



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

California Endangered Species Act
Incidental Take Permit No. 2081-2022-009-04

**LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT
AT PESCADERO CREEK**

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:	San Benito County Department of Public Works
Principal Officer:	Steve Loupe, Assistant Director – Public Works Engineering/Operations, Interim Resource Management Agency Director
Contact Person:	Steve Loupe, (831) 636-4170
Mailing Address:	2301 Technology Parkway Hollister, California 95023

II. Effective Date and Expiration Date of this ITP:

This ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **December 31, 2027**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by the Final Mitigation Report Condition of Approval 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 Limekiln Road Bridge Replacement (No. 43C0054) at Pescadero Creek (Project) is located in western San Benito County on the southern portion of the Gabilan Mountain range, approximately 11 miles south of the City of Hollister (Figure 1). The Project is located within the 7.5-Minute United States Geological Survey Paicines quadrangle, in Township 14 South, Range 6 East, and in Sections 20, 16, and 17. The Project is located at approximately 36.705616, -121.328687.

The Project is approximately 1.85 acres and extends along Limekiln Road across Pescadero Creek (Figure 2). Limekiln Road is a narrow asphalt roadway that crosses Pescadero Creek approximately 3 miles west of Highway 25. Limekiln Road does not provide through-access and only serves local residences, agricultural areas, and an active rock quarry. The Project lies in a largely rural area surrounded by rolling hills in the upper San Benito River watershed. Lands adjacent to the Project consist primarily of annual grasslands, oak woodlands, and agricultural fields. Aquatic features in the general vicinity consist of Pescadero Creek, small ephemeral drainages tributary to Pescadero Creek, and several stock ponds.

IV. Project Description:

The purpose of the Project is to replace the existing 22-foot-long by 14.1-foot-wide Limekiln Road Bridge over Pescadero Creek with a new 40-foot-long by 32-foot-wide bridge. The proposed bridge will be a cast-in-place reinforced concrete slab. The new bridge will provide two, 12-foot-wide traffic lanes, with adjacent 4-foot-wide shoulders. Construction duration is approximately 120 working days. Work within the live channel of Pescadero Creek will be limited to the period of June 1 through October 15.

Project timeline

Construction will occur in stages as follows:

- Place construction area signage, conduct pre-activity biological resource surveys, conduct clearing and grubbing, and construct temporary Best Management Practices (BMPs).
- Relocate AT&T underground utility line (creek work limited to June 1 – October 15).
- Install temporary stream diversion and temporary detour (creek work limited to June 1 – October 15). Traffic will remain unchanged during this stage.
- Remove the existing bridge and construct the new bridge (creek work limited to June 1 – October 15). The traffic will shift onto the temporary detour.
- Construct the northbound roadway conform portion. The traffic remains on the temporary detour.
- Remove the temporary detour and temporary stream diversion, construct southbound roadway conform portion, construct bioretention swales, relocate drainage ditch, finish roadway work for smooth transitions of grades at project edges (i.e. pavement grades to match adjacent sections of road), grade channel, and place rock slope protection. Traffic will shift onto the future bridge (creek work to be completed prior to October 15).

Incidental Take Permit
No. 2081-2022-009-04

SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT AT PESCADERO CREEK

Clearing and grubbing

Approximately 1.03 acres of the Project site will be cleared and grubbed to prepare for the contractor staging area, installation of the temporary stream diversion and temporary detour, and the removal of the existing bridge. To protect sensitive habitats outside of the Project site, bright-colored fencing will be installed along the Project limits prior to clearing and grubbing. Equipment required to complete this work will include backhoes, bulldozers, front end loaders, graders, and haul trucks.

The Project will include temporary BMPs consisting of temporary silt fence, temporary construction entrances, fiber rolls, and rolled erosion control blankets to control any runoff or erosion from the Project site into the surrounding waterways. These temporary BMPs will be installed prior to any construction operations and will remain in place for the duration of the Project. The temporary BMPs will be removed once construction is complete.

Relocation of AT&T underground line

There is an existing AT&T underground utility line that runs parallel to the west side of Limekiln Road. The existing utility line will be abandoned in place and a new utility line will be placed approximately 43 feet west of the existing centerline of Limekiln Road. The utility line will be placed in an open trench (approximately 352 feet long, 12 inches wide, and a minimum of 36 inches deep measured from existing ground). The trench will be backfilled with a minimum 12-inch-depth 2-sack slurry cement over the utility. The remaining trench will be backfilled to existing grade with native material.

Temporary stream diversion and temporary detour

As part of the temporary stream diversion, two 115-foot-long, 18-inch-diameter temporary culverts will be placed along the creek thalweg. No grading or earthwork is expected to install the culverts. The culverts will be laid on the ground and will be removed once the new bridge is constructed. The culverts will divert the stream from the upstream berm to the downstream berm.

The upstream berm will be a paved 15-foot-wide by 400-foot-long temporary detour. The temporary detour will require a fill in the creek channel (approximately 30 feet wide at the base and 15 feet wide at the top) upstream of the existing bridge. At this location, the stream will bypass the fill in the creek channel through the temporary culverts described above. The temporary detour will require approximately 130 cubic yards of imported borrow and will require the removal of approximately seven trees from the Pescadero Creek corridor. The detour will be removed once the new bridge is constructed. The original ground and grades will be restored to their pre-construction condition. Equipment used to install the temporary detour will include earthwork and paving equipment: bobcat, bulldozer, dump truck, grader, haul truck, roller, compactor, and paver.

The downstream berm will consist of approximately 30 cubic yards of clean, crushed gravel in bags. The width of the downstream berm will be about 4 feet along the top and about 28 feet along the base. The downstream berm will be removed once the new bridge is constructed.

Incidental Take Permit
No. 2081-2022-009-04

SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT AT PESCADERO CREEK

The original ground and grades will be restored to their pre-construction condition. Equipment used to install the downstream berm will include small earthwork equipment.

Existing bridge demolition

The existing bridge is a single span timber stringer and timber deck bridge on timber caps and piles. There are eight existing timber piles (four per abutment) and two timber pier caps above the piles (one per abutment). The pier caps are approximately 32 feet wide. The timber pier caps and piles will be removed. Timber piles will be removed to a depth of 3 feet below the existing grade. The resulting voids will be backfilled with native soil. The bridge removal will require excavators and haul trucks.

The contractor may elect to use tarps as needed during the demolition of the existing bridge. All debris resulting from the demolition will be loaded directly onto a flatbed or into a dumpster/dump truck and removed from the Project site the same day. Alternatively, debris may be stockpiled temporarily within the Project site prior to removal. All debris will be removed from the dewatered creek bed.

New bridge construction

The new bridge will be slightly longer than the existing bridge and will require the construction of two concrete bridge abutments. The abutments will be supported on driven steel H-piles, each measuring 50 feet long by 12 inches wide. Approximately five piles will be installed per abutment (10 piles in total). All piles will be driven into the ground after dewatering the creek.

Construction of the two concrete bridge abutments will require 119 cubic yards of structure excavation and 79 cubic yards of structural concrete. Excavated material will be loaded directly onto a flatbed or into a dumpster/dump truck and removed from the Project site the same day. Alternatively, excavated material may be stockpiled temporarily within the Project site prior to removal. Approximately 65 cubic yards of structure backfill will be placed once the abutments are complete.

The proposed bridge will be a cast-in-place reinforced concrete slab bridge supported on steel piles at the abutments. The new bridge will provide two 12-foot-wide traffic lanes with adjacent 4-foot-wide shoulders. Temporary falsework will be required in Pescadero Creek to support the bridge structure during construction.

Channel grading

Excavation work within the creek channel will produce approximately 136 cubic yards of cut and 36 cubic yards of fill. Approximately 100 cubic yards of excavation material will be removed from the channel, widening the creek to increase the hydraulic capacity. An approximately 140-foot-long section within the creek will be widened by 4 feet on each side with a maximum excavation depth of 2.5 feet. Equipment will include: bobcat, bulldozer, dump truck, grader, and haul truck.

Incidental Take Permit
No. 2081-2022-009-04

SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT AT PESCADERO CREEK

Rock slope protection (RSP)

A total of 226 cubic yards of RSP will be placed at the abutments and stormwater treatment outfalls for streambed stabilization. The RSP will extend 80 feet along the streambank at each abutment and will extend up to 15 feet into the channel. Between the RSP along each abutment, a 10- to 20-foot-wide section of natural channel bottom in the creek will remain. The RSP will be placed by dumping and may be spread in layers by bulldozers or other suitable equipment.

Roadway approaches, drainage ditch, and bioretention swales

The new paved roadway approaches will be 32 feet wide and will include two 12-foot-wide traffic lanes with adjacent 4-foot-wide shoulders. The roadway approaches will extend from the bridge approximately 365 feet to the south and 305 feet to the north.

An approximately 5-foot-wide drainage ditch located south of the bridge, along the west shoulder of Limekiln Road, will be relocated further west to accommodate the road-widening. The drainage ditch conveys supplemental flows from irrigated pastureland to the southeast. Starting at the roadway conform point, approximately 365 feet south of the new bridge, the flowline of the ditch will be consistent with the existing grade of the terrain. From the roadway conform point, the ditch will be excavated along the toe of the roadway embankment. The roadway embankment will be constructed at a 3:1 slope from the edge of the road to the flowline. The flowline will be constructed at a 0.7% slope toward the creek. The width of the ditch will vary from 0 feet at the roadway conform point to 13 feet near the outlet to the creek, and the depth of the ditch will vary from 0 to 4 feet.

Five-foot-wide by 1-foot-deep bioretention swales will be constructed along the west and east shoulders of Limekiln road north of the bridge, and along the east shoulder of Limekiln Road south of the bridge. The bioretention swales will range in length from 92 to 110 feet. Approximately 1,550 cubic yards of imported borrow will be used to construct the roadway approaches and bioretention swales. Specifically, the construction of the bioretention swales will require approximately 110 cubic yards of bioretention soil media and 52 cubic yards of Class 2 permeable material. The bioretention swales will consist of a 24-inch-thick bioretention soil media layer on top of a 12-inch-thick Class 2 permeable material layer. The Class 2 permeable material layer will have a 4-inch-diameter perforated plastic pipe underdrain to capture treated stormwater to outlet to the creek. The materials will not be compacted. Equipment required to complete this work will include the following: bobcat, bulldozer, dump truck, grader, haul truck, compactor, and paver.

Staging, access, and stockpiling

A 0.23-acre staging area will be located on the northwest portion of the Project site. Staging of equipment and stockpiling of demolition debris and/or excavated material may occur within the staging area. Construction personnel will access the Project site from the existing roadway. While the temporary detour is in place, construction personnel may access the Project site from the temporary detour or from the existing roadway.

Incidental Take Permit
No. 2081-2022-009-04

SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT AT PESCADERO CREEK

Following completion of the new bridge, all fill slopes, temporary impact areas, and/or otherwise disturbed areas will be restored. On-site restoration activities will include stream bank contouring and compaction to existing grades, and hydroseeding with a native plant mixture to stabilize the soil and prevent erosion. Approximately 1.35 acres will be revegetated (1.32 acres of hydroseeding, willow pole cuttings, and wetland seed mix, and 0.03 acres of willow pole cuttings in RSP).

Project activities include: installation of temporary BMPs; clearing and grubbing; relocation of an AT&T underground utility line; installation of a temporary stream diversion; installation of a temporary traffic detour; bridge demolition; pile driving; bridge construction; relocation of a drainage ditch; approach roadway work; construction of bioretention swales; removal of the temporary detour and the temporary stream diversion; grading; placement of RSP; and on-site restoration activities.

In total, construction activities within the 1.85-acre Project site will result in the permanent disturbance of 1.24 acres for construction of the bridge, roadway approaches, drainage ditch, and bioretention swales (Figure 2). Within the permanent Project footprint, 0.53 acres will be hardscape (e.g., paved roads, bridge, and RSP) and 0.71 acres will be natural or semi-natural (e.g., bioretention swales, drainage ditch, embankment slopes, and creek). Construction activities will also result in the temporary disturbance of 0.61 acres for staging, access, and the temporary stream diversion.

Of the 1.24 acres that will be permanently disturbed: 0.10 acres are arroyo willow series habitats; 0.04 acres are riverine wetlands; 0.40 acres are ruderal habitats; 0.35 acres are fallow cropland; and 0.35 acres are existing roadways (Figure 3). Of the 0.61 acres that will be temporarily disturbed: 0.06 acres are arroyo willow series habitats; 0.06 acres are riverine wetlands; 0.16 acres are ruderal habitats; 0.32 acres are fallow cropland; and 0.01 acres are existing roadways.

The arroyo willow series occurs along Pescadero Creek, the riverine wetland community occurs within the active channel of Pescadero Creek and within the drainage ditch, ruderal habitat occurs along the roadway shoulders south of Pescadero Creek, and fallow cropland occurs along the roadway shoulders north of Pescadero Creek.

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.

³ Under 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).

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 Project-related vehicle traffic; installation of temporary BMPs; clearing and grubbing; excavating; cut and fill; grading; trenching; backfilling; soil and materials stockpiling, laydown, and transport; heavy equipment staging and operations; installation and removal of a temporary stream diversion and temporary traffic detour; demolition; installation of temporary falsework; pile driving; installation of bridge abutments and RSP; bridge construction; paving; and on-site restoration activities (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 construction vehicle/equipment strikes; burrow collapse associated with clearing, grubbing, grading, excavating, and trenching; crushing or suffocation by heavy equipment or laydown of equipment and materials; entombment from deposition of soil over occupied burrows; and entrapment and desiccation within trenches, open pipelines, and uncovered excavations. 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 uncovering through the excavation of burrow systems, corralling into a confined area when barrier fencing is erected around the Project site, and when individuals of the Covered species are salvaged, collected, and relocated or translocated out of harm’s way as required by this ITP. Take of the Covered Species is only authorized and expected to occur in the Project site and only as a result of Covered Activities. The areas where authorized take of the Covered Species is expected to occur include: the 1.85-acre Project site shown in Figure 2 (collectively, the Project Area).

The Project is expected to cause the permanent and temporary loss of 0.10 acres and 0.06 acres (respectively) of arroyo willow series habitat that provides upland dispersal habitat for the Covered Species; the permanent and temporary loss of 0.04 acres and 0.06 acres (respectively) of riverine wetlands that provides dispersal habitat for the Covered Species; the permanent and temporary loss of 0.40 acres and 0.16 acres (respectively) of ruderal habitat that provides upland dispersal habitat for the Covered Species; the permanent and temporary loss of 0.35 acres and 0.32 acres (respectively) of fallow cropland that provides upland dispersal and refugial habitat for the Covered Species; and temporary impacts to 0.36 acres of existing roadways that may be traversed by the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project’s incremental contribution to cumulative impacts (indirect impacts). These impacts include introduction or spread of invasive species; increased risk of exposure and desiccation along wildlife exclusion fencing; stress resulting from noise, vibrations, capture, and relocation; displacement from preferred habitat; loss of burrowing habitat used for shelter and cover; increased competition for food and space; and increased vulnerability to predation. In addition, individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying capacity or are unsuitable for colonization.

Incidental Take Permit
No. 2081-2022-009-04

SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT AT PESCADERO CREEK

The fallow cropland north of Pescadero Creek within the Project Area contains numerous suitable burrows or other suitable openings in the ground that provide upland refugial habitat for the Covered Species. Though ruderal grasslands are present within the Project Area, no burrows or other suitable openings in the ground that could provide refugia for the Covered Species were observed. The ruderal grasslands south of Pescadero Creek are hydrologically at a lower elevation than Pescadero Creek, which creates "sink-like" conditions with a high water table; this deters fossorial mammals from burrowing in the area. The closest California Natural Diversity Database (CNDDDB) occurrence of the Covered Species (Occurrence # 614) is located approximately 750 feet north of the existing bridge where a total of 30 juveniles were observed in an extant stock pond surrounded by grazed annual grassland/oak woodland in March of 2003. The closest potential breeding habitat for the Covered Species is a stock pond located 50 feet west of the Project Area.

The Project is not expected to impact Covered Species aquatic breeding habitat. Pescadero Creek is a perennial, relatively fast-flowing low-gradient stream with an average depth of 1 foot and average mean daily flows of 2.4 cubic feet per second during summer months (July 15 to October 15). The low-flow channel is approximately 6 feet in width. Although Pescadero Creek likely does not present a barrier to dispersal for adult Covered Species, the creek likely does not provide potential breeding habitat for the Covered Species due to typical streamflows. Within the drainage ditch, accumulated soils show evidence of saturation, but do not show evidence of a high water table or standing water; ponding was not observed during field surveys. Due to the slope of the drainage ditch, standing water may remain within the ditch for a few days after a significant rain event, but will quickly percolate and ultimately flow to Pescadero Creek.

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. **California Environmental Quality Act (CEQA) Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Limekiln Road Bridge (No. 43C0054) Replacement at Pescadero Creek BRLO-5943(063) Initial Study and Mitigated Negative Declaration (IS/MND; SCH No.: 2017011071) adopted by San Benito County on April 11, 2017, as lead agency for the Project pursuant to CEQA, and as further described and considered in an addendum to the IS/MND approved by San Benito County on November 9, 2022 (Pub. Resources Code, § 21000 et seq.).
3. **Lake and Streambed Alteration (LSA) Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the LSA Agreement (Notification No. SBO-24196-R4) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
4. **Endangered Species Act (ESA) Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Biological Opinion for the Limekiln Road Bridge Replacement Project, San Benito County, California (2015-F-0283) for the Project pursuant to the Federal ESA. For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
5. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
6. **General Provisions:**
 - 6.1. 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.
 - 6.2. 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 Form (Attachment 2) or another format containing the same information. This information shall be submitted for CDFW

Incidental Take Permit
No. 2081-2022-009-04

SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT AT PESCADERO CREEK

review and approval at least 14 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) and Designated Monitor(s) are knowledgeable and experienced in: the biology and natural history of the Covered Species; collecting and handling of the Covered Species; excavating burrows/crevices to minimize mortality of the Covered Species; 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. 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 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.

- 6.3.** Designated Biologist/Designated Monitor Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and/or Designated Monitor(s) shall be given the authority to 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 Area and otherwise facilitate the Designated Biologist(s) and/or Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s) and/or Designated Monitor(s) are unable to comply with the ITP, then the Designated Biologist(s) and/or Designated Monitor(s) shall notify the CDFW Regional Representative (detailed in the Notices section below) 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(s)/Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.
- 6.4.** Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they can perform any work within the Project Area. The program shall consist of a presentation from the Designated Biologist(s) that includes: (1) a discussion of the biology and general behavior of the Covered Species; (2) information about the distribution and habitat

Incidental Take Permit
No. 2081-2022-009-04

SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT AT PESCADERO CREEK

needs of the Covered Species; (3) sensitivity of the Covered Species to human activities; (4) its status pursuant to CESA including legal protection, recovery efforts, and penalties for violations; and (5) 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.

- 6.5. Construction Monitoring Documentation.** The Designated Biologist(s) and Designated Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project Area upon request by CDFW.
- 6.6. 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.
- 6.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 6.8. 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.
- 6.9. Delineation of Property Boundaries.** Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.
- 6.10. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or

Incidental Take Permit
No. 2081-2022-009-04

SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT AT PESCADERO CREEK

rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.

- 6.11. 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.
- 6.12. 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 Project Access of this ITP.
- 6.13. 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.
- 6.14. 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.
- 6.15. 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.

7. Monitoring, Notification and Reporting Provisions:

- 7.1. Notification Before Commencement.** The Designated Representative shall notify CDFW before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.

- 7.2. 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 and/or the Designated Biologist(s) shall follow notification with a written report to CDFW within 24 hours describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.
- 7.3. 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 Project Area. If habitat for a 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.
- 7.4. Compliance Monitoring.** The Designated Biologist(s) shall be on-site for the duration of the day when Covered Activities occur, and shall conduct at least daily compliance inspections. During periods of inactivity, the Designated Biologist(s) shall conduct at least weekly compliance inspections. 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(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.

- 7.5. Record of Covered Species Relocation.** The Designated Biologist(s) shall maintain a record of Covered Species handled and all documented observations of Covered Species. This information shall include for each animal: (1) date, time, and location (Global Positioning System (GPS) coordinates and maps) and capture and/or observation as well as release, if applicable; (2) the name of the party that identified the Covered Species; (3) circumstances of the incident; (4) the general condition and health, noting all visible conditions including gait and behavior, ectoparasites, injuries, etc.; (5) any diagnostic markings, sex, age (juvenile or

Incidental Take Permit
No. 2081-2022-009-04

SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT AT PESCADERO CREEK

adult); (6) actions undertaken; (7) habitat description; and (8) ambient temperature when handled and released or observed. The Designated Biologist(s) shall also submit this information to CDFW's CNDDDB as per CNDDDB Observations Condition of Approval below. The Designated Biologist(s) shall prepare a Relocation Summary and include it in the Monthly Compliance and Annual Status Reports Conditions of Approval.

- 7.6. Monthly Compliance Report.** The Designated Representative or the Designated Biologist(s) shall compile the observation and inspection records identified in the Compliance Monitoring and Record of Covered Species Relocation Conditions of Approval 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: (1) an accounting of the number of acres that have been permanently and temporarily disturbed by the Project within the Project Area, both for the previous month, and the total since ITP issuance, if applicable; (2) the number of acres of habitat disturbance anticipated to occur in the Project Area during the subsequent month, if applicable; (3) a summary of all Pre-Activity Clearance Surveys and compliance monitoring conducted during the previous month; and (4) the activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be due by the 15th of each month and shall be submitted via email to the CDFW Regional Representative, as well as the Regional and Headquarters offices listed in the Notices section of this ITP. 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.
- 7.7. 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 Monthly Compliance Report; (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; and (6) information about other Project impacts on the Covered Species. Annual Status Reports shall be submitted to CDFW following the directions provided in Monthly Compliance Report Condition of Approval.

- 7.8. CNDDDB Observations.** The Designated Biologist(s) shall submit all observations of Covered Species to CNDDDB within 60 calendar days of the observation and the Designated Biologist(s) shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.9. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 7.10. Notification of Take or Injury.** Permittee shall immediately notify the Designated Biologist(s) 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 Area. The Designated Biologist(s) or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by email to the CDFW Regional Representative. 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, an explanation as to cause of take or injury, photograph(s), if possible, and any other pertinent information.

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

- 8.1. Covered Species Mortality Reduction and Relocation Plan.** The Designated Biologist(s) shall prepare a Covered Species Mortality Reduction and Relocation Plan and submit it to CDFW for review and approval at least 14 days before starting Covered Activities. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to: (1) a discussion and map of the portion of the Project Area which represents potential upland habitat;

Incidental Take Permit
No. 2081-2022-009-04

SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT AT PESCADERO CREEK

(2) identification of the area within a) 630 meters and b) 2,092 meters of known or potential breeding habitat for the Covered Species; (3) detailed survey, excavation, capture, handling, and relocation methods; (4) identification of relocation areas; and (5) identification of a wildlife rehabilitation center or veterinary facility capable of treating injured wild amphibians. Covered Activities 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 the Covered Species unless specifically approved in writing by CDFW and under the direct supervision of the Designated Biologist(s). Any proposed changes to the CDFW-approved Covered Species Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Covered Species Mortality Reduction and Relocation Plan modifications.

- 8.2.** Habitat Restoration Plan. Within three months of issuance of this ITP, Permittee shall prepare and submit a Habitat Restoration Plan to CDFW for review and approval to facilitate revegetation of the 1.32 acres of disturbance within the Project Area. At a minimum, the Plan shall include the following information: (1) a map that identifies the location of the areas to be revegetated; (2) a description of the existing physical and biological conditions of the areas prior to commencement of any restoration or enhancement activities; (3) a California native plant palette and seed sources; (4) a planting plan, including seed application method; (5) the time of year seeding will occur to ensure adequate growth without supplemental watering or describe the methods of supplemental water delivery; (6) procedures to ensure that nonnative plants are not introduced or allowed to sustain within the revegetation areas; (7) monitoring and maintenance measures and a timeline when these will occur; (8) proposed success criteria and contingency measures if the first application is unsuccessful; and (9) a funding source to cover the total costs of restoration.
- 8.3.** Pre-Activity Clearance Survey and Reporting. No more than 14 calendar days prior to initiating Covered Activities, the Designated Biologist(s) shall survey the Project Area for individuals of the Covered Species. These surveys shall provide 100 percent visual coverage (including burrow and crevice openings) within the Project Area as well as a 50-foot buffer zone around the Project Area, with the exception that areas outside of the Permittee's access and/or control need not be surveyed. The Permittee shall provide the survey results to CDFW in a written report prior to the beginning of Covered Activities. Thereafter, the Designated Biologist(s) shall survey the Project Area for Covered Species at the beginning of each workday prior to resuming Covered Activities. The Permittee shall provide a summary of all Pre-Activity Clearance Surveys as a component of the Monthly Compliance Report. If Covered Species are found, the Designated Biologist(s) shall relocate them in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan.

Incidental Take Permit
No. 2081-2022-009-04

SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT AT PESCADERO CREEK

- 8.4. Flag Burrows/Crevices.** During the Pre-Activity Clearance Survey in accordance with the Pre-Activity Clearance Survey and Reporting Condition of Approval, the Designated Biologist(s) 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. Burrows/crevices outside of the Permittee's access and/or control do not need to be flagged. An avoidance buffer of 50 feet or greater around flagged animal burrows/crevices shall be maintained regardless of whether 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 630 meters of known or potential breeding habitat, and which cannot be avoided by at least 50 feet shall be fully excavated in accordance with the Burrow/Crevice Excavation Condition of Approval.
- 8.5. Burrow/Crevice Excavation.** Prior to initiating ground-disturbing Covered Activities within the Project Area, animal burrows and crevices identified during the Pre-Activity Clearance Surveys and flagged per the Pre-Activity Clearance Survey and Reporting and Flag Burrows/Crevices Conditions of Approval within 630 meters of known or potential Covered Species breeding habitat as identified in the CDFW-approved Covered Species Mortality Reduction and Relocation Plan, 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. Burrow/crevice excavation shall occur under the direct supervision of the Designated Biologist(s).

Animal burrows and crevices identified outside of the Project Area, but within the Project Area's 50-foot buffer zone, shall be similarly excavated if they lie within 50 feet of ground-disturbing Covered Activities occurring within the Project Area. Burrows/crevices outside of the Permittee's access and/or control do not need to be excavated. The Designated Biologist(s) shall relocate any live Covered Species discovered during burrow/crevice excavation in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Excavation shall occur no more than 14 days after the completion of the Pre-Activity Clearance Surveys as described in Pre-Activity Clearance Survey and Reporting.

- 8.6. Exclusion Fencing.** Prior to initiation of Covered Activities and following surveying, flagging, and excavating burrows/crevices in accordance with Pre-Activity Clearance Survey and Reporting, Flag Burrows/Crevices, and Burrow/Crevice Excavation Conditions of Approval, Permittee shall install exclusion fencing around the perimeter of the Project Area to prevent Covered Species from migrating into the Project Area. Installation of exclusion fencing is not required in areas that intersect traffic flow (i.e., across Limekiln Road along the northern and southern

Incidental Take Permit
No. 2081-2022-009-04

SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT AT PESCADERO CREEK

limits of the Project Area) or in areas that intersect stream flow (i.e., across Pescadero Creek along the western and eastern limits of the Project Area).

Permittee shall submit an Exclusion Fencing Plan to CDFW for review and approval prior to commencing Covered Activities. Installation of exclusion fencing, and initiation of Covered Activities shall not proceed until the Exclusion Fencing Plan has been approved in writing by CDFW. The Exclusion Fencing Plan shall include:

- (1) fencing materials;
- (2) fencing design, layout (including maps), and installation methods;
- (3) earthen one-way exit ramps to avoid entrapment of Covered Species (include design, number of exit ramps/spacing, and locations);
- (4) cover boards along both sides of the fence to provide refuge areas for Covered Species (include number of cover boards/spacing, material of cover boards, size of individual cover boards, and locations);
- (5) access gate design(s) and locations, if applicable;
- (6) specification of the maximum continuous linear length of fencing to be installed at any given time along linear portions of the Project Area; and
- (7) inspection, maintenance, repair, and replacement methods and intervals.

- 8.7. Exclusion Fence Installation.** The exclusion fence shall be installed under the direct supervision of the Designated Biologist(s) and begin no later than 48 hours after the burrow/crevice excavation and relocation activities per Burrow/Crevice Excavation, where applicable, are complete.

The Permittee shall also avoid animal burrows and crevices to the maximum extent possible during the installation of the exclusion fence, in accordance with Flag Burrows/Crevices and Burrow/Crevice Excavation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions, such as wind and heavy rain, for the duration that it is in place. Permittee shall remove exclusion fencing immediately upon completion of Covered Activities in the fenced Project Area.

- 8.8. Covered Species Refuge Areas/Cover Boards.** The Designated Biologist(s) shall inspect refuge areas (e.g., cover boards) at the beginning of each workday prior to commencing Covered Activities, as well as during and after rain events. If Covered Species are found within the interior fence, the Designated Biologist(s) shall relocate them in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan.

Incidental Take Permit
No. 2081-2022-009-04

SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT AT PESCADERO CREEK

- 8.9. Open Excavations.** The Designated Biologist(s) shall inspect all open holes, sumps, and trenches at the beginning and end of each workday (including once daily on any other non-workdays) for trapped Covered Species. Project workers shall also thoroughly inspect all open trenches, holes, sumps, or other excavations for Covered Species (or other wildlife) before they are backfilled. If Project workers discover that Covered Species have become trapped, Project workers shall notify the Designated Biologist(s), and all Covered Activities in the vicinity which could injure or kill the Covered Species shall cease 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) may capture and relocate Covered Species in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan.
- 8.9.1. Covers.** To prevent inadvertent entrapment of Covered Species, all open trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. At the end of each workday, Project workers shall ensure all trenches, holes, sumps, or other excavations with sidewalls steeper than a 1:1 (45 degree) slope of any depth are covered with barrier material (e.g., hardware cloth) such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground, and the excavation cover shall be secured with soil staples or by similar means to prevent gaps. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment or injury in excavations are warranted, Permittee shall request and obtain CDFW's written concurrence prior to implementing the alternative.
- 8.10. Vehicle and Equipment Inspection.** Project workers shall inspect under vehicles and equipment for Covered Species before the vehicles and equipment are moved. If Covered Species are found, Project workers shall notify the Designated Biologist(s), and all Covered Activities in the vicinity which could injure or kill the Covered Species shall cease 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) may capture and relocate Covered Species in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan.
- 8.11. Pipes and other Structures Entrapment Prevention.** Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Project 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 Covered Species before the object is subsequently moved, buried, or capped. If Covered Species are found inside a pipe, culvert, or similar structure during inspection, Project workers shall notify the Designated Biologist(s), and all Covered Activities in the vicinity which could injure or kill the Covered Species shall cease 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) may capture and relocate Covered Species in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan.

- 8.12. Fieldwork Code of Practice.** To ensure that the Designated Biologist(s) or Designated Monitors(s) do not convey disease between the Project Area and areas outside of the Project Area, the Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force (see Attachment 3) shall be followed at all times. The Designated Biologist(s) or Designated Monitor(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.
- 8.13. Rain Forecast.** The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. During rainfall events and/or when a 50 percent or greater chance of rainfall is predicted within 72 hours, the Permittee shall cease all Covered Activities in the Project Area where initial ground disturbance (vegetation removal, grading, grubbing, and excavation) has yet to occur until the rainfall ceases and a zero percent chance of rain is forecast.
- 8.14. Soil and Materials Stockpiles.** Permittee shall ensure that soil stockpiles are placed where soil will not pass into the potential Covered Species breeding habitat, or 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. Permittee shall stockpile and stage all materials and equipment in a manner that discourages Covered Species use. In all locations, Permittee shall not place bundled or loose materials directly on the ground. These materials shall be elevated to discourage use by Covered Species. Permittee shall not place materials outside of exclusion fencing.
- 8.15. Covered Species Observations.** During all Covered Activities within the Project Area, all Project workers shall inform the Designated Biologist(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Project Area of its own accord, or the Designated Biologist(s) relocates the Covered Species following the CDFW-approved Covered Species Mortality Reduction and Relocation Plan.

Incidental Take Permit
No. 2081-2022-009-04

SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT AT PESCADERO CREEK

8.16. Covered Species Injury. If a Covered Species is injured because of Project-related activities, the Designated Biologist(s) shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities as a component of the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. 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 Notification of Take or Injury. Notification shall include the name of the facility where the animal was taken.

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

To meet this requirement, Permittee shall purchase 2.80 acres of upland habitat Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Covered Species Credits below. Purchase of Covered Species credits must be complete before starting Covered Activities. The Permittee shall also restore on-site 1.32 acres of disturbed Covered Species habitat pursuant to Habitat Restoration below.

9.1. Covered Species Credits. Permittee shall purchase 2.80 acres of upland Covered Species 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.

9.2. Habitat Restoration. Permittee shall restore on-site the 1.32 acres of Covered Species habitat that will be disturbed during construction following the CDFW-approved Habitat Restoration Plan. Permittee shall ensure that the Habitat Restoration Plan is successfully implemented. Monitoring and maintenance of the restoration areas shall be conducted annually for a minimum of 2 years or until CDFW determines that the restoration/enhancement effort is successful.

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

Incidental Take Permit
No. 2081-2022-009-04

SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT AT PESCADERO CREEK

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

X. Stop-Work Order:

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

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

XI. Compliance with Other Laws:

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

XII. Notices:

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 (2081-2022-009-04) 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
(559) 243-4005
R4CESA@wildlife.ca.gov

Incidental Take Permit
No. 2081-2022-009-04
SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT AT PESCADERO CREEK

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:

Stephanie Manzo
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
(559) 578-0409
Stephanie.Manzo@wildlife.ca.gov

XIII. Compliance with CEQA:

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, San Benito County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Limekiln Road Bridge (No. 43C0054) Replacement at Pescadero Creek BRLO-5943(063) IS/MND, (SCH No.: 2017011071) dated March 2017 that San Benito County adopted for the Limekiln Road Bridge (No. 43C0054) Replacement at Pescadero Creek on April 11, 2017, and in an addendum to the IS/MND approved by San Benito County on November 9, 2022. At the time the lead agency adopted the IS/MND 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 IS/MND and the November 2022 Addendum 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.

Incidental Take Permit
No. 2081-2022-009-04
SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (No. 43C0054) REPLACEMENT AT PESCADERO CREEK

XIV. Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, the Limekiln Road Bridge (No. 43C0054) Replacement at Pescadero Creek BRLO-5943(063) IS/MND, 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) permanent habitat protection through the purchase of upland habitat Covered Species credits from a CDFW-approved mitigation or conservation bank; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the purchase of 2.80 acres of upland habitat Covered Species credits from a CDFW-approved mitigation or conservation bank in advance of initiating Covered Activities and on-site restoration of 1.32 acres of disturbed Covered Species habitat, 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

Incidental Take Permit
No. 2081-2022-009-04

SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
LIMEKILN ROAD BRIDGE (NO. 43C0054) REPLACEMENT AT PESCADERO CREEK

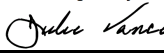
(8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those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

XV. Attachments:

FIGURE 1	Project Location
FIGURE 2	Project Design and Impacts
FIGURE 3	Impacts to Natural Communities/Land Uses and Trees
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Fieldwork Code of Practice

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

ON 4/18/2024

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance, Regional Manager
Central Region

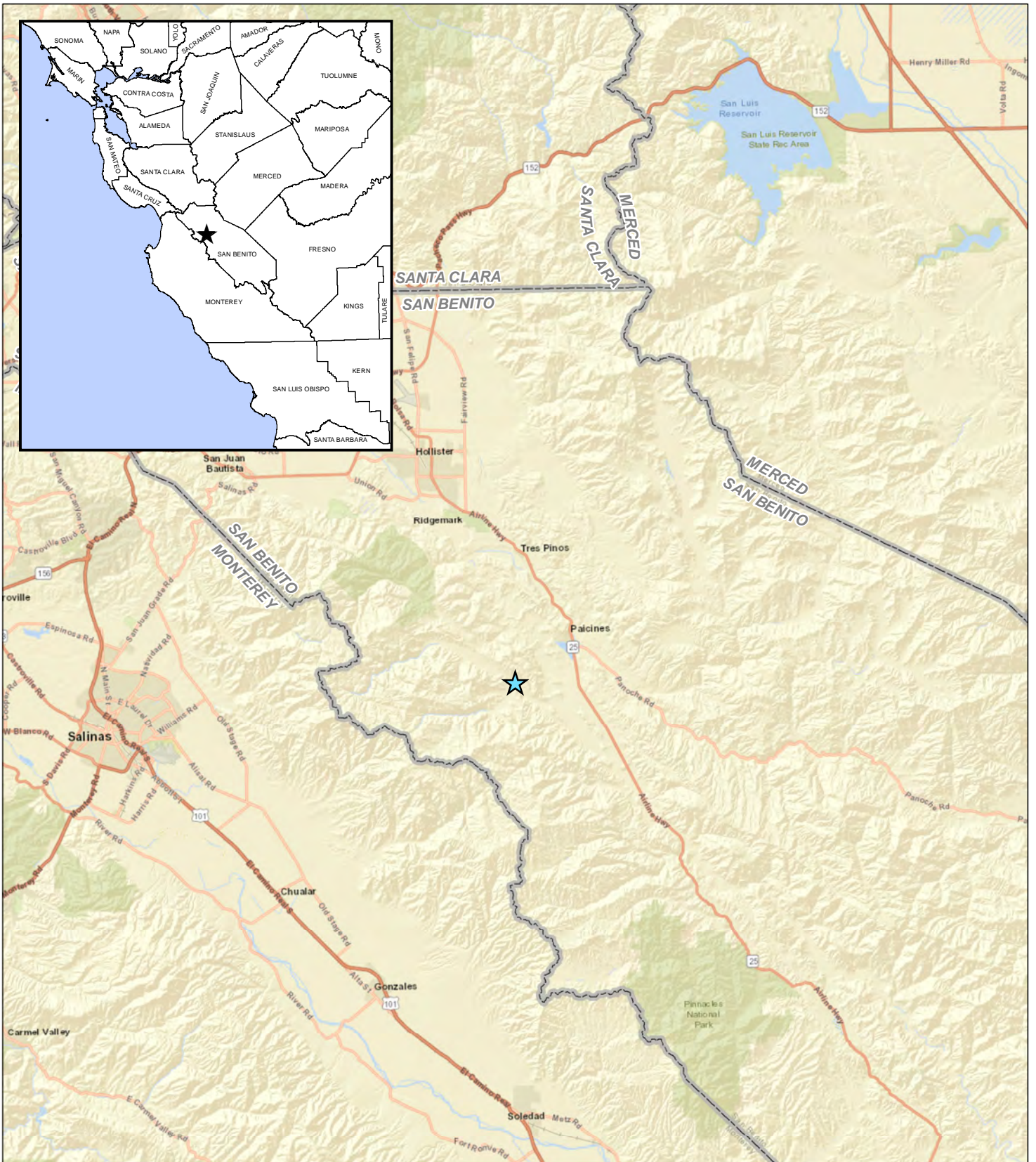
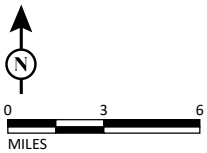


FIGURE 1



LEGEND

 Project Location



SOURCE: ESRI World Street Map (10/2019)

I:\QCE1202.02\GIS\Reports\NES\Fig1_Regional_loc.mxd (6/16/2020)

*Limekiln Road Bridge (No. 43C0054)
Replacement at Pescadero Creek
San Benito County, California; Caltrans District 5
Federal Aid No. BRLO 5943(063)
Project Location*

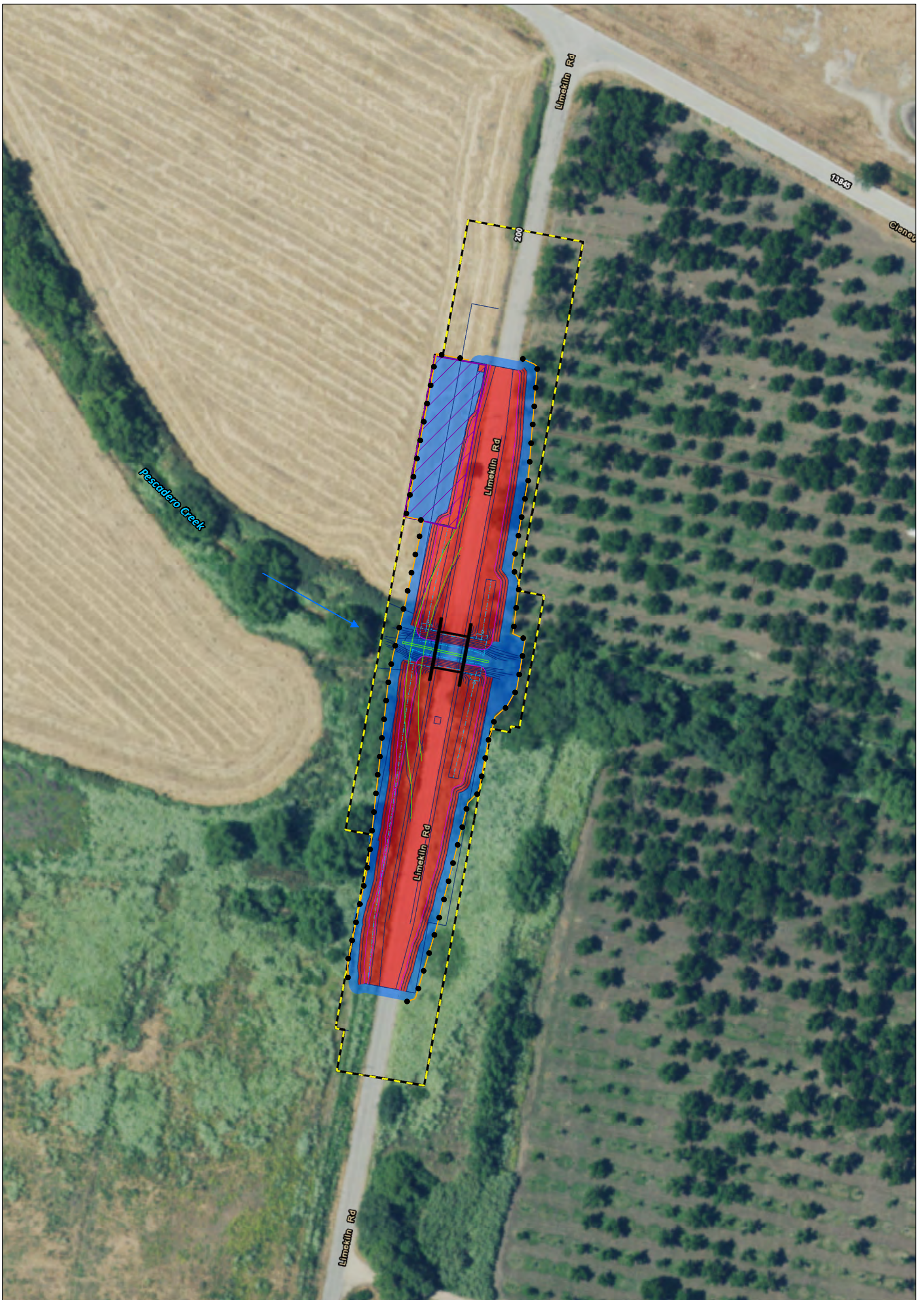
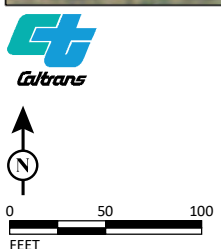


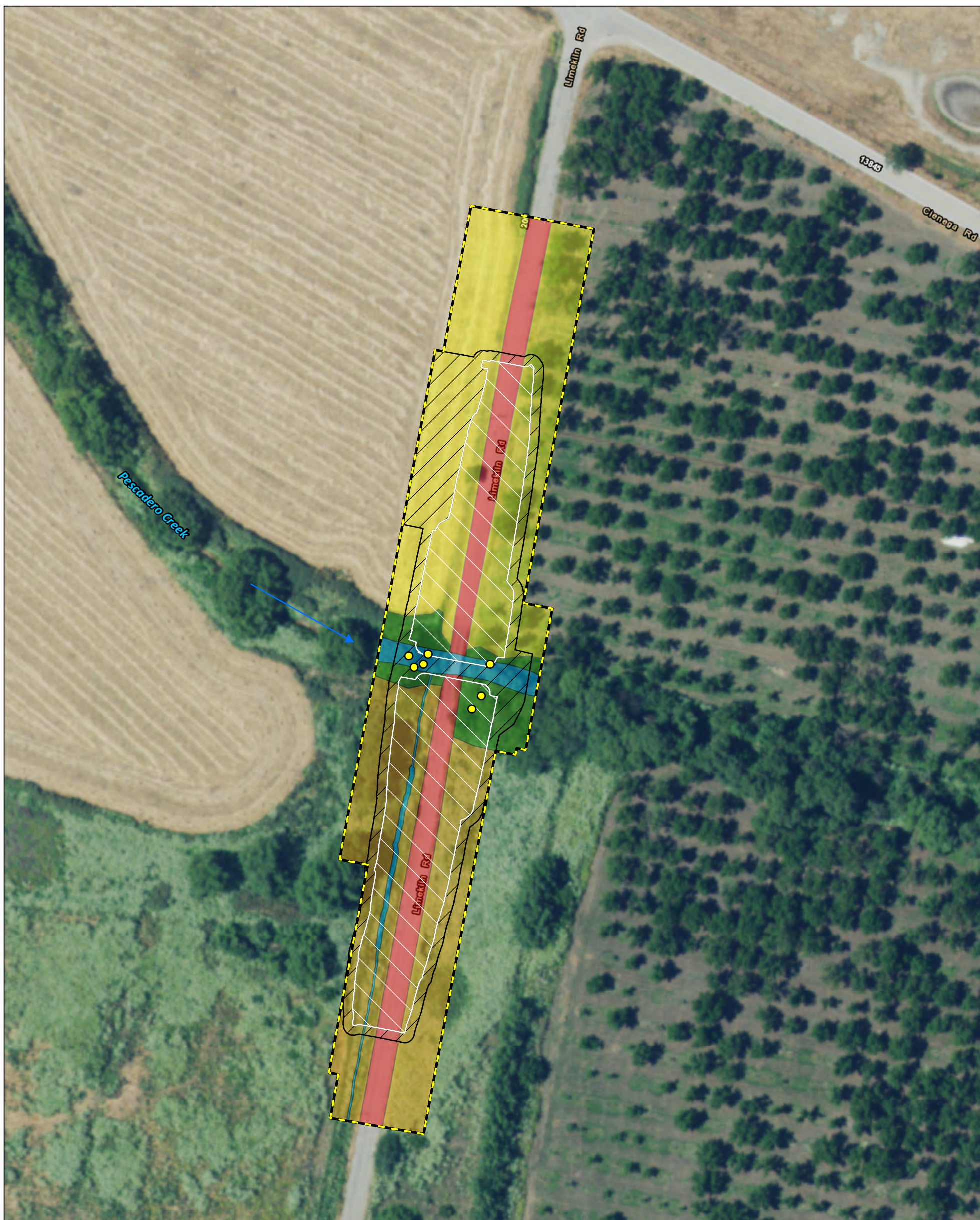
FIGURE 2



LEGEND

- Biological Study Area - (2.95 ac)
- Staging Area
- Project Design
- Bridge No. 43C0054
- Cut and Fill
- Drainage
- Temporary Detour
- ESA Fencing
- Permanent Impact Area - (1.24 ac)
- Temporary Impact Area - (0.61 ac)

*Limekiln Road Bridge (No. 43C0054)
Replacement at Pescadero Creek
San Benito County, California; Caltrans District 5
Federal Aid No. BRLO 5943(063)
Project Design and Impacts*



LEGEND		
	Biological Study Area - (2.95 ac)	
	Trees to Be Removed - (Count = 7)	
	Arroyo Willow Series - (0.10 ac)	
	Riverine Wetlands - (0.04 ac)	
	Cropland - (0.35 ac)	
	Ruderal - (0.40 ac)	
	Developed - (0.35 ac)	

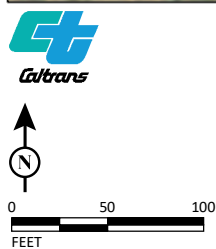


FIGURE 3

Limekiln Road Bridge (No. 43C0054)
 Replacement at Pescadero Creek
 San Benito County, California; Caltrans District 5
 Federal Aid No. BRLO 5943(063)

Impacts to Natural Communities / Land Uses and Trees

Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2022-009-04

PERMITTEE: San Benito County Department of Public Works

**PROJECT: Limekiln Road Bridge Replacement (No. 43C0054) at
Pescadero Creek**

PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure that the impact minimization and mitigation measures required by the California 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 # 6.1	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
2	<u>Designated Biologist(s) and/or 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 Form (Attachment 2) or another format containing the same information. This information shall be submitted for CDFW review and approval at least 14 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) and Designated Monitor(s) are knowledgeable and experienced in: the biology and natural history of the Covered Species; collecting and handling of the Covered Species; excavating burrows/crevices to minimize mortality of the Covered Species; 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. 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 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 # 6.2	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
3	<u>Education Program</u> . Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they can perform any work within the Project Area. The program shall consist of a presentation from the Designated Biologist(s) that includes: (1) a discussion of the biology and general behavior of the Covered Species; (2) information about the distribution and habitat needs of the Covered Species; (3) sensitivity of the Covered Species to human activities; (4) its status pursuant to CESA including legal protection, recovery efforts, and penalties for violations; and (5) 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 # 6.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
4	<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 # 6.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
5	<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(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 6.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
6	<u>Delineation of Property Boundaries</u> . Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.	ITP Condition # 6.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
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 # 6.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	<u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	<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 Project Area. If habitat for a 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 # 7.3	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
10	<u>Record of Covered Species Relocation</u> . The Designated Biologist(s) shall maintain a record of Covered Species handled and all documented observations of Covered Species. This information shall include for each animal: (1) date, time, and location (Global Positioning System (GPS) coordinates and maps) and capture and/or observation as well as release, if applicable; (2) the name of the party that identified the Covered Species; (3) circumstances of the incident; (4) the general condition and health, noting all visible conditions including gait and behavior, ectoparasites, injuries, etc.; (5) any diagnostic markings, sex, age (juvenile or adult); (6) actions undertaken; (7) habitat description; and (8) ambient temperature when handled and released or observed. The Designated Biologist(s) shall also submit this information to CDFW's CNDDDB as per <u>CNDDDB Observations</u> Condition of Approval below. The Designated Biologist(s) shall prepare a Relocation Summary and include it in the <u>Monthly Compliance</u> and <u>Annual Status Reports</u> Conditions of Approval.	ITP Condition # 7.5	Before commencing ground- or vegetation-disturbing activities / Entire Project	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<u>Covered Species Mortality Reduction and Relocation Plan</u> . The Designated Biologist(s) shall prepare a Covered Species Mortality Reduction and Relocation Plan and submit it to CDFW for review and approval at least 14 days before starting Covered Activities. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to: (1) a discussion and map of the portion of the Project Area which represents potential upland habitat; (2) identification of the area within a) 630 meters and b) 2,092 meters of known or potential breeding habitat for the Covered Species; (3) detailed survey, excavation, capture, handling, and relocation methods; (4) identification of relocation areas; and (5) identification of a wildlife rehabilitation center or veterinary facility capable of treating injured wild amphibians. Covered Activities 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 the Covered Species unless specifically approved in writing by CDFW <u>and</u> under the direct supervision of the Designated Biologist(s). Any proposed changes to the CDFW-approved Covered Species Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Covered Species Mortality Reduction and Relocation Plan modifications.	ITP Condition # 8.1	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
12	<u>Habitat Restoration Plan</u> . Within three months of issuance of the ITP, Permittee shall prepare and submit a Habitat Restoration Plan to CDFW for review and approval to facilitate revegetation of the 1.32 acres of disturbance within the Project Area. At a minimum, the Plan shall include the following information: (1) a map that identifies the location of the areas to be revegetated; (2) a description of the existing physical and biological conditions of the areas prior to commencement of any restoration or enhancement activities; (3) a California native plant palette and seed sources; (4) a planting plan, including seed application method; (5) the time of year seeding will occur to ensure adequate growth without supplemental watering or describe the methods of supplemental water delivery; (6) procedures to ensure that nonnative plants are not introduced or allowed to sustain within the revegetation areas; (7) monitoring and maintenance measures and a timeline when these will occur; (8) proposed success criteria and contingency measures if the first application is unsuccessful; and (9) a funding source to cover the total costs of restoration.	ITP Condition # 8.2	Before commencing ground- or vegetation-disturbing activities OR within three (3) months of ITP issuance	Permittee	
13	<u>Pre-Activity Clearance Survey and Reporting</u> . No more than 14 calendar days prior to initiating Covered Activities, the Designated Biologist(s) shall survey the Project Area for individuals of the Covered Species. These surveys shall provide 100 percent visual coverage (including burrow and crevice openings) within the Project Area as well as a 50-foot buffer zone around the Project Area, with the exception that areas outside of the Permittee's access and/or control need not be surveyed. The Permittee shall provide the survey results to CDFW in a written report prior to the beginning of Covered Activities. Thereafter, the Designated Biologist(s) shall survey the Project Area for Covered Species at the beginning of each workday prior to resuming Covered Activities. The Permittee shall provide a summary of all Pre-Activity Clearance Surveys as a component of the <u>Monthly Compliance Report</u> . If Covered Species are found, the Designated Biologists(s) shall relocate them in accordance with the CDFW-approved <u>Covered Species Mortality Reduction and Relocation Plan</u> .	ITP Condition # 8.3	Before commencing ground- or vegetation-disturbing activities / Entire Project	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
14	<p><u>Flag Burrows/Crevices</u>. During the Pre-Activity Clearance Survey in accordance with the <u>Pre-Activity Clearance Survey and Reporting</u> Condition of Approval, the Designated Biologist(s) 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. Burrows/crevices outside of the Permittee's access and/or control do not need to be flagged. An avoidance buffer of 50 feet or greater around flagged animal burrows/crevices shall be maintained regardless of whether 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 630 meters of known or potential breeding habitat, and which cannot be avoided by at least 50 feet shall be fully excavated in accordance with the <u>Burrow/Crevice Excavation</u> Condition of Approval.</p>	ITP Condition # 8.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Designated Biologist	
15	<p><u>Burrow/Crevice Excavation</u>. Prior to initiating ground-disturbing Covered Activities within the Project Area, animal burrows and crevices identified during the Pre-Activity Clearance Surveys and flagged per the <u>Pre-Activity Clearance Survey and Reporting</u> and <u>Flag Burrows/Crevices</u> Conditions of Approval within 630 meters of known or potential Covered Species breeding habitat as identified in the CDFW approved <u>Covered Species Mortality Reduction and Relocation Plan</u>, 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 <u>Covered Species Mortality Reduction and Relocation Plan</u>. Burrow/crevice excavation shall occur under the direct supervision of the Designated Biologist(s).</p> <p>Animal burrows and crevices identified outside of the Project Area, but within the Project Area's 50-foot buffer zone, shall be similarly excavated if they lie within 50 feet of ground-disturbing Covered Activities occurring within the Project Area. Burrows/crevices outside of the Permittee's access and/or control do not need to be excavated. The Designated Biologist(s) shall relocate any live Covered Species discovered during burrow/crevice excavation in accordance with the CDFW approved <u>Covered Species Mortality Reduction and Relocation Plan</u>. Excavation shall occur no more than 14 days after the completion of the Pre Activity Clearance Surveys as described in <u>Pre-Activity Clearance Survey and Reporting</u>.</p>	ITP Condition # 8.5	Before commencing ground- or vegetation-disturbing activities / Entire Project	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
16	<p><u>Exclusion Fencing</u>. Prior to initiation of Covered Activities and following surveying, flagging, and excavating burrows/crevices in accordance with <u>Pre-Activity Clearance Survey and Reporting</u>, <u>Flag Burrows/Crevices</u>, and <u>Burrow/Crevice Excavation</u> Conditions of Approval, Permittee shall install exclusion fencing around the perimeter of the Project Area to prevent Covered Species from migrating into the Project Area. Installation of exclusion fencing is not required in areas that intersect traffic flow (i.e., across Limekiln Road along the northern and southern limits of the Project Area) or in areas that intersect stream flow (i.e., across Pescadero Creek along the western and eastern limits of the Project Area).</p> <p>Permittee shall submit an Exclusion Fencing Plan to CDFW for review and approval prior to commencing Covered Activities. Installation of exclusion fencing, and initiation of Covered Activities shall not proceed until the Exclusion Fencing Plan has been approved in writing by CDFW. The Exclusion Fencing Plan shall include:</p> <ol style="list-style-type: none"> (1) fencing materials; (2) fencing design, layout (including maps), and installation methods; (3) earthen one-way exit ramps to avoid entrapment of Covered Species (include design, number of exit ramps/spacing, and locations); (4) cover boards along both sides of the fence to provide refuge areas for Covered Species (include number of cover boards/spacing, material of cover boards, size of individual cover boards, and locations); (5) access gate design(s) and locations, if applicable; (6) specification of the maximum continuous linear length of fencing to be installed at any given time along linear portions of the Project Area; and (7) inspection, maintenance, repair, and replacement methods and intervals. 	ITP Condition # 8.6	Before commencing ground- or vegetation-disturbing activities	Permittee	
17	<p><u>Exclusion Fence Installation</u>. The exclusion fence shall be installed under the direct supervision of the Designated Biologist(s) and begin no later than 48 hours after the burrow/crevice excavation and relocation activities per <u>Burrow/Crevice Excavation</u>, where applicable, are complete.</p> <p>The Permittee shall also avoid animal burrows and crevices to the maximum extent possible during the installation of the exclusion fence, in accordance with <u>Flag Burrows/Crevices</u> and <u>Burrow/Crevice Excavation</u>. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions, such as wind and heavy rain, for the duration that it is in place. Permittee shall remove exclusion fencing immediately upon completion of Covered Activities in the fenced Project Area.</p>	ITP Condition # 8.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
18	<p><u>Covered Species Credits</u>. Permittee shall purchase 2.80 acres of upland Covered Species 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 # 9.1	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
DURING CONSTRUCTION					
19	<p><u>Designated Biologist/Designated Monitor Authority.</u> To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist(s) and/or Designated Monitor(s) shall be given the authority to 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 Area and otherwise facilitate the Designated Biologist(s) and/or Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s) and/or Designated Monitor(s) are unable to comply with the ITP, then the Designated Biologist(s) and/or Designated Monitor(s) shall notify the CDFW Regional Representative (detailed in the Notices section below) 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(s)/Designated Monitor(s) 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.</p>	ITP Condition # 6.3	Entire Project	Designated Biologist / Permittee	
20	<p><u>Construction Monitoring Documentation.</u> The Designated Biologist(s) and Designated Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of 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 Area upon request by CDFW.</p>	ITP Condition # 6.5	Entire Project	Designated Biologist / Permittee	
21	<p><u>Compliance Monitoring.</u> The Designated Biologist(s) shall be on-site for the duration of the day when Covered Activities occur, and shall conduct at least daily compliance inspections. During periods of inactivity, the Designated Biologist(s) shall conduct at least weekly compliance inspections. The Designated Biologist shall conduct compliance inspections to:</p> <ul 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(s) 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 # 7.4	Entire Project	Designated Biologist / Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
22	<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 and/or the Designated Biologist(s) shall follow notification with a written report to CDFW within 24 hours describing, in detail, any non-compliance with the ITP and suggested measures to remedy the situation.	ITP Condition # 7.2	Entire Project	Designated Biologist / Permittee	
23	<u>Monthly Compliance Report.</u> The Designated Representative or the Designated Biologist(s) shall compile the observation and inspection records identified in the <u>Compliance Monitoring and Record of Covered Species Relocation</u> Conditions of Approval 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: (1) an accounting of the number of acres that have been permanently and temporarily disturbed by the Project within the Project Area, both for the previous month, and the total since ITP issuance, if applicable; (2) the number of acres of habitat disturbance anticipated to occur in the Project Area during the subsequent month, if applicable; (3) a summary of all Pre-Activity Clearance Surveys and compliance monitoring conducted during the previous month; and (4) the activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be due by the 15th of each month and shall be submitted via email to the CDFW Regional Representative, as well as the Regional and Headquarters offices listed in the Notices section of the ITP. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 7.6	Entire Project	Designated Biologist / Permittee	
24	<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 <u>Monthly Compliance Report</u> ; (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; and (6) information about other Project impacts on the Covered Species. Annual Status Reports shall be submitted to CDFW following the directions provided in <u>Monthly Compliance Report</u> Condition of Approval.	ITP Condition # 7.7	Entire Project	Permittee	
25	<u>CNDDDB Observations.</u> The Designated Biologist(s) shall submit all observations of Covered Species to CNDDDB within 60 calendar days of the observation and the Designated Biologist(s) shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 7.8	Entire Project	Designated Biologist / Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
26	<u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist(s) 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 Area. The Designated Biologist(s) or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by email to the CDFW Regional Representative. 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, an explanation as to cause of take or injury, photograph(s), if possible, and any other pertinent information.	ITP Condition # 7.10	Entire Project	Designated Biologist / Permittee	
27	<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 # 6.8	Entire Project	Permittee	
28	<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 # 6.11	Entire Project	Permittee	
29	<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 Project Access of the ITP.	ITP Condition # 6.12	Entire Project	Permittee	
30	<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 # 6.13	Entire Project	Permittee	
31	<u>Covered Species Refuge Areas/Cover Boards.</u> The Designated Biologist(s) shall inspect refuge areas (e.g., cover boards) at the beginning of each workday prior to commencing Covered Activities, as well as during and after rain events. If Covered Species are found within the interior fence, the Designated Biologist(s) shall relocate them in accordance with the CDFW-approved <u>Covered Species Mortality Reduction and Relocation Plan.</u>	ITP Condition # 8.8	Entire Project	Designated Biologist / Permittee	
32	<u>Fieldwork Code of Practice.</u> To ensure that the Designated Biologist(s) or Designated Monitors(s) do not convey disease between the Project Area and areas outside of the Project Area, the Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force (see Attachment 3) shall be followed at all times. The Designated Biologist(s) or Designated Monitor(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.	ITP Condition # 8.12	Entire Project	Designated Biologist / Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
33	<u>Rain Forecast.</u> The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. During rainfall events and/or when a 50 percent or greater chance of rainfall is predicted within 72 hours, the Permittee shall cease all Covered Activities in the Project Area where initial ground disturbance (vegetation removal, grading, grubbing, and excavation) has yet to occur until the rainfall ceases and a zero percent chance of rain is forecast.	ITP Condition # 8.13	Entire Project	Designated Biologist / Permittee	
34	<u>Soil and Materials Stockpiles.</u> Permittee shall ensure that soil stockpiles are placed where soil will not pass into the potential Covered Species breeding habitat, or 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. Permittee shall stockpile and stage all materials and equipment in a manner that discourages Covered Species use. In all locations, Permittee shall not place bundled or loose materials directly on the ground. These materials shall be elevated to discourage use by Covered Species. Permittee shall not place materials outside of exclusion fencing.	ITP Condition # 8.14	Entire Project	Permittee	
35	<u>Open Excavations.</u> The Designated Biologist(s) shall inspect all open holes, sumps, and trenches at the beginning and end of each workday (including once daily on any other non-workdays) for trapped Covered Species. Project workers shall also thoroughly inspect all open trenches, holes, sumps, or other excavations for Covered Species (or other wildlife) before they are backfilled. If Project workers discover that Covered Species have become trapped, Project workers shall notify the Designated Biologist(s), and all Covered Activities in the vicinity which could injure or kill the Covered Species shall cease 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) may capture and relocate Covered Species in accordance with the CDFW-approved <u>Covered Species Mortality Reduction and Relocation Plan.</u>	ITP Condition # 8.9	Entire Project	Designated Biologist / Permittee	
36	<u>Covers.</u> To prevent inadvertent entrapment of Covered Species, all open trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. At the end of each workday, Project workers shall ensure all trenches, holes, sumps, or other excavations with sidewalls steeper than a 1:1 (45 degree) slope of any depth are covered with barrier material (e.g., hardware cloth) such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground, and the excavation cover shall be secured with soil staples or by similar means to prevent gaps. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment or injury in excavations are warranted, Permittee shall request and obtain CDFW's written concurrence prior to implementing the alternative.	ITP Condition # 8.9.1	Entire Project	Designated Biologist / Permittee	
37	<u>Vehicle and Equipment Inspection.</u> Project workers shall inspect under vehicles and equipment for Covered Species before the vehicles and equipment are moved. If Covered Species are found, Project workers shall notify the Designated Biologist(s), and all Covered Activities in the vicinity which could injure or kill the Covered Species shall cease 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) may capture and relocate Covered Species in accordance with the CDFW-approved <u>Covered Species Mortality Reduction and Relocation Plan.</u>	ITP Condition # 8.10	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
38	<u>Pipes and other Structures Entrapment Prevention</u> . Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Project 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 Covered Species before the object is subsequently moved, buried, or capped. If Covered Species are found inside a pipe, culvert, or similar structure during inspection, Project workers shall notify the Designated Biologist(s), and all Covered Activities in the vicinity which could injure or kill the Covered Species shall cease 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) may capture and relocate Covered Species in accordance with the CDFW-approved <u>Covered Species Mortality Reduction and Relocation Plan</u> .	ITP Condition # 8.11	Entire Project	Permittee	
39	<u>Covered Species Observations</u> . During all Covered Activities within the Project Area, all Project workers shall inform the Designated Biologist(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Project Area of its own accord, or the Designated Biologist(s) relocates the Covered Species following the CDFW approved <u>Covered Species Mortality Reduction and Relocation Plan</u> .	ITP Condition # 8.15	Entire Project	Permittee	
40	<u>Covered Species Injury</u> . If a Covered Species is injured because of Project-related activities, the Designated Biologist(s) shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities as a component of the CDFW-approved <u>Covered Species Mortality Reduction and Relocation Plan</u> . 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 <u>Notification of Take or Injury</u> . Notification shall include the name of the facility where the animal was taken.	ITP Condition 8.16	Entire Project	Permittee	
41	<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 # 6.14	Entire Project	Permittee	
42	<u>Habitat Restoration</u> . Permittee shall restore on-site the 1.32 acres of Covered Species habitat that will be disturbed during construction following the CDFW-approved Habitat Restoration Plan. Permittee shall ensure that the <u>Habitat Restoration Plan</u> is successfully implemented. Monitoring and maintenance of the restoration areas shall be conducted annually for a minimum of 2 years or until CDFW determines that the restoration/enhancement effort is successful.	ITP Condition # 9.2	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 # 6.15	Post-construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
44	<u>Final Mitigation Report</u> . No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in 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 # 7.9	Post-construction and after completion of mitigation	Permittee	
45	CDFW accepts the Final Mitigation Report as complete.	ITP Condition # 7.9	Post-construction	CDFW	

Attachment 2

***** 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

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.