

#### California Department of Fish and Wildlife North Central Region 1701 NIMBUS ROAD RANCHO CORDOVA, CALIFORNIA 95670

California Endangered Species Act Incidental Take Permit No. 2081-2021-076-02

#### YANKEE JIMS 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).

Permittee:	Placer County Department of Public Works
Principal Officer:	Kevin Ordway, Project Manager
Contact Person:	Hanna Sheldon, (916) 858-0642
Mailing Address:	3091 County Center Drive, #200 Auburn, CA 95603

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

This ITP shall become effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **December 31, 2030**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.7 of this ITP.

<sup>&</sup>lt;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>&</sup>lt;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 Yankee Jims Bridge Replacement Project (Project) is located at two unincorporated areas within Placer County (see **Attachment 1, Figures 1 and 2**).

The Yankee Jims Bridge is located within the Auburn State Recreation Area and crosses over the North Fork American River. This Project component is located in the southern portion of the county approximately 4 miles east of Interstate 80 at Latitude 39.040355, Longitude -120.902591 (WGS 84 datum, decimal degrees).

The Offsite Mitigation project is located within the Tahoe National Forest, north of Michigan Bluff along Shirttail Creek. This Project component is located in the central portion of the county near Sugar Pine Reservoir, approximately located at Latitude 39.146060, Longitude - 120.766488 (WGS 84 datum, decimal degrees).

## IV. Project Description:

The Project includes approximately 7 miles of roadway improvements along Yankee Jims Road and the removal and replacement of the existing bridge crossing over the North Fork American River. Project activities include: grubbing and grading of the entire Project site, tree removal, hillside excavation, water drafting, road construction, culvert repair or replacement, bridge construction, habitat enhancement, and other activities. Project features are described in detail below and locations are depicted in **Attachment 1, Figure 3**.

## 1. Yankee Jims Bridge Replacement and Roadway Improvements

## 1.1. Vehicle Staging

A construction staging area, encompassing approximately 19 acres, has been identified west of I-80 along South Auburn Street. This area is currently graded and ideal for staging and storing large equipment. Furthermore, a smaller staging area (approximately 0.41 acres) has been identified along Yankee Jims Road near Gills Hill Road. Lastly, some smaller equipment will be staged around the existing Yankee Jims Bridge, where feasible.

## 1.2. Vegetation and Tree Removal

A total of approximately 245 trees is anticipated for removal, both within montane riparian and montane hardwood communities. Tree removal is required to facilitate equipment mobilization, construction access along Yankee Jims Road, and ultimately the new bridge construction. Approximately 27 trees will be removed along Yankee Jims Road as part of the roadway improvements, and approximately 218 trees will be removed around the existing and proposed Yankee Jims Bridge.

# 1.3. Hillside Excavation and Water Drafting

Hillside excavation, at the southeast corner of the proposed bridge, will be accomplished through blasting and grading techniques. The hillside removal covers an approximate 0.7-acre area. A portion of the grading activities will be near Shirttail Creek (approximately 40 feet), but outside of the ordinary high-water mark. Approximately 15,000-20,000 cubic yards of sediment will be removed from the hillside to facilitate roadway improvements.

Additionally, water drafting from the North Fork American River will be required throughout construction to aid in dust control. Water drafting will occur from the North Fork American River and will include a fixed pipe that is screened with wire mesh no larger than 5 millimeters to prevent impingement of aquatic wildlife species.

## 1.4. Roadway Improvements and Bunch Creek Bridge

Roadway improvements along Yankee Jims Road include approximately 14 cut and fill locations and the replacement or repair of 14 culverts. The Bunch Creek Bridge will require permanent replacement to support construction access and large equipment. Work around Bunch Creek Bridge will limit in-water work where possible but depending on the work required and time of year, a temporary water diversion or de-watering within Bunch Creek may be necessary.

Bridge replacement will include a prefabricated rolled steel girder bridge with a composite concrete slab bridge deck. The permanent bridge will have a length of 50 ft, an overall minimum width of 20 ft, and a roadway width of 12 ft. The new bridge deck will follow the existing roadway profile. Metal beam Mid-West Guardrail System will be utilized at the edges of the deck and along the wingwalls. The existing concrete arch culvert will be removed and replaced with new concrete abutments and wingwalls bearing on competent rock. For implementation of a full replacement, the existing abutments will be configured to channelize the stream flow to the existing creek bed.

Work around Bunch Creek Bridge will require work within montane riparian habitat. Roadway improvements and work at Bunch Creek Bridge are anticipated to last approximately 1 year. Total excavation for roadway improvements and culvert replacement/repairs is approximately 6,500-8,500 cubic yards. Yankee Jims Road, leading to the new Yankee Jims Bridge from the west, will remain an unpaved road.

## 1.5. Bridge Construction

The new Yankee Jims Bridge construction consists of a boxed shaped arch rib with a parabolic profile spanning approximately 251 ft between abutments with a rise to span ratio of 0.25. The arch will be assembled by segment over the span, avoiding work within the ordinary-high water mark of North Fork American River. This bridge will be constructed immediately downstream, approximately 10-15 ft, from the existing bridge.

Concrete seat type abutments and skew back footings on reinforced concrete piles cast in drilled holes will support the stringers and the arch rib. Five-foot-thick abutment footings are required for the tower crane anchorage. Sub-horizontal ground anchors will extend into the rock behind each abutment. Excavating equipment will traverse down from the existing roadway to the bottom of the footing elevation. Concrete will be pumped down from the roadway.

The total construction footprint for the new Yankee Jims Bridge is approximately 4.27 acres.

# 1.6. Retaining Walls

Construction of three new retaining walls is proposed on the southwest corner of the bridge and just north of the bridge to accommodate the roadway approaches at the Colfax-side abutment and to protect the existing suspension bridge anchorages.

Retaining wall 1 is a mechanically stabilized earth wall that is approximately 246 linear ft. and has an area of approximately 2,705 square feet. Excavators and compactors will traverse down the hill to approximately 958-foot elevation to construct the wall, staying above the ordinary high-water level.

Retaining wall 2 is a soil nail wall that is approximately 145 linear feet and will require approximately 493 cubic yards of excavation and 294 cubic yards of fill. All work for Retaining wall 2 is above the existing roadway.

Retaining wall 3 is a soldier pile wall with wood lagging that is approximately 68 linear feet and will require 135 cubic yards of excavation and 91 cubic yards of fill. The cast in drilled hole piles will be drilled into rock from the existing roadway and concrete will be placed from the existing roadway.

## 1.7. Parking Lot and Stairway Access

The excavated material from the hillside excavation (approximately 15,000-20,000 cubic yards) will be placed between the roadway and Shirttail Creek, with a 40 ft setback. This will raise the level of the area north of the roadway up to the existing roadway. This 0.35-acre area is anticipated to be used for recreational parking in the future. Additionally, the proposed stairway access, down to the North Fork American River, will be constructed west of the proposed parking lot. The stairway access will be approximately 125 feet long and 10 feet wide.

# 2. Offsite Mitigation Area

The Offsite Mitigation Area consists of 8.4 acres of habitat enhancement along Upper Shirttail Creek (see **Attachment 1, Figure 4**).

Vegetation removal will occur along the total length of Upper Shirttail Creek (approximately 2.8- miles). Vegetation removal along Upper Shirttail Creek will occur in approximately 100 ft linear segments, followed by segment breaks in vegetation removal in order to create a mosaic of microhabitats along the creek. The approximately 100 ft segments designated for vegetation removal will focus on upland tree species within ponderosa pine stands and areas where a majority of the canopy cover is 80% or greater. The width of vegetation removal will include an approximately 20-100 ft buffer on either side of Upper Shirttail Creek, based on the location of vegetation and topography at each segment.

The methods of vegetation removal may include a combination of hand thinning, groundbased mechanical thinning, prescribed fire, and mastication. The method of vegetation removal will depend on the vegetation composition and accessibility at each 100 ft by 20-100 ft segment. The downed vegetation will either be chipped, burned, or removed from the site. Any treated fuels will be removed to a nearby disposal site. Vegetation removal activities are anticipated to take approximately 19 working days to complete.

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

This ITP covers the following species:

<u>Name</u>	CESA Status <sup>3</sup>
<ol> <li>Foothill yellow-legged frog (<i>Rana boylii</i>) (Northeast/Northern Sierra Clade)</li> </ol>	Threatened <sup>4</sup>

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

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

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include: vegetation removal and grading for staging and access areas, initial clearing and grubbing of the Project footprint, cut and fill, construction of culvert repairs and/or replacements, demolition and reconstruction of the Bunch Creek Bridge, construction of the new Yankee Jims Bridge and roadway approach work, construction of retaining walls, construction of the new parking lot and stair access at the confluence of the North Fork American River and Shirttail Creek, and offsite Covered

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

Species habitat enhancements (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 crushing or vehicle strikes associated with vegetation clearing and grubbing, cut and fill, water drafting, demolition of the existing Bunch Creek Bridge, construction of the new Yankee Jims Bridge, culvert repair/replacements, retaining wall construction, and construction of the recreational parking lot and stair access. 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 resulting from visual encounter surveys, capture and handling, moving out of harm's way, entrapment within open trenches/pits and/or staged construction materials, and installation of exclusionary fencing.

The areas where authorized take of the Covered Species is expected to occur include: Project staging and access areas, the 7 miles of roadway approaches, Bunch Creek Bridge and the 14 culvert repair/replacement locations, the 14 cut and fill locations, the new Yankee Jims Bridge construction footprint, the grading footprint for the new parking lot and stairway access at North Fork American River/Shirttail Creek confluence, and the offsite mitigation area located on Upper Shirttail Creek (collectively, the Project Area).

FYLF Suitable Habitat	Temporary Impacts	Permanent Impacts
Aquatic Breeding (Bunch Creek)	0.02 acres	0 acres
Aquatic Non-Breeding (North Fork American River and ephemeral drainages)	0.05 acres	0 acres
Riparian Upland	0.88 acres	0.82 acres
Dispersal (montane hardwood and urban/developed land)	26.4 acres	0 acres
Total:	27.35 acres	0.82 acres

## **Table 1: Covered Species Habitat Impacts**

The Project will result in the permanent loss of 0.82 acres of habitat for the Covered Species, and the temporary disturbance of 27.35 acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from excavation and vehicular movement, capture and relocation, long-term effects due to increased pollution and loose sediment, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

Project-related permanent and temporary impacts to Covered Species habitat are depicted in **Attachment 2**.

## VII. Incidental Take Authorization of Covered Species:

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

## VIII. Conditions of Approval:

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

- 1. Legal Compliance: Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance: Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (SCH No.: 2020010388) certified by Placer County Department of Public Works on March 12, 2024 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. LSA Agreement Compliance: Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreements (LSAA) (Notification Nos. EPIMS-PLA-45692-R2 and EPIMS-PLA-50236-R2) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
- ITP Time Frame Compliance: Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 3 to this ITP.

## 5. General Provisions:

5.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify

CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.

- 5.2. Designated Biologists and Biological Monitors. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the proposed Designated Biologist(s) and Biological Monitor(s) using the Biologist Resume Form (Attachment 4) 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 identification, biology, natural history, and habitat of the Covered Species. The Designated Biologist(s) and 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.
- **5.3.** Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist(s) and Biological Monitor(s) in the performance of his/her duties. If the Designated Biologist or Biological Monitor 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(s) or Biological Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.
- 5.4. <u>Capture and Handling Designated Biologist</u>. At least 30 calendar days before starting Covered Activities, Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the biologist(s) (Capture Biologist) who will be responsible for the capture and handling of the Covered Species. Permittee shall ensure that the Capture Biologist is knowledgeable and experienced in the biology, natural history, capture, and handling of the Covered Species. Permittee shall obtain CDFW approval of the Capture Biologist in writing before starting Covered Activities and shall also obtain CDFW approval in writing if the Capture Biologist must be changed.

- **5.4.1.** <u>Capture Biologist Role</u>. For the purposes of this ITP, the approved Capture Biologist(s) may fulfill any role of the Designated Biologist including monitoring, reporting, or other requirements of this ITP.
- 5.5. 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 Projectspecific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.
- 5.6. <u>Construction Monitoring Documentation</u>. The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or 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.
- **5.7.** <u>Trash Abatement</u>. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- **5.8.** <u>Dust Control</u>. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- **5.9.** <u>Erosion Control Materials</u>. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.

- **5.10.** Delineation of Property Boundaries. Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities within the Project area.
- **5.11.** <u>Delineation of Habitat</u>. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- **5.12.** <u>Project Access</u>. Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads in the Project area. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- **5.13.** <u>Staging Areas</u>. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.11 of this ITP.
- **5.14.** <u>Hazardous Waste</u>. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall ensure that any hazardous materials within the Project Area are properly stored and contained, and shall properly contain and dispose of any unused or leftover hazardous products off-site after completion of Covered Activities.
- **5.15.** <u>CDFW Access</u>. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

**5.16.** <u>Refuse Removal</u>. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

## 6. Monitoring, Notification and Reporting Provisions:

- **6.1.** <u>Notification Before Commencement</u>. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- **6.2.** <u>Notification of Non-compliance</u>. The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.
- **6.3.** <u>Compliance Monitoring</u>. The Designated Biologist shall be on-site daily when the following Covered Activities occur: vegetation removal/clearing/grubbing, installation of exclusion fencing, culvert repair/replacement, Bunch Creek Bridge demolition and reconstruction, installation of water drafting equipment, and any ground disturbing activities within montane riparian upland habitat. The Designated Biologist shall conduct compliance inspections a minimum of once a week during periods of inactivity and after clearing, grubbing, and grading are completed. The Designated Biologist shall conduct compliance inspections to:
  - (1) minimize incidental take of the Covered Species;
  - (2) prevent unlawful take of species;
  - (3) check for compliance with all measures of this ITP;
  - (4) check all exclusion zones; and
  - (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.

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

**6.4.** <u>Quarterly Compliance Report</u>. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in

Condition of Approval 6.3 into a Quarterly 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. Quarterly 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 email is 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.

- 6.5. <u>Annual Status Report</u>. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of 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 Quarterly Compliance Reports for that year identified in Condition of Approval 6.4; (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.
- 6.6. <u>CNDDB Observations</u>. 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 Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 6.7. <u>Final Mitigation Report</u>. No later than 60 calendar 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 Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to

more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.

- **6.8.** <u>Notification of Take or Injury</u>. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (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.
- 7. Take Minimization Measures: The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Area during Covered Activities. Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:
  - **7.1.** <u>Work Period</u>. Ground disturbing Covered Activities within the montane riparian upland habitat located at the confluence of the North Fork American River and Shirttail Creek shall be confined to the period between April 1 to December 1. Initial vegetation removal is not limited to this period if tree stump/roots are left in place or inspected by the Designated Biologist pursuant to Condition of Approval 7.6 prior to and during removal. Non-ground disturbing activities or ongoing construction after upland refugia has been removed from the site and exclusion fencing installed are not confined to this time period.
  - **7.2.** <u>Designated Biologist</u>. The Designated Biologist shall be onsite daily within the Project Area during all activities associated with vegetation removal/clearing/grubbing, installation of exclusion fencing, culvert repair/replacement, Bunch Creek Bridge demolition and reconstruction, installation of water drafting equipment, and any ground disturbing activities within montane riparian upland habitat. If the Designated Biologist encounters any Covered Species, they shall allow it to move out of the area unharmed. If capture of Covered Species is necessary to move out of harm's way, Covered Species may be relocated by the Capture Biologist in accordance with the Relocation Plan (Condition of Approval 7.7).</u>
  - **7.3.** <u>Pre-Construction Survey</u>. No more than ten (10) days prior to commencement of Covered Activities within montane riparian or aquatic breeding habitat, each Project site shall be surveyed for the Covered Species by the Designated Biologist. The Designated Biologist shall survey all suitable habitat within a 200-foot radius of the

Project Area, if accessible. The Designated Biologist shall repeat the survey if a lapse in Covered Activities of fourteen (14) consecutive calendar days or greater occurs. The Designated Biologist shall provide CDFW with a report documenting the survey results within 24 hours of commencement of Covered Activities. If Covered Species egg masses are found, Permittee shall alter Covered Activities to avoid negative impacts to breeding areas or relocate the egg masses in accordance with the Relocation Plan (Condition of Approval 7.7.).

7.4. <u>Covered Species Checks</u>. Before the start of work each day, the Designated Biologist shall check for Covered Species individuals under all vehicles, equipment, materials, or otherwise suitable locations for the Covered Species to hide. Inspections under vehicles and equipment for the Covered Species shall occur before the vehicles and equipment are moved. The Designated Biologist shall also inspect exclusion fencing, surface water/stream margins, and excavated pits/trenches for the presence of Covered Species. Under the supervision of the Designated Biologist, a Biological Monitor may conduct the daily inspections described above if all Covered Species observations, inspection notes, photos, etc. are incorporated into the Designated Biologist's compliance monitoring records (Conditions of Approval 5.6 and 6.3).

If the Covered Species is present, Covered Activities with potential to result in take of the Covered Species shall cease until the animal moves away from the Project area on its own or the Capture Biologist moves the animal to a safe location nearby as determined by Condition of Approval 7.7.

- **7.5.** <u>Avoid Covered Species Entrapment</u>. Permittee shall ensure all excavated locations, steep-walled holes, or trenches more than six inches deep are completely covered or one or more escape ramps of earthen 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 or Biological Monitor each morning to ensure that Covered Species, or other wildlife, have 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 or Biologist Biologist or Biologist Biologist
- **7.6.** <u>Inspection of Refuge Habitat</u>. All potential refuge features (e.g. debris piles, tree stumps/root structures, etc.) created as a result of the Project shall be inspected by the Designated Biologist for the Covered Species prior to removal. The Designated Biologist shall inspect the debris for the Covered Species as the debris is removed from the ground and loaded onto trucks.
- 7.7. <u>Covered Species Relocation Plan</u>. Permittee shall ensure the Designated Biologist prepares a Relocation Plan (Relocation Plan) consistent with Condition of Approval 7.8 for all life stages of the Covered Species. The Relocation Plan shall include the

name of the Capture Biologist who will relocate the Covered Species; preconstruction habitat assessment methodology; identification of refuge areas, capture, handling, and relocation methods; 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, if applicable; and identification of a CDFW-approved wildlife rehabilitation center or veterinary facility that routinely evaluates or treats Covered Species. Permittee shall submit the Relocation Plan to CDFW for review and approval at least 30 days prior to the beginning of any Covered Activities.

- **7.8.** <u>Relocation</u>. If Covered Species are found during Covered Activities, they shall be relocated to suitable habitat within a relocation area designated in Condition of Approval 7.7, unless otherwise approved by CDFW in writing. 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:
  - **7.8.1.** 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 harm's way 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.
  - **7.8.2.** <u>Relocation Methodology</u>. The Permittee shall ensure the Relocation Plan 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, burrow excavation, or other activities. The relocation shall be along the same waterbody that the individual was captured and outside the Project Area. The Designated Biologist will monitor the Covered Species for an appropriate period of time to ensure it does not reenter a work area. If 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 the Covered Species shall

not be moved outside of the area it would have traveled on its own. The Covered Species shall only be relocated to a property with the landowner's written permission. Only the Capture 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 hours before and during periods when the Capture Biologist is capturing and relocating Covered Species. To avoid transferring disease or pathogens between sites when handling the Covered Species, the Capture Biologist will follow the appropriate recommendations in the Declining Amphibian Population Task Force Fieldwork Code of Practice (https://www.fws.gov/sites/default/files/documents/declining-amphibian-taskforce-fieldwork-code-of-practice.PDF).

- **7.9.** <u>Covered Species Injury</u>. If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility as designated in Condition of Approval 7.7. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.8. Notification shall include the name of the facility where the animal was taken.</u>
- **7.10.** <u>Fencing Environmentally Sensitive Areas (ESAs)</u>. Permittee shall establish ESAs in the Project Area, by installing orange construction barrier fencing, to prevent encroachment of construction personnel and equipment into areas of Covered Species habitat that are outside of or adjacent to the Project footprint no more than five (5) days prior to the commencement of Covered Activities. All potential Covered Species habitat that can be reasonably avoided during construction activities shall be identified as ESAs. All construction personnel shall avoid ESAs. Permittee shall avoid ESAs when siting all Staging Areas, spoils disposal areas, and construction equipment access routes. The ESAs shall be identified on all engineering plans or construction specifications. A Designated Biologist or Biological Monitor shall inspect the fencing before the start of each workday and Permittee shall maintain the fencing until the completion of the Project. Fencing shall be removed upon completion of Covered Activities.
- 7.11. Exclusion Fencing. Permittee shall install exclusionary fencing, where feasible and safe to do so, in upland areas adjacent to all aquatic habitat to help prevent the Covered Species from traveling toward the Project area. The exclusionary fencing shall consist of 3-foot-tall silt fencing buried six (6) inches below ground level. If trenching is not feasible, Permittee shall place contiguous sandbags on the fence, on the inside of the Project Area, to anchor the fencing material. If vegetative cover or other refugia is not present, Permittee shall install cover boards intermittently

along exclusion fencing to provide Covered Species shelter from desiccation and/or predators. Permittee shall install the fencing at least ten (10) feet from aquatic habitat to reduce the hazard of trenching to the Covered Species. Covered Species found during fence installation shall be relocated per Condition of Approval 7.7. The Designated Biologist or Biological Monitor shall check the fencing each morning to ensure no Covered Species have moved into the Project Area. Permittee shall ensure the fence is taut and the bottom edge remains buried/secure. Permittee shall remove the fencing upon completion of the Project.

- 7.12. Water Drafting. To minimize the potential for entrainment of Covered Species during water diversion, Permittee shall ensure all pump intakes are fitted with a screen-type device consisting of, at minimum, a water intake strainer. Water intake strainers are most appropriate for low-volume diversion projects. For high-volume water diversion projects or other diversion activities that may warrant greater protection, Permittee shall ensure that all pump intakes are fitted with screens made of woven mesh, perforated plate, or wedge wire. The screen medium must be able to withstand forces related to pumping and be of sufficient size to prevent Covered Species larvae from entering the intake and being pumped along with diverted water. High-volume water diversions may require project-specific consultation with CDFW engineering staff. For water diversions involving water trucks, Permittee shall ensure that operators move drafting hoses with attached screens in and out of the water after each drafting operation. The screen shall be brushed clean and inspected each time it is placed into the water. Where a stationary pump is used, Permittee shall ensure that the screen be checked frequently to ensure it is kept clean and free of debris. Water drafting shall only occur from the North Fork American River. Water drafting within Bunch Creek, Shirttail Creek, or any ephemeral drainages along Yankee Jims Road is prohibited.
- 8. Habitat Restoration and Enhancement: CDFW has determined that off-site habitat restoration and enhancement is required to fully mitigate Project-related impacts of the taking of 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 acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall enhance a minimum of 8.4 acres of Covered Species habitat along the entire length of Upper Shirttail Creek (approximately 2.8 miles) pursuant to Condition of Approval 8.2 below, and conduct 5 years of habitat monitoring and reporting pursuant to Condition of Approval 8.3 below. Habitat enhancement activities must be complete before initiating other Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

- 8.1. <u>Final Offsite Mitigation Plan</u>. At least 30 days prior to start of Covered Activities, Permittee shall prepare for CDFW review and approval a final Offsite Mitigation Plan Developed for FYLF for the Yankee Jims Bridge Replacement Project (Offsite Mitigation Plan) that incorporates all additional Conditions of Approval listed in this ITP.
- 8.2. Habitat Restoration and Enhancement. Permittee shall enhance a minimum of 8.4 acres of Covered Species habitat off-site pursuant to and in accordance with the approved final Offsite Mitigation Plan (Condition of Approval 8.1). The Offsite Mitigation Plan must include detailed specifications for enhancing Covered Species habitat along 2.8 miles of stream within the same watershed as the Project. Covered Species habitat will be enhanced by the targeted removal of upland tree species that are overshading Upper Shirttail Creek which will contribute to basking habitat, as well as beneficial water temperature for egg mass development and food sources for developing tadpoles. Upland tree species removal shall occur in approximately 100 ft linear segments along Upper Shirttail Creek where canopy cover is 80% or greater above the stream, followed by linear segment breaks in vegetation removal to create a mosaic of microhabitats along the creek. The width of vegetation removal shall include an approximately 20-100 ft buffer on either side of Upper Shirttail Creek, based on the location of vegetation and topography at each segment. Native riparian tree species shall be protected in place and all tree roots along the banks of Upper Shirttail Creek shall remain intact to provide cover habitat for the Covered Species.
- **8.3.** <u>Habitat Monitoring</u>. Following completion of habitat enhancement, the Permittee shall monitor Upper Shirttail Creek for five years by conducting three visual encounter surveys each year to document the presence and distribution of different life stages of the Covered Species present along the entire 2.8 miles of Upper Shirttail Creek. In addition, monitoring shall document the distribution of Covered Species in treated vs. non-treated stream reaches and evaluate regrowth of vegetation and resulting changes in canopy cover following completion of habitat enhancement activities. Results of Covered Species habitat monitoring surveys shall be included in Annual Status Reports (Condition 6.5).
- 8.4. <u>Cost Estimates</u>. Enhancement of Covered Species habitat as described in Condition of Approval 8.2 is estimated at \$193,000, comprised of \$113,000 for Covered Species habitat enhancement as described in Condition of Approval 8.2, and \$80,000 for five years of Covered Species Monitoring and Reporting as described in Condition of Approval 8.3.
- **9. 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 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

- 9.1. Security Amount. The Security shall be in the amount of \$193,000 or in the amount identified in 8.1 specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 8.1 above, sufficient for CDFW or its contractors to complete habitat enhancement and monitoring.
- 9.2. <u>Security Form</u>. The Security shall be in the form of an irrevocable letter of credit (see Attachment 5) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- **9.3.** <u>Security Timeline</u>. 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.
- **9.4.** <u>Security Holder</u>. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 9.5. <u>Security Transmittal</u>. Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see **Attachment 6**) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.
- **9.6.** <u>Security Drawing</u>. 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.
- **9.7.** <u>Security Release</u>. 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:
  - Completion of habitat enhancement activities;
  - Completion of monitoring; and
  - Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the Habitat Restoration and Enhancement as required in Condition 8.2 no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional mitigation lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

# IX. Amendment:

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

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

## X. Stop-Work Order:

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

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

## XI. Compliance with Other Laws:

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

## XII. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Email submittal is preferred. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number 2081-2021-076-02 in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Morgan Kilgour, Regional Manager California Department of Fish and Wildlife North Central Region Address 1701 Nimbus Road, Rancho Cordova, CA 95670 Telephone: (916) 358-2900 R2CESA@wildlife.ca.gov

and a copy to:

#### CESA@wildlife.ca.gov

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

R2 CESA Program North Central Region 1701 Nimbus Road, Rancho Cordova, CA 95670 Telephone (916) 358-1340 R2CESA@wildlife.ca.gov

## XIII. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Placer County Department of Public Works. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Yankee Jims Bridge Replacement Project final Environmental Impact Report (EIR)(SCH No. 2020010388) that the Placer County Department of Public Works certified on March 12, 2024. At the time the lead agency certified the EIR 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 EIR for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f )). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

## XIV. Findings Pursuant to CESA:

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

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

## XV. Attachments:

Project Figures
Permanent and Temporary Impacts to Covered Species
Habitat
Mitigation Monitoring and Reporting Program
Biologist Resume Form
Letter of Credit Form
Mitigation Payment Transmittal Form

# ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 12/23/2024

Morgan Kilgour, Regional Manager North Central Region