbance areas (Figure 3). Project staging and work areas will be accessed using the existing road turnoffs located within the Project site, north of Hoods Creek (Figure 4). If additional staging areas are needed, and pending coordination with the local property owners, the Project will utilize some or all of the temporary disturbance areas for staging throughout the duration of the Project, approximately eight months.

It is anticipated that excavators, scrapers, backhoes, pavers, rollers, cranes, pile drivers, street sweepers, bulldozers, dump trucks, concrete trucks, drill rigs, hydraulic jacks, and concrete pumps will be required to construct the new bridge and would be present within staging areas throughout the duration of construction.

(2) Utility Relocation

Existing overhead electrical lines on the east of the roadway will be relocated. The relocation of the electrical lines may be temporary or permanent and will be determined in close coordination with the utility companies. If the two poles require temporary or permanent relocation, the poles would be relocated within the shoulder of the existing roadway by excavating an area up to 4-feet deep and 5-feet wide. All access for equipment and personnel would remain within the Stanislaus County (County) right-of-way and access would be from Milton Road. Utility relocation is anticipated to take approximately one to three to complete. No additional ground or vegetation disturbance will occur outside of the already documented disturbance areas.

(3) Installation of a Temporary Water Diversion

In the event that there is water present at the time of Project Activities a temporary water diversion will be installed. The water diversion plan will likely consist of plastic sheeting and sand/gravel bag berms, or similar material, to temporarily re-direct flows through a temporary culvert consisting of approximately four 48-inch pipes. The water diversion will be installed in such a way to minimize impacts to water quality and aquatic species. After the installation of a temporary water diversion, a temporary road will be constructed across dewatered Hoods Creek and allow for traffic to be maintained during construction. Temporary right of way will be needed from two properties (APN 001-0018-008 and APN 001-010-032) to facilitate the construction of the temporary road. The water diversion and temporary road will take approximately one month to construct and will remain in place for the duration of the Project.

(4) Construction of a Temporary Road

A temporary road will be constructed west of Milton Road over the diverted Hoods Creek to allow for traffic to be maintained during construction. Dirt fill will be imported and placed within Hood Creek and in the adjacent upland areas directly west of Milton Road to level the grade prior to vehicle use. Gravel base material and paving striping will be placed for the temporary road. Temporary right of way would be required from two adjacent private properties to facilitate construction of the temporary road. Roadway improvements would occur within existing County road right-of-way and would involve activities such as paving, striping, and railing installation along the approach roadway on either side of the bridge. Anticipated time for construction of the temporary road is approximately one month and will remain in place for the duration of the Project. The temporary road will be located within the temporary disturbance area.

(5) Bridge Demolition

The existing bridge will be demolished following the implementation of the water diversion and construction of the temporary road. Demolition involves breaking up the concrete deck with a mounted impact hammer and hauling debris off site

for proper disposal. In addition, existing piers and foundations will be cut off approximately three feet below the ground surface and removed from the site. Demolition of the existing bridge is anticipated to take up to six months to complete.

(6) Road Construction

Roadway improvements will occur within existing County right-of-way and will involve activities such as removing asphalt concrete (AC), placing base material, paving, striping, and railing installation along the approach roadway on either side of the bridge. Construction of the roadway approaches will take approximately six months to complete.

(7) Bridge Construction

The new bridge will be within the footprint of the existing bridge but will be wider. Following demolition, work on the new abutments will begin. Abutments will be supported on cast in-steel-shell (CISS) piles. Abutment pile shells will be placed via a combination of impact hammer and/or vibratory pile driving. After pile driving, formwork will be built and rebar reinforcement will be placed in the forms prior to pouring the concrete abutment. Bridge pier installation will involve a row of 24-inch diameter CISS piles installed with vibratory and /or impact driving. The proposed deck design is a two-span concrete cast-in-place post-tensioned slab and will be the final major step of bridge construction. Deck construction will start by construction falsework and concrete forms to hold the concrete while it cures. Next, rebar reinforcement will be laid out in the forms and concrete will be poured to form the bridge deck. Post-tensioning is the final step of deck construction and includes placing high tensile steel tendons through the bridge deck and pulling the tendons with a hydraulic jack to compress the concrete structure. The resulting bridge structure would be 126' long, 32' wide, and will include two 11-foot lanes with 3-foot shoulders and 2-two foot-wide Concrete Barrier Type 85. The design will meet current American Association of State Highway and Transportation Officials (AASHTO) Standards and Stockton East Water District (SEWD) requirements.

It is anticipated that excavators, bulldozers, dump trucks, concrete trucks, drill rigs, and concrete pumps will be required to construct the new bridge and would be present within staging areas throughout the duration of construction. In addition, roadway improvements would occur within existing County right-of-way and would involve activities such as paving, striping, and railing installation along the approach roadway on either side of the bridge.

Project construction is anticipated to begin in July 2024 and is anticipated to take approximately eight months to complete.

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

This ITP covers the following species:

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

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

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include staging of equipment, heavy equipment operations, clearing and grubbing of the Project site during initial site preparation, noise and vibrations from utility relocations, vehicle and foot traffic, trenching and excavating related to water diversion and road improvements, installation of water diversion, construction of temporary road, bridge demolition, and bridge construction. The use of pile drivers, hydraulic impact hammers, paving, striping, and railing installation, removal of legacy trash and rubble and/or relocation activities prescribed by this ITP (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 being crushed under moving vehicles and equipment, disturbance in the vicinities of burrows resulting from clearing and grubbing activities compacting soils and resulting in the destruction of ground squirrel burrows. Covered Species actively inhabiting these burrows may become trapped, injured or be forced to move, resulting in take of the species. In addition, the destruction of local burrows may eliminate refuge habitat for dispersing Covered Species, increasing their susceptibility to desiccation or predation. Installation of the temporary diversion may trap Covered Species within pipes, culverts or within an intake pipe during de-watering events potentially causing take of Covered Species. During the construction of the temporary road, temporary import of fill within annual grassland habitat may bury existing burrows, which may be occupied by Covered Species. Furthermore, noise and vibration associated with ground disturbance may disrupt Covered Species (while subterranean) resulting in early emergence from refugia locations and result in potential take of the species. 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 capture and relocation attempts as required by this ITP. Relocation could, absent implementation of protective measures, result in mortality, injury, and/or disease transmission to Covered Species by individuals involved in the relocation effort. The areas where authorized take of the Covered Species is expected to occur is contained within the 3.0-acre Project construction footprint and equipment staging area, and along access routes (collectively, the Project Area).

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

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

The Project is expected to cause the permanent loss of 0.10 acre of upland habitat for the Covered Species, and temporary loss of approximately 2.52 acres of upland habitat for the Covered Species (See Figure 5). Permanent habitat impacts include 0.10 acre of annual grasslands, and temporary habitat impacts include 1.1 acres of annual grassland, 0.6 acre of non-irrigated pasture, 0.04 acre of orchard, and 0.78 acre of paved road, road shoulder, and compacted dirt roads (roads, road shoulder, and compacted dirt roads are collectively referred to as “barren habitat”). Annual grasslands within the Project Area have a high density of small mammal burrows, greater plant diversity, and vegetation structure that are suitable habitat features for both refugia and dispersal and are generally considered high quality Covered Species habitat for both subterranean and dispersal periods. Non-irrigated pasture within the Project Area is used for cattle staging, including feeding and housing and contains low plant diversity, more compacted soils, and a low density of burrows. Vegetation structure of the non-irrigated pasture is suitable for Covered Species dispersal, but contains limited refugia for the subterranean period or shelter during dispersal, this area is generally considered moderate quality Covered Species habitat. The orchard has no burrows but is permeable for Covered Species during dispersal. The barren habitat lacks burrows and has sparse or no vegetation. Orchard and barren habitat have no value for the subterranean period and is only suitable for dispersal and when Covered Species may be moving between higher quality adjacent habitat patches. The lack of vegetative cover and burrows means Covered Species cannot remain in these areas for a significant amount of time and may be more vulnerable to predation. Impacts to connectivity are the primary concern for the orchard and barren habitat, but given the relatively short project duration, CDFW does not expect any long-term or lasting impacts and the primary cause of take in the orchard and barren habitat is likely to be in the form of capture when moving Covered Species out of harm’s way. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project’s incremental contribution to cumulative impacts (indirect impacts). These impacts include stress resulting from noise and vibrations from equipment and capture and relocation, and long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

VII. Incidental Take Authorization of Covered Species:

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

VIII. Conditions of Approval:

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

1. **Legal Compliance:** Permittee shall comply with all applicable federal, State, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration (SCH No.: 2022050354) adopted by County of Stanislaus, Public Works on September 6, 2022, 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. EPIMS STA-32599) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
4. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
5. **General Provisions:**
 - 5.1. **Designated Representative.** Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
 - 5.2. **Designated Biologist(s) and/or Designated Monitor(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, contact information, and references with contact information of Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Example (Attachment 2) or another format containing the same information. This information shall be submitted for CDFW review and approval at least 30 days before starting Covered Activities. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of the Covered Species and to minimize disturbance of Covered

Species' habitat. The Designated Monitor(s) shall assist the Designated Biologist(s) in compliance monitoring under direction/supervision of the Designated Biologist(s). Designated Monitor responsibilities will be restricted to a specific set of Conditions of Approval, specified by the Permittee or Designated Representative at the time their qualifications are submitted for review. Permittee shall ensure that the Designated Biologist(s) and Designated Monitor(s) are knowledgeable and experienced in the Covered Species' biology, natural history, collecting and handling, as well as excavating burrows/crevices to minimize mortality and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. The Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed.

- 5.3. Designated Biologist Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.
- 5.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout

containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.

- 5.5. Construction Monitoring Documentation.** The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on site in either hard copy or electronic throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.
- 5.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 5.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 5.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 5.9. Delineation of Property Boundaries.** 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.
- 5.10. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.

- 5.11. Project Access.** Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en-route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 5.12. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.11 of this ITP.
- 5.13. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off site.
- 5.14. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.15. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

6. Monitoring, Notification and Reporting Provisions:

- 6.1. Notification Before Commencement.** The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 6.2. Notification of Non-compliance.** The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval

of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.

- 6.3. Geographic Information Systems Data Files.** Before starting Covered Activities, the Permittee shall provide CDFW with separate Geographic Information Systems (GIS) data files for the temporary and permanent habitat impact areas authorized under this ITP for the Covered Species for the Project Area. If habitat for the Covered Species will be both temporarily and permanently impacted, the Permittee shall provide one set of GIS data files for each impact type. The Permittee shall provide any additional GIS data files for the Project or related Covered Species features within 30 days of CDFW's request. All GIS data files shall be provided in a format acceptable to CDFW.
- 6.4. Compliance Monitoring.** The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections a minimum of once a week during periods of inactivity and after clearing, grubbing, and grading are completed. The Designated Biologist shall conduct compliance inspections to:
- (1) minimize incidental take of the Covered Species;
 - (2) prevent unlawful take of species;
 - (3) check for compliance with all measures of this ITP;
 - (4) check all exclusion zones; and
 - (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.

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

- 6.5. Record of Covered Species Observation and Relocation Efforts.** The Designated Biologist shall maintain a record of all Covered Species handled, and all documented observations of Covered Species. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult/juvenile); (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, emaciation, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall also submit this information to CDFW's California Natural Diversity

Database as per Condition of Approval 6.8. The Designated Biologist shall prepare a Relocation Summary and include it in the Monthly Compliance and Annual Status Reports described in Conditions of Approval 6.6 and 6.7, respectively. The Relocation Summary in the Final Mitigation Report, described in Condition of Approval 6.10, shall include cumulative results, analysis of data collected, and conclusions.

- 6.6. Monthly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.4 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 also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project within the Project Area, both for the prior month, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in the Project Area during the coming month, if applicable; a summary of all pre-activity surveys and compliance monitoring conducted during the previous month; and the activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via email to CDFW's Regional Representative, Regional CESA Program, and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Crystal Sinclair (Crystal.Sinclair@wildlife.ca.gov), Regional CESA Program email is R4CESA@wildlife.ca.gov, and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 6.7. 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 6.6; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a

total since ITP issuance; and (7) information about other Project impacts on the Covered Species.

- 6.8. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 6.9. Notification of Take or Injury.** Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.
- 6.10. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, the Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.

7. Take Minimization Measures: The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Area during Covered Activities. Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:

- 7.1. Designated Biologist On-Site.** The Designated Biologist(s), who is knowledgeable and experienced in the biology and natural history of the Covered Species, shall be on site for the duration of Covered Activities each workday. The Designated Biologist(s) will monitor construction and/or surface disturbing activities to

minimize habitat disturbance and take of individual Covered Species. The Designated Biologist(s) has the authority to stop construction and/or surface disturbing activities and/or order any reasonable measure to avoid take of Covered Species.

- 7.2. Pre-Activity Clearance Surveys.** When Covered Activities will result in ground disturbance in potential Covered Species aquatic habitat (seasonal or perennial), the Designated Biologist(s) shall preform a pre-activity clearance survey no more than 14 days prior to the start of Covered Activities. If a Covered Species in any life stage is encountered in a Work Area or at the recommendation of the Designated Biologist, Permittee shall implement the *Covered Species Mortality Reduction and Relocation Plan* (Condition of Approval 7.4). Pre-activity clearance surveys shall provide 100 percent visual coverage of a Work Area and a 50-foot buffer zone shall be flagged to alert Designated Monitor(s) to their presence. Where feasible, an avoidance buffer of 50 feet or greater around active small mammal burrows shall be maintained. The Designated Biologist(s) shall submit a report documenting the results of the pre-activity clearance surveys to CDFW within five days after preforming the surveys. If a Covered Species is found within the Work Area or buffer zone(s), the Designated Biologist(s) shall relocate them from the Project Area in accordance with the *Covered Species Mortality Reduction and Relocation Plan* (Condition of Approval 7.4).
- 7.3. Covered Species Observations.** During all Covered Activities, all workers shall inform the Designated Biologists(s) if an individual of the Covered Species is observed at the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until the Designated Biologist(s) can relocate the Covered Species following the CDFW approved *Covered Species Mortality Reduction and Relocation Plan* specified in Condition of Approval 7.4.
- 7.4. Covered Species Mortality Reduction and Relocation Plan.** Prior to conducting the pre-activity clearance survey (Condition of Approval 7.2) and any Covered Activities, the Designated Biologist shall prepare a *Covered Species Mortality Reduction and Relocation Plan* and submit it to CDFW for approval. The *Covered Species Mortality Reduction and Relocation Plan* shall include, but not be limited to, techniques to exclude Covered Species from Work Areas, methods to survey and identify Covered Species burrows and/or crevices. Techniques to excavate burrows; and techniques to capture, handle, and relocate Covered Species safely if they are encountered in aquatic or upland habitats; and protocols for encounters with injured Covered Species; identification of relocation areas; and identification of a wildlife rehabilitation center or veterinary facility. Covered Activities within the Project Area may not proceed until the *Covered Species Mortality Reduction and Relocation Plan* is approved in writing by CDFW. Designated Monitors are prohibited from capturing and handling Covered Species

unless approved in writing by CDFW and working under the direct supervision of the Designated Biologist.

- 7.5. Flag Burrows/Crevices.** During the pre-activity clearance surveys (Condition of Approval 7.2), the Designated Biologist shall flag all animal burrows and crevices suitable for Covered Species occupancy within the Project Area and a 50-foot buffer outside the Project Area. An avoidance buffer of 50 feet or greater around animal burrows/crevices shall be maintained regardless of if the burrow/crevice is in the Project Area or solely within the Project Area's 50-foot buffer zone. Flagged burrows/crevices which occur within 562 meters of known or potential breeding habitat which cannot be avoided by 50 feet, shall be fully excavated in accordance with Condition of Approval 7.6.
- 7.6. Animal Burrow and Crevice Excavation.** Prior to any vegetation- or ground-disturbing activities, those animal burrows and crevices identified during the pre-activity clearance surveys (Condition of Approval 7.2) and flagged (Condition of Approval 7.5) within 562 meters of known or potential Covered Species breeding habitat as identified in a *Covered Species Mortality Reduction and Relocation Plan* (Condition of Approval 7.4), and which cannot be fully avoided by at least 50 feet, shall be fully excavated. Applicable burrows/crevices may be excavated by hand or in a manner otherwise approved by CDFW in accordance with the *CDFW-approved Covered Species Mortality Reduction and Relocation Plan* (Condition of Approval 7.4). Burrow/crevice excavation shall occur under the direct supervision of the Designated Biologist(s).

Those animal burrows and crevices identified outside but within 50 feet of the Project Area shall be similarly excavated if they occur within 50 feet of ground disturbance within the Project Area. This excavation requirement applies regardless of whether the burrow/crevice is located within the Project Area or within 50 feet of the Project Area, except for the following instances, in which excavation is not needed: (1) burrows/crevices outside of the Permittee's access and/or control. The Designated Biologist(s) shall relocate any live Covered Species discovered during burrow/crevice excavation in accordance with the *Covered Species Mortality Reduction and Relocation Plan* required in Condition of Approval 7.4 above. Excavation shall occur no more than 14 days after the completion of the pre-activity clearance surveys as described in Condition of Approval 7.2.

- 7.7. Covered Species Exclusion Fencing.** After surveying, flagging, and excavating small mammal burrows and prior to any surface disturbance, in accordance with Conditions of Approval 7.2, 7.5, and 7.6, Permittee shall install exclusion fencing around the perimeter of the active Project Area to prevent individuals of the Covered Species from migrating into the cleared Area. Permittee may eliminate exclusion fencing from segments of the Project Area's perimeter with written

permission from CDFW. Fencing shall be installed such that travel using the temporary on-site detour is unimpeded. The Covered Species exclusion fencing shall be installed in accordance with a *Covered Species Exclusion Plan* reviewed and approved in writing by CDFW before exclusion fencing installation. The exclusion fence shall be installed under the direct supervision of the Designated Biologist and no later than 48 hours after the burrow/crevice excavation and relocation work is completed. The Permittee shall also avoid animal burrows and crevices to the maximum extent possible during the installation of the exclusion fence. When animal burrows and crevices that are within 562 meters of known or potential Covered Species breeding habitat cannot be avoided, they shall be excavated as described in Condition of Approval 7.6, above, prior to commencing fence installation. The exclusion fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities. The Designated Biologist(s) shall check the exclusion fence at least once weekly and inform Permittee of necessary maintenance or repairs. Temporary exclusion fencing shall be removed immediately upon completion of Covered Activities in the fenced Project Area.

- 7.8.** Curbs, Berms, and/or Dikes. Permittee shall not construct roadways with steep curbs, berms, or dikes, which prevent Covered Species from exiting the roadway. If curbs are necessary for safety and/or surface runoff, the Permittee shall design them to allow Covered Species to walk over them. Caltrans' Standard Plan Type E curbs and Type D and Type E dikes are preferred designs and shall be used where possible (refer to Caltrans' Standard Plan A87, Curbs, Dikes, and Driveways). These rounded or gently sloping structures allow Covered Species to crawl over them. If steep dikes are required, design shall include over-side drains or curb/dike breaks spaced at intervals of 25 feet to allow Covered Species passage.
- 7.9.** Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved *Covered Species Mortality Reduction and Relocation Plan* required in Condition of Approval 7.4.
- 7.10.** Materials Inspection. Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the object is subsequently moved, buried, or capped. If during inspection, an individual of the Covered Species is discovered inside a pipe, culvert, or similar structure, the Designated Biologist shall move the Covered Species out of harm's

way outside of the Project Area and in compliance with the approved *Covered Species Mortality Reduction and Relocation Plan* required in Condition of Approval 7.4.

- 7.11. Precipitation.** The Designated Biologist and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 50 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in all portions of the Project Area where ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is a zero percent chance of precipitation in the 72-hour forecast.
- 7.12. Work Hours.** Permittee shall strictly prohibit Covered Activities from occurring beginning 30 minutes before sunset and ending 30 minutes after sunrise when a 50 percent or greater chance of rainfall is predicted within 72 hours of Covered Activities until no further rain is forecast. The Permittee shall use sunrise and sunset times established by the United States Naval Observatory Astronomical Applications Department for determining when Covered Activities shall terminate and resume. Except when necessary for construction, or driver/pedestrian safety, Permittee shall minimize lighting of the Project Area by artificial lighting during nighttime hours to the maximum extent practicable.
- 7.13. Soil Stockpiles.** Permittee shall place soil stockpiles where soil shall not pass into potential Covered Species breeding habitat; nor shall it pass into any other "Waters of the State," in accordance with Fish and Game Code section 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion, in accordance with Condition of Approval 5.8 above. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.
- 7.14. Covering, Ramping, and Inspecting Excavations.** To prevent inadvertent entrapment of Covered Species or any other animals during the construction phase of the Project, Permittee shall ensure that all excavated, steep-walled holes or trenches are covered and inspected as described below. Permittee shall ensure that all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered when workers and/or equipment are not actively working in them and at the end of each workday. Covers shall be made of plywood or similar solid material. Permittee shall ensure that the edges of the covers are covered with dirt to prevent Covered Species from crawling under them. Worker(s) shall thoroughly inspect all trenches, holes, or other excavations for Covered Species (or other wildlife) before they are backfilled. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment or injury in excavations are warranted, then Permittee shall request and obtain CDFW's written concurrence prior to implementing the alternative. If any worker discovers that Covered Species have become trapped,

Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist(s) shall capture and relocate the Covered Species as per the *Covered Species Mortality Reduction and Relocation Plan* required in Condition of Approval 7.4.

- 7.15. Fieldwork Code of Practice.** To ensure that the Designated Biologist(s) do not convey disease between the Project Area and areas outside the Project Area, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 3) shall be followed at all times. The Designated Biologist(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution.
- 7.16. Covered Species Injury.** If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.9 Notification shall include the name of the facility where the animal was taken.

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

To meet this requirement, the Permittee shall purchase upland CTS habitat credits from a CDFW-approved mitigation or conservation bank. pursuant to Condition of Approval 8.1 below.

- 8.1. Covered Species Credits.** Permittee shall purchase two (2) Covered Species (California tiger salamander) upland habitat credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities.

IX. Amendment:

This ITP may be amended as provided by California Code of Regulations, title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

X. Stop-Work Order:

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

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

XI. Liability:

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

XII. Compliance with Other Laws:

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

XIII. Notices:

The Permittee shall sign and return this ITP to CDFW. A manual or digital signature is acceptable, provided a digital signature complies with Government Code section 16.5. Digital

signatures facilitated by CDFW will be automatically returned. Manual (wet) signatures on duplicate original paper copies shall be returned by the Permittee via registered first-class mail or overnight delivery to the following address:

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number 2081-2022-061-04 in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4005
R4CESA@wildlife.ca.gov

and a copy to:

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

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

Crystal Sinclair
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 578-0416
Crystal.Sinclair@wildlife.ca.gov

Incidental Take Permit
No. 2081-2022-061-04
COUNTY OF STANISLAUS, PUBLIC WORKS
MILTON ROAD OVER HOODS CREEK
BRIDGE REPLACEMENT

XIV. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Stanislaus County, Public Works. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Milton Road over Hoods Creek Bridge Replacement Project, (SCH No.: 2022050354) dated September 7, 2022, that the Stanislaus County adopted for Milton Road over Hoods Creek Bridge Replacement Project on September 6, 2022. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project, it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

XV. Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, Draft Initial Study with Proposed Mitigated Negative Declaration, Milton Road over Hoods Creek Bridge Replacement, EPIMS Application 34098, Milton ITP track changes_2022-12-15, and EPIMS Application 34098 Milton ITP, December 2022, the results of consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) the purchase of 2 Covered Species credits; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the

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MILTON ROAD OVER HOODS CREEK
BRIDGE REPLACEMENT

importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity through the purchase of 2 Covered Species credits, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;

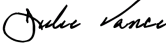
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;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

XVI. Attachments:

FIGURE 1	Map of Project Vicinity
FIGURE 2	Map of Project Location
FIGURE 3	Map of Project Features
FIGURE 4	Map of Vegetation Communities
FIGURE 5	Map of Impacts to California Tiger Salamander Habitat
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Declining Amphibian Populations Task Force Fieldwork Code of Practice

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

ON 11/15/2023

DocuSigned by:

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**Julie A. Vance, Regional Manager
CENTRAL REGION**

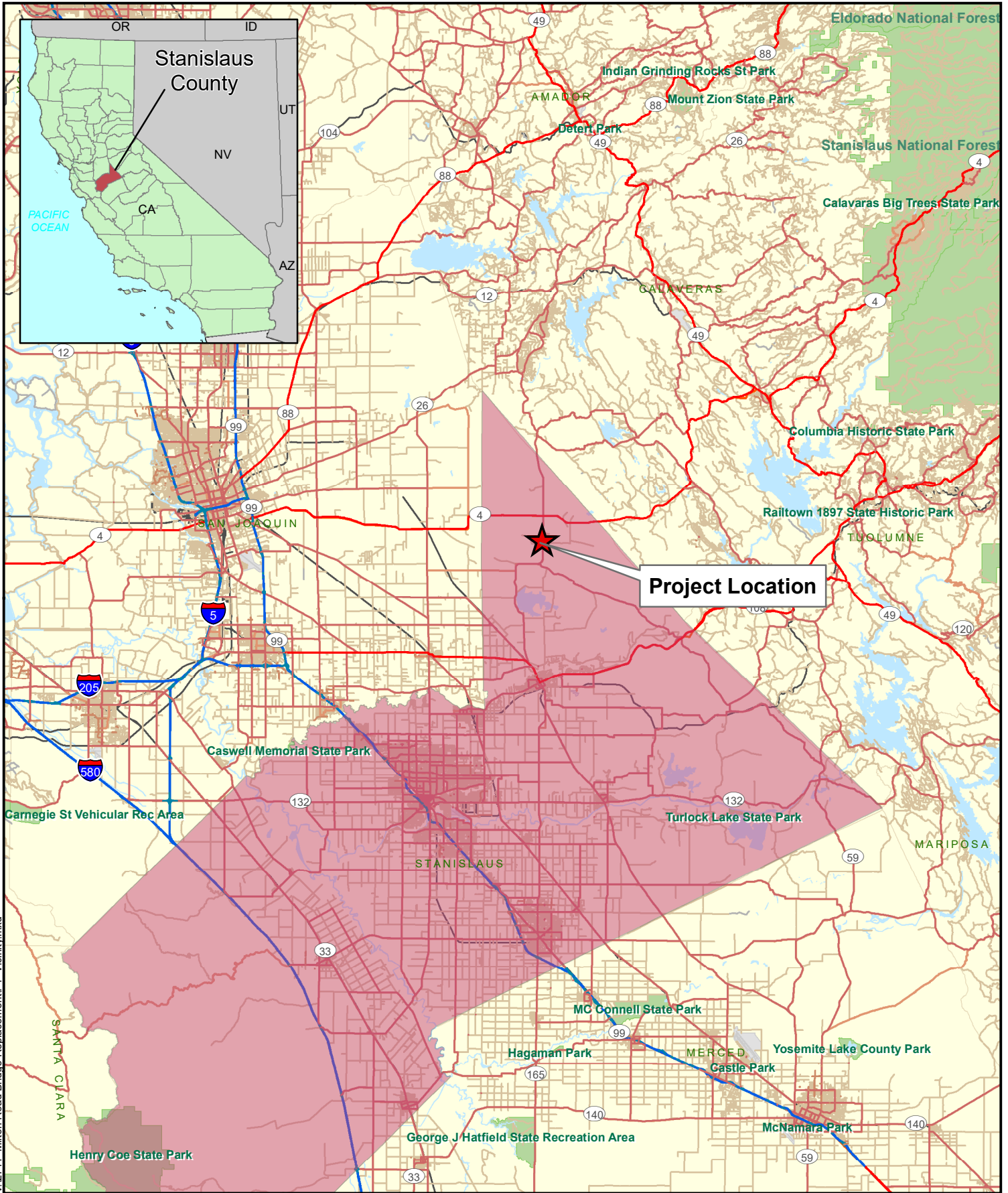
ACKNOWLEDGMENT

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

By:  Date: 11/16/2023
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Printed Name: Chuck Covolo Title: Project Manager

Incidental Take Permit
No. 2081-2022-061-04
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MILTON ROAD OVER HOODS CREEK
BRIDGE REPLACEMENT**



V:\2711_Milton Road Bridge Replacement\F1_Vicinity.mxd

Source: ESRI 2008; Dokken Engineering 7/25/2022; Created By: hsheldon

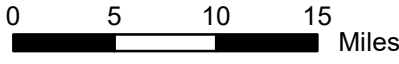
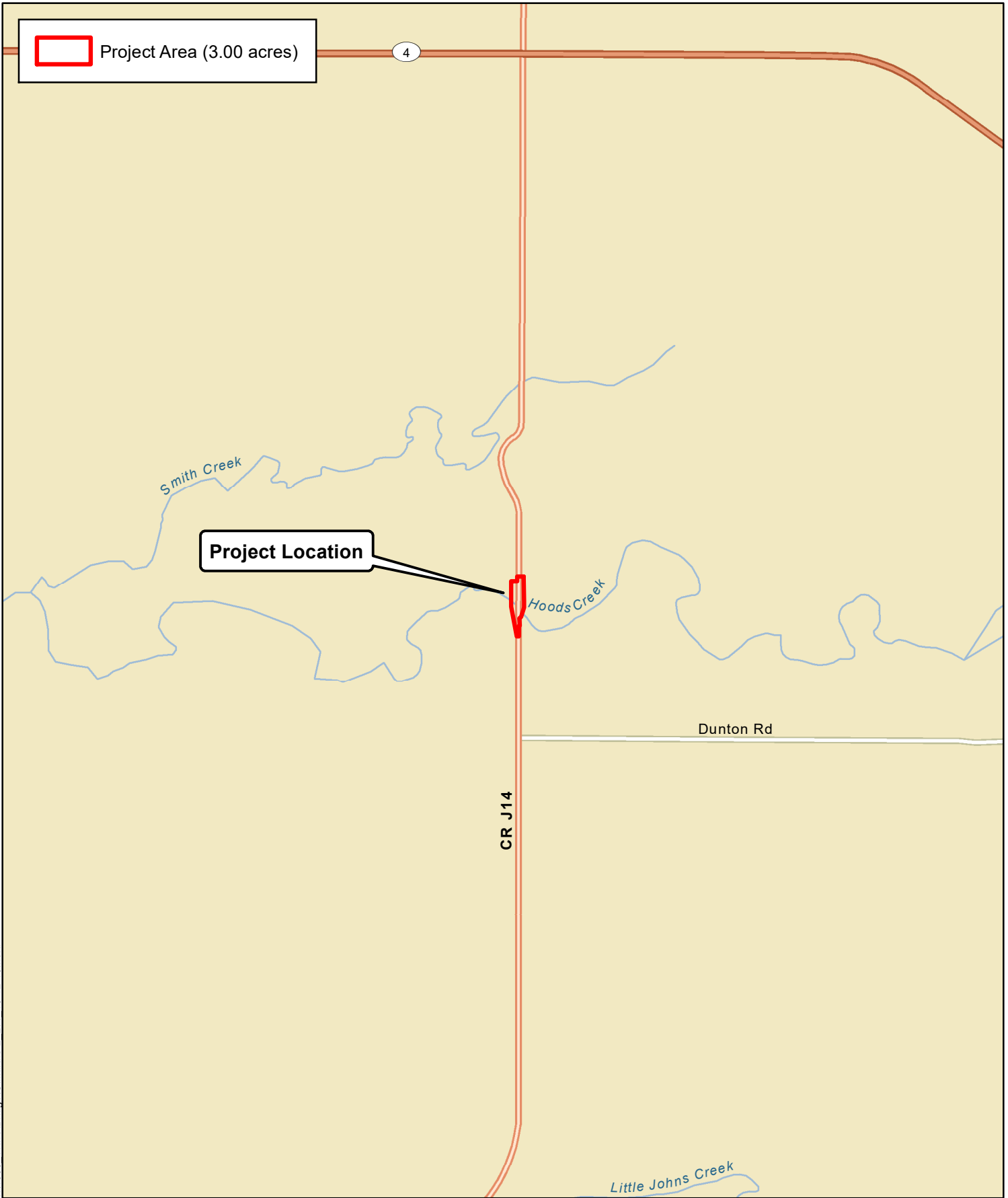


FIGURE 1
Project Vicinity
 BRLS-5938(262)
 Milton Road over Hoods Creek Bridge Replacement Project
 Stanislaus County, California



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Source: ESRI World Street Maps Online; Dokken Engineering 9/28/2022; Created By: hsheldon

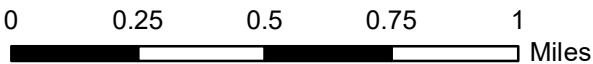
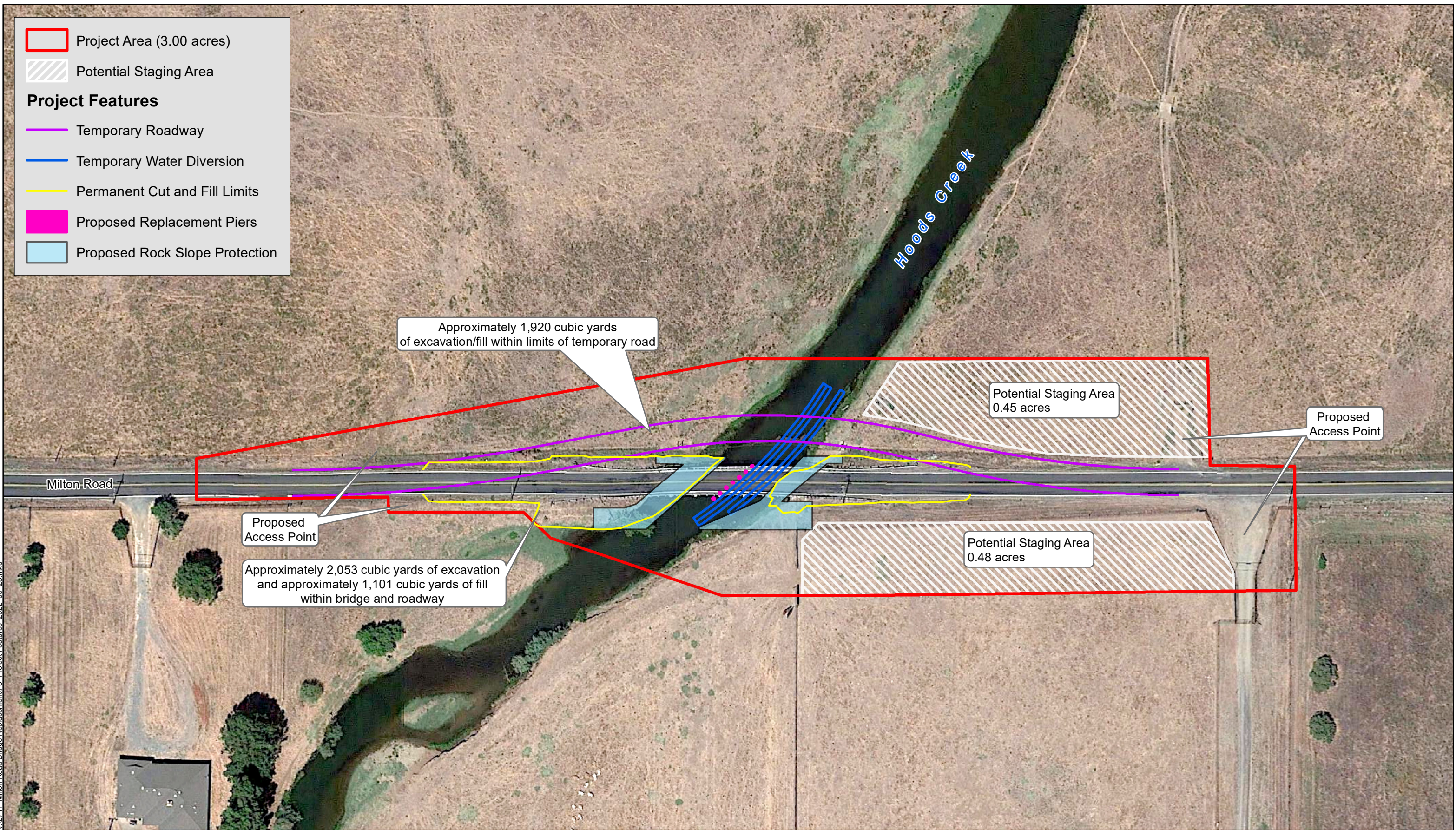


Figure 2
Project Location
BRLS-5938(262)
Milton Road over Hoods Creek Bridge Replacement Project
Stanislaus County, California



V:\2711 Milton Road Bridge Replacement\F3 Project Features 2022_09_28.mxd

Source: ESRI Maps Online; Dokken Engineering 12/13/2022; Created By: hsheldon

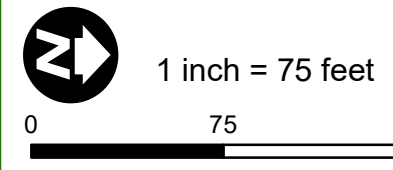
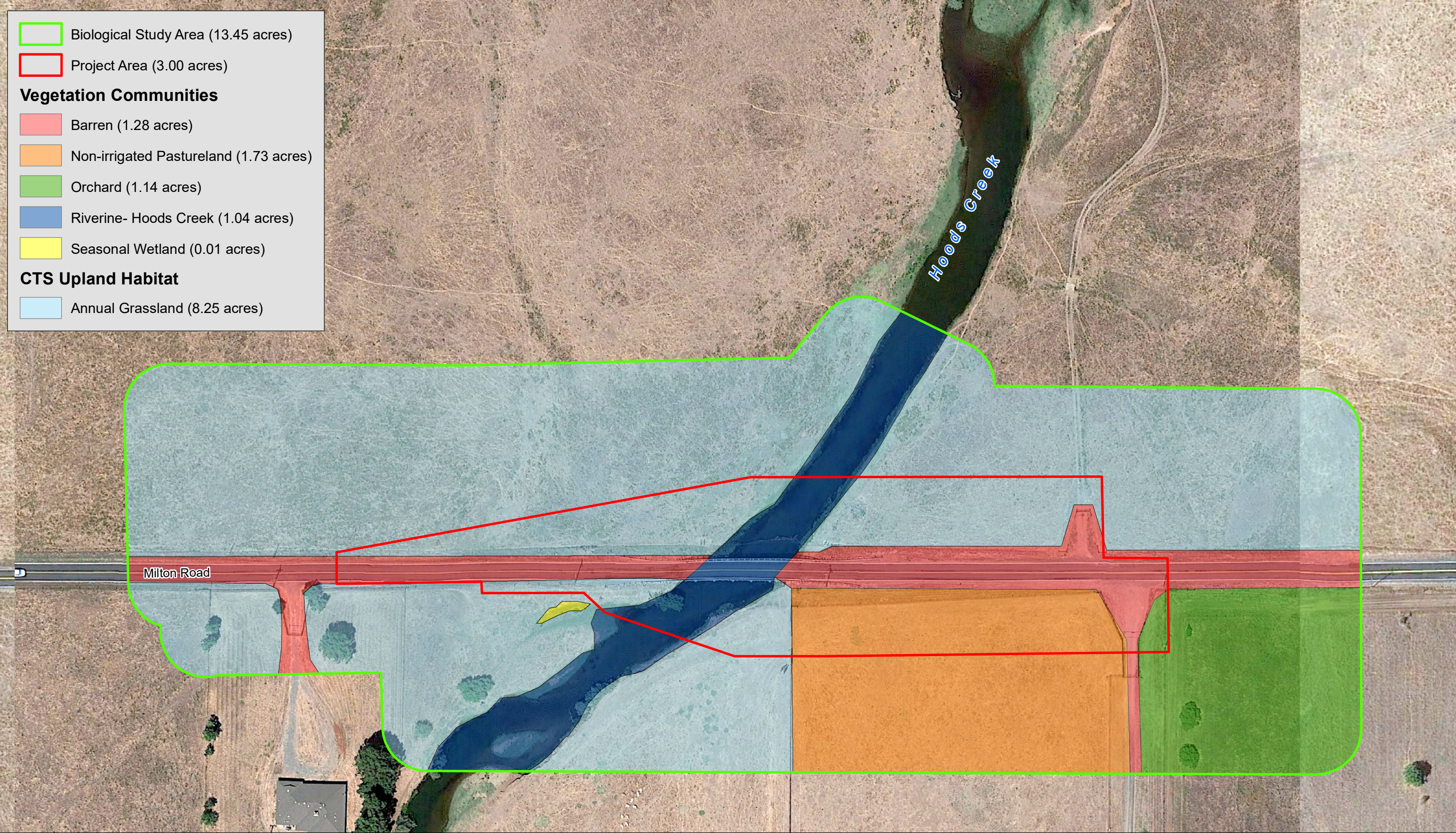


Figure 3
Project Features



Biological Study Area (13.45 acres)

Project Area (3.00 acres)

Vegetation Communities

Barren (1.28 acres)

Non-irrigated Pastureland (1.73 acres)

Orchard (1.14 acres)

Riverine- Hoods Creek (1.04 acres)

Seasonal Wetland (0.01 acres)

CTS Upland Habitat

Annual Grassland (8.25 acres)

Milton Road

Hoods Creek

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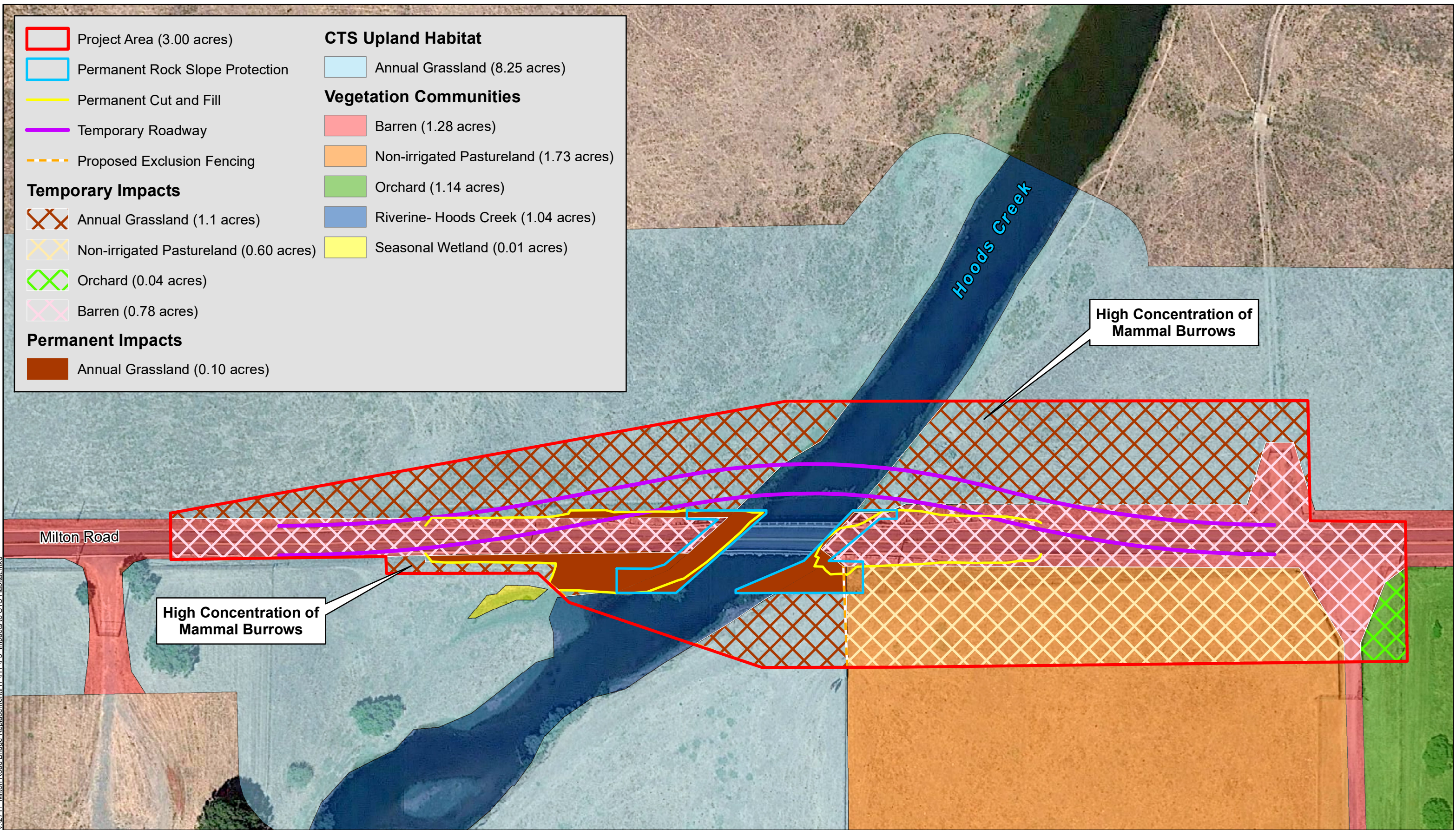
Source: ESRI Maps Online; Dokken Engineering 9/28/2022; Created By: hsheldon



1 inch = 100 feet



Figure 4
Vegetation Communities



V:\2711_Milton_Road_Bridge_Replacement\TIP\TIP\F5_Impacts to CTS Habitat.mxd

Source: ESRI Maps Online; Dokken Engineering 10/11/2023; Created By: hsheldon

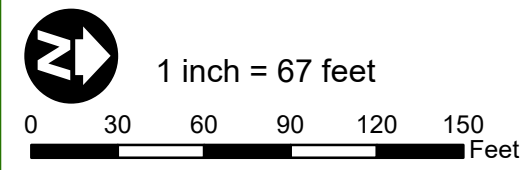


Figure 5
Impacts to California Tiger Salamander Habitat

Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2022-061-04

PERMITTEE: County of Stanislaus, Public Works

PROJECT: Milton Road over Hoods Creek

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	<u>Designated Representative</u> . Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist(s) and Designated Monitor(s)</u> . Permittee shall submit to CDFW in writing the name, qualifications, business address, contact information, and references with contact information of Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Example (Attachment 2) or another format containing the same information. This information shall be submitted for CDFW review and approval at least 30 days before starting Covered Activities. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of the Covered Species and to minimize disturbance of Covered Species' habitat. The Designated Monitor(s) shall assist the Designated Biologist(s) in compliance monitoring under direction/supervision of the Designated Biologist(s). Designated Monitor responsibilities will be restricted to a specific set of Conditions of Approval, specified by the Permittee or Designated Representative at the time their qualifications are submitted for review. Permittee shall ensure that the Designated Biologist(s) and Designated Monitor(s) are knowledgeable and experienced in the Covered Species' biology, natural history, collecting and handling, as well as excavating burrows/crevices to minimize mortality and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. The Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	<u>Designated Biologist Authority</u> . To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist shall immediately stop any activity that does not comply with the ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of the ITP.	ITP Condition # 5.3	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
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 the ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
5	<u>Trash Abatement</u> . Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 5.5	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	<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.	ITP Condition # 5.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	<u>Delineation of Habitat</u> . Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 5.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	<u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	<u>Geographic Information Systems Data Files</u> . Before starting Covered Activities, the Permittee shall provide CDFW with separate Geographic Information Systems (GIS) data files for the temporary and permanent habitat impact areas authorized under the ITP for the Covered Species for the Project Area. If habitat for the Covered Species will be both temporarily and permanently impacted, the Permittee shall provide one set of GIS data files for each impact type. The Permittee shall provide any additional GIS data files for the Project or related Covered Species features within 30 days of CDFW's request. All GIS data files shall be provided in a format acceptable to CDFW.	ITP Condition # 6.3	Before commencing ground- or vegetation-disturbing	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
10	<u>Pre-Activity Clearance Surveys</u> . When Covered Activities will result in ground disturbance in potential Covered Species aquatic habitat (seasonal or perennial), the Designated Biologist(s) shall preform a pre-activity clearance survey no more than 14 days prior to the start of Covered Activities. If a Covered Species in any life stage is encountered in a Work Area or at the recommendation of the Designated Biologist, Permittee shall implement the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4). Pre-activity clearance surveys shall provide 100 percent visual coverage of a Work Area and a 50-foot buffer zone shall be flagged to alert Designated Monitor(s) to their presence. Where feasible, an avoidance buffer of 50 feet or greater around active small mammal burrows shall be maintained. The Designated Biologist(s) shall submit a report documenting the results of the pre-activity clearance surveys to CDFW within five days after preforming the surveys. If a Covered Species is found within the Work Area or buffer zone(s), the Designated Biologist(s) shall relocate them from the Project Area in accordance with the <i>Covered Species Mortality Reduction and Relocation Plan</i> (Condition of Approval 7.4).	ITP Condition #7.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
11	<u>Covered Species Mortality Reduction and Relocation Plan</u> . Prior to conducting the pre-activity clearance survey (Condition of Approval 7.2) and any Covered Activities, the Designated Biologist shall prepare a Covered Species Mortality Reduction and Relocation Plan and submit it to CDFW for approval. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to, techniques to exclude Covered Species from Work Areas, methods to survey and identify Covered Species burrows and/or crevices. Techniques to excavate burrows; and techniques to capture, handle, and relocate Covered Species safely if they are encountered in aquatic or upland habitats; and protocols for encounters with injured Covered Species; identification of relocation areas; and identification of a wildlife rehabilitation center or veterinary facility. Covered Activities within the Project Area may not proceed until the Covered Species Mortality Reduction and Relocation Plan is approved in writing by CDFW. Designated Monitors are prohibited from capturing and handling Covered Species unless approved in writing by CDFW and working under the direct supervision of the Designated Biologist.	ITP Condition #7.4	Before commencing ground- or vegetation-disturbing activities	Permittee	
12	<u>Flag Burrows/Crevices</u> . During the pre-activity clearance surveys (Condition of Approval 7.2), the Designated Biologist shall flag all animal burrows and crevices suitable for Covered Species occupancy within the Project Area and a 50-foot buffer outside the Project Area. An avoidance buffer of 50 feet or greater around animal burrows/crevices shall be maintained regardless of if the burrow/crevice is in the Project Area or solely within the Project Area's 50-foot buffer zone. Flagged burrows/crevices which occur within 562 meters of known or potential breeding habitat which cannot be avoided by 50 feet, shall be fully excavated in accordance with Condition of Approval 7.6.	ITP Condition 7.5	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
13	<p><u>Animal Burrow and Crevice Excavation.</u> Prior to any vegetation- or ground-disturbing activities, those animal burrows and crevices identified during the pre-activity clearance surveys (Condition of Approval 7.2) and flagged (Condition of Approval 7.4) within 562 meters of known or potential Covered Species breeding habitat as identified in a Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4), and which cannot be fully avoided by at least 50 feet, shall be fully excavated. Applicable burrows/crevices may be excavated by hand or in a manner otherwise approved by CDFW in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4). Burrow/crevice excavation shall occur under the direct supervision of the Designated Biologist(s).</p> <p>Those animal burrows and crevices identified outside but within 50 feet of the Project Area shall be similarly excavated if they occur within 50 feet of ground disturbance within the Project Area. This excavation requirement applies regardless of whether the burrow/crevice is located within the Project Area or within 50 feet of the Project Area, except for the following instances, in which excavation is not needed: (1) burrows/crevices outside of the Permittee's access and/or control. The Designated Biologist(s) shall relocate any live Covered Species discovered during burrow/crevice excavation in accordance with the Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 7.4 above. Excavation shall occur no more than 14 days after the completion of the pre-activity Clearance Surveys as described in Condition of Approval 7.2.</p>	ITP Condition #7.6	Before commencing ground- or vegetation-disturbing activities	Permittee	
14	<p><u>Covered Species Exclusion Fencing.</u> After surveying, flagging, and excavating small mammal burrows and prior to any surface disturbance, in accordance with Conditions of Approval 7.2, 7.5, and 7.6, Permittee shall install exclusion fencing around the perimeter of the active Project Area to prevent individuals of the Covered Species from migrating into the cleared Area. Permittee may eliminate exclusion fencing from segments of the Project Area's perimeter with written permission from CDFW. Fencing shall be installed such that travel using the temporary on-site detour is unimpeded. The Covered Species exclusion fencing shall be installed in accordance with a Covered Species Exclusion Plan reviewed and approved in writing by CDFW before exclusion fencing installation. The exclusion fence shall be installed under the direct supervision of the Designated Biologist and no later than 48 hours after the burrow/crevice excavation and relocation work is completed. The Permittee shall also avoid animal burrows and crevices to the maximum extent possible during the installation of the exclusion fence. When animal burrows and crevices that are within 562 meters of known or potential Covered Species breeding habitat cannot be avoided, they shall be excavated as described in Condition of Approval 7.6, above, prior to commencing fence installation. The exclusion fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities. The Designated Biologist(s) shall check the exclusion fence at least once weekly and inform Permittee of necessary maintenance or repairs. Temporary exclusion fencing shall be removed immediately upon completion of Covered Activities in the fenced Project Area.</p>	ITP Condition #7.7	Before commencing ground- or vegetation-disturbing activities	Permittee	
15	<p><u>Covered Species Credits.</u> Permittee shall purchase two (2) Covered Species (California tiger salamander) upland habitat credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities.</p>	ITP Condition #8.1	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
DURING CONSTRUCTION					
16	<u>CDFW Access</u> . Permittee shall provide CDFW staff with reasonable access to the Project, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 5.14	Entire Project	Permittee	
17	<u>Designated Biologist On-Site</u> . The Designated Biologist(s), who is knowledgeable and experienced in the biology and natural history of the Covered Species, shall be on site for the duration of Covered Activities each workday. The Designated Biologist(s) will monitor construction and/or surface disturbing activities to minimize habitat disturbance and take of individual Covered Species. The Designated Biologist(s) has the authority to stop construction and/or surface disturbing activities and/or order any reasonable measure to avoid take of Covered Species.	ITP Condition # 7.1	Entire Project	Permittee	
18	<u>Project Access</u> . Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en-route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 5.11	Entire Project	Permittee	
19	<u>Staging Areas</u> . Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.11 of the ITP.	ITP Condition # 5.12	Entire Project	Permittee	
20	<u>Construction Monitoring Documentation</u> . The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or electronic throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.	ITP Condition # 5.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
21	<p><u>Compliance Monitoring</u>. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections a minimum of once a week during periods of inactivity and after clearing, grubbing, and grading are completed. The Designated Biologist shall conduct compliance inspections to:</p> <ol style="list-style-type: none"> (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. <p>The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP.</p>	ITP Condition # 6.41	Entire Project	Permittee	
22	<p><u>Notification of Non-compliance</u>. The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with the ITP and suggested measures to remedy the situation.</p>	ITP Condition # 6.2	Entire Project	Permittee	
23	<p><u>Record of Covered Species Observation and Relocation Efforts</u>. The Designated Biologist shall maintain a record of all Covered Species handled, and all documented observations of Covered Species. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult/juvenile); (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, emaciation, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall also submit this information to CDFW's California Natural Diversity Database as per Condition of Approval 6.8. The Designated Biologist shall prepare a Relocation Summary and include it in the Monthly Compliance and Annual Status Reports described in Conditions of Approval 6.6 and 6.7, respectively. The Relocation Summary in the Final Mitigation Report, described in Condition of Approval 6.10, shall include cumulative results, analysis of data collected, and conclusions.</p>	ITP Condition # 6.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
24	<u>Monthly Compliance Report</u> . The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.4 into a Monthly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project within the Project Area, both for the prior quarter, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in the Project Area during the coming month, if applicable; a summary of all pre-activity surveys and compliance monitoring conducted during the previous month; and the activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of the ITP and via email to CDFW's Regional Representative, Regional CESA Program, and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Representative is Crystal Sinclair (Crystal.Sinclair@wildlife.ca.gov), Regional CESA Program email is R4CESA@wildlife.ca.gov, and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 6.6	Entire Project	Permittee	
25	<u>Annual Status Report</u> . Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.6; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.	ITP Condition # 6.7	Entire Project	Permittee	
26	<u>CNDDDB Observations</u> . The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 6.8	Entire Project	Permittee	
27	<u>Notification of Take or Injury</u> . Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 6.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	<u>Covered Species Observations</u> . During all Covered Activities, all workers shall inform the Designated Biologist(s) if an individual of the Covered Species is observed at the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until the Designated Biologist(s) can relocate the Covered Species following the CDFW approved Covered Species Mortality Reduction and Relocation Plan specified in Condition of Approval 7.4.	ITP Condition # 7.3	Entire Project	Permittee	
29	<u>Covered Species Mortality Reduction and Relocation Plan</u> . Prior to conducting the pre-activity clearance survey (Condition of Approval 7.2) and any Covered Activities, the Designated Biologist shall prepare a Covered Species Mortality Reduction and Relocation Plan and submit it to CDFW for approval. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to, techniques to exclude Covered Species from Work Areas, methods to survey and identify Covered Species burrows and/or crevices. Techniques to excavate burrows; and techniques to capture, handle, and relocate Covered Species safely if they are encountered in aquatic or upland habitats; and protocols for encounters with injured Covered Species; identification of relocation areas; and identification of a wildlife rehabilitation center or veterinary facility. Covered Activities within the Project Area may not proceed until the Covered Species Mortality Reduction and Relocation Plan is approved in writing by CDFW. Designated Monitors are prohibited from capturing and handling Covered Species unless approved in writing by CDFW and working under the direct supervision of the Designated Biologist.	ITP Condition # 7.4	Entire Project	Permittee	
30	<u>Curbs, Berms, and/or Dikes</u> . Permittee shall not construct roadways with steep curbs, berms, or dikes, which prevent Covered Species from exiting the roadway. If curbs are necessary for safety and/or surface runoff, the Permittee shall design them to allow Covered Species to walk over them. Caltrans' Standard Plan Type E curbs and Type D and Type E dikes are preferred designs and shall be used where possible (refer to Caltrans' Standard Plan A87, Curbs, Dikes, and Driveways). These rounded or gently sloping structures allow Covered Species to crawl over them. If steep dikes are required, design shall include over-side drains or curb/dike breaks spaced at intervals of 25 feet to allow Covered Species passage.	ITP Condition # 7.8	Entire Project	Permittee	
31	<u>Equipment Inspection</u> . Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 7.4.	ITP Condition # 7.9	Entire Project	Permittee	
32	<u>Materials Inspection</u> . Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the object is subsequently moved, buried, or capped. If during inspection, an individual of the Covered Species is discovered inside a pipe, culvert, or similar structure, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 7.4.	ITP Condition # 7.10	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
33	<u>Precipitation.</u> The Designated Biologist and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 50 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in all portions of the Project Area where ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is a zero percent chance of precipitation in the 72-hour forecast.	ITP Condition # 7.11	Entire Project	Permittee	
34	<u>Work Hours.</u> Permittee shall strictly prohibit Covered Activities from occurring beginning 30 minutes before sunset and ending 30 minutes after sunrise when a 50 percent or greater chance of rainfall is predicted within 72 hours of Covered Activities until no further rain is forecast.	ITP Condition # 7.12	Entire Project	Permittee	
35	<u>Soil Stockpiles.</u> Permittee shall place soil stockpiles where soil shall not pass into potential Covered Species breeding habitat; nor shall it pass into any other "Waters of the State," in accordance with Fish and Game Code 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion, in accordance with Condition of Approval 5.8 above. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.	ITP Condition # 7.13	Entire Project	Permittee	
36	<u>Covering, Ramping, and Inspecting Excavations.</u> To prevent inadvertent entrapment of Covered Species or any other animals during the construction phase of the Project, Permittee shall ensure that all excavated, steep-walled holes or trenches are covered and inspected as described below. Permittee shall ensure that all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered when workers and/or equipment are not actively working in them and at the end of each workday. Covers shall be made of plywood or similar solid material. Permittee shall ensure that the edges of the covers are covered with dirt to prevent Covered Species from crawling under them. Worker(s) shall thoroughly inspect all trenches, holes, or other excavations for Covered Species (or other wildlife) before they are backfilled. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment or injury in excavations are warranted, then Permittee shall request and obtain CDFW's written concurrence prior to implementing the alternative. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist(s) shall capture and relocate the Covered Species as per the Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 7.4.	ITP Condition # 7.14	Entire Project	Permittee	
37	<u>Fieldwork Code of Practice.</u> To ensure that the Designated Biologist(s) do not convey disease between the Project Area and areas outside the Project Area, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 3) shall be followed at all times. The Designated Biologist(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution.	ITP Condition # 7.15	Entire Project	Permittee	
38	<u>Covered Species Injury.</u> If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.9. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 7.16	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
39	<u>Hazardous Waste</u> . Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 5.13	Entire Project	Permittee	
40	<u>Dust Control</u> . Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 5.7	Entire Project	Permittee	
41	<u>Erosion Control Materials</u> . Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition # 5.8	Entire Project	Permittee	
42	<u>CDFW Access</u> . Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	ITP Condition # 5.14	Entire Project	Permittee	
POST-CONSTRUCTION					
43	<u>Refuse Removal</u> . Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.15	Post-construction	Permittee	
44	<u>Final Mitigation Report</u> . No later than 45 days after completion of all mitigation measures, the Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 6.10	Post-construction and after completion of mitigation	Permittee	

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

Name of Biologist & Contact Information

Education: (include year graduated)

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

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

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

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

Location:

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

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

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

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

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #2

Location:

Project date completed: To and from date

Incidental Take Permit # (and Other Agency Permits):

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

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

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #3 ...

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

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

Location:

Project date completed: To and from date

Incidental Take Permit # (and Other Agency Permits):

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

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

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #2

Location:

Project date completed: To and from date

Incidental Take Permit # (and Other Agency Permits):

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

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

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #3 ...

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

Attachment 3

The Declining Amphibian Task Force Fieldwork Code of Practice

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

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