



**California Department of Fish and Wildlife  
North Central Region  
1701 NIMBUS ROAD  
RANCHO CORDOVA, CA 95670-4599**

California Endangered Species Act  
Incidental Take Permit No. 2081-2023-005-02

**SNAKE LAKE ROAD BRIDGE REPLACEMENT**

**I. Authority:**

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take<sup>1</sup> of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.<sup>2</sup> 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).

<b>Permittee:</b>	<b>Plumas County Department of Public Works</b>
<b>Principal Officer:</b>	<b>John Mannle, Director</b>
<b>Contact Person:</b>	<b>Nick Duffort, (831) 234-6686</b>
<b>Mailing Address:</b>	<b>1834 E. Main Street Quincy, CA 95971</b>

**II. Effective Date and Expiration Date of this ITP:**

This ITP shall become effective on 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, 2029**.

Notwithstanding the expiration date on the take authorization provided by this ITP, the Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 7.7 of this ITP.

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<sup>1</sup> Pursuant 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".])

<sup>2</sup> The 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 Snake Lake Road Bridge Replacement Project (Project) is located on Snake Lake Road over Spanish Creek in an unincorporated mountainous area of Plumas County in the Plumas National Forest approximately 5 miles west of the town of Quincy, California, Plumas County (See Figure 1). The Project is located at approximately Latitude 39.9499°, Longitude - 121.0377° (WGS 84 datum, decimal degrees), Meadow Valley 7.5-minute quadrangle, in Township 24 North, Range 8 West, and Section 14, Mount Diablo Meridian. The Project site is bounded by Bucks Lake Road immediately to the south, the Plumas National Forest to the west, and Gopher Hill to the east.

### **IV. Project Description:**

The Project includes the replacement of an existing bridge structure, a two-lane, clear-span, steel pony-truss bridge, with abutment walls made of precast concrete panels with tieback anchors, being replaced with a with a new 110-foot-long, 28-foot-wide bridge structure. The new bridge will consist of a cast-in-place, prestressed concrete box girder superstructure, supported on seat-type abutments and two 1100-square-foot spread footing foundations, including the placement of a prefabricated temporary bridge to accommodate vehicular traffic during the bridge replacement work. The temporary bridge will be removed upon completion of the construction of the new bridge. The approach roadway will have two 12-foot-wide paved lanes with 2-foot-wide gravel shoulders. Improvements to the southern approach, connecting to Bucks Lake Road, will include the development of refuge lanes on Bucks Lake Road. Improvements to the northern approach will be made to approximately 200 to 300 feet from Snake Lake Road. The Project site encompasses approximately 2.16 acres, and the replacement bridge and approach roadway will follow the existing horizontal alignment.

Project activities include excavation for the abutments, removal of a portion of the existing approach fills, pile driving, widening of approach fills, and grading to create a floodplain terrace adjacent to the creek, and restoration actions. All project excavation will be performed in the dry areas above the low water channel within the approved limit of disturbance. Dewatering will be necessary since the excavations for the abutments will extend to a depth below the ground water level during construction.

Excavation of materials beyond those anticipated for use at the site is expected to total no more than 1,500 cubic yards. All materials excavated during construction at this location will remain stockpiled on site in an open, disturbed area located west of Snake Lake Road and north of Spanish Creek. The staging areas for project construction, including the concrete washout, will be located within the County right-of-way on and adjacent to Snake Lake Road between Bucks Lake Road and where the temporary detour connects back to Snake Lake Road. Temporary BMPs will be installed prior to any construction operations and will be in place for the duration of the contract. The removal of these BMPs will take place as the final project operation, in addition to site cleanup.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> <sup>3</sup>
1. Sierra Nevada Yellow-legged Frog ( <i>Rana sierrae</i> )	Threatened <sup>4</sup>
2. Foothill Yellow-legged Frog ( <i>Rana boylei</i> ) Feather River Clade	Threatened <sup>5</sup>

These species and only these species are the “Covered Species” for the purposes of this ITP.

**VI. Impacts of the Taking on Covered Species:**

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include excavation for the abutments, removal of a portion of the existing approach fills, widening of approach fills, stockpiling of spoils, staging, dewatering, water pumping and release, operation of construction vehicles and equipment, temporary prefabricated bridge placement, restoration activities, and grading to create a floodplain terrace adjacent to the creek (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; potential crushing or entombment from operation of construction vehicles and equipment, capturing and relocating individuals out of harm’s way, dewatering of Spanish Creek within the work area, as well as temporary adverse effects to water quality from erosion and siltation. 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 relocation of individuals outside of the Project Area. The areas where authorized take of the Covered Species is expected to occur include: the channels within Spanish Creek, riparian zones within and adjacent to the direct impact area, the stream floodplain, upstream and downstream portions of Spanish Creek adjacent to the project site, 200 to 300 feet of Snake Lake Road, the detour bridge, fill zones, parking and staging areas, spoil areas (collectively, the Project Area).

The Project is expected to cause the permanent loss of 0.007 acre of habitat for the Covered Species, and temporary loss of 0.24 acre of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project’s incremental contribution to cumulative impacts (indirect impacts). These impacts include stress resulting from noise and vibrations from Covered Activities, capture and relocation, long-term effects

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

<sup>4</sup> See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(3)(H).

<sup>5</sup> See *Id.*, subd. (a)(3)(J).

due to increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

### **VII. Incidental Take Authorization of Covered Species:**

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

### **VIII. Conditions of Approval:**

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

- 1. Legal Compliance:** The Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** The Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration and Initial Study (SCH No.: 2013082072) adopted by Plumas County Department of Public Works on September 28, 2013, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. LSA Agreement Compliance:** The Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. 1600-2016-0263-R2 (extension granted October 12, 2022) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
- 4. ESA Compliance:** The Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Formal Consultation for Three Bridge Replacement Project on Spanish Creek, Quincy, California (OESMF00-2016-F-1498) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species than this ITP, the conditions of approval set forth in this ITP shall control.

**5. ITP Time Frame Compliance:** The 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, the Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. The 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 Biologists.** The Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) using the Designated Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities. The Permittee shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology, natural history, and collecting and handling of the Covered Species. The Designated Biologist(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 Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) must be changed.
- 6.3. Designated Biologist Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. The Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of their duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. The Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or

contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.

- 6.4. Education Program.** The 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. The Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. The 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) 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. The Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.
- 6.6. Trash Abatement.** The Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. The 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.** The Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. The 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.** The Permittee shall prohibit the 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, the Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. The Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. The Permittee shall maintain all fencing, stakes, and flags, until the completion of Covered Activities.
- 6.10. Delineation of Habitat.** The Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 6.11. 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. The Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If the 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.** The 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, the 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.
- 6.13. Hazardous Waste.** The 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. The 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.** The 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, the Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

**6.16. CDFW Access.** The Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under the Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

**7. Monitoring, Notification, and Reporting Provisions:**

**7.1. Notification Before Commencement.** The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.

**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 shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.

**7.3. Compliance Monitoring.** The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections at a minimum of once per week during periods of inactivity and after clearing, grubbing, excavating, 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.

**7.4. 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 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 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 the CESA desk ([R2CESA@wildlife.ca.gov](mailto:R2CESA@wildlife.ca.gov)) and Headquarters CESA Program email is [CESA@wildlife.ca.gov](mailto: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 the Permittee in writing of the new reporting schedule.

- 7.5. Annual Status Report.** The 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; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 7.6. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.7. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, the Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all 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.

**7.8. Notification of Take or Injury.** The 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, the 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.

**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. The Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:

**8.1. Covered Species Pre-Construction Surveys.** Within five (5) days prior to the initiation of any Covered Activities, the Designated Biologist shall perform visual encounter surveys for the Covered Species (including egg masses, tadpoles, sub-adults and adults) within the project area and a 500-foot buffer upstream and downstream where potential habitat for this species is present. The Designated Biologist shall prepare and submit to the CDFW for review a written report of the survey results three (3) days before beginning work.

**8.2. Covered Species Egg Mass Surveys.** For work scheduled to be conducted between January 1<sup>st</sup>, and July 1<sup>st</sup>, a survey of the creek will be conducted to identify the presence of Covered Species egg masses or larval life stages. The surveys will be conducted no more than five (5) days prior to the start of work. If a break in instream work of more than seven (7) consecutive days occurs during the aforementioned time period, the stream will be resurveyed for egg masses prior to restarting instream activities. If at any time during this period flows in the waterway cease or become intermittent, it will not be necessary to conduct further surveys. In the event that egg masses are identified, the Permittee will consult with the CDFW to determine the appropriate response to minimize adverse impacts. The purpose of the survey shall be to determine if and where Covered Species are breeding in the Project Area. The Designated Biologist shall prepare and submit to the CDFW for review a written report of the survey results three (3) days before beginning work.

**8.3. Breeding Area Avoidance.** If Covered Species egg masses and/or amplexing adults are found during the egg mass surveys, the Designated Biologist shall work with CDFW to revise the Project to avoid negative impacts to the breeding area(s), including, but not limited to the installation of exclusionary or high visibility fencing. If Covered Species egg masses and/or amplexing adults are found during the

breeding surveys, the Permittee shall submit a breeding area avoidance plan to CDFW for approval three (3) days prior to initiation of Project activities in the vicinity of the breeding area. The plan shall demonstrate how the Project shall be altered or redesigned to avoid negative impacts to breeding areas.

- 8.4. Covered Species - Vegetation Disposal.** If Covered Species are found in the Project Area, vegetation removed shall be placed directly into a disposal vehicle and removed from the site. Vegetation shall not be piled on the ground unless it is later transferred, piece by piece, under the direct supervision of the Designated Biologist.
- 8.5. Covered Species Observation.** During all phases of Project construction operation and maintenance, all workers shall inform the Designated Biologist if they encounter the Covered Species within or near the Project site. All Covered Activities with potential to take the Covered Species shall cease until the animal moves from the construction area on its own accord. The Designated Biologist may relocate the animal outside the area of construction, in accordance with the Relocation Plan, if the Designated Biologist determines that relocation is necessary.
- 8.6. Covered Species Relocation Plan.** The Permittee shall ensure the Designated Biologist prepares a Relocation Plan (Relocation Plan) for all life stages of the Covered Species. The Relocation Plan shall include the name(s) of the Designated Biologist who will relocate the Covered Species; pre-construction habitat assessment methodology; identification of refuge areas, capture, handling, and relocation methods for all life stages of the covered Species that may be proposed for relocation; a map and description of the relocation area(s) for captured Covered Species, including relative location, quality of habitat, distance to aquatic habitat, and potential barriers for movement; written permission from the landowner to use their land as a relocation site; and identification of a CDFW-approved wildlife rehabilitation center or veterinary facility that routinely evaluates or treats Covered Species. The Permittee shall submit the Relocation Plan to CDFW at least three (3) days prior to the beginning of any Covered Activities.
- 8.7. Relocation.** If Covered Species are found during Covered Activities and do not move from the construction area on their own accord, they shall be relocated to suitable habitat outside of the Project limits. The procedure for relocating species shall be consistent with the following protocol: 1) leave the non-injured Covered Species alone or (2) move the Covered Species to a nearby location. These options are described in detail as follows:
- 8.7.1. Leave Covered Species Alone.** When a Covered Species is encountered in the Project Area, the first priority will be to temporally stop activities in the immediate surrounding area that may result in injury, or death of the individual as determined by the Designated Biologist. The Designated Biologist will then assess the situation to select a course of action that will

minimize adverse effects to the Covered Species. The Designated Biologist will determine if the appropriate course of action is to avoid contact with the Covered Species and allow it to move out of the hazardous situation on its own volition to a safe location. The Covered Species shall not be moved solely because it is not moving fast enough, or it is inconvenient for the Project schedule. This protocol only applies to situations where a Covered Species is encountered on the move to a location that contains habitat that will not be damaged or destroyed by the Project.

- 8.7.2. Relocation Methodology.** The Designated Biologist will ensure the Relocation Plan described in Condition of Approval 8.7 includes all the necessary components of this Condition of Approval. If the Designated Biologist determines the appropriate course of action to prevent the immediate injury or death of a Covered Species is to move it, it will be captured and moved to a location with suitable habitat that is not proposed for construction, tree or vegetation removal, timber harvest, borrow excavation, or other activities. The relocation shall be along the same waterbody that it was captured and outside of the 500-foot radius used for daily surveys outlined in Conditions of Approval 8.1. The Designated Biologist will monitor the Covered Species for an appropriate period of time to ensure they do not re-enter a work area. If a secure suitable habitat is located immediately adjacent to, or close to, where the Covered Species was captured, the preferred action is relocation to that location. A general guidance is that the Covered Species should not be moved outside of the area it would have traveled to on its own. Only the Designated Biologist may capture and handle Covered Species. Nets or bare hands may be used to capture the Covered Species. Soaps, oils, creams, lotions, repellents, or solvents of any sort shall not be used on hands within two (2) hours before and during periods when the Designated Biologist is capturing and relocating a Covered Species. To avoid transferring disease or pathogens between sites when handling the Covered Species, the Designated Biologist will follow the appropriate recommendations in the [Declining Amphibian Population Task Force Fieldwork Code of Practice](#).
- 8.8. Decontamination.** The Permittee shall ensure all project personnel adhere to the current version of the California Department of Fish and Wildlife [Aquatic Invasive Species Decontamination Protocol](#) for all field gear and equipment that will be in contact with water or Covered Species. Heavy equipment and other motorized or mechanized equipment that comes in contact with water should generally follow watercraft decontamination protocols found in the Decontamination Protocol.
- 8.9. Proper Holding Technique.** Holding containers shall be sized such that adult animals will fit without touching the sides. The Designated Biologist shall temporarily hold Covered Species in cool, moist, shaded, aerated container. The

Designated Biologist shall protect Covered Species from jostling and noise and shall not remove them from this container until time of release.

- 8.10. No Overcrowding.** Overcrowding in containers shall be avoided by having at least two containers and segregating Covered Species from other individuals being relocated to avoid predation. Larger Covered Species shall be placed in a separate container with similar sized individuals. If Covered Species are abundant, their capture shall cease periodically, and the captured individuals shall be released at predetermined locations before resuming capture to avoid being held for too long.
- 8.11. Mortality or Serious Injury of Covered Species.** If mortality or serious injury (i.e., compromising survival in the wild) during relocation exceeds more than a total of three of either Covered Species, capturing efforts shall be stopped and the Permittee shall immediately consult with CDFW and other appropriate agencies.
- 8.12. Avoid Covered Species Entrapment.** The Permittee shall ensure all excavated locations, steep-walled holes, or trenches more than six (6) inches deep are completely covered or one or more escape ramps of earth fill or wooden planks are installed at the end of each workday or 30 minutes prior to sunset, whichever occurs first. All steep-walled holes or trenches will be inspected by the Designated Biologist each morning to ensure that Covered Species, or other wildlife, has not become entrapped. All construction pipes, culverts, similar structures, construction equipment, and construction debris left overnight will be inspected for Covered Species by the Designated Biologist prior to being moved.
- 8.13. No Equipment in Flowing Water.** No equipment shall operate, or any excavation take place, in the portion of the stream where flowing water is present. Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily to prevent leaks of materials that could be deleterious to aquatic and terrestrial life or riparian habitat.
- 8.14. 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.
- 8.15. Soil Stockpiles.** Permittee shall place soil stockpiles where soil will not pass into potential Covered Species habitat; nor shall it pass into any other "Waters of the State" in accordance with Fish and Game Code section 5650 *et seq.* Permittee shall use appropriate best management practices to protect stockpiles and prevent soil erosion.
- 8.16. Covered Species Injury.** If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW

approved wildlife rehabilitation or veterinary facility. The Permittee shall identify the facility before starting Covered Activities. The 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.

**9. Habitat Restoration and Management:** CDFW has determined that restoration 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 restored acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall provide for both the restoration and enhancement of 0.27 acres of stream and riparian habitat pursuant to Condition of Approval 9.2 below. Habitat Restoration and Enhancement for Covered Species habitat must be complete immediately upon the completion of Covered Activities. Security must be provided before starting Covered Activities pursuant to Condition of Approval 10 below for all uncompleted obligations.

**9.1. Cost Estimates.** For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete the restoration and enhancement of permanently and temporarily disturbed habitat described in Condition of Approval 9.2, calculated at \$75,398/acre for 0.27 acres: **\$20,357.46.**

**9.2. Habitat Restoration and Enhancement.** The Permittee shall restore and enhance on-site 0.27 acres of Covered Species habitat within the Project Area to pre-project or better conditions. Within 90 days of issuance of this ITP, the Permittee shall prepare a Habitat Restoration and Enhancement Plan for CDFW review and approval to facilitate the restoration of the 0.27 acres of construction disturbance on-site and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include detailed specifications for restoring and enhancing the Project area, such as planting methods or seed mixes and application methods, invasive species removal, and willow plantings. The Plan shall also indicate the best time of year for planting or seeding to occur. Planting shall include regular watering or contingency planting as appropriate to ensure success criteria is met. The plan shall ensure enhancement of impacted habitat and include use of a local California native plant palette, success criteria, and corrective actions to be taken if success criteria is not met. The plan shall include maintenance, monitoring, and reporting activities of the restored and enhanced Covered Species habitat shall occur annually for ten (10) years.

**10. 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. The Permittee shall provide Security as follows:

**10.1. Security Amount.** The Security shall be in the amount of **\$20,357.46**. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, sufficient for CDFW or its contractors to compensatory mitigation required by Condition of Approval 9.2.

**10.2. 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's Office of the General Counsel.

**10.3. Security Timeline.** Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.

**10.4. Security Holder.** The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.

**10.5. 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.

**10.6. 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:

- Habitat Restoration and Enhancement Plan; and
- Timely submission of all required reports including annual monitoring reports.

Even if Security is provided, the Permittee must complete the required mitigation no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

**IX. Amendment:**

This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological

conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

**X. Stop-Work Order:**

If CDFW determines the Permittee has violated any term or condition of this ITP or has engaged in unlawful take, CDFW may issue the 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. The Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to the Permittee, CDFW may extend any stop-work order issued to the Permittee for a period not to exceed 30 additional days.

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

**XI. Liability:**

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

**XII. Compliance with Other Laws:**

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

**XIII. 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 2081-2023-005-02 in a cover letter and on any other associated documents.



Original cover with attachment(s) to:

Morgan Kilgour, Regional Manager  
c/o CESA Desk  
California Department of Fish and Wildlife  
North Central Region  
1701 Nimbus Road  
Rancho Cordova, CA 95670  
Telephone: (916) 358-2900  
Email: [R2CESA@wildlife.ca.gov](mailto:R2CESA@wildlife.ca.gov)

and a copy to:

[CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov)

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

Region 2 CESA Desk  
1701 Nimbus Road  
Rancho Cordova, CA 95670  
Telephone: (916) 358-2900  
Email: [R2CESA@wildlife.ca.gov](mailto:R2CESA@wildlife.ca.gov)

**XIV. Compliance with the California Environmental Quality Act:**

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Plumas County Public Works. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Snake Lake Mitigated Negative Declaration and Initial Study (SCH No.: 2013082072) dated August 23, 2013, that the Plumas County Public Works adopted for Snake Lake Road Bridge Replacement Project (Project) on February 20, 2018. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project, it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

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Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

**XV. Findings Pursuant to CESA:**

These findings are intended to document CDFW’s compliance with the specific finding’s 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, Snake Lake Mitigated Negative Declaration, the Biological Opinion for Three Bridge Replacement Project on Spanish Creek, Quincy, California (OSESMF00-2016-F-1498), the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

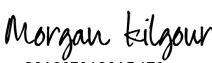
- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) Covered Species relocation; (2) establishment of avoidance zones; (3) worker education; (4) implementation of a Restoration Plan with ten years of monitoring; and (5) 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 restoration and enhancement of 0.27 acres of 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 the 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) The Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and

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

**XVI. Attachments:**

FIGURE 1	Project Location Map
FIGURE 2	Study Area and Impact Area Overview Map
FIGURE 3	Total Site Impact Overview Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 12/16/2024**

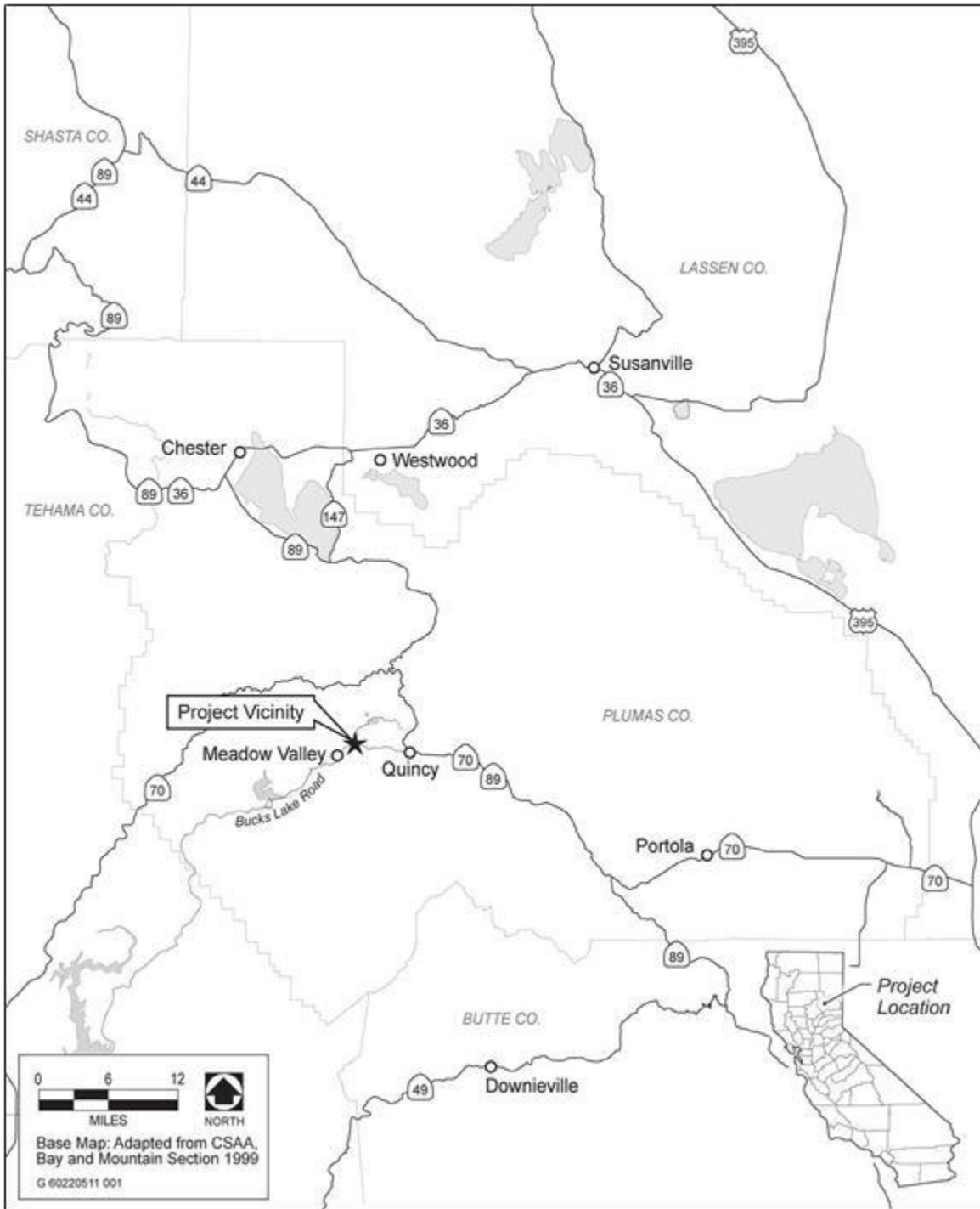
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Morgan Kilgour, Regional Manager  
North Central Region

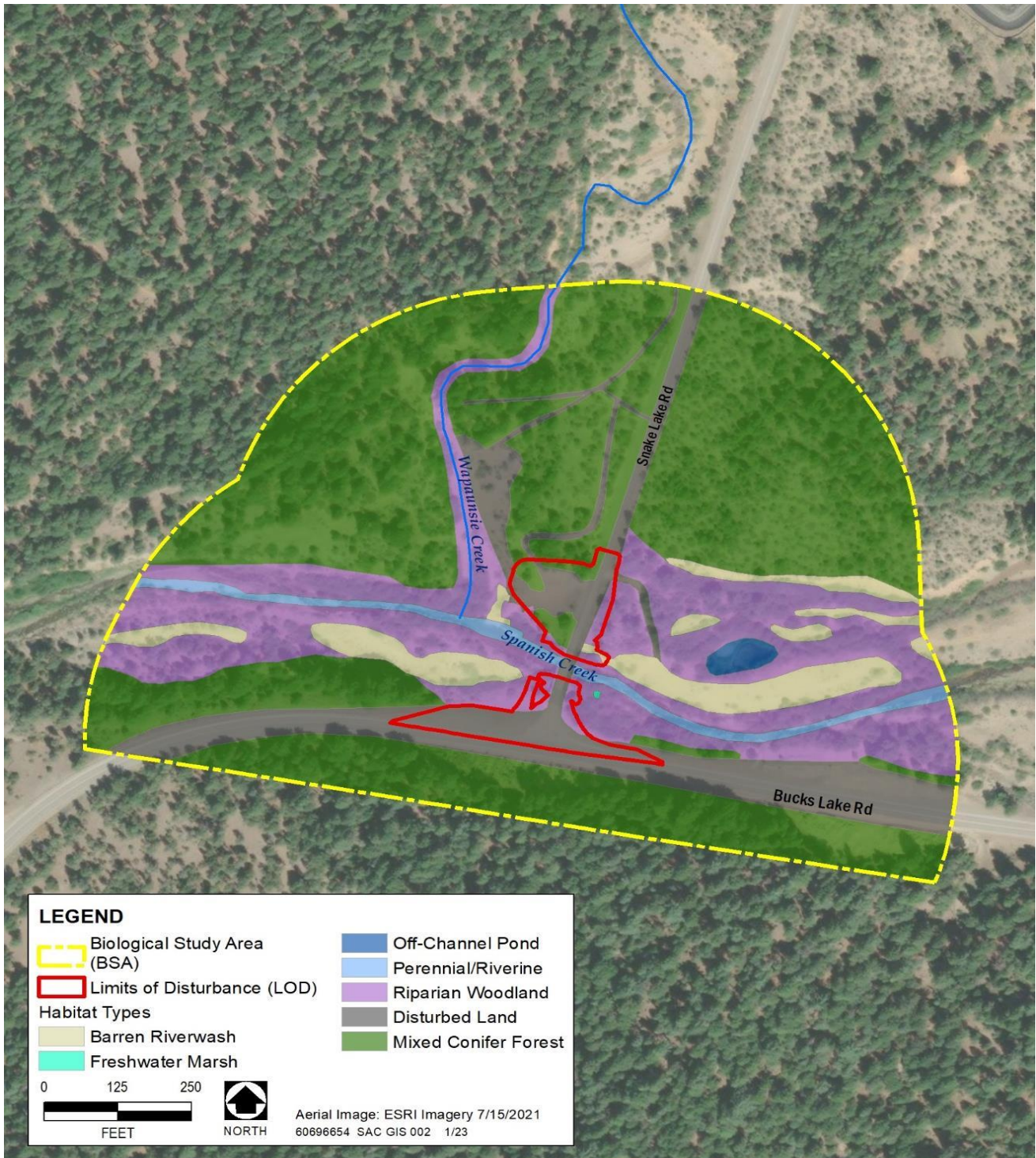
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**SNAKE LAKE ROAD BRIDGE REPLACEMENT**

**Figure 1 – Project Location Map**



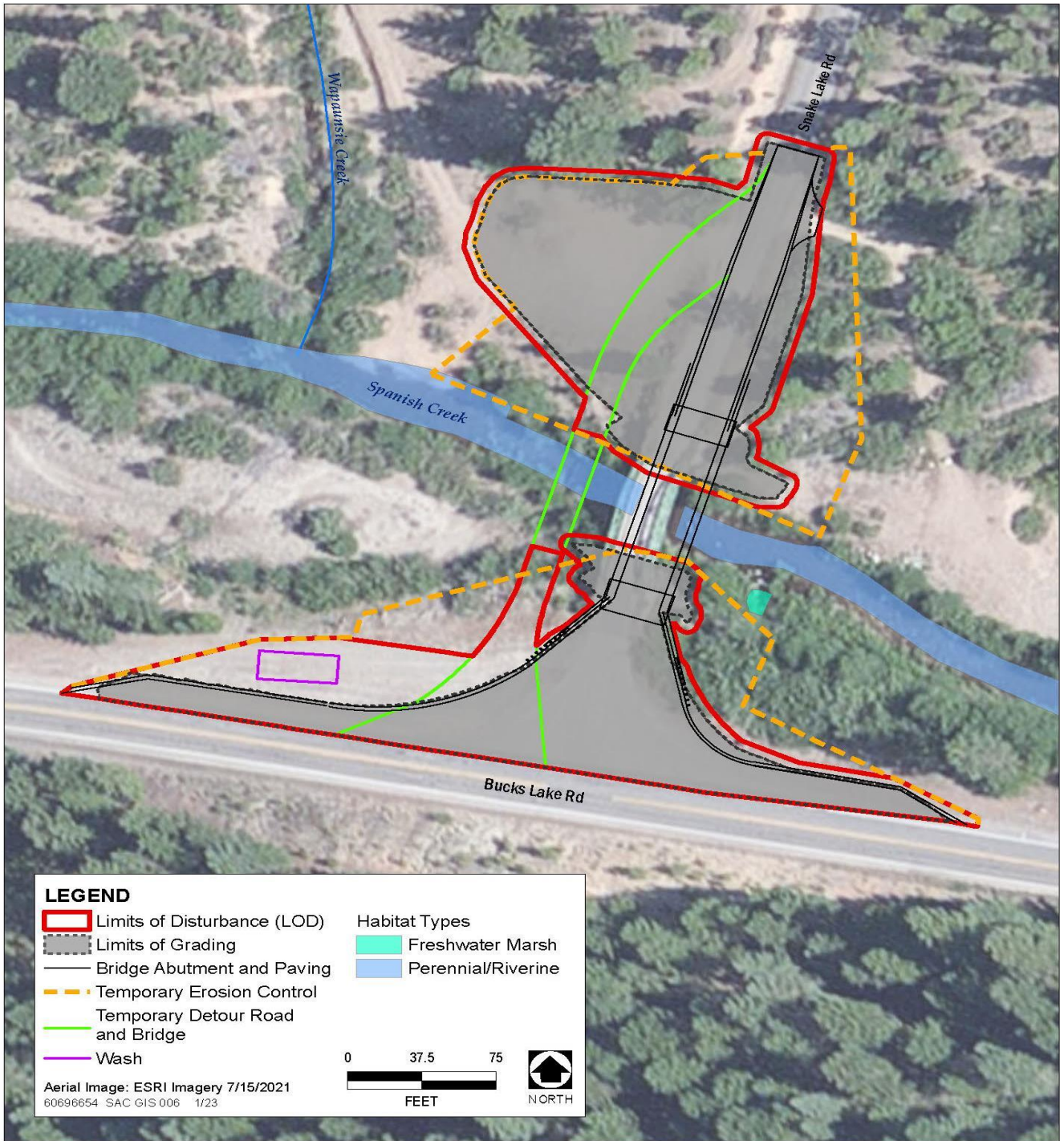
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**Figure 2 – Study Area and Impact Area Overview Map**



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**Figure 3 – Total Site Impact Overview Map**



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