Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2023-017-02

PERMITTEE: City of Yuba City, Public Works Department

PROJECT: Yuba City Wastewater Treatment Facility Outfall and Diffuser

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	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.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Designated Biologist(s), Biological Monitor(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and/or Biological Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist(s) and Biological Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Biological Monitor(s) must be changed.	ITP Condition # 6.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	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.	ITP Condition # 6.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
5	Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 6.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
6	Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 6.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.11 of this ITP.	ITP Condition # 6.12	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	Compensatory Mitigation: CDFW has determined that compensatory mitigation 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. Compensatory mitigation shall be in the form of permanent protection and perpetual management of Cover Species habitat or funding to benefit Covered Species through the North Yuba River Spring-Run Chinook Salmon Reintroduction Program. 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 contribution to the recovery of the Covered Species required to provide for adequate compensation. To meet this requirement, the Permittee shall purchase 0.766 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 9.1 or provide funding for the North Yuba River Spring-Run Chinook Salmon Reintroduction Program pursuant to Condition of Approval 9.2 below.	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
10	Covered Species Credits. If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 0.766 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from initiating Covered Activities authorized in this ITP if Security is provided pursuant to Condition of Approval 10 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from initiating Covered Activities authorized in this ITP if Security is provided.	ITP Condition #9.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	Funding for Covered Species Recovery. If the Permittee elects to provide funding towards the North Yuba River Spring-Run Chinook Salmon Reintroduction Program (Program), then the Permittee shall provide $181,542.00 toward the Program. Funding shall be provided to CDFW to assist with staff time and equipment for monitoring and implementation. Permittee shall place the funding into an escrow account, with written instructions approved in advance in writing by CDFW, for the implementation of the Program before starting Covered Activities.	ITP Condition #9.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
12	Purchase of Covered Species habitat credits as described in Condition of Approval 9.1, calculated at $237,000 /acre for 0.766 acres: $181,542.00.	ITP Condition #9.3.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
13	Security: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:	ITP Condition # 10	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
14	Security Amount. The Security shall be in the amount of $181,542. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.3 above, sufficient for CDFW or its contractors to complete the compensatory mitigation required by Condition of Approval 9.1 or 9.2.	ITP Condition # 10.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
15	Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW.	ITP Condition # 10.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
16	Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.	ITP Condition # 10.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
17	Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.	ITP Condition # 10.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
18	Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.	ITP Condition # 10.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

19	Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: •Copy of Bill of Sale(s) and Payment Receipt(s) for the purchase of Covered Species credits; and •Timely submission of all required reports. Even if Security is provided, the Permittee must complete the required mitigation no later than 18 months after initiating Covered Activities. CDFW may require the Permittee to provide additional Covered Species habitat credits or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.	ITP Condition # 10.6	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
DURING CONSTRUCTION					
20	Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.	ITP Condition # 6.3	Entire Project	Permittee	
21	Construction Monitoring Documentation. The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.	ITP Condition # 6.5	Entire Project	Permittee	
22	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.	ITP Condition # 6.8	Entire Project	Permittee	
23	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.	ITP Condition # 6.9	Entire Project	Permittee	

24	Project Access. Project-related personnel shall access the Project Area using 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. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 6.11	Entire Project	Permittee	
25	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.	ITP Condition # 6.13	Entire Project	Permittee	
26	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.	ITP Condition # 6.14	Entire Project	Permittee	
27	Notification of Non-compliance. The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.	ITP Condition # 7.2	Entire Project	Permittee	
28	Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections a minimum of once per week during periods of inactivity and after clearing, grubbing, and grading are completed. The Designated Biologist shall conduct compliance inspections to: (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.	ITP Condition #7.3	Entire Project	Permittee	

29	Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Upon completion of Covered Activities 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 be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is CESA Desk (R2CESA@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 7.4	Entire Project	Permittee	
30	Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; and (6) information about other Project impacts on the Covered Species.	ITP Condition # 7.5	Entire Project	Permittee	
31	CNDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 7.6	Entire Project	Permittee	
32	Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (916) 358-2900. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 7.8	Entire Project	Permittee	
33	Work Period. All in-water Covered Activities within the Project Area shall be confined to the period from July 1 to October 31 of each year.	ITP Condition # 8.1	Entire Project	Permittee	

34	Work Period Modification. If the Permittee needs more time to complete a Covered Activity, the work may be permitted outside of the work period and extended by a CDFW representative who reviewed the Project, or if unavailable, through contact with the Regional office (see Contact Information). No later than ten (10) business days prior to the end of the work period, the Permittee shall submit a written request for a work period variance to CDFW for review and approval. The work period variance request shall: 1) describe the extent of work already completed; 2) detail the activities that remain to be completed; 3) detail the time required to complete each of the remaining activities; and 4) provide photographs of both the current work completed and the proposed site for continued work. Work period variances are issued at the discretion of CDFW. CDFW will review the written request to work outside of the established work period. The Permittee shall not conduct work outside of the work period without written approval from CDFW.	ITP Condition # 8.2	Entire Project	Permittee	
35	Turbidity Curtain. Where appropriate, Permittee shall deploy a turbidity curtain prior to starting in-water trenching, excavation, and fill activities to reduce sediment resuspension.	ITP Condition # 8.3	Entire Project	Permittee	
36	Block Nets. To the extent feasible, Permittee shall exclude fish from the areas being trenched, excavated, and filled in water using block nets.	ITP Condition # 8.4	Entire Project	Permittee	
37	Night Work. If night work is necessary, lighting shall be selectively placed, shielded, and directed away from Covered Species' natural habitat. Night work shall be restricted to activities that are not in-water to ensure the Covered Species are allowed to migrate upstream and downstream (10pm to 8am are typical periods for the migration of the Covered Species in their juvenile and adult life stages).	ITP Condition # 8.5	Entire Project	Permittee	
38	Fish Rescue and Relocation Plan. Permittee shall prepare and submit to CDFW for approval 30 days prior to initiating Covered Activities, a Fish Rescue and Relocation Plan to limit the number of Covered Species that may be entrained and/or stranded during construction and dewatering activities. The plan shall include, at a minimum: 1) a list of fish species that may be encountered; 2) descriptions of the proposed methods and equipment to be used to prevent fish stranding; 3) the proposed timing of fish relocation activities; and 4) description of the relocation area(s) for captured Covered Species, including relative location quality of habitat, the potential for non-native species or predators to be present, potential barriers for movement. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. CDFW will provide a written response within 15 business days of submittal.	ITP Condition # 8.6	Entire Project	Permittee	
39	Covered Species Relocation. If Covered Species is encountered within the Project Area, is directly threatened by Covered Activities, and it is unable to move to a safe area on its own, the Designated Biologist(s) shall relocate the Covered Species to a safe area in accordance with the Fish Rescue and Relocation Plan. The Permittee or Designated Representative shall notify CDFW within 24 hours of each time Covered Species is relocated. Notification to CDFW shall be via telephone or email, followed by a written incident report. Notification shall include the date, number, and specific location of all Covered Species that are relocated from the cofferdam in addition to any direct mortality observed during in-water work and relocation.	ITP Condition # 8.6.1	Entire Project	Permittee	

40	Permittee shall include results of all fish capture and relocation efforts in the Monthly Compliance Report described in Condition of Approval 7.4 and Annual Status Report described in Condition of Approval 7.5, including, but not limited to, date, time, location, comments, method of capture, fish species, number of fish, life stage, condition, release location, and release time.	ITP Condition # 8.6.2	Entire Project	Permittee	
41	The Designated Biologist(s) shall place dead Covered Species in sealed plastic bags with labels indicating species, location, date, and time of collection, store them on ice, then freeze as soon as possible. Permittee shall notify both National Marine Fisheries Service (NMFS) and CDFW to determine which agency will receive the frozen specimens. Deposition of biological samples shall be coordinated with the CDFW Region 2 District Fisheries Biologist for Sutter County.	ITP Condition # 8.6.3	Entire Project	Permittee	
42	Instream Woody Material. Permittee shall avoid moving or altering instream woody material (IWM) from the Feather River to the greatest extent possible. If IWM must be moved or altered, the Permittee shall notify CDFW prior to moving or altering it and provide a plan to either move the IWM back to its original location or replace it with a functional equivalent as soon as possible.	ITP Condition # 8.7	Entire Project	Permittee	
43	Covered Species Erosion Control. Permittee shall actively implement best management practices to minimize turbidity and siltation and prevent erosion and the discharge of sediment into the Feather River. Precautions shall include but are not limited to: preconstruction planning to identify site specific turbidity and siltation minimization measures; best management erosion control practices during project activity; and settling, filtering, or otherwise treating silty and turbid water prior to discharge into a stream or storm drain. This may require the placement of silt fencing, coir logs, coir rolls, straw bale dikes, or other siltation barriers so that silt and/or other deleterious materials are not allowed to pass to downstream reaches.	ITP Condition # 8.8	Entire Project	Permittee	
44	Noise and Vibration Reduction. The Permittee will furnish, install, operate and maintain a sound attenuation system for all piles installed in water by impact hammer to reduce noise generated into the water. If the sound attenuation system fails, pile driving shall immediately stop and may not resume at the location until the system is put back into operation. A design of the sound attenuation system shall be submitted to CDFW for written approval prior to the start of Covered Activities. Acoustic attenuation devices for the piles will be routinely inspected for proper installation, operation, and functionality by the Designated Biologist. The following sound attenuation systems may be employed including but not limited to: •Confined bubble curtain. •An unconfined bubble curtain. •Isolation casings. •Wooden pile cushions. •Other methods approved in advance by CDFW.	ITP Condition # 8.9	Entire Project	Permittee	
45	Soft Start Pile Driving. The initial strikes of all in-water piles, or piles that occur within 200 linear feet of the water's edge in the active channel in which injurious sound levels to Covered Species could reach the water, shall occur at less than full impact force for a period of 15 seconds followed by 30 seconds of no activity. This action shall be repeated two additional times and impact shall be gradually brought up to full force blows to reduce the initial sound level and provide warning blows to allow Covered Species adequate time to leave the Project Area.	ITP Condition # 8.10	Entire Project	Permittee	

46	Pile Driving Hydro-Acoustic Limits. Sound pressure levels generated by impact pile driving within the river, or within a reasonable distance of the water (on dry land) where sound levels may reach the water that are injurious to Covered Species shall be kept below the interim thresholds, 206 decibels (dB) peak Sound Pressure Level (SPL) and 187 dB cumulative Sound Exposure Level (SEL). If the 206 dB SPL or 187 cumulative SEL threshold injury zones are exceeded for impact pile driving the Permittee shall stop all impact pile driving activities and not continue until CDFW has been consulted. The Permittee shall monitor sound levels in accordance with the hydro-acoustic monitoring plan in Condition of Approval 8.12, during impact pile driving activities occurring within the river channel, as well as for piles within a reasonable distance of the water on dry land (within 200 feet of the edge of water in the active channel) where sound levels may be injurious to Covered Species.	ITP Condition # 8.11	Entire Project	Permittee	
47	Hydro-Acoustic Monitoring Plan. Prior to the start of Covered Activities, an acoustic monitoring plan to evaluate sound levels during pile driving activities shall be prepared by the designated hydro-acoustic monitoring specialist who shall possess the same authority as a Designated Biologist and have the ability to direct the resident engineer to stop work as necessary by the conditions of this ITP. The acoustic monitoring plan and hydro-acoustic monitoring specialist must be approved in writing by CDFW before pile driving activities can proceed. The acoustic monitoring plan must be implemented during all impact pile driving activities, including near water piles within 200 feet of the edge of water in the active channel. At minimum, the monitoring plan shall include the following: •Daily acoustical monitoring by the designated hydro-acoustic monitoring specialist. •Describe the methods necessary to continuously assess underwater noise on a real-time basis, including details on the number, location, distance and depth of hydrophones and associated monitoring equipment. •Provide a means of recording the time, number of pile strikes, peak sound energy per strike and interval between strikes. •A minimum of two hydrophone underwater sound monitoring systems (hydrophone, signal amplifier and calibrator) that utilize current National Institute of Standards and Technology traceable calibration method. •Require a minimum recording distance of 10 meters from each pile being monitored. •Position a hydrophone at the proposed limits of peak and cumulative strikes to ensure threshold distances are not surpassed or provide specific analysis on how the proposed limits shall be measured and monitored. •Provide specific inputs and calculations for cumulative sound exposure limits in the monitoring reports. The results of hydro-acoustic monitoring shall be made available to CDFW upon request and submitted in the appropriate Monthly Report (Condition of Approval 7.4), Annual Report (Condition of Approval 7.5), and the Final Construction Report (Condition of Approval 7.7).	ITP Condition # 8.12	Entire Project	Permittee	
48	Fish Recovery. The Designated Biologist shall stop work if Covered Species are stunned or otherwise directly impacted by noise and vibration from pile driving. Work shall not resume until the fish clears the construction area.	ITP Condition # 8.13	Entire Project	Permittee	

49	Water Pumps Screening. All water pumping or withdrawal from the river shall comply with 1997 NMFS Fish Screening Criteria for Anadromous Salmonids, where applicable, to avoid entrainment of fish. The criteria include but are not limited to the following: •Screen design must provide for uniform flow distribution over the surface of the screen. •Screen material openings shall not exceed 3/32 inches for fry sized salmonids and shall not exceed 1/4 inches for fingerling sized salmonids. •Where physically practical, the screen shall be constructed at the diversion entrance. The screen face should be generally parallel to river flow and aligned with the adjacent riverbank. •The design approach velocity shall not exceed 0.33 feet per second for fry sized salmonids or 0.8 feet per second for fingerling sized salmonids. •The screen design must provide for uniform flow distribution over the surface of the screen.	ITP Condition # 8.14	Entire Project	Permittee	
50	Covered Species Injury. If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition 7.8. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 8.15	Entire Project	Permittee	
POST-CONSTRUCTION					
51	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.	ITP Condition # 6.15	Post-construction	Permittee	
52	Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 7.7	Post-construction and after completion of mitigation	Permittee	