



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

California Endangered Species Act  
Amended Incidental Take Permit No. 2081-2022-057-04

**FRESNO 198 CULVERT REHABILITATION PROJECT (PROJECT)  
CALTRANS EA 06-0X060**

### **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>California Department of Transportation (Caltrans)</b>
<b>Principal Officer:</b>	<b>David Johnson, Biology Branch Chief</b>
<b>Contact Person:</b>	<b>Sukhraj Gill, (559) 383-5562</b>
<b>Mailing Address:</b>	<b>2015 East Shields Avenue Fresno, California 93726</b>

### **II. Amended ITP<sup>3</sup> Background:**

ITP No. 2081-2022-057-04 was originally issued on June 28, 2023. On September 30, 2024, CDFW received a request from the Permittee for a major amendment (Amendment No. 1) to the original ITP and the corresponding fee payment. The request was to amend the following: remove burrow excavation and exclusionary fencing requirements (Conditions of Approval 8.3 and 8.4). In considering the Project activities and potential impacts to Covered Species, CDFW modified Conditions of Approval 8.2 through 8.4 to change the requirements for flagging, mapping, and excavation of potential Covered Species burrows and crevices, as well as installation of Covered Species exclusionary fencing (if used), such that these measures are required in Project work areas that are accessible and located within 1,844 feet of known or potential breeding habitat.

---

<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.

<sup>3</sup> When this incidental take permit and attachments refer to the "ITP", it means the "Amended ITP" unless the context dictates otherwise.

Issuance of this Amendment will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this amendment increase other Project impacts on the Covered Species (i.e., “impacts of taking” as used in Fish and Game Code Section 2081, subd. (b)(2)). Issuance of this Amendment does not affect CDFW’s previous determination that issuance of the ITP, meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

CDFW now reissues the ITP. The amended ITP includes all of the operative provisions as of the effective date of this amended ITP. Attachment 3 to this ITP shows the specific red-line changes made to the ITP as a result of this major amendment.

### **III. Effective Date and Expiration Date of this ITP:**

This ITP shall become effective when signed by CDFW as described in the Notices section of this ITP. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **July 1, 2028**.

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 7.10 of this ITP.

### **IV. Project Location:**

The Fresno 198 Culvert Rehabilitation Project (Project) includes repairing and replacing culverts at 61 locations between post miles 1.97 and 16.56 on State Route (SR) 198 in Fresno County (Figures 1 and 2). The western end of the Project is at the Monterey/Fresno County line and the eastern end of the Project is located approximately two miles west of the City of Coalinga. The Project occurs in portions of the following United States Geological Survey (USGS) 7.5-minute quadrangle topographic maps, all of which are in the Mount Diablo Baseline and Meridian of the Public Land Survey System, in California: Priest Valley, Sherman Peak, Smith Mountain, and Curry Mountain (Figure 2).

### **V. Project Description:**

The Project includes activities related to replacement and repair of culverts. The Project will include the installation of cured-in-place culvert liner, removal and replacement of concrete headwalls, installation of flared end sections, and/or installation of rock slope protection (RSP) at various locations (specified below). The Project will also include the restoration of temporarily disturbed areas with seeding and plantings. Approximately 240 working days are estimated to be required to complete the Project, which is expected to begin in the fall of 2023 and end in fall of 2025. Up to 200 days of night work is anticipated to minimize traffic delays due to lane closures. Work will be completed when the streams are naturally dry. Following are detailed descriptions of Project activities.

### Initial Vegetation Clearing and Grading

The Project will be cleared of vegetation using heavy equipment and hand tools. Vegetation removal in areas to be graded will involve grubbing to remove roots and may include tree trimming. Grading activities will be limited to the culvert replacement and repair locations, typically by using an excavator.

### Culvert Repair

Culverts that require relining will be cleared of debris by hand or with heavy equipment. Sediment will be removed by a vacator truck or trailer with a pressure washer and suction vacuum. All equipment will be staged on SR 198 or its shoulder. Where terrain is steep or equipment is otherwise unable to reach culvert ends, a tractor or utility terrain vehicle will be used to access culvert inlets and outlets. A cured-in-place pipe lining will be installed after the culvert is cleared of debris, which involves pulling an epoxy-impregnated fiberglass sock through the pipe and inflating it using steam. The epoxy will cure in two to four hours at which point relining is complete. Steel trench plates will be installed at the end of each workday to ensure traffic safety on SR 198 overnight.

### Culvert Replacement

Culverts to be replaced will be removed and disposed of off-site or abandoned in place. Culverts in need of replacement will be replaced with the same size culvert or larger. For most of the culvert replacement and installation work, the “cut and cover” method will be used to replace culverts (or install only when the existing culvert will be abandoned in place). This construction method involves cutting the pavement and excavating as necessary to remove or install the culvert. The trench is covered when work is not taking place to allow traffic movement over the work area. After the culvert is installed, the excavated area around the culvert is backfilled with earthen fill material, and then the roadway above is repaved. Half the culvert will be constructed at a time to allow SR 198 to remain open (i.e., one side of the two-lane highway at a time). At the end of the day, the trench will be covered with a steel plate to allow the lane-closure to reopen. After one side is complete, similar work will occur on the other lane. A crane positioned on the adjacent roadway will be used to remove the existing culvert and install the new culvert. When an existing culvert is abandoned, it will be left in-place and filled with concrete grout or concrete slurry.

The “jack and bore” trenchless method will be used to install one culvert directly adjacent to the culvert to be abandoned in place. Sending and receiving pits will be excavated to install the new pipe. A jack and bore machine will be placed in the sending pit and the machine will simultaneously bore the hole and install the new culvert underground horizontally from the sending pit towards the receiving pit, without disturbing the road surface above. Excavated material (approximately 55 cubic yards) will be removed as the hole is excavated and stockpiled on the adjacent roadway. The drilling fluid will be a mixture of water, bentonite, soda ash, among other possible ingredients. Due to the limited amount of excavated material, the excavated spoils mixed with drilling fluid will be disposed off-site according to state regulations. The sending pit must be larger than each pipe segment to accommodate the

pipe and the equipment. The receiving pit is typically much smaller, just large enough to receive the first segment of the pipe necessary to start the hole, which will be removed with a crane.

### RSP and End Treatments

Class II, III, or IV RSP will be placed around the repaired or replaced culverts and new end treatments where necessary for long-term erosion control. RSP will be installed with a front-end loader, or similar equipment, and spread in layers using bulldozers or other suitable equipment to minimize voids. Class II RSP is comprised of 60-pound, 9-inch diameter rocks, Class III RSP is comprised of 120 pound, 12-inch diameter rocks, and Class IV RSP is comprised of 300 pound, 15-inch diameter rocks (median sizes). Hot mix asphalt will be used to repave the highway where it had been cut for replacing the culvert. Highway lines will then be repainted at the new paved areas. Headwalls, flared end sections, drainage inlets, and invert paving will be installed either before or after RSP installation, depending on site conditions. Headwalls, flared end sections, and drainage inlets will either be cast-in-place (poured concrete into framework) or pre-cast concrete.

### Fencing

After culvert work, right-of-way fencing that was removed along the right-of-way boundary during construction will be replaced. The type of fencing to be installed will include 3 or 5-strand barbed wire with wood or metal T-posts.

### Restoration

Temporarily disturbed areas will be restored to original grade and revegetated by hydroseeding with a locally native seed mix. Supplemental irrigation will not be used. A total of 516.6 cubic yards of compost will be placed throughout the Project Area. Approximately 5,719 feet of fiber rolls and 83,691 square feet of hydroseed, straw, and hydromulch will be installed throughout the Project Area. New tree and shrub plantings will occur as needed to replace trees removed by Project activities. Other activities related to the establishment and survival of plantings will include weeding, irrigation, and replanting as needed.

### Equipment

The following equipment will be used for the Covered Activities: asphalt paver, pavement roller, hot asphalt mix, dike machine, tack coat oil truck, Bidwell and roller screeds, dump trucks, flatbed trucks, forklift, jack and bore equipment, pickup trucks, front-end loader, genie man lift, haul trucks, scrapers, motor graders, backhoe, bobcat, bulldozers, loaders, rollers, excavators, chainsaw, compressor, concrete pump, concrete truck mixers, metal and wood forms, crane, stripping truck, vactor truck, water tank, water pump trucks, compactors, saw cutting equipment, and trucks with seed sprayers.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> <sup>4</sup>
1. California tiger salamander ( <i>Ambystoma californiense</i> )	Threatened <sup>5</sup>

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

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

Although the Project Area does not contain suitable breeding habitat for the Covered Species, potentially suitable breeding habitat does occur within dispersal distance (1.5 miles) of the Project area. The National Wetland Inventory and California Aquatic Resource Inventory include several features that could potentially support Covered Species breeding within the dispersal distance and the Project Area contains suitable upland refugia habitat.

Project activities and their resulting impacts are expected to result in incidental take of individuals of the Covered Species. The activities described above that are expected to result in incidental take of individuals of the Covered Species include the following: increase in vehicle traffic; clearing, grubbing, and grading; earthwork for construction equipment and supply staging areas; repair and replacement of culverts; installation of RSP and culvert end treatments; installation of ROW fencing; tree or shrub planting, weeding, herbicide use, and irrigation associated with restoration activities; and mortality reduction activities as specified in this ITP (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities due to construction crews or equipment running over, crushing, or entombing Covered Species situated either above or below ground during the course of initial ground-breaking or during ongoing work. Work at night has the potential to increase the risk of take since Covered Species are more active at night. The Project area is located on a rural highway with no permanent lighting. Artificial night lighting and increased noise and vibration from human and construction activity can also disrupt their circadian rhythms, communication, feeding, thermoregulation, and migration and may cause individuals to become active at inappropriate times, increasing stress levels and exposure to predation and adverse environmental conditions. Incidental take of individuals may also occur from the Covered Activities in the form of catch, capture or attempt to do so from entrapment in holes or open trenches; entrapment in exclusion fencing; uncovering individuals during the excavation of burrow systems; corralling individuals into a confined area, and capturing, collecting, and relocating individuals of the Covered Species during mortality reduction activities required by this ITP; and temporal loss of habitat. Incidental take of individuals may

---

<sup>4</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>5</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(3)(G).

also occur from Project's incremental contribution to cumulative impacts (indirect impacts) including exposure to chemical contamination from uncured concrete, concrete dust, drilling fluids, petroleum products, liquid resin for pipe lining, paint, and other construction chemicals; loss of breeding and burrowing habitat used for shelter, reproduction, and escape cover; long term effects due to increased pollution; displacement from preferred habitat; increased competition for food and space; introduction or spread of invasive species; changes in drainage patterns that favor different vegetative growth; and increased vulnerability to predation. Even though the proposed work is temporary, the effects could be longer-lasting if feeding or reproduction are impacted.

The areas where authorized take of Covered Species is expected to occur includes the culverts located at the following approximate post miles locations on SR 198 in Fresno County: 1.97, 2.25, 2.76, 2.87, 2.92, 3.09, 3.51, 3.56, 3.65, 4.18, 4.57, 4.75, 4.85, 5.17, 5.29, 5.56, 6.06, 6.21, 6.4, 6.54, 6.69, 6.86, 7.13, 7.24, 7.6, 7.77, 7.95, 8.2, 8.38, 8.45, 8.82, 9.91, 10.45, 10.69, 10.84, 10.92, 11.07, 11.18, 11.27, 11.31, 11.58, 11.83, 12.03, 12.1, 12.33, 12.48, 12.6, 12.67, 12.76, 13.07, 13.15, 13.58, 13.77, 13.93, 14.45, 14.74, 15.26, 15.6, 15.98, 16.33, 16.56 (collectively, the Project Area). The Project Area includes all areas where Covered Activities will occur.

Even though the Conditions of Approval will reduce the risk of construction personnel encountering individuals, a reasonable likelihood still remains that adult Covered Species will be present within the Project Area.

The Project is expected to result in the permanent loss of up to 0.14 acres of upland habitat for the Covered Species and temporary impacts to approximately 11.61 acres of upland habitat for the Covered Species. The habitat impacts will occur at the 61 discrete locations within or directly adjacent to the highway right-of-way dispersed over a 14.6-mile segment of SR 198.

#### **VIII. 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.

#### **IX. 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 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 Initial Study with Mitigated Negative Declaration (SCH No. 2020039062) adopted by California Department of Transportation on December 29, 2020 as lead agency for the Project, pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. EPMIS-FRE-25907-R4) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
4. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the September 23, 2020 Biological Opinion for the Project (USFWS Tracking No. 08ESMF00-2019-F-3190) 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 or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
5. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
6. **General Provisions:**
  - 6.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
  - 6.2. Designated Biologist(s) and Designated Monitor(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities. The Designated

Monitor(s) may assist the Designated Biologist(s) in compliance monitoring under the direct supervision of the Designated Biologist(s) and as specified in Condition of Approval 7.6 below. Permittee shall ensure that the Designated Biologist(s) is knowledgeable in the biology and natural history of the Covered Species and has experience with collecting and handling Covered Species, excavating small mammal burrows for the Covered Species, enforcing no disturbance buffers, and monitoring construction activities under an ITP for the Covered Species. Permittee shall ensure that the Designate Monitor(s) is knowledgeable and experienced in the biology and natural history of the Covered Species. The Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitors in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologists or Designated Monitors must be changed.

- 6.3.** Designated Biologist(s) and Designated Monitor(s) Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and Biological Monitor(s) 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 Area and otherwise facilitate Designated Biologist(s) and Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s) or Designated Monitor(s) is unable to comply with the ITP, then they 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 Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.
- 6.4.** Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-



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

- 6.5.** Construction Monitoring Documentation. The Designated Biologist(s) and Designated Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.
- 6.6.** Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.7.** Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Permittee shall not apply dust suppressant, surfactant, soil binders, or stabilizer products that may be harmful to Covered Species. Permittee shall obtain written approval from CDFW before applying any dust suppressant (other than water), surfactant, soil binders, stabilizer products, hydromulch, or hydroseed. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval.
- 6.8.** Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting), photodegradable mesh, or similar material, in potential Covered Species' habitat.
- 6.9.** Delineation of Work Area Boundaries. Before starting Covered Activities within each discrete part of the Project Area in active construction (Work Area), Permittee shall clearly delineate the boundaries of the Work Area. The boundary of the Work Area shall be delineated with stakes, fencing, and/or flags and shall be maintained with signage until the completion of Covered Activities in that area.

- 6.10. Delineation of Habitat.** Before starting Covered Activities at any given location, Permittee shall clearly delineate habitat of the Covered Species within or adjacent to the Work Area to be avoided during construction 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 from SR 198 and shall not cross Covered Species' habitat outside of, or on route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging areas, and parking areas as per Condition of Approval 6.12. If Permittee determines construction of routes for travel is necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 6.12. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites and staging areas to previously disturbed (graded, graveled, or paved) areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.11 of this ITP. If Permittee determines parking, storage, laydown, or staging areas 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.
- 6.13. Precipitation.** The Designated Biologist and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 50 percent or greater chance of rainfall is predicted within 72 hours, or if rainfall commences with a less than 50 percent chance predicted, Permittee shall cease all Covered Activities in all portions of the Project Area where Conditions of Approval 8.3 and 8.4 are not yet completed until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is zero percent chance of precipitation in the 72-hour forecast.
- 6.14. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.

- 6.15. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project Area and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 6.16. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all 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.
- 6.17. Wildfire Avoidance. Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Condition of Approval 6.4.

## 7. Monitoring, Notification and Reporting Provisions:

- 7.1. Notification Before Commencement. The Designated Representative shall notify CDFW no less than 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities. The Designated Representative shall also notify CDFW no less than 14 calendar days before resuming Covered Activities after a period of no Project work of 30 days or longer.
- 7.2. Notification of Non-compliance. The Designated Representative or Designated Biologist(s) 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 recommended measures to remedy the situation.
- 7.3. Pre-Activity Survey Report. Prior to starting Covered Activities, Permittee shall prepare and submit to CDFW the results of pre-activity surveys and maps of burrows per Conditions of Approval 8.1 and 8.2.
- 7.4. Inspection Records. The Designated Biologist(s) and Biological Monitor(s) shall prepare daily written observation and inspection records summarizing: (1) construction activities observed, (2) integrity of signs, stakes or protective fencing, (3) wildlife observations, (4) observations of non-compliance with any Conditions in this ITP, and (5) measures implemented or anticipated to rectify or remediate any incidents of non-compliance with this ITP. The inspection records

shall be submitted with the Quarterly Compliance Reports identified in Condition of Approval 7.7.

- 7.5. Covered Species Mortality Reduction and Relocation Plan.** Prior to initiating Covered Activities, the Designated Biologist(s) shall prepare and submit to CDFW for written approval, a Covered Species Mortality Reduction and Relocation Plan (Plan). The Plan shall include, but not be limited to: (1) a discussion (and map) of the Project Area and those areas identified as potential Covered Species upland habitat; (2) a detailed description of methods to be used for the surveys, burrow and crevice excavation, capture, handling, and relocation of individuals of the Covered Species; (3) description of exclusion fencing locations, fence specifications, if proposed ; (4) description of increased monitoring to occur in place of exclusion fencing installation; (5) details regarding the use of coverboards to be employed accessory to the exclusion fencing; (6) identification of a receiver site for salvaged individuals; and (7) identification of a wildlife rehabilitation center or veterinary facility that routinely evaluates or treats amphibians where injured individuals of the Covered Species will be taken. The Plan should also provide Permittee's plan to respond to an atypical detection of individual(s) of the Covered Species. The Plan must specify that only the approved Designated Biologist(s) are authorized to capture and handle individuals of the Covered Species. Once the Covered Species Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all Covered Species mortality reduction activities for the duration of this ITP. Any proposed changes to the CDFW-approved Covered Species Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Covered Species Mortality Reduction and Relocation Plan modifications.
- 7.6. Compliance Monitoring.** The Designated Biologist(s) shall be on-site daily, for the duration of the day and/or night, until the pre-activity clearance survey (Condition of Approval 8.1), burrow/crevice flagging and excavation (Conditions of Approval 8.2 and 8.3); exclusion fence installation and removal (Condition of Approval 8.5) (unless full-time monitoring is used in place of exclusionary fencing per Condition of Approval 8.4); and initial grading activities are complete. Thereafter, the Designated Biologist(s) shall conduct compliance inspections at least twice a week, once during the day and once during the night when night work is occurring, during all work activities. Alternatively, Permittee may elect to maintain daily monitoring, for the duration of the day and/or night, by the Designated Biologist(s) in place of exclusion fence installation. Required frequency and duration of monitoring shall be described in the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.5).

The Designated Biologist(s) 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 exclusionary fencing for presence of Covered Species in work areas or entrapped in the fencing; (5) ensure that signs, stakes, and fencing are intact; and (6) ensure that Covered Activities are only occurring at the Project Area. Burrow flagging, monitoring during fence installation if used, and compliance inspections may be performed independently by specific Designated Monitor(s) upon written approval from CDFW.

- 7.7. Quarterly Compliance Report.** The Designated Representative or a Designated Biologist(s) shall compile the observation and inspection records identified in Condition of Approval 7.4 and documentation of night work according to Condition of Approval 8.16 into a Quarterly Compliance Report (QCR) and submit it to CDFW, along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. QCRs shall be submitted before the 15th day of the month that it is due via e-mail to CDFW's Regional Representative, Regional Office, and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Mary (Mindy) Trask ([mary.trask@wildlife.ca.gov](mailto:mary.trask@wildlife.ca.gov)), the Regional Office e-mail is [RRR.R4@wildlife.ca.gov](mailto:RRR.R4@wildlife.ca.gov), and the Headquarters CESA Program e-mail 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 Permittee in writing of the new reporting schedule.
- 7.8. Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.7; (2) a record of the Education Program training sessions provided over the reporting year; (3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (4) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (5) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing, and mitigating Project impacts; (6) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (7) all available information about Project-related incidental take of the Covered Species; and (8) information about other Project impacts on the Covered Species. The ASR shall be submitted via email to the entities identified in Condition of Approval 7.7 above.

- 7.9. 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 Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.10. Final Mitigation Report. No later than 60 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report, submitted via email to the entities identified in Condition of Approval 7.7 above. The Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all QCRs 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; (8) any other pertinent information; and (9) before, during, and after photographic documentation of the Project impact areas.
- 7.11. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information. The written report shall be submitted via email to the Regional Representative and Regional Office identified in Condition of Approval 7.7 above.

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

- 8.1. Pre-Activity Clearance Surveys and Reporting. No more than 14 days prior to initiating Covered Activities within each Work Area, the Designated Biologist(s) shall survey the Work Area and a 50-foot buffer area for individuals of the Covered

Species. These surveys shall provide 100 percent visual coverage of each Work Area including burrow and crevice openings. If individuals of the Covered Species are found, the Designated Biologist(s) shall relocate them from the Work Area and Project Area in accordance with the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.5). Permittee shall provide the survey results to CDFW in a written report prior to the beginning of Covered Activities.

- 8.2.** Flag and Map Burrows/Crevices. During the Pre-Activity Clearance Surveys, the Designated Biologist(s) or approved Designated Monitor(s) shall flag and map locations of all accessible animal burrows and crevices within the Project Area that are suitable for Covered Species occupancy and located within 1,844 feet of known or potential breeding habitat (includes seasonal ponds, stock ponds, and potential pools along Warthan Creek). For purposes of this ITP, "accessible" is defined as within the ROW and of a steepness that allows for safe excavation by the Designated Biologist(s) and/or Designated Monitor(s). The mapped locations of all animal burrows and crevices suitable for Covered Species occupancy shall be submitted with the Pre-Activity Clearance Survey and Reporting (Conditions of Approval 7.3 and 8.1).
- 8.3.** Animal Burrow and Crevice Excavation. Prior to any ground-disturbing activities, all accessible small mammal burrows within the Project Area identified and flagged per Conditions of Approval 8.1 and 8.2 above that cannot be avoided shall be fully excavated under the direct supervision of the Designated Biologist(s), in accordance with the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.5). Individuals of the Covered Species which are found shall be relocated by the Designated Biologist in accordance with the Covered Species Mortality Reduction and Relocation Plan. Excavation shall occur no more than 14 days after the completion of the Pre-Activity Clearance Surveys.
- 8.4.** Covered Species Exclusion Fencing. After surveying, flagging, and excavating burrows and crevices in accordance with Conditions of Approval 8.1, 8.2, and 8.3 above, either exclusion fencing shall be installed around Work Areas located within 1,844 feet of known or potential breeding habitat, according to the Covered Species Mortality Reduction and Relocation Plan, to prevent individuals of the Covered Species from migrating into the cleared Work Area, or monitoring by the Designated Biologist(s) and Designated Monitor(s) shall occur during Covered Activities, according to the Covered Species Mortality Reduction and Relocation Plan. If used, the exclusion fence shall be installed no later than 48 hours after the burrow and crevice excavation/salvage work is completed and before clearing and grading. Permittee shall also avoid animal burrows and crevices to the maximum extent possible during ground disturbance activities associated with the installation of the exclusion fencing or burrows shall be excavated as described in Condition of Approval 8.3 above prior to commencing fence installation. Permittee may elect to forego exclusion fence installation and replace the Covered Species exclusion

effort with increased monitoring by the Designated Biologist(s) and Designated Monitor(s) as approved in the Covered Species Mortality Reduction and Relocation Plan. At any time, if exclusion fence is not erected at the Project Area, all Covered Activities shall cease when a 70 percent or greater chance of rainfall is predicted within 72 hours in accordance with Condition of Approval 8.6 below.

- 8.5. Covered Species Exclusion Fencing Installation and Removal.** The Designated Biologist(s) and Designated Monitor(s) shall accompany the exclusion fence installation, repair, and removal crew(s) to ensure that Covered Species are not killed or injured during fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Work Area being fenced. Permittee shall check the exclusion fence daily when on-site and at least once weekly during periods of inactivity to monitor for Covered Species that may need relocating according to the Covered Species Mortality Reduction and Relocation Plan pursuant to Condition of Approval 7.5 and maintain/repair the fence as necessary to ensure its effectiveness. Permittee shall install exclusion fencing in a sequential manner that corresponds to the progression of Covered Activities within Work Areas. For example, temporary fencing is not required to be installed simultaneously at all Work Areas and shall be removed immediately upon completion of Covered Activities in each fenced Work Area.
- 8.6. Rain Forecast.** Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 70 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in all Work Areas where initial ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is zero percent chance of precipitation in the 72-hour forecast. The Designated Biologist(s) and Designated Monitor(s) shall re survey each Work Area before Covered Activities resume to capture and relocate any CTS that are discovered during the surveys. Work Areas where exclusion fencing has been installed in accordance with Conditions of Approval 8.4 and 8.5 may continue Covered Activities during rainfall events.
- 8.7. Covered Species Observations and Notification.** During all Covered Activities, workers shall inform a Designated Biologist if an individual of the Covered Species is observed at the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until the Designated Biologist can relocate the Covered Species following the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.5). Permittee shall notify CDFW within 24 hours of discovery of a Covered Species within the Project Area via electronic mail to the Regional Representative and Regional Office identified in Condition of Approval 7.7 above. All Covered Species captures, relocations, and observations by the Designated Biologist(s) and



Designated Monitor(s) shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the Covered Species; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDDB as per Condition of Approval 7.9. This information should also be included in the QCR and ASR.

- 8.8.** Soil Stockpiles. Permittee shall ensure that soil stockpiles are placed where soil cannot pass into "Waters of the State", including the streams that traverse the Project Area, in accordance with Fish and Game Code section 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion and discharge from the Project Area.
- 8.9.** Fieldwork Code of Practice. To ensure that disease is not conveyed to and from the Project Area or between Work Areas by the Designated Biologist(s) or Designated Monitors, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 2) shall be followed at all times. The Designated Biologist(s) or Designated Monitor(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next Work Area.
- 8.10.** Open Trenches and Excavations. The Designated Biologist(s) and Designated Monitor(s) shall inspect all open holes, sumps, and trenches within the Project Area at the beginning, middle, and end of each work day for trapped individuals of the Covered Species. To prevent inadvertent entrapment of Covered Species, all open trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall either have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope or shall be covered when workers or equipment are not actively working in the excavation, day or night. Escape ramps shall be at least 12 inches wide and erected every 15 feet. If a cover will be utilized, The Designated Biologist shall oversee the covering of all excavated, trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day or night such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of the excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground, and the excavation cover shall be secured with soil staples or by similar means to prevent gaps. Worker(s) shall thoroughly inspect all trenches, holes, sumps, or other excavations for Covered Species (or other wildlife) before they are backfilled. If any Designated Biologist(s), Designated Monitor(s) or worker(s) discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the

vicinity and notify a Designated Biologist immediately. Designated Monitors, Project workers and the Designated Biologists shall allow Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or a Designated Biologist shall capture and relocate the Covered Species as per the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.5).

- 8.11. Equipment Inspection.** Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify a Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside the fenced Project Area, a Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.5).
- 8.12. Materials Inspection.** Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the object is subsequently moved, buried, or capped. If during inspection, an individual of the Covered Species is discovered inside a pipe, culvert, or similar structure, a Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.5).
- 8.13. Covered Species Injury or Mortality.** If an individual of the Covered Species is injured as a result of Covered Activities, a Designated Biologist shall immediately take it to the CDFW approved wildlife rehabilitation or veterinary facility identified in the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.5). Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately unless the incident occurs outside of normal business hours. In that event, CDFW shall be notified no later than the next business day. Notification to CDFW shall be via telephone or e-mail, followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was treated. If Covered Species is found deceased, the Designated Biologist(s) shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted.
- 8.14. Herbicide Use.** Permittee shall not use herbicides at any time during Project Activities (including plant establishment) unless the Designated Biologist(s) or an approved Designated Monitor(s) surveys the application area and determines that Covered Species are not present. Permittee shall ensure that all herbicide use

(mixing, application, and clean-up) is done by a licensed applicator in accordance with all applicable State, federal, and local regulations. Permittee shall only apply herbicide sprays via ground application when wind speed measures less than three miles per hour. Permittee shall ensure that great care is taken to avoid herbicide outside the boundaries of the Project Area. All herbicide sprays utilized within the Project Area shall contain a dye to prevent overspray.

**8.15. Avoid Introduction of Herbicides into Waters.** Permittee shall ensure herbicide mixing occurs within the Project Area where there is no potential of a spill reaching waters at and near the Project Area. Permittee shall ensure that any herbicide used where there is the possibility that the herbicide could come into direct contact with water is approved for use in an aquatic environment.

**8.16. Night Work.** The Project will require Covered Activities to be performed at night. Night work is allowed only in Project Areas where Condition of Approval 8.3 and 8.4 have been completed, totaling not more than 200 nights of work. All lighting shall be aimed at the ground, shielded to prevent light from shining skyward, of minimum wattage necessary for safety and activity, and of motion sensor type to prevent continuous nighttime lighting. Nightwork shall not involve the use of permanent or temporary, fixed, exterior lighting, including motion-triggered security lighting, or lights that illuminate Covered Species habitat beyond the footprint of the Project Area. If additional nights of work are required, Permittee shall obtain written approval from CDFW prior to continuing or initiating that work. The number of nights worked shall be documented in the quarterly report as per Condition of Approval 7.7. The documentation shall include: (1) the number of nights that work occurred for the quarter that the report covers and, (2) provide a cumulative tabulation of the total number of nights worked since Project initiation.

**9. Compensatory Mitigation and Restoration:** CDFW has determined that permanent protection and perpetual management of compensatory habitat and on-site habitat restoration is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with 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.

**9.1. Covered Species Credits.** Permittee shall purchase 13.2 acres of Covered Species credits, identified as California tiger salamander upland credits, from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities.

**9.2. Habitat Restoration.** Permittee shall seed with a weed-free seed mix, the 11.61 acres of temporarily disturbed areas using at least three species that are locally appropriate and native to the Central California foothills, Coastal mountains, and Central California Valley ecoregions. Up to two sterile non-native grass species may be added to the seed mix if that amount does not exceed 25 percent of the total seed mix by count. Permittee shall submit the seed mixture to CDFW for written approval prior to application. The seeding shall be completed as soon as possible after the completion of Project activity at each Work Area, but not later than November 15, or as otherwise approved in advance and in writing by CDFW.

**X. 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.

**XI. Stop-Work Order:**

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

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

**XII. Compliance with Other Laws:**

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

**XIII. Notices:**

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

Incidental Take Permit  
No. 2081-2022-057-04 (Amendment No. 1)  
CALIFORNIA DEPARTMENT OF TRANSPORTATION  
FRESNO 198 CULVERT REHABILITATION PROJECT

may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2022-057-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager  
California Department of Fish and Wildlife  
1234 East Shaw Avenue  
Fresno, California 93710  
Telephone: (559) 243-4014  
[RRR.R4@wildlife.ca.gov](mailto:RRR.R4@wildlife.ca.gov)

and a copy to:

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

Mindy Trask  
California Department of Fish and Wildlife  
1234 East Shaw Avenue  
Fresno, California 93710  
Telephone: (559) 939-0282  
[Mary.Trask@wildlife.ca.gov](mailto:Mary.Trask@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, California Department of Transportation (Caltrans) (See generally Pub. Resources Code, §§ 21067, 21069). The lead agency's prior environmental review of the Project is set forth in the Initial Study with Mitigated Negative Declaration (ISMND) that Caltrans adopted for the Fresno 198 Culvert Rehabilitation Project on October 22, 2020 and revalidated on October 6, 2022 (State Clearing House No. 2020039062). At the time the lead agency adopted the ISMND 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 ISMND for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to, and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

#### **XV. Findings Pursuant to CESA:**

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

CDFW finds based on substantial evidence in the ITP application, ISMND for the Project, USFWS Biological Opinion for the Project, the results of site visits and consultations with the Applicant, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; (4) Quarterly Compliance Reports; (5) on-site restoration of Covered Species habitat temporarily impacted; and (6) Annual Summary Reports that include Habitat Monitoring 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 protection and management in perpetuity of 13.2 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;

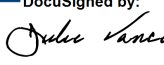
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;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

**XVI. Attachments:**

FIGURE 1	Project Vicinity Map
FIGURE 2	Amended Project Locations Map
ATTACHMENT 1	Amended Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Amendment No. 1 with Track Changes

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON**

ON 1/27/2025

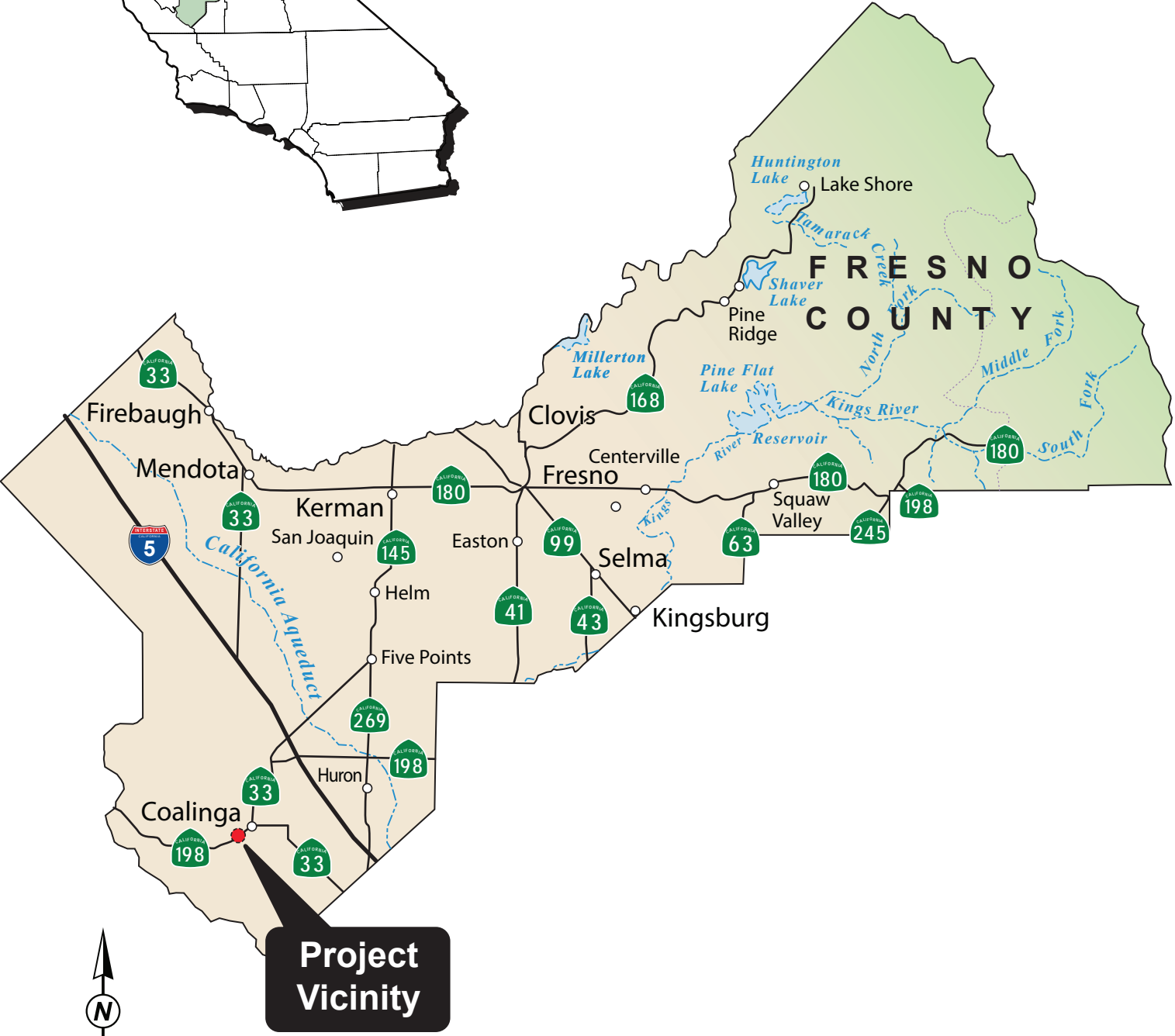
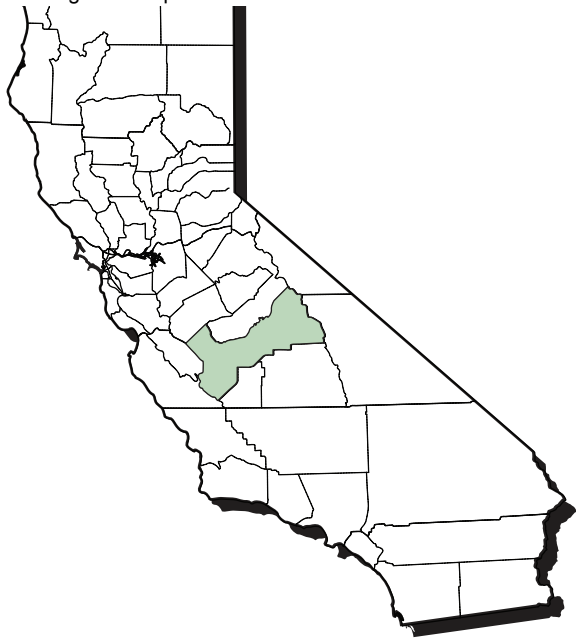
DocuSigned by:  
  
 FA83F09FE08945A  
 Julie A. Vance, Regional Manager  
 Central Region

Incidental Take Permit  
 No. 2081-2022-057-04 (Amendment No. 1)  
 CALIFORNIA DEPARTMENT OF TRANSPORTATION  
 FRESNO 198 CULVERT REHABILITATION PROJECT

# Figure 1

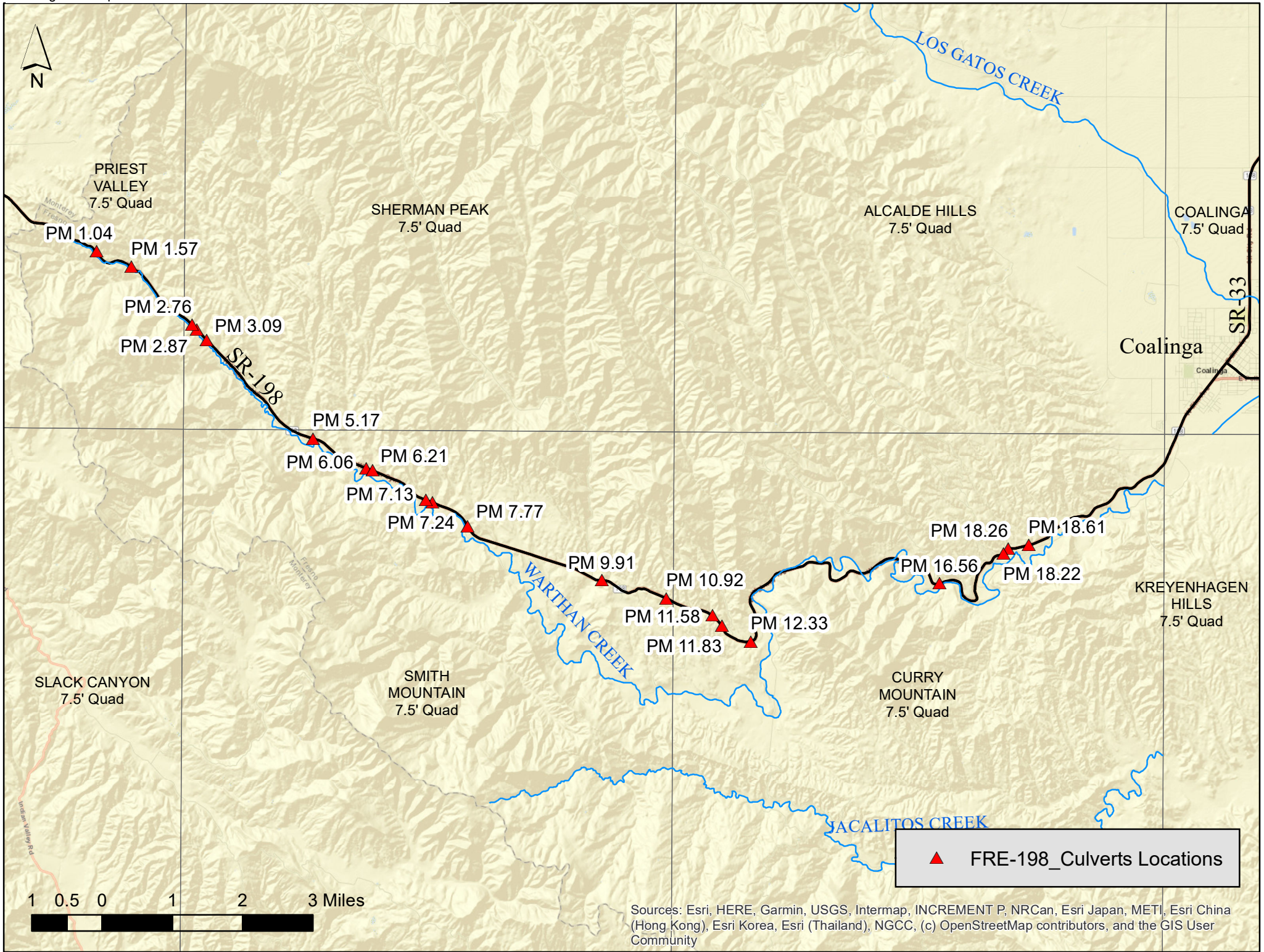


Figure 1  
Project Vicinity Map



# Figure 2





Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

# Attachment 1



**Attachment 1**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2022-057-04  
(Amendment No. 1)**

**PERMITTEE: California Department of Transportation**

**PROJECT: Fresno 198 Culvert Rehabilitation Project**

**PURPOSE OF THIS MMRP**

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

**OBLIGATIONS OF PERMITTEE**

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

**VERIFICATION OF COMPLIANCE, EFFECTIVENESS**

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

## **TABLE OF MITIGATION MEASURES**

The following items are identified for each mitigation measure: ITP Condition of Approval (COA) Source, Mitigation Measure, Implementation Schedule, and Status / Date/ Responsible Parties. The Mitigation Measure column summarizes the mitigation requirements of the ITP. The Implementation Schedule column shows the phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure. The Status / Date/ Responsible Parties column shall be completed by the Permittee during preparation of each Status Report and the Final Mitigation Report and must identify the implementation status of each mitigation measure, the date that status was determined, and the person(s) or roles (e.g., construction inspector) who implemented the mitigation measure.

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.1	<p><u>Designated Representative</u>. 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.</p>	<p>Before the start of Covered Activities and any time a new Designated Representative is selected</p>	
6.2	<p><u>Designated Biologist(s) and Designated Monitor(s)</u>. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities. The Designated Monitor(s) may assist the Designated Biologist(s) in compliance monitoring under the direct supervision of the Designated Biologist(s) and as specified in Condition of Approval 7.6 below. Permittee shall ensure that the Designated Biologist(s) is knowledgeable in the biology and natural history of the Covered Species and has experience with collecting and handling Covered Species, excavating small mammal burrows for the Covered Species, enforcing no disturbance buffers, and monitoring construction activities under an ITP for the Covered Species. Permittee shall ensure that the Designate Monitor(s) is knowledgeable and experienced in the biology and natural history of the Covered Species. The Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitors in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologists or Designated Monitors must be changed.</p>	<p>Before the start of, and during Covered Activities as needed</p>	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.3	<p><u>Designated Biologist(s) and Designated Monitor(s) Authority.</u> To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and Biological Monitor(s) 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 Area and otherwise facilitate Designated Biologist(s) and Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s) or Designated Monitor(s) is unable to comply with the ITP, then they 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 Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.</p>	During Covered Activities	
6.4	<p><u>Designated Biologist(s) and Designated Monitor(s) Authority.</u> To ensure. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.</p>	Before the start of, and during Covered Activities	



ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.5	<p><u>Construction Monitoring Documentation.</u> The Designated Biologist(s) and Designated Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of 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</p>	During Covered Activities	
6.6	<p><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.</p>	Before the start of, and during Covered Activities	
6.7	<p><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. Permittee shall not apply dust suppressant, surfactant, soil binders, or stabilizer products that may be harmful to Covered Species. Permittee shall obtain written approval from CDFW before applying any dust suppressant (other than water), surfactant, soil binders, stabilizer products, hydromulch, or hydroseed. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval.</p>	During Covered Activities	
6.8	<p><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), photodegradable mesh, or similar material, in potential Covered Species' habitat.</p>	During Covered Activities	
6.9	<p><u>Delineation of Work Area Boundaries.</u> Before starting Covered Activities within each discrete part of the Project Area in active construction (Work Area), Permittee shall clearly delineate the boundaries of the Work Area. The boundary of the Work Area shall be delineated with stakes, fencing, and/or flags and shall be maintained with signage until the completion of Covered Activities in that area.</p>	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.10	<p><u>Delineation of Habitat.</u> Before starting Covered Activities at any given location, Permittee shall clearly delineate habitat of the Covered Species within or adjacent to the Work Area to be avoided during construction with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.</p>	Before the start of, and during Covered Activities	
6.11	<p><u>Project Access.</u> Project-related personnel shall access the Project Area from State Route 198 and shall not cross Covered Species' habitat outside of, or on route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging areas, and parking areas as per Condition of Approval 6.12. If Permittee determines construction of routes for travel is 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.</p>	During Covered Activities	
6.12	<p><u>Staging Areas.</u> Permittee shall confine all Project-related parking, storage areas, laydown sites and staging areas to previously disturbed (graded, graveled, or paved) areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.11 of this ITP. If Permittee determines parking, storage, laydown, or staging areas 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.</p>	During Covered Activities	
6.13	<p><u>Precipitation.</u> The Designated Biologist and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 50 percent or greater chance of rainfall is predicted within 72 hours, or if rainfall commences with a less than 50 percent chance predicted, Permittee shall cease all Covered Activities in all portions of the Project Area where Conditions of Approval 8.3 and 8.4 are not yet completed until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is zero percent chance of precipitation in the 72-hour forecast.</p>	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.14	<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 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.	During Covered Activities	
6.15	<u>CDFW Access</u> . Permittee shall provide CDFW staff with reasonable access to the Project Area and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	During Covered Activities	
6.16	<u>Refuse Removal</u> . Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all 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.	During Covered Activities	
6.17	<u>Wildfire Avoidance</u> . Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Condition of Approval 6.4.	During Covered Activities	
7.1	<u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW no less than 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities. The Designated Representative shall also notify CDFW no less than 14 calendar days before resuming Covered Activities after a period of no Project work of 30 days or longer.	Before the start of Covered Activities and ongoing	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.2	<p><u>Notification of Non-compliance.</u> The Designated Representative or Designated Biologist(s) 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 recommended measures to remedy the situation.</p>	During Covered Activities	
7.3	<p><u>Pre-Activity Survey Report.</u> Prior to starting Covered Activities, Permittee shall prepare and submit to CDFW the results of pre-activity surveys and maps of burrows per Conditions of Approval 8.1 and 8.2.</p>	Before the start of, and during Covered Activities	
7.4	<p><u>Inspection Records.</u> The Designated Biologist(s) and Biological Monitor(s) shall prepare daily written observation and inspection records summarizing: (1) construction activities observed, (2) integrity of signs, stakes or protective fencing, (3) wildlife observations, (4) observations of non-compliance with any Conditions in this ITP, and (5) measures implemented or anticipated to rectify or remediate any incidents of non-compliance with this ITP. The inspection records shall be submitted with the Quarterly Compliance Reports identified in Condition of Approval 7.7.</p>	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.5	<p><u>Covered Species Mortality Reduction and Relocation Plan.</u> Prior to initiating Covered Activities, the Designated Biologist(s) shall prepare and submit to CDFW for written approval, a Covered Species Mortality Reduction and Relocation Plan (Plan). The Plan shall include, but not be limited to: (1) a discussion (and map) of the Project Area and those areas identified as potential Covered Species upland habitat; (2) a detailed description of methods to be used for the surveys, burrow and crevice excavation, capture, handling, and relocation of individuals of the Covered Species ; (3) description of exclusion fencing locations, fence specifications, if proposed ; (4) description of increased monitoring to occur in place of exclusion fencing installation; (5) details regarding the use of coverboards to be employed accessory to the exclusion fencing; (6) identification of a receiver site for salvaged individuals; and (7) identification of a wildlife rehabilitation center or veterinary facility that routinely evaluates or treats amphibians where injured individuals of the Covered Species will be taken. The Plan should also provide Permittee's plan to respond to an atypical detection of individual(s) of the Covered Species. The Plan must specify that only the approved Designated Biologist(s) are authorized to capture and handle individuals of the Covered Species. Once the Covered Species Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all Covered Species mortality reduction activities for the duration of this ITP. Any proposed changes to the CDFW-approved Covered Species Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Covered Species Mortality Reduction and Relocation Plan modifications.</p>	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.6	<p><u>Compliance Monitoring.</u> The Designated Biologist(s) shall be on-site daily, for the duration of the day and/or night, until the pre-activity clearance survey (Condition of Approval 8.1); burrow/crevice flagging and excavation (Conditions of Approval 8.2 and 8.3); exclusion fence installation and removal (Condition of Approval 8.5) (unless full-time monitoring is used in place of exclusionary fencing per Condition of Approval 8.4); and initial grading activities are complete. Thereafter, the Designated Biologist(s) shall conduct compliance inspections at least twice a week, once during the day and once during the night when night work is occurring, during all work activities. Alternatively, Permittee may elect to maintain daily monitoring, for the duration of the day and/or night, by the Designated Biologist(s) in place of exclusion fence installation. Required frequency and duration of monitoring shall be described in the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.5).</p> <p>The Designated Biologist(s) 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 exclusionary fencing for presence of Covered Species in work areas or entrapped in the fencing; (5) ensure that signs, stakes, and fencing are intact; and (6) ensure that Covered Activities are only occurring at the Project Area. Burrow flagging, monitoring during fence installation if used, and compliance inspections may be performed independently by specific Designated Monitor(s) upon written approval from CDFW.</p>	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.7	<p><u>Quarterly Compliance Report.</u> The Designated Representative or a Designated Biologist(s) shall compile the observation and inspection records identified in Condition of Approval 7.4 and documentation of night work according to Condition of Approval 8.16 into a Quarterly Compliance Report (QCR) and submit it to CDFW, along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. QCRs shall be submitted before the 15th day of the month that it is due via e-mail to CDFW’s Regional Representative, Regional Office, and Headquarters CESA Program. At the time of this ITP’s approval, the CDFW Regional Representative is Mary (Mindy) Trask (mary.trask@wildlife.ca.gov), the Regional Office e-mail is RRR.R4@wildlife.ca.gov, and the Headquarters CESA Program e-mail 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.</p>	During Covered Activities	
7.8	<p><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 7.7; (2) a record of the Education Program training sessions provided over the reporting year; (3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (4) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (5) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing, and mitigating Project impacts; (6) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (7) the annual Restoration Monitoring Report as per Condition of Approval 9.2; (8) all available information about Project-related incidental take of the Covered Species; and (9) information about other Project impacts on the Covered Species. The ASR shall be submitted via email to the entities identified in Condition of Approval 7.7 above.</p>	During Covered Activities	

<b>ITP COA (Source)</b>	<b>Mitigation Measure</b>	<b>Implementation Schedule</b>	<b>Status / Date / Responsible Party(ies)</b>
7.9	<p><u>CNDDDB Observations</u>. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.</p>	During Covered Activities	
7.10	<p><u>Final Mitigation Report</u>. No later than 60 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report, submitted via email to the entities identified in Condition of Approval 7.7 above.. The Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all QCRs 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; (8) any other pertinent information; (9) the final Restoration Monitoring Report as per Condition of Approval 9.2; and (10) before, during, and after photographic documentation of the Project impact areas.</p>	Following Covered Activities and completion of all mitigation measures	
7.11	<p><u>Notification of Take or Injury</u>. Permittee shall immediately notify the Designated Biologist(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information. The written report shall be submitted via email to the Regional Representative and Regional Office identified in Condition of Approval 7.7 above.</p>	During Covered Activities	



ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.1	<p><u>Pre-Activity Clearance Surveys and Reporting.</u> No more than 14 days prior to initiating Covered Activities within each Work Area, the Designated Biologist(s) shall survey the Work Area and a 50-foot buffer area for individuals of the Covered Species. These surveys shall provide 100 percent visual coverage of each Work Area including burrow and crevice openings. If individuals of the Covered Species are found, the Designated Biologist(s) shall relocate them from the Work Area and Project Area in accordance with the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.5). Permittee shall provide the survey results to CDFW in a written report prior to the beginning of Covered Activities.</p>	<p>Before the start of Covered Activities</p>	
8.2	<p><u>Flag and Map Burrows/Crevice.</u> During the Pre-Activity Clearance Surveys, the Designated Biologist(s) or approved Designated Monitor(s) shall flag and map locations of all accessible animal burrows and crevices within the Project Area that are suitable for Covered Species occupancy and located within 1,844 feet of known or potential breeding habitat (includes seasonal ponds, stock ponds, and potential pools along Warthan Creek). For purposes of this ITP, "accessible" is defined as within the ROW and of a steepness that allows for safe excavation by the Designated Biologist(s) and/or Designated Monitor(s). The mapped locations of all animal burrows and crevices suitable for Covered Species occupancy shall be submitted with the Pre-Activity Clearance Survey and Reporting (Conditions of Approval 7.3 and 8.1).</p>	<p>Before the start of Covered Activities</p>	
8.3	<p><u>Animal Burrow and Crevice Excavation.</u> Prior to any ground-disturbing activities, all accessible small mammal burrows within the Project Area identified and flagged per Conditions of Approval 8.1 and 8.2 above that cannot be avoided shall be fully excavated under the direct supervision of the Designated Biologist(s), in accordance with the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.5). Individuals of the Covered Species which are found shall be relocated by the Designated Biologist in accordance with the Covered Species Mortality Reduction and Relocation Plan. Excavation shall occur no more than 14 days after the completion of the Pre-Activity Clearance Surveys.</p>	<p>Before the start of, and during Covered Activities</p>	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.4	<p><u>Covered Species Exclusion Fencing</u>. After surveying, flagging, and excavating burrows and crevices in accordance with Conditions of Approval 8.1, 8.2, and 8.3 above, either exclusion fencing shall be installed around Work Areas located within 1,844 feet of known or potential breeding habitat, according to the Covered Species Mortality Reduction and Relocation Plan, to prevent individuals of the Covered Species from migrating into the cleared Work Area, or monitoring by the Designated Biologist(s) and Designated Monitor(s) shall occur during Covered Activities, according to the Covered Species Mortality Reduction and Relocation Plan. If used, the exclusion fence shall be installed no later than 48 hours after the burrow and crevice excavation/salvage work is completed and before clearing and grading. Permittee shall also avoid animal burrows and crevices to the maximum extent possible during ground disturbance activities associated with the installation of the exclusion fencing or burrows shall be excavated as described in Condition of Approval 8.3 above prior to commencing fence installation. Permittee may elect to forego exclusion fence installation and replace the Covered Species exclusion effort with increased monitoring by the Designated Biologist(s) and Designated Monitor(s) as approved in the Covered Species Mortality Reduction and Relocation Plan. At any time, if exclusion fence is not erected at the Project Area, all Covered Activities shall cease when a 70 percent or greater chance of rainfall is predicted within 72 hours in accordance with Condition of Approval 8.6 below.</p>	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.5	<p><u>Covered Species Exclusion Fencing Installation and Removal</u>. The Designated Biologist(s) and Designated Monitor(s) shall accompany the exclusion fence installation, repair, and removal crew(s) to ensure that Covered Species are not killed or injured during fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Work Area being fenced. Permittee shall check the exclusion fence daily when on-site and at least once weekly during periods of inactivity to monitor for Covered Species that may need relocating according to the Covered Species Mortality Reduction and Relocation Plan pursuant to Condition of Approval 7.5 and maintain/repair the fence as necessary to ensure its effectiveness. Permittee shall install exclusion fencing in a sequential manner that corresponds to the progression of Covered Activities within Work Areas. For example, temporary fencing is not required to be installed simultaneously at all Work Areas and shall be removed immediately upon completion of Covered Activities in each fenced Work Area.</p>	Before the start of, and during Covered Activities	
8.6	<p><u>Rain Forecast</u>. Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 70 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in all Work Areas where initial ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is zero percent chance of precipitation in the 72-hour forecast. The Designated Biologist(s) and Designated Monitor(s) shall re survey each Work Area before Covered Activities resume to capture and relocate any CTS that are discovered during the surveys. Work Areas where exclusion fencing has been installed in accordance with Conditions of Approval 8.4 and 8.5 may continue Covered Activities during rainfall events.</p>	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.7	<p><u>Covered Species Observations and Notification.</u> During all Covered Activities, workers shall inform a Designated Biologist if an individual of the Covered Species is observed at the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until the Designated Biologist can relocate the Covered Species following the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.5). Permittee shall notify CDFW within 24 hours of discovery of a Covered Species within the Project Area via electronic mail to the Regional Representative and Regional Office identified in Condition of Approval 7.7 above. All Covered Species captures, relocations, and observations by the Designated Biologist(s) and Designated Monitor(s) shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the Covered Species; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDDB as per Condition of Approval 7.9. This information should also be included in the QCR and ASR.</p>	During Covered Activities	
8.8	<p><u>Soil Stockpiles.</u> Permittee shall ensure that soil stockpiles are placed where soil cannot pass into "Waters of the State," including the streams that traverse the Project Area, in accordance with Fish and Game Code 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion and discharge from the Project Area.</p>	During Covered Activities	
8.9	<p><u>Fieldwork Code of Practice.</u> To ensure that disease is not conveyed to and from the Project Area or between Work Areas by the Designated Biologist(s) or Designated Monitors, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 2) shall be followed at all times. The Designated Biologist(s) or Designated Monitor(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next Work Area.</p>	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.10	<p><u>Open Trenches and Excavations.</u> The Designated Biologist(s) and Designated Monitor(s) shall inspect all open holes, sumps, and trenches within the Project Area at the beginning, middle, and end of each work day for trapped individuals of the Covered Species. To prevent inadvertent entrapment of Covered Species, all open trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall either have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope or shall be covered when workers or equipment are not actively working in the excavation, day or night. Escape ramps shall be at least 12 inches wide and erected every 15 feet. If a cover will be utilized, The Designated Biologist shall oversee the covering of all excavated, trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day or night such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of the excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground, and the excavation cover shall be secured with soil staples or by similar means to prevent gaps. Worker(s) shall thoroughly inspect all trenches, holes, sumps, or other excavations for Covered Species (or other wildlife) before they are backfilled. If any Designated Biologist(s), Designated Monitor(s) or worker(s) discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify a Designated Biologist immediately. Designated Monitors, Project workers and the Designated Biologists shall allow Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or a Designated Biologist shall capture and relocate the Covered Species as per the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.5).</p>	During Covered Activities	
8.11	<p><u>Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify a Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside the fenced Project Area, a Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.5).</p>	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.12	<p><u>Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the object is subsequently moved, buried, or capped. If during inspection, an individual of the Covered Species is discovered inside a pipe, culvert, or similar structure, a Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.5).</p>	During Covered Activities	
8.13	<p><u>Covered Species Injury or Mortality.</u> If an individual of the Covered Species is injured as a result of Covered Activities, a Designated Biologist shall immediately take it to the CDFW approved wildlife rehabilitation or veterinary facility identified in the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.5). Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately unless the incident occurs outside of normal business hours. In that event, CDFW shall be notified no later than the next business day. Notification to CDFW shall be via telephone or e-mail, followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was treated. If Covered Species is found deceased, the Designated Biologist(s) shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted.</p>	During Covered Activities	
8.14	<p><u>Herbicide Use.</u> Permittee shall not use herbicides at any time during Project Activities (including plant establishment) unless the Designated Biologist(s) or an approved Designated Monitor(s) surveys the application area and determines that Covered Species are not present. Permittee shall ensure that all herbicide use (mixing, application, and clean-up) is done by a licensed applicator in accordance with all applicable State, federal, and local regulations. Permittee shall only apply herbicide sprays via ground application when wind speed measures less than three miles per hour. Permittee shall ensure that great care is taken to avoid herbicide outside the boundaries of the Project Area. All herbicide sprays utilized within the Project Area shall contain a dye to prevent overspray.</p>	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.15	<p><u>Avoid Introduction of Herbicides into Waters.</u> Permittee shall ensure herbicide mixing occurs within the Project Area where there is no potential of a spill reaching waters at and near the Project Area. Permittee shall ensure that any herbicide used where there is the possibility that the herbicide could come into direct contact with water is approved for use in an aquatic environment.</p>	During Covered Activities	
8.16	<p><u>Night Work.</u> The Project will require Covered Activities to be performed at night. Night work is allowed only in Project Areas where Condition of Approval 8.3 and 8.4 have been completed, totaling not more than 200 nights of work. All lighting shall be aimed at the ground, shielded to prevent light from shining skyward, of minimum wattage necessary for safety and activity, and of motion sensor type to prevent continuous nighttime lighting. Nightwork shall not involve the use of permanent or temporary, fixed, exterior lighting, including motion-triggered security lighting, or lights that illuminate Covered Species habitat beyond the footprint of the Project Area. If additional nights of work are required, Permittee shall obtain written approval from CDFW prior to continuing or initiating that work. The number of nights worked shall be documented in the quarterly report as per Condition of Approval 7.7. The documentation shall include: (1) the number of nights that work occurred for the quarter that the report covers and, (2) provide a cumulative tabulation of the total number of nights worked since Project initiation.</p>	During Covered Activities	
9.1	<p><u>Covered Species Credits.</u> Permittee shall purchase 13.2 acres of Covered Species credits, identified as California tiger salamander upland credits, from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities.</p>	Before the start of Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
9.2	<p><u>Habitat Restoration</u>. Permittee shall seed with a weed-free seed mix, the 11.61 acres of temporarily disturbed areas using at least three species that are locally appropriate and native to the Central California foothills, Coastal mountains, and Central California Valley ecoregions. Up to two sterile non-native grass species may be added to the seed mix if that amount does not exceed 25 percent of the total seed mix by count. Permittee shall submit the seed mixture to CDFW for written approval prior to application. The seeding shall be completed as soon as possible after the completion of Project activity at each Work Area, but not later than November 15, or as otherwise approved in advance and in writing by CDFW.</p>	<p>Before the start of Covered Activities and after completion of Covered Activities at any work area</p>	



# Attachment 2



Department of Fish and Wildlife

**BIOLOGIST RESUME COVER SHEET**

---

**SUBMIT EACH RESUME AS A SEPARATE DOCUMENT**

**Number of Resumes Included in Transmittal:** \_\_\_\_\_

Name	Requested Role(s) <sup>1</sup>	Species/Resource(s)

<sup>1</sup> Requested roles correspond to the biological staffing requirements indicated in the Lake and Streambed Alteration (LSA) Agreement or California Endangered Species Act Incidental Take Permit (ITP). Roles may include a “Qualified Biologist” or “Designated Biologist” with the necessary experience to survey for special status species, or a “Biological Monitor” with the necessary experience to monitor construction activities for special status species. An individual may request more than one role.



Department of Fish and Wildlife

**BIOLOGIST RESUME FORM**

*This form requests information about the qualifications of the Qualified Biologist, Designated Biologist and Biological Monitor specified in California Endangered Species Act Incidental Take Permits (ITP) and Lake or Streambed Alteration (LSA) Agreements issued by California Department of Fish and Wildlife (CDFW).*

**Completing this form will ensure the receipt of adequate information and expedite CDFW review of qualifications.**

**SECTION I. NAME AND CONTACT INFORMATION**

Name:		Title:	
Company Name & Address:		Phone:	
		Email:	

**SECTION II. EDUCATION**

College/University & Degree Type Related to Natural Resource Science:	
Other Relevant Workshops & Training:	

**SECTION III. ROLE(S) AND PERMIT REQUIREMENTS**

Requested Role(s):	
Relevant LSA Agreement Measures or ITP Conditions <sup>2</sup> :	

**SECTION IV. SPECIES AND RESOURCE EXPERIENCE – SUMMARY**

*This section summarizes experience by special status species and other resource. Use one row for each species or other resource where surveys or special protections are required in the CESA ITP or LSA Agreement for which biologist approval is requested.<sup>3</sup> If more space is needed, add rows to this table. Provide details in Section 5.*

Species or Resource	Number of Field Seasons & Hours, Life Stages Observed <i>Provide project details in Section 5</i>	Life History Knowledge <i>Describe formal workshops &amp; training with dates, or informal training details</i>	CDFW SCP, MOU, & USFWS 10a1a Authorization Number & Authorized Activities <i>This form does not fulfill SCP, MOU, &amp; USFWS 10a1a reporting requirements</i>
Insert Species or Resource 1	Field seasons: Hours: Life Stages:		Issued to: Expiration: Agency contact:
Insert Species or Resource 2	Field seasons: Hours: Life Stages:		Issued to: Expiration: Agency contact:
Insert Species or Resource 3	Field seasons: Hours: Life Stages:		Issued to: Expiration: Agency contact:

<sup>2</sup> List all measures and conditions from the LSA Agreement or ITP requiring biological staff (i.e., Qualified Biologist, Designated Biologist, or Biological Monitor).

<sup>3</sup> Often LSA Agreements/ITPs require surveys and other protections for multiple species and other resources. Include only those for which the biologist has experience and is requesting approval.

**SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS**

*This section details experience from the three most recent and relevant projects for each species and resource identified in Section 4. If more space is needed, attach additional pages in the same table format (i.e., copy/paste format).*

<b>A. Species or Resource:</b>			
Project 1 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s) <sup>4</sup> :	
Survey Type(s) <sup>5</sup> :		Construction Monitoring <sup>6</sup> :	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB <sup>7</sup> (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 2 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 3 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:

<sup>4</sup> Insert the role as described in the associated LSA Agreement, ITP or other agency permit. If these permits were not issued, describe the role based on the duties, e.g., “lead biologist with handling authorization” or “biological monitor.”

<sup>5</sup> For example, pre-construction survey or description of the protocol or guideline followed.

<sup>6</sup> Include the number of days and describe the types of activities monitored (e.g., heavy equipment operation).

<sup>7</sup> CNDDDB is the abbreviation for California Natural Diversity Database.

**Project Name:  
LSA Agreement/ITP Number(s):**

Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Additional Information:			

<b>B. Species or Resource:</b>			
Project 1 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 2 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 3 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:

**Project Name:  
LSA Agreement/ITP Number(s):**

Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Additional Information:			

<b>C. Species or Resource:</b>			
Project 1 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 2 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 3 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:

**Project Name:**  
**LSA Agreement/ITP Number(s):**

Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why: CDFW and Other Agency Email:			
Additional Information:			

# Attachment 3



### Attachment 3

Amended Incidental Take Permit No. 2081-2022-057-04  
(Amendment No. 1)

#### 1. The ITP Background section has been inserted preceding the Effective Date and Expiration section as follows:

##### Amended ITP<sup>3</sup> Background:

ITP No. 2081-2022-057-04 was originally issued on June 28, 2023. On September 30, 2024, CDFW received a request from the Permittee for a major amendment (Amendment No. 1) to the original ITP and the corresponding fee payment. The request was to amend the following: remove burrow excavation and exclusionary fencing requirements (Conditions of Approval 8.3 and 8.4). In considering the Project activities and potential impacts to Covered Species, CDFW modified Conditions of Approval 8.2 through 8.4 to change the requirements for flagging, mapping, and excavation of potential Covered Species burrows and crevices, as well as installation of Covered Species exclusionary fencing (if used), such that these measures are required in Project work areas that are accessible and located within 1,844 feet of known or potential breeding habitat.

Issuance of this Amendment will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this amendment increase other Project impacts on the Covered Species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)). Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP, meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

CDFW now reissues the ITP. The amended ITP includes all of the operative provisions as of the effective date of this amended ITP. Attachment 3 to this ITP shows the specific red-line changes made to the ITP as a result of this major amendment.

<sup>3</sup> When this incidental take permit and attachments refer to the "ITP", it means the "Amended ITP" unless the context dictates otherwise.

#### 2. Effective Date and Expiration Date of this ITP has been amended as follows:

This ITP shall become effective when signed by ~~all parties and received by~~ CDFW as described in the Notices section of this ITP. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **July 1, 2028**.

\* \* \*

#### 3. Take Minimization Measure 8.2 has been amended as follows:

Flag and Map Burrows/Crevices. During the Pre-Activity Clearance Surveys, the Designated Biologist(s) or approved Designated Monitor(s) shall flag and map locations of all accessible animal burrows and crevices within the Project Area that are suitable for Covered Species occupancy and located within 1,844 feet of known or potential breeding habitat (includes

~~seasonal ponds, stock ponds, and potential pools along Warthan Creek) at and within 50 feet (if adjoining lands are accessible) of the Project Area, which could potentially harbor individuals of the Covered Species. For purposes of this ITP, "accessible" is defined as within the ROW and of a steepness that allows for safe excavation by the Designated Biologist(s) and/or Designated Monitor(s).~~ The mapped locations of all animal burrows and crevices suitable for Covered Species occupancy shall be submitted with the Pre-Activity Clearance Survey and Reporting (Conditions of Approval 7.3 and 8.1).

#### 4. Take Minimization Measure 8.3 has been amended as follows:

Animal Burrow and Crevice Excavation. ~~Those animal burrows and crevices identified within the Project Area during the Pre-Activity Clearance Surveys (Condition of Approval 8.1) and flagged (Condition of Approval 8.2) Prior to any ground-disturbing activities, all accessible small mammal burrows within the Project Area identified and flagged per Conditions of Approval 8.1 and 8.2 above that cannot be avoided~~ shall be fully excavated under the direct supervision of the Designated Biologist(s) ~~prior to initiating Covered Activities~~, in accordance with the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.5). Individuals of the Covered Species which are found shall be relocated by the Designated Biologist in accordance with the Covered Species Mortality Reduction and Relocation Plan. Excavation shall occur no more than 14 days after the completion of the Pre-Activity Clearance Surveys.

~~Burrows and crevices identified outside of, but within 50 feet of the Project Area where ground disturbance will occur shall be similarly excavated if those lands are accessible to Permittee. Individuals of the Covered Species which are found shall be similarly relocated by the Designated Biologist(s) in accordance with the Covered Species Mortality Reduction and Relocation Plan. Excavation of these burrows and crevices shall also occur no more than 14 days after the completion of the Pre-Activity Clearance Surveys.~~

#### 5. Take Minimization Measure 8.4 has been amended as follows:

Covered Species Exclusion Fencing. After surveying, flagging, and excavating burrows and crevices in accordance with Conditions of Approval 8.1, 8.2, and 8.3 above, either exclusion fencing shall be installed around Work Areas located within 1,844 feet of known or potential breeding habitat, according to the Covered Species Mortality Reduction and Relocation Plan, to prevent individuals of the Covered Species from migrating into the cleared Work Area, or monitoring by the Designated Biologist(s) and Designated Monitor(s) shall occur during Covered Activities, according to the Covered Species Mortality Reduction and Relocation Plan. If used, the exclusion fence shall be installed no later than 48 hours after the burrow and crevice excavation/salvage work is completed and before clearing and grading. Permittee shall also avoid animal burrows and crevices ~~outside but within 50 feet of the cleared Project Area~~ to the maximum extent possible during ground disturbance activities associated with the installation of the exclusion fencing ~~if it involves shallow trenching or driving stakes. When animal burrows and crevices outside the cleared Project Area cannot be avoided by a 50foot no-disturbance buffer, they or burrows~~ shall be excavated as described in Condition of Approval 8.3 above prior to commencing fence installation. Permittee may elect to forego exclusion fence installation and replace the Covered Species exclusion effort with increased monitoring by the Designated Biologist(s) and Designated Monitor(s) as approved in the Covered Species Mortality Reduction and Relocation Plan. At

any time, if exclusion fence is not erected at the Project Area, all Covered Activities shall cease when a 70 percent or greater chance of rainfall is predicted within 72 hours in accordance with Condition of Approval 8.6 below.

**6. The XIII. Notices have been amended as follows:**

~~The Permittee shall sign and return this ITP to CDFW. A manual or digital signature is acceptable, provided a digital signature complies with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned. Manual (wet) signatures on duplicate original paper copies shall be returned by the Permittee via registered first-class mail or overnight delivery to the following address:~~

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

\* \* \*

**7. The XVII. Attachments have been amended as follows:**

\* \* \*

FIGURE 2 Amended Project Locations Map

\* \* \*

ATTACHMENT 1 Amended Mitigation Monitoring and Reporting Program

\* \* \*

ATTACHMENT 3 Amendment No. 1 with Track Changes

\* \* \*

**ACKNOWLEDGMENT**

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

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_  
Title: \_\_\_\_\_