



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

California Endangered Species Act
Incidental Take Permit No. 2081-2024-006-04

**PIONEER AVENUE OVER LONE TREE CREEK BRIDGE
REPLACEMENT PROJECT**

I. Authority:

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take¹ of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.² However, CDFW may authorize the take of any such species by permit pursuant to the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c). (See Cal. Code Regs., tit. 14, § 783.4.)

Permittee:	County of Stanislaus
Principal Officer:	Chuck Covolo
Contact Person:	Chuck Covolo, (209) 525-4118
Mailing Address:	1716 Morgan Road Modesto, California 95358

II. Effective Date and Expiration Date of this ITP:

This ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **November 30, 2030**.

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

III. Project Location:

The Project is located approximately 1.72 miles north of State Route 120, 100 feet south of Frelove Avenue, and south of the town of Valley Home, in northeast Stanislaus County (37°49'11.63" N, 120°54'53.02" W) (Figures 1 and 2). The Project is located in the eastern half of the United States Geological Survey (USGS) Escalon 7.5-minute topographic quadrangle.

¹Pursuant to Fish and Game Code section 86, "'take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 [for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "'take' ... means to catch, capture or kill".])

²The definition of an endangered, threatened, and candidate species for purposes of CESA are found in Fish and Game Code sections 2062, 2067, and 2068, respectively.

IV. Project Description:

The Project will replace an existing north-south, two-lane, Pioneer Avenue over Lone Tree Creek Bridge (Bridge No. 38C0262) to provide improved bridge safety and operations. The new bridge will be a 45-foot long single-span, two-lane bridge to be constructed on the existing bridge alignment. Project activities will include utility relocation, temporary water diversion, existing bridge demolition, new bridge and roadway construction, and site restoration. Project activities within Lone Tree Creek will be limited to temporary ground disturbance and minimal permanent fills as a result of foundation removals, new abutments, and new rock slope protection (RSP) to prevent erosion.

Initial Clearing and Grubbing

Initial clearing and grubbing activities include the removal of vegetation, debris, or obstructions to allow for construction access. Invasive blackberry along the banks of Lone Tree Creek will be removed, and grassland habitat on the southwest corner of Pioneer Avenue and Freelove Road will be removed/disturbed. Additionally, two upland trees will be removed including one oak tree and one blue gum eucalyptus tree, both located west of the existing bridge upland of the northern bank. As part of the initial clearing/grubbing, a private fence at the southeast corner of Pioneer Avenue and Freelove Road near grassland habitat will be removed. The fence/fence posts will be removed from the ground and relocated several feet east/south away from the existing roadways.

Utility Relocation

There are two existing overhead utility lines (electric and telephone/fiber optic) east of Pioneer Avenue that may require temporary or permanent relocation prior to Project construction. One pole is located on the northeast side of the existing bridge, and the other is on the southeast side of the existing bridge. The utility relocation will be performed in two stages. During Stage 1, the electric and telephone/fiber optic overhead span will be temporarily removed to allow for the construction of the new bridge foundation. The two poles will remain in place, but each will be equipped with a temporary guy anchor to support the tension in the span. The southeast pole will be fitted with a 40-foot-long guy anchor directed to the north, while the northeast pole will be fitted with a 10-foot-long guy anchor directed to the south. During Stage 2 after the new bridge foundation is complete, the temporary guy anchors will be removed, and permanent anchors will be added to each pole. The northeast pole will be replaced in its current location and will be set 7.5 feet deep and fitted with a 7-foot-long guy anchor directed to the north. The southeast pole will receive a 15-foot-long guy anchor directed to the south. Lastly, the permanent electric and telephone/fiber optic overhead span will be reinstalled on the poles. All utility work will occur within Stanislaus County right-of-way confined to the existing roadway and road shoulders. Utility relocation is anticipated to take approximately 3 weeks.

Temporary Water Diversion

Prior to demolition of the existing bridge, a temporary gravel bag berm creek diversion system will be installed within Lone Tree Creek. If water is present within the channel, temporary water diversion is needed to allow for the demolition of the existing bridge and construction of the new bridge. The gravel bag berms will be approximately 4 feet high and

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3 feet wide and span the full length of the active channel to be located approximately 80 feet upstream to 38 feet downstream of the existing bridge. The gravel bag berms will be placed on the existing channel bottom with no excavation. Plastic sheeting may also be used as part of the diversion system. The diversion system will funnel water from Lone Tree Creek through approximately two 36-inch temporary culverts. Each culvert will be approximately 60 linear feet. Dewatering will be performed using pumps and sedimentation tanks which will allow disturbed solids to settle out before the water is pumped over the exclusion barriers and back into Lone Tree Creek. Pumps may be running during the day and overnight, especially during deep excavation, to ensure a dry work area. The temporary water diversion will take approximately 1 week to construct. Temporary right-of-way will be required from adjacent properties, west and east of the existing bridge, to complete the diversion of Lone Tree Creek. If ponded or nuisance water occurs in any Project activity areas, those areas will be pumped dry with a portable pump. When the new bridge is completed, the diversion system will be removed and Lone Tree Creek will be returned to pre-construction conditions prior to the commencement of the wet season (see "Site Restoration", below).

Existing Bridge Demolition

After installation of the temporary water diversion system, the existing bridge will be demolished. Demolition will involve breaking up the 32-foot long, 21-foot wide, and 1.25-foot-thick concrete bridge deck. Two abutments, four buttresses, and a pier will be removed. Five footings will be removed, including two buttress footings, two abutment footings, and one pier footing. Existing bridge piers and foundations will be cut off approximately three feet below the ground surface and removed off site. Approximately 64 cubic yards of concrete will be removed from within Lone Tree Creek. All debris from demolition will be captured and contained using chain link mats and tarps and removed off site for proper disposal. Demolition of the existing bridge is anticipated to take approximately 1-2 weeks to complete.

Bridge and Roadway Construction

The new single-span bridge will be 45 feet long that will have two 10-foot lanes, 3-foot shoulders, and 2-foot-wide Concrete Barrier Type 85, yielding a total bridge width of 30 feet. Following demolition of the existing bridge, new diaphragm abutments will be installed. Approximately 211 cubic yards of excavation within Lone Tree Creek and along the associated banks is required (Figure 3). The abutments will be 10, 24-inch cast-in-steel-shell piles driven to a depth of approximately 27 feet by a combination of impact hammer and vibratory pile driving. After pile driving, formwork will be built and reinforcing rebar will be placed in the forms prior to pouring the concrete abutment. The two new bridge footings and abutments will consist of 12 cubic yards of concrete. Approximately 112 cubic yards of imported earthen fill will be required to backfill the footing and abutment area. The width at Abutment 1 (south bank) will be 59 feet 11 inches and the width at Abutment 2 (north bank) will be 58 feet seven inches. The bridge deck will be a two-span concrete cast-in-place post-tensioned slab. Bridge deck construction will start by constructing falsework and concrete forms to hold the concrete while it cures. Next, rebar reinforcement will be laid out in the forms and concrete will be poured to form the bridge deck. Post-tensioning is the final step of deck construction and includes placing high-tensile steel tendons through the bridge

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deck and pulling the tendons with a hydraulic jack to compress the concrete structure. Once the new bridge is completed, RSP will be installed around each abutment to prevent erosion. A total of approximately 281 cubic yards of RSP will be installed around the new bridge. Class IV RSP ranging from 18.5 inches to 48 inches in diameter will be placed around the new bridge structure on the north and south bank of Lone Tree Creek to help stabilize the slopes and prevent erosion. The RSP will be installed with a 7-foot key at the toe. In addition to new bridge construction, roadway improvements will occur within the existing Stanislaus County right-of-way and will involve activities such as paving, striping, and railing along the approach roadway on either side of the new bridge. New bridge and roadway construction is anticipated to take approximately 4 months to complete.

Site Restoration

After construction of the new bridge, the disturbed stream bed and banks will be re-graded to decompact the soils, contoured to conform with the bed and banks upstream and downstream of the Project site, and hydroseeded to minimize Project-related erosion of the stream banks. All concrete cement, pavement debris, and components of the temporary water diversion will be removed and disposed of.

Staging and Stockpile Areas

Staging and stockpile areas for the Project will be located north of Freeloove Road in a 1.2-acre overgrown area used for hay production and along road shoulders on the east side of the existing Pioneer Avenue Bridge (Figure 3).

Equipment

The Project will require the following equipment: excavators, dozers, dump trucks, concrete mixers and pump trucks, drill rigs, back hoes, bar benders, compactors, loaders, generators, pile drivers, jack hammers, mounted impact hammers, pavement scarifiers, pavers, pumps, rollers, haul trucks, water trucks, pickup trucks, cranes, asphalt, pneumatic tools and metal cutting equipment, and welding equipment. Project-related equipment will be present within designated staging areas for the duration of Project activities.

Construction Schedule

The Project is anticipated to begin in 2026 or 2027 and will take approximately 10 months to complete. All Project activities will be confined to daylight hours, defined as that daytime period between sunrise and sunset.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ³
1. California tiger salamander (<i>Ambystoma californiense</i> , CTS)	Threatened ⁴

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

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

⁴See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(3)(G).

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include stockpiling soils and materials; staging and laying down equipment; clearing, grubbing, removing vegetation; ground disturbance and earthwork including excavating, demolition, pile driving, compacting soils, trenching, pouring concrete, paving, and placing rocks and boulders; operating heavy equipment; vehicle traffic; hydroseeding and on-site restoration activities; installing and removing temporary construction and wildlife exclusion fencing; installing and removing a temporary water diversion system; excavating small mammal burrows and crevices; and Covered Species salvage and relocation efforts required by 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 such as vehicle, equipment, and tool strikes (direct contact with sharp objects and/or blunt-force trauma); burrow collapse associated with ground disturbance, vegetation removal and clearance, stockpiling soils and materials, staging and laying down equipment, and operating heavy equipment in Covered Species upland habitat, resulting in crushing, suffocating, burying, or entombing individuals of the Covered Species in occupied burrows or crevices; striking or crushing of individuals of the Covered Species during stockpiling of soils and materials, staging and laying down equipment, and operating vehicles and heavy equipment; entrapment and desiccation of the Covered Species within trenches, holes, open pipes, and uncovered excavations; and entanglement with construction and exclusion fencing. Incidental take of individuals of the Covered Species may also occur from Covered Activities in the form of corralling, catching, or capturing of individuals in confined areas or within exclusion fencing; when individuals of the Covered Species are pursued, collected, and relocated out of harm's way as required by this ITP; and crushing, suffocating, burying, or entombing individuals of the Covered Species in occupied burrows or crevices during hydroseeding and on-site restoration activities. The areas where authorized take of the Covered Species is expected to occur includes the 3.6-acre Project site (collectively, the Project Area; Figure 3).

The Project is expected to cause the permanent loss of upland habitat for the Covered Species consisting of **0.01 acre** of annual grassland and **0.03 acre** of riparian habitat (Figure 5). In addition, the Project is expected to cause the temporary loss of upland habitat for the Covered Species consisting of **0.02 acre** of annual grassland and **0.009 acre** of riparian habitat. Temporary habitat loss is expected to last up to 1 year. Although surrounded by development, the upland grassland habitat supports small mammal burrows that individuals of the Covered Species could use for underground refugia, shelter, foraging, and protection (Figure 6). In addition, a few small mammal burrows along the north bank of Lone Tree Creek may provide upland habitat and individuals of the Covered Species could use riparian habitat for dispersal. The riparian habitat consists of interior live oaks (*Quercus wislizeni*), white alders (*Alnus rhombifolia*), and cottonwood trees (*Populus fremontii*) with an understory dominated by Himalayan blackberry (*Rubus armeniacus*). The Project is not expected to impact Covered Species aquatic breeding habitat. In addition to Lone Creek, there are an additional 10 water bodies (vernal pool, ponds, stock ponds) within 1.24 miles of

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the Project Area (Figure 7). Of these 11 water bodies, four could provide suitable aquatic breeding habitat (Pond 2, 3, 7, 10). Lone Creek is unlikely to provide aquatic breeding habitat due to typical stream flows. There is a permanent pond on private property immediately adjacent to the Project Area but outside of the Project Area. The four potential aquatic breeding sites are separated from the Project Area by roads, irrigation canals, ditches, and a matrix of orchard agriculture, livestock grazing, hayfields, residential development and paved and unpaved roads. Pond 2 is the nearest potential breeding pond and is within 630 meters of the Project Area connected by Lone Tree Creek.

Impacts of the authorized taking also include adverse impacts to the Covered Species related to reduced conditions for Covered Species movement/dispersal, physiological and/or behavioral disruptions, temporal habitat losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include altering the conditions of and disruptions to Covered Species dispersal as a result of permanent loss of **0.01 acre** of stream channel that Covered Species could use for dispersal when Lone Tree Creek is dry or in low flow condition, and temporary loss of **2.11 acres** of potential dispersal habitat [Lone Tree Creek (0.04 acres), hayfield (1.2 acres), ground within orchards (0.07 acres), disturbed land (0.17 acres; grass lawns, unpaved roads, compacted and unvegetated roadsides), hardscape (0.63 acres; paved roads, pavement) (Figure 5). Impacts to this potential dispersal habitat could result in restricted Covered Species movement and could subject individuals of the Covered Species to disperse via longer movement routes resulting in decreased reproductive output, increased energetic expense, and associated increased risk of vehicle strikes, predation, or desiccation. The 1.2-acre hayfield to be used as a staging/stockpile area is unlikely to provide high quality upland habitat for the Covered Species because it is cultivated and no small mammal burrows were visible in the hayfield when it was surveyed from the roadside (Figure 6). The primary Project-related impact to the Covered Species is to 2.12 acres of habitat, particularly 0.05 acre of Lone Tree Creek which is Covered Species dispersal habitat, as there are no complete barriers to Covered Species movement. Although Covered Species may disperse over these features, the lack of refugia, and in some cases cover, within the 2.12 acres increases the risk of predation and desiccation for any Covered Species individual present in that area. The primary cause of potential direct take is likely to be from capture when Covered Species are pursued, collected, and relocated out of harm's way as required by this ITP. In addition, indirect impacts include stress, disorientation, and disruptions to Covered Species estivation and movement resulting from noise, ground vibrations, and fugitive dust; loss or decline of Covered Species habitat and habitat quality resulting from introduction, spread, or colonization of invasive plant species; exclusion from or avoidance of preferred foraging and sheltering habitat; increased competition for food and space, and increased vulnerability to predation.

VII. Incidental Take Authorization of Covered Species:

This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes the Permittee, its employees, contractors, and agents to take Covered Species incidentally in carrying out the

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Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. This ITP does not authorize take of Covered Species from activities outside the scope of the Covered Activities, take of Covered Species outside of the Project Area, take of Covered Species resulting from violation of this ITP, or intentional take of Covered Species except for capture and relocation of Covered Species as authorized by this ITP.

VIII. Conditions of Approval:

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, State, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration (SCH No.: 2022050355) adopted by the County of Stanislaus on September 7, 2022, 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. EPIMS-STA-32601-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 Informal Consultation for the Pioneer Avenue over Lone Creek Bridge Replacement Project, Stanislaus County, California (2022-0061603) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species 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

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communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.

- 6.2. Designated Biologist(s) and/or Designated Monitor(s).** At least 30 days before starting Covered Activities, Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of proposed Designated Biologist(s) and/or Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information. Permittee shall review qualifications before submission and ensure that the Designated Biologist(s) and Designated Monitor(s) are knowledgeable and experienced in Covered Species' biology and natural history, collecting and handling of the Covered Species, excavating burrows and crevices to minimize mortality of Covered Species, and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. CDFW may approve Designated Monitor(s) not meeting the qualifications of a Designated Biologist to assist in compliance monitoring and/or implementation of Conditions of Approval as specified by CDFW. Designated Monitor responsibilities shall be restricted to specific Conditions of Approval, specified by the Permittee or Designated Representative at the time their qualifications are submitted for review. Designated Monitor(s) and their specific activities shall be approved in advance and in writing by CDFW. 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 Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if Designated Biologist(s) or Designated Monitor(s) must be changed.
- 6.3. Designated Biologist and/or Designated Monitor Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and/or Designated Monitor(s) shall be given the authority to immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist(s) and/or Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s) and/or Designated Monitor(s) are unable to comply with the ITP, then the Designated Biologist(s) and/or Designated Monitor(s) shall notify the CDFW Regional Representative (detailed in the Notices section below) immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s)/Designated Monitor(s) that prohibit or impede open communication with CDFW, including but

not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.

- 6.4. Education Program.** Permittee shall provide an education program for all persons employed or otherwise working in the Project Area before they can perform any work within the Project Area. The same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. 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. The program shall consist of a presentation from the Designated Biologist(s) that includes: (1) a discussion of the biology, life history, and general behavior of the Covered Species; (2) information about the distribution and habitat needs of the Covered Species; (3) sensitivity of the Covered Species to human activities; (4) its status pursuant to CESA including legal protection, definition of 'take', recovery efforts, and penalties for violations; and (5) Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.
- 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 upon request by CDFW.
- 6.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and continue the program for the duration of Covered Activities. Permittee shall ensure that trash and food items are contained in animal proof containers. Permittee shall remove trash and food items ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs. Permittee shall remove all trash from the Project Area at the end of Covered Activities.
- 6.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist(s) and Designated Monitor(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to

form puddles. Dust palliatives shall not be used in the Project Area without prior review of the chemical composition and written approval for use by CDFW.

- 6.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material. This includes photodegradable or biodegradable synthetic netting, or other plastic erosion control materials. Permittee shall deploy erosion control fabric/mats, blankets, and/or fiber rolls consisting of only natural fibers such as jute, coconut, twine, or other similar fibers.
- 6.9. Delineation of Work Area Boundaries.** Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area within Lone Tree Creek, the riparian corridor, and grassland habitat with high visibility fencing or stakes. Permittee shall restrict all Covered Activities to within the fenced or staked areas within Lone Tree Creek, the riparian corridor, and grassland habitat. Permittee shall maintain all fencing and stakes until the completion of Covered Activities.
- 6.10. Delineation of Habitat.** Before starting Covered Activities, Permittee shall clearly delineate habitat of the Covered Species within Lone Tree Creek, the riparian corridor, and grassland habitat with posted signs to minimize the disturbance of Covered Species' habitat beyond the limits of marked areas.
- 6.11. Project Access.** Project-related personnel shall access the Project Area using existing routes and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species or Covered Species habitat impacts will occur as a result of the Project modification.
- 6.12. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, stockpile areas, laydown sites, equipment storage, and equipment refueling, maintenance, and washing to designated staging/stockpile areas shown in Figure 3. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the Project Area unless provided for in accordance with Condition of Approval Project Access.
- 6.13. Hazardous Waste.** Permittee shall properly maintain all machinery to prevent spills and leaks. Permittee shall immediately stop and pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling

of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off site.

- 6.14. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 6.15. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

7. Monitoring, Notification and Reporting Provisions:

- 7.1. Notification Before Commencement.** The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 7.2. Notification of Non-compliance.** The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative and/or the Designated Biologist(s) shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.
- 7.3. Compliance Monitoring.** The Designated Biologist(s) shall be on site daily to conduct compliance monitoring when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to:
 - (1) minimize incidental take of the Covered Species;
 - (2) prevent unlawful take of species;
 - (3) check for compliance with all measures of this ITP;
 - (4) check all exclusion zones; and
 - (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.

The Designated Representative or Designated Biologist(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. After initial ground

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disturbance, vegetation removal, clearing, and grubbing, and after the temporary water diversion system has been completely installed, a Designated Biologist(s) shall be on-site a minimum of once a month to conduct compliance monitoring. In addition to the compliance inspections required by this Condition of Approval, the Designated Representative and Designated Biologist(s) shall ensure that all other inspections required by this ITP are conducted at the frequencies (i.e., interval, time(s) of day, following weather events) required by other specific Conditions of Approval.

- 7.4. Monthly Compliance Report.** Permittee shall provide CDFW with Monthly Compliance Reports (MCR) no more than 10 days after the end of each month. The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records required by Condition of Approval Compliance Monitoring into a MCR and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. MCRs shall also include: (1) an accounting of the number of acres that have been permanently and temporarily disturbed by the Project within the Project Area, both for the month and the total since ITP issuance; (2) the number of acres of habitat disturbance anticipated to occur in the Project Area during the next month, if applicable; (3) a summary of all Pre-Activity Clearance Surveys and compliance monitoring conducted during the month; and (4) the activities authorized under the Covered Activities which occurred during the month. MCRs shall be submitted to CDFW's Regional Office, Regional Representative, and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Office e-mail is R4CESA@wildlife.ca.gov with a copy to CDFW's Regional Representative Ruby Kwan-Davis (Ruby.Kwan-Davis@wildlife.ca.gov) and Headquarters CESA Program (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.
- 7.5. 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 MCRs for that year; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total

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since ITP issuance; and (7) information about other Project impacts on the Covered Species. Permittee shall submit ASRs to CDFW's Regional Office, Regional Representative, and Headquarters CESA Program.

- 7.6. CNDDDB Observations.** The Designated Biologist(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation. The Designated Biologist shall include copies of the submitted forms with the next MCR or ASR, whichever is submitted first relative to the observation.
- 7.7. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all MCRs and 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 the 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) GIS data files depicting the total extent of permanent and temporary disturbance associated with the Project and the location and status of restoration areas for temporary disturbance; and (9) any other pertinent information.
- 7.8. 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(s) or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by email to the CDFW's Regional Office (R4CESA@wildlife.ca.gov) and CDFW Representative (Ruby.Kwan-Davis@wildlife.ca.gov). The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured, name of the CDFW-approved facility where the animal was taken, 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.

- 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:

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- 8.1. CTS Mortality Reduction and Relocation Plan.** Permittee shall prepare a CTS Mortality Reduction and Relocation Plan and submit it to CDFW for review and written approval a minimum of 30 days before starting Covered Activities. The CTS Mortality Reduction and Relocation Plan shall include, but not be limited to, the following details: (1) discussion and map of locations within the Project Area which represents potential upland habitat and aquatic breeding habitat (if applicable); (2) discussion and map of locations within the Project Area within a) 630 meters and b) 2,092 meters of known or potential aquatic breeding habitat (if applicable); (3) detailed survey, excavation, capture, handling, and relocation methods; (4) cover board check frequencies or removal based on seasonality and environmental conditions to ensure any cover boards that remain in use during the dry season (or dry periods) don't lead to CTS desiccation risk; (5) identification of where salvaged individuals will be relocated and a discussion of the biological suitability of relocation site(s); and (6) identification of a wildlife rehabilitation center or veterinary facility where injured individuals of the Covered Species will be taken. Covered Activities may not proceed until a CTS Mortality Reduction and Relocation Plan is approved in writing by CDFW.
- 8.2. CTS Exclusion Fencing Plan.** Permittee shall prepare a CTS Exclusion Fencing Plan and submit it to CDFW for review and written approval a minimum of 30 days before starting Covered Activities. The CTS Exclusion Fencing Plan shall include, but not be limited to, the following details: (1) area(s) to be fenced (including maps); (2) fence materials; (3) fence design (e.g., height), layout (including maps), and installation methods; (4) cover boards to provide refuge areas for the Covered Species (include number of cover boards/spacing, material of cover boards, size of individual cover boards, cover board check frequencies based on seasonality, and locations); (5) specification of the maximum continuous linear length of fencing to be installed at any given time; and (6) inspection, maintenance, repair, and replacement methods and intervals. Permittee shall have a CDFW-approved CTS Exclusion Fencing Plan before implementing Conditions of Approval CTS Pre-Activity Clearance Surveys and Reporting, Flag Burrows/Crevices and Burrow Avoidance, CTS Burrow and Crevice Excavation, and CTS Exclusion Fence Installation, below.
- 8.3. CTS Pre-Activity Clearance Surveys and Reporting.** The Designated Biologist(s) shall survey the Project Area for CTS no more than 14 days prior to conducting Covered Activities. Surveys shall provide 100 percent visual coverage (including burrow and crevices) within the Project Area and a 50-foot buffer zone around the Project Area if access allows. If Covered Species are found, the Designated Biologists(s) shall relocate Covered Species from the Project Area in accordance with the CDFW-approved CTS Mortality Reduction and Relocation Plan. Designated Monitor(s) are prohibited from capturing and handling Covered Species individuals unless specifically approved in writing by CDFW and under the direct supervision of the Designated Biologist(s). Permittee shall provide the pre-activity

clearance survey results to CDFW in a written report before starting Covered Activities.

- 8.4. Flag Burrows/Crevices and Burrow Avoidance.** During implementation of Condition of Approval CTS Pre-Activity Clearance Surveys and Reporting, the Designated Biologist(s) shall flag all animal burrows and crevices suitable for CTS occupancy within the Project Area and a 50-foot buffer zone around the Project Area if access allows. Burrows or crevices do not need to be flagged if they are located in areas outside of the Permittee's access and/or control. An avoidance buffer of 50 feet or greater around flagged burrows/crevices shall be maintained regardless of whether the burrow/crevice is in the Project Area or solely within the Project Area's 50-foot buffer zone. Flagged burrows/crevices which occur within 630 meters (0.4 miles) of known or potential CTS aquatic breeding habitat and which cannot be avoided by at least 50 feet shall be fully excavated in accordance with Condition of Approval CTS Burrow and Crevice Excavation.
- 8.5. CTS Burrow and Crevice Excavation.** Before starting Covered Activities, animal burrows and crevices flagged during implementation of Condition of Approval CTS Pre-Activity Clearance Surveys and Reporting shall be fully excavated if those burrows and crevices are within 630 meters (0.4 miles) of known or potential CTS aquatic breeding habitat and cannot be fully avoided by at least 50 feet. Excavation shall occur **no more than 14 days** after the completion of the CTS Pre-Activity Clearance Surveys and Reporting and flagging of burrows/crevices per Condition of Approval Flag Burrow/Crevices and Burrow Avoidance. Flagged burrows/crevices may be excavated by hand or in a manner otherwise approved by CDFW in accordance with the CDFW-approved CTS Mortality Reduction and Relocation Plan. Burrow/crevice excavation shall occur under the direct supervision of the Designated Biologist(s). The Designated Biologist(s) shall relocate any live CTS discovered during burrow/crevice excavation in accordance with the CDFW-approved CTS Mortality Reduction and Relocation Plan. Designated Monitor(s) are prohibited from capturing and handling CTS unless specifically approved in writing by CDFW and under the direct supervision of the Designated Biologist(s). Burrows and crevices identified outside of the Project Area shall be excavated if those burrows and crevices lie within 50 feet of Project ground- and/or vegetation disturbing activities. This excavation requirement applies regardless of whether the burrow/crevice is located within the Project Area or within the Project Area's 50-foot buffer zone except when the burrow/crevice is in an area outside of the Permittee's access and/or control.
- 8.6. CTS Exclusion Fence Installation.** After surveying, flagging, and excavating animal burrows in accordance with Conditions of Approval CTS Pre-Activity Clearance Surveys and Reporting, Flag Burrows/Crevices and Burrow Avoidance, and CTS Burrow and Crevice Excavation, and after CDFW has approved the CTS Exclusion Fencing Plan but before starting Covered Activities, Permittee shall install CTS exclusion fencing to prevent Covered Species from migrating into the cleared

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Project Area. The CTS exclusion fence shall be installed under the direct supervision of the Designated Biologist(s) and begin no later than 48 hours after burrow/crevice excavations and Covered Species relocation activities are complete. The Designated Biologist(s) shall accompany the exclusion fence construction crew to ensure that Covered Species are not killed or injured during fence installation. The Permittee shall avoid covering animal burrows and crevices during fence installation in accordance with Condition of Approval Flag Burrows/Crevices and Burrow Avoidance and not cover any burrows/crevices with any fencing material. When animal burrows and crevices that are within 630 meters of known or potential CTS aquatic breeding habitat cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval CTS Burrow and Crevice Excavation prior to commencing fence installation.

- 8.7. Vegetation Removal Along Lone Tree Creek.** A Designated Biologist(s) shall be on site daily during initial clearing and grubbing activities in and along Lone Tree Creek. Invasive blackberry and vegetation along the banks of Lone Tree Creek shall be removed incrementally, by hand/using hand tools (e.g., loppers, clippers, pruners) to the maximum extent feasible from top to bottom, and power tool blades shall be set no lower than 4 inches to allow the Designated Biologist(s) 100 percent visual coverage to inspect the area under vegetation for any individuals of the Covered Species and burrows/crevices. If Covered Species or burrows/crevices are found, the Designated Biologist and Project workers shall immediately cease all Covered Activities in the vicinity. If Covered Species are found, the Designated Biologist(s) shall relocate Covered Species from the Project Area in accordance with the CDFW-approved CTS Mortality Reduction and Relocation Plan. If any burrows/crevices are found, the Designated Biologist shall implement burrow/crevice avoidance per Condition of Approval Flag Burrows/Crevices and Burrow Avoidance or excavate the burrow per Condition of Approval CTS Burrow and Crevice Excavation. The Designated Biologist(s) shall move any detected CTS out of harm's way outside of the Project Area and in accordance with the CDFW-approved CTS Mortality Reduction and Relocation Plan.
- 8.8. CTS Exclusion Fence Inspection.** Permittee and/or Designated Biologist(s) shall check the CTS exclusion fence and refuge areas (e.g. cover boards) daily during initial ground disturbance, vegetation removal, clearing, and grubbing, and daily until the temporary water diversion system is completely installed. After initial ground disturbance, vegetation removal, clearing, and grubbing, and after the temporary water diversion system has been completely installed, the Designated Biologist(s) shall check the CTS exclusion fence a minimum of once a week during the wet season, daily following rain events, and frequencies in accordance with the CDFW approved CTS Mortality Reduction and Relocation Plan for refuge checks during the dry season. If Covered Species are found within the interior fence or refuge areas, the Designated Biologist(s) shall relocate them in accordance with the CDFW-approved CTS Mortality Reduction and Relocation Plan.

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- 8.9. CTS Exclusion Fence Repair and Removal.** Permittee shall maintain and repair the CTS exclusion fence. Repairs shall be made within 48 hours of any discovery that repairs are necessary. Permittee shall ensure that the CTS exclusion fence remains in place and supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain. Permittee shall remove all CTS exclusion fencing immediately upon completion of Covered Activities.
- 8.10. Rain Forecast.** The Permittee and Designated Biologist(s) shall monitor the National Weather Service 72-hour forecast for the Project Area. Permittee shall cease all Covered Activities in the Project Area where initial ground disturbance (grading, vegetation removal, grubbing, and excavation) has yet to occur during rainfall and/or when a 50 percent or greater chance of rainfall is predicted within 72 hours. Permittee may continue Covered Activities 24 hours after rainfall ceases and there is a zero percent chance of rainfall in the 72-hour forecast. Where initial ground disturbance has already occurred, Permittee may continue Covered Activities during rainfall only if the Project Area has been previously disturbed and the Project Area (or areas approved by CDFW per a CTS Exclusion Fencing Plan) is surrounded by CTS exclusion fencing that is in good repair and being properly maintained (see Condition of Approval CTS Exclusion Fence Installation).
- 8.11. Soil Stockpiles and Borrow Area Material.** Permittee shall ensure that soil stockpiles and materials are placed where soil, rocks, and quarried material will not pass into CTS aquatic breeding habitat, or into any other "Waters of the State". Permittee shall protect stockpiles appropriately to prevent soil erosion. Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species. Permittee shall not place materials outside of the Project Area and staging/stockpile areas (see Condition of Approval Staging Areas).
- 8.12. Open Excavations.** The Designated Biologist(s) shall inspect all open holes, sumps, trenches, and other excavations daily and at the beginning of each day during initial ground disturbance, vegetation removal, clearing, and grubbing, and until the temporary water diversion system is completely installed for any Covered Species that may be trapped. The Designated Biologist(s) shall inspect all open holes, sumps, trenches, and other excavations for Covered Species immediately before they are temporarily or permanently back-filled. If any Project workers discovers that Covered Species have become trapped at any point, Project workers shall immediately cease all Covered Activities in the vicinity which could cause further entrapment, or injure or kill the Covered Species, and notify the Designated Biologist(s). The Designated Biologist(s) and Project workers shall allow Covered Species to move to a safe location unimpeded, if possible, before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) may move Covered Species out of harm's way outside of the Project

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Area and in accordance with the CDFW-approved CTS Mortality Reduction and Relocation Plan.

- 8.13. Covers and Ramps.** Permittee shall ensure that all open holes, sumps, trenches, and other excavations are covered or escape ramps are provided to prevent inadvertent entrapment of Covered Species. At the end of each working day, Project workers shall cover all open holes, sumps, trenches, and other excavations of any depth that have sidewalls greater than 1:1 (45 degree) slope with barrier material (e.g., plywood). The outer two feet of the cover shall conform to solid ground so that gaps do not occur between the cover and the ground. The cover shall be secured to prevent gaps such that Covered Species are unable to dig or squeeze under the cover. If any open holes, sumps, trenches, and other excavations cannot be covered, Permittee, in consultation with Designated Biologist(s) shall provide at least one escape ramp constructed of earthen fill or a non-slip wooden plank with a less than 1:1 (45 degree) slope for each open hole, sump, trench, or other excavation. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment in open holes, sumps, trenches, and other excavations are warranted, Permittee shall request and obtain CDFW's written approval prior to implementing the alternative. The Designated Biologist(s) shall inspect the integrity of covers and escape ramps to ensure that covers and ramps are in good condition, secured, and with no gaps.
- 8.14. Vehicle and Equipment Inspection.** Project workers shall inspect under vehicles and equipment for Covered Species before the start of each workday and before vehicles and equipment are moved for any Covered Species that may be utilizing the equipment as temporary shelter. If any Project worker discovers a Covered Species, the Project worker shall notify the Designated Biologist(s). Project workers and the Designated Biologist(s) shall allow the Covered Species to move to a safe location, if possible, before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) may move the Covered Species out of harm's way outside of the Project Area and in accordance with the CDFW-approved CTS Mortality Reduction and Relocation Plan.
- 8.15. Pipes and Other Structures Entrapment Prevention.** Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area be capped or otherwise enclosed at the ends to prevent entry by the Covered Species. Project workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for CTS 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, the Project worker shall immediately cease all Covered Activities in the vicinity which could injure or kill the Covered Species and notify the Designated Biologist(s). Covered Species shall be allowed to escape unimpeded to a safe location, if possible, before Covered Activities are allowed to continue. Alternatively, the Designated

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Biologist(s) may move CTS out of harm's way outside of the Project Area and in accordance with the CDFW-approved CTS Mortality Reduction and Relocation Plan.

- 8.16. Covered Species Observations.** During all Covered Activities within the Project Area, all Project workers shall inform the Designated Biologist(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Project Area of its own accord, or the Designated Biologist(s) relocates the Covered Species following the CDFW-approved CTS Mortality Reduction and Relocation Plan.
- 8.17. Record of CTS Handling and Relocation.** The Designated Biologist(s) shall maintain a record of all Covered Species handled and relocated. For each Covered Species handled and relocated, the Designated Biologist(s) shall report the following information: (1) date, time, and location (Global Positioning System (GPS) coordinates and maps) of capture and/or observation as well as release, if applicable; (2) the name of the party that identified the Covered Species; (3) circumstances of the incident; (4) the general condition and health, noting all visible conditions including gait and behavior, ectoparasites, injuries, etc.; (5) any diagnostic markings, sex, age (juvenile or adult); (6) actions undertaken; (7) habitat description; and (8) ambient temperature when handled, released, and or observed. CTS handling and relocation records shall be included in the required MCRs and ASRs. In addition, the Designated Biologist(s) shall submit this information to CDFW's CNDDDB required by Condition of Approval CNDDDB Observations.
- 8.18. Covered Species Injury.** If a Covered Species is injured as a result of Project-related activities, the Designated Biologist(s) shall immediately take it to the CDFW-approved wildlife rehabilitation or veterinary facility per the CDFW-approved CTS Mortality Reduction and Relocation Plan. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Designated Biologist(s) or Designated Representative shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report required by Condition of Approval Notification of Take or Injury.
- 8.19. Water Diversion.** Permittee shall ensure that any pumps/pump intakes used for water diversion will be screened with wire mesh no larger than 5 millimeters. Permittee shall place pump intakes within a perforated bucket or other method that reduces suction to prevent CTS from entering the pump system.
- 8.20. Fieldwork Code of Practice.** The Designated Biologist(s) and Designated Monitor(s) shall follow the Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force at all times (see Attachment 3) to ensure that disease is

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not conveyed outside of the Project Area. The Designated Biologist(s) and 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. The Designated Biologist(s) and Designated Monitor(s) shall take care so that all traces of the disinfectant are removed before entering the next aquatic habitat.

8.21. Restoration of Temporary Impacts. Permittee shall restore areas of temporary impacts within Lone Tree Creek, the riparian corridor, and grassland habitat by re-grading the area as to decompact the soils and restoring vegetation to pre-Project conditions. Disturbed areas shall be hydroseeded with an area/regionally appropriate, California native seed mix to promote habitat reestablishment and minimize soil erosion. Permittee may add one or two sterile non-native perennial grass species to the seed mix provided that amount does not exceed 25% of the total seed mix by count. Permittee shall submit a Seed Mix to CDFW for review and written approval prior to application.

8.22. Herbicide/Pesticide Use Prohibited. Permittee shall not use any herbicides or pesticides for the duration of the Project.

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

To meet this requirement, the Permittee shall purchase **0.20 CTS upland credit** from a CDFW-approved conservation bank pursuant to Conditions of Approval Covered Species Credits and Bill of Sale and Payment Receipt or Credit Transfer Agreement, below. Purchase of Covered Species must be complete before starting Covered Activities.

9.1. Covered Species Credits. Permittee shall purchase **0.20 CTS upland credit** 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.

9.2. Bill of Sale and Payment Receipt or Credit Transfer Agreement. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt or an executed Credit Transfer Agreement for **0.20 CTS upland credit** from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities.

IX. Amendment:

This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without

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the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

X. Stop-Work Order:

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

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

XI. Compliance with Other Laws:

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

XII. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number 2081-2024-006-04 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, CA 93710
(559) 243-4005
R4CESA@wildlife.ca.gov

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and a copy to:

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

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

Ruby Kwan-Davis
California Department of Fish and Wildlife
20 Lower Ragsdale Drive, Suite 100
Monterey, CA 93940
(805) 748-3624
Ruby.Kwan-Davis@wildlife.ca.gov

XIII. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, County of Stanislaus. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Pioneer Avenue Over Lone Tree Creek Bridge Replacement Mitigated Negative Declaration (SCH No.: 2022050355) dated May 17, 2022, that the County of Stanislaus adopted for the Pioneer Avenue Over Lone Tree Creek Bridge Replacement Project on September 7, 2022. CDFW acting as responsible agency (CEQA Guidelines, § 15381) prepared and approved an Addendum to the Mitigated Negative Declaration on May 16, 2025. At the time the lead agency certified the Mitigated Negative Declaration and approved the Project, it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

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XIV. Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, Pioneer Avenue Over Lone Tree Creek Bridge Replacement Mitigated Negative Declaration, 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 of 0.2 acre of upland habitat for CTS; (2) establishment of avoidance zones; (3) worker education; (4) restoration of temporary impacts; and (5) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 0.20 acre 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,

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and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

XV. Attachments:

FIGURE 1	Project Vicinity
FIGURE 2	Project Location
FIGURE 3	Project Features
FIGURE 4	Land Cover Types
FIGURE 5	Impacts to California Tiger Salamander Habitat
FIGURE 6	CTS Site Assessment April 2021
FIGURE 7	Potential CTS Breeding Sites
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Fieldwork Code of Practice

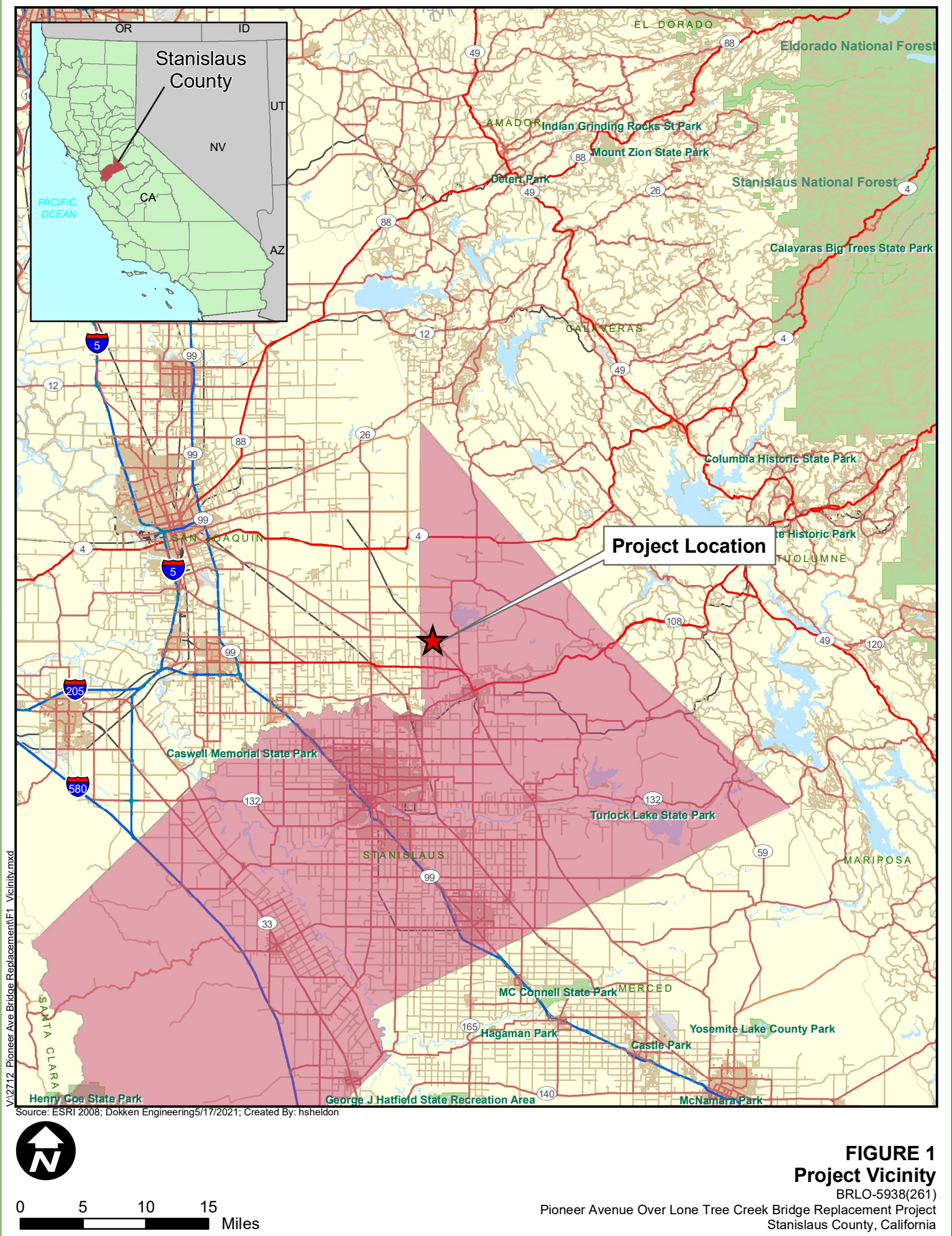
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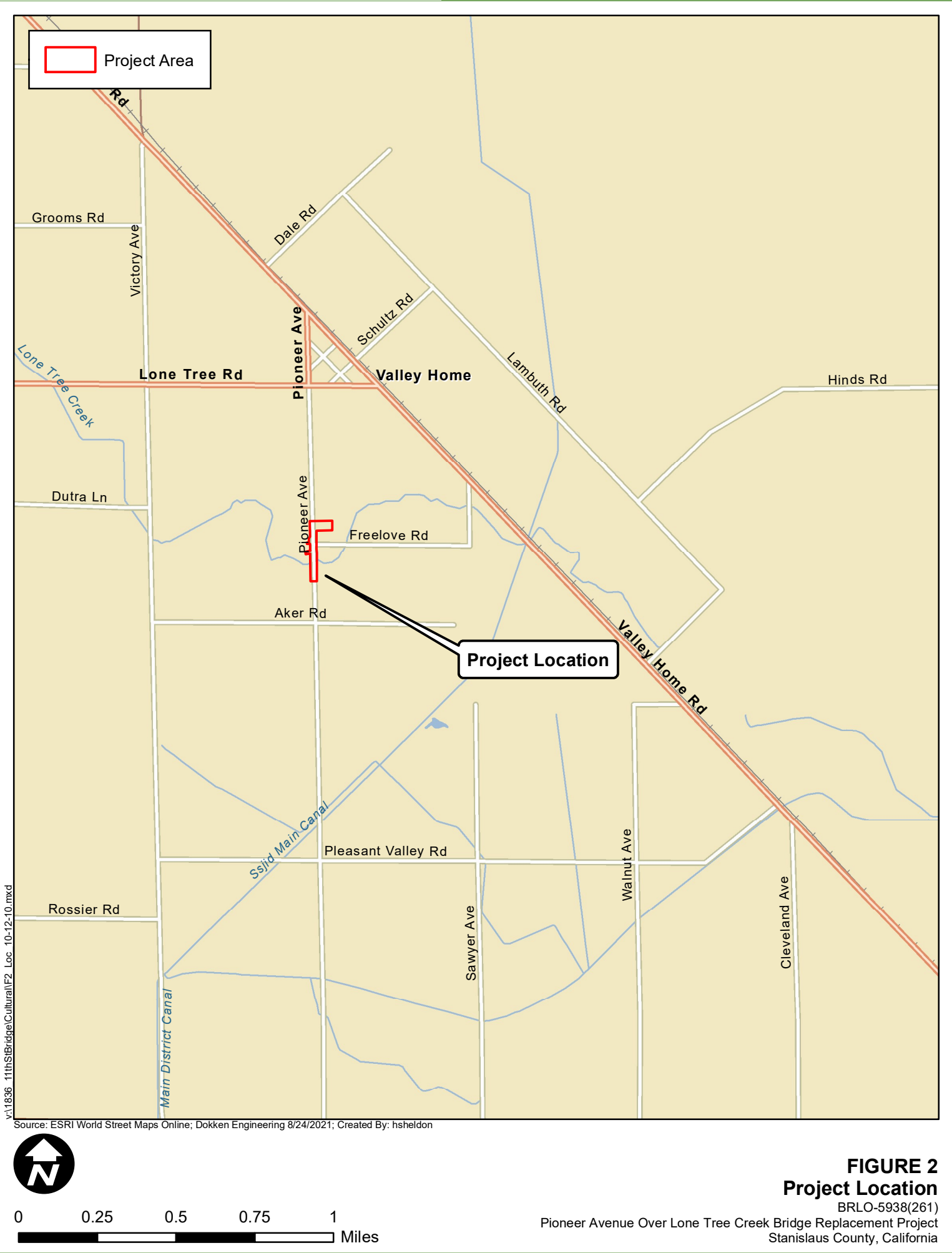
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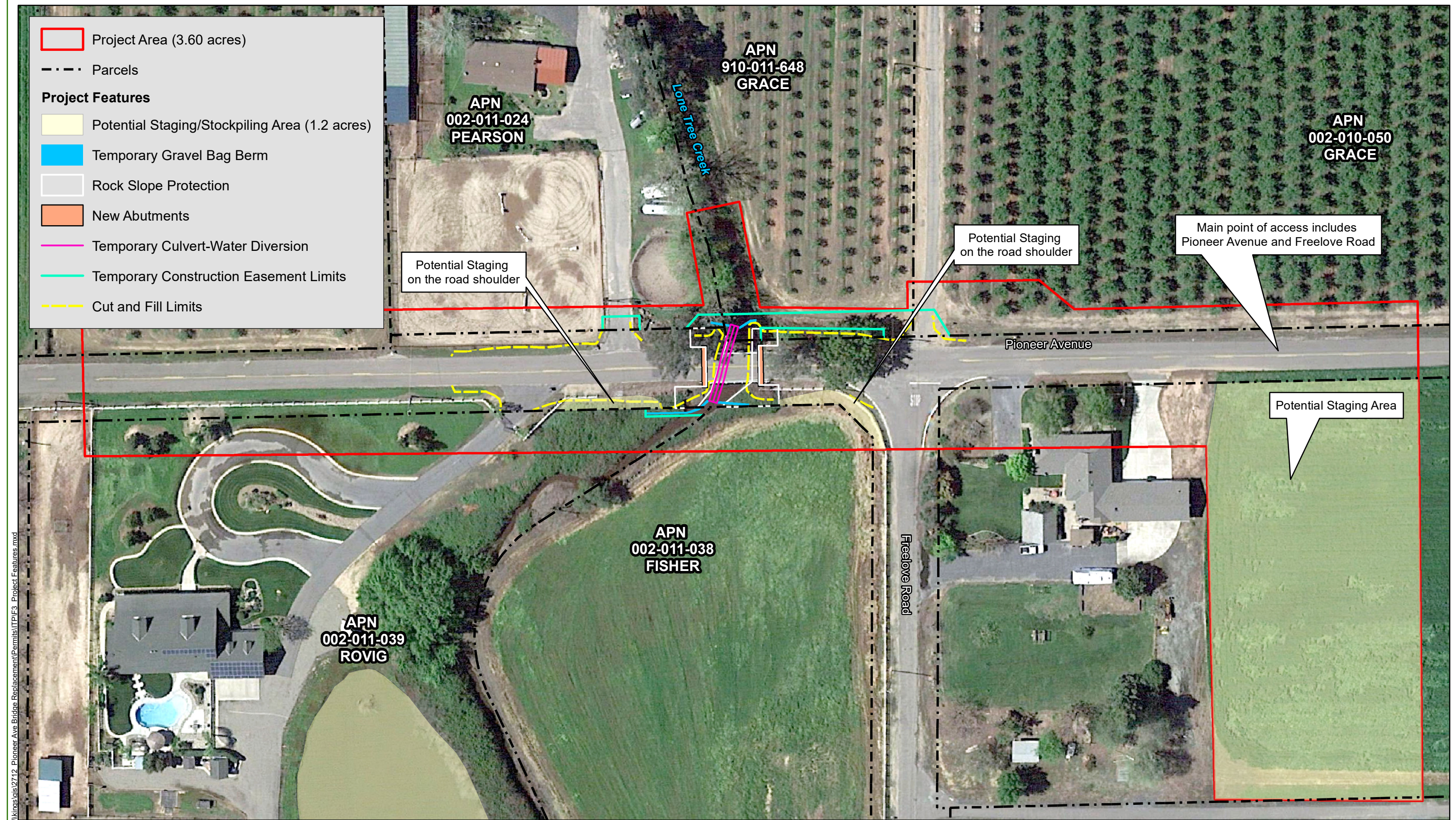
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Julie A. Vance, Regional Manager
Central Region

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COUNTY OF STANISLAUS

PIONEER AVENUE OVER LONE TREE CREEK BRIDGE REPLACEMENT PROJECT







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Source: ESRI Maps Online; Dokken Engineering 3/26/2025; Created By: Ibraen

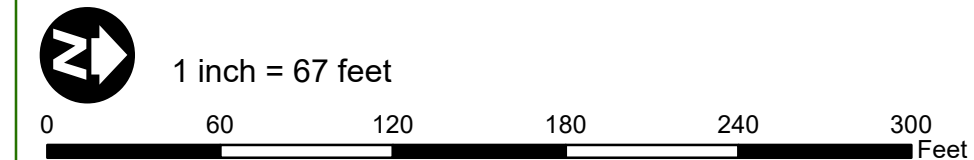


Figure 3
Project Features

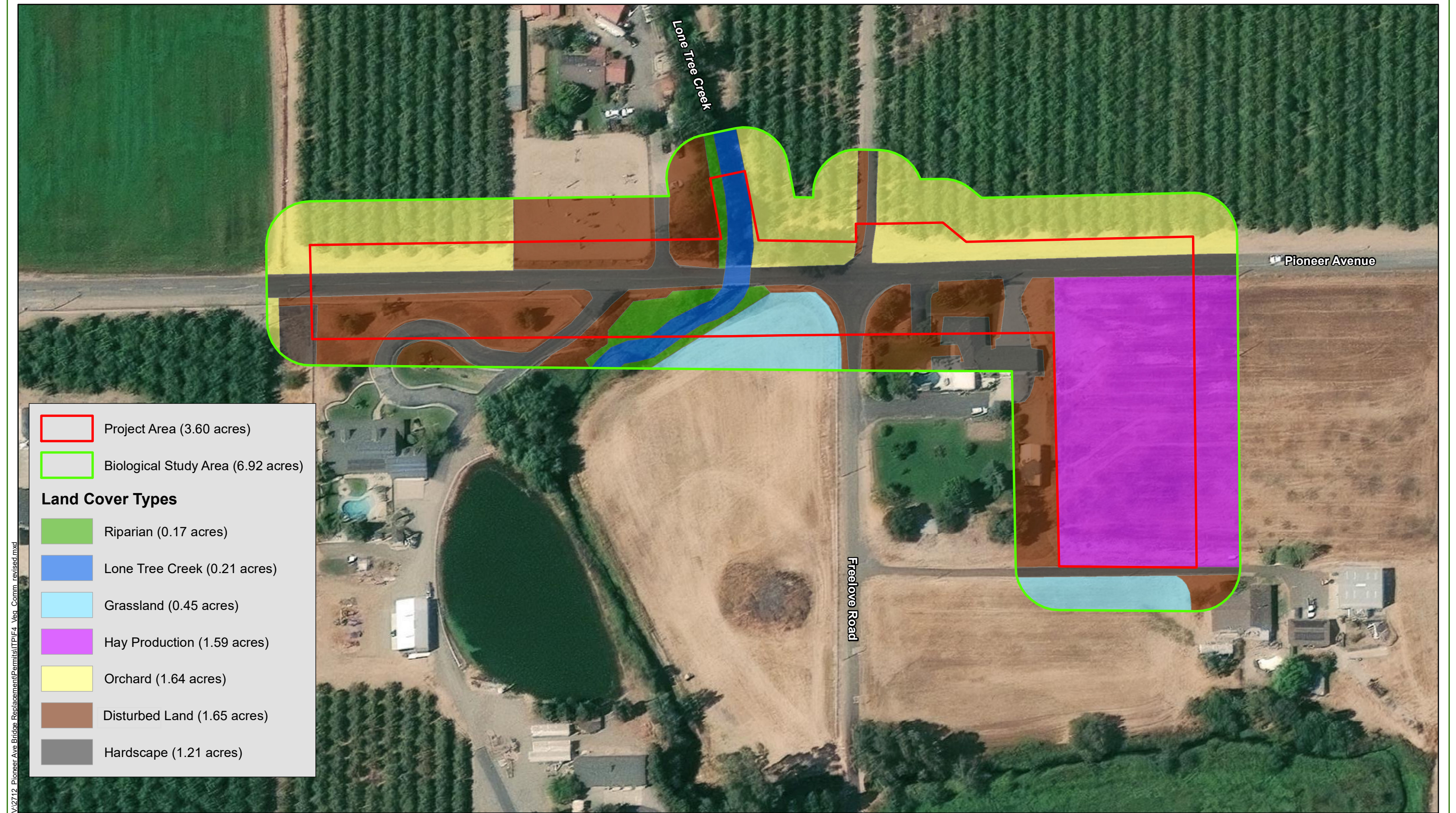
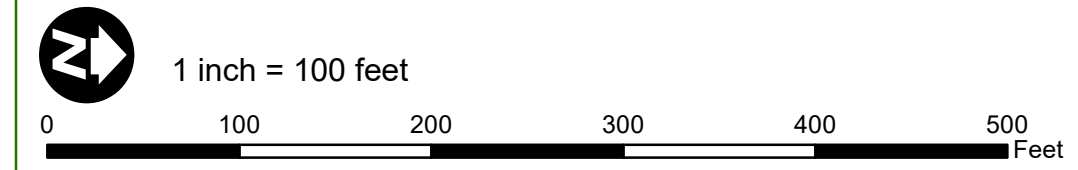
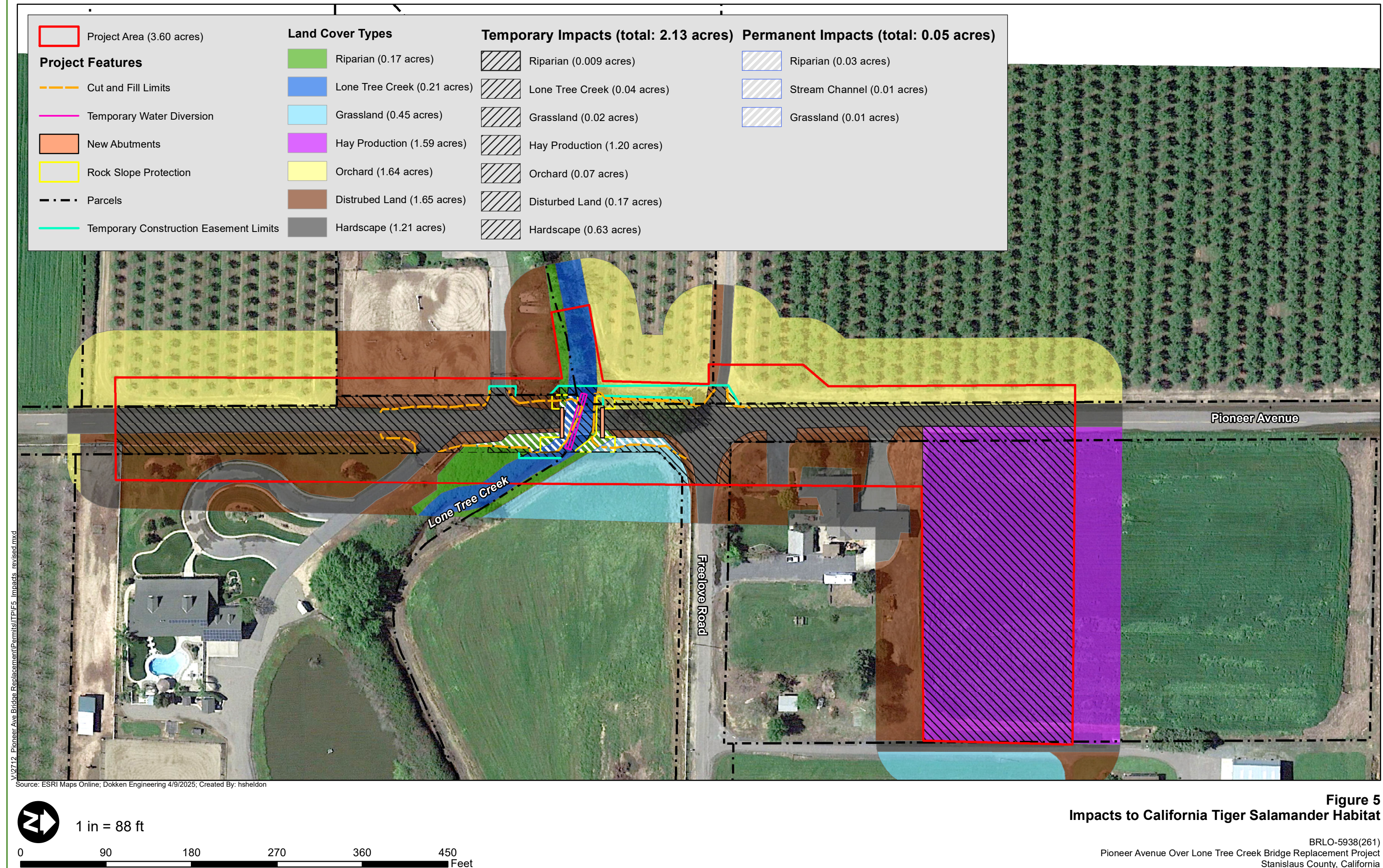


Figure 4
Land Cover Types





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Source: ESRI Maps Online; Dokken Engineering 4/9/2025; Created By: hsheldon



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Figure 6
Pioneer Avenue over Lone Tree Creek Bridge Replacement Project
California Tiger Salamander Site Assessment (4518-02)
April 2021

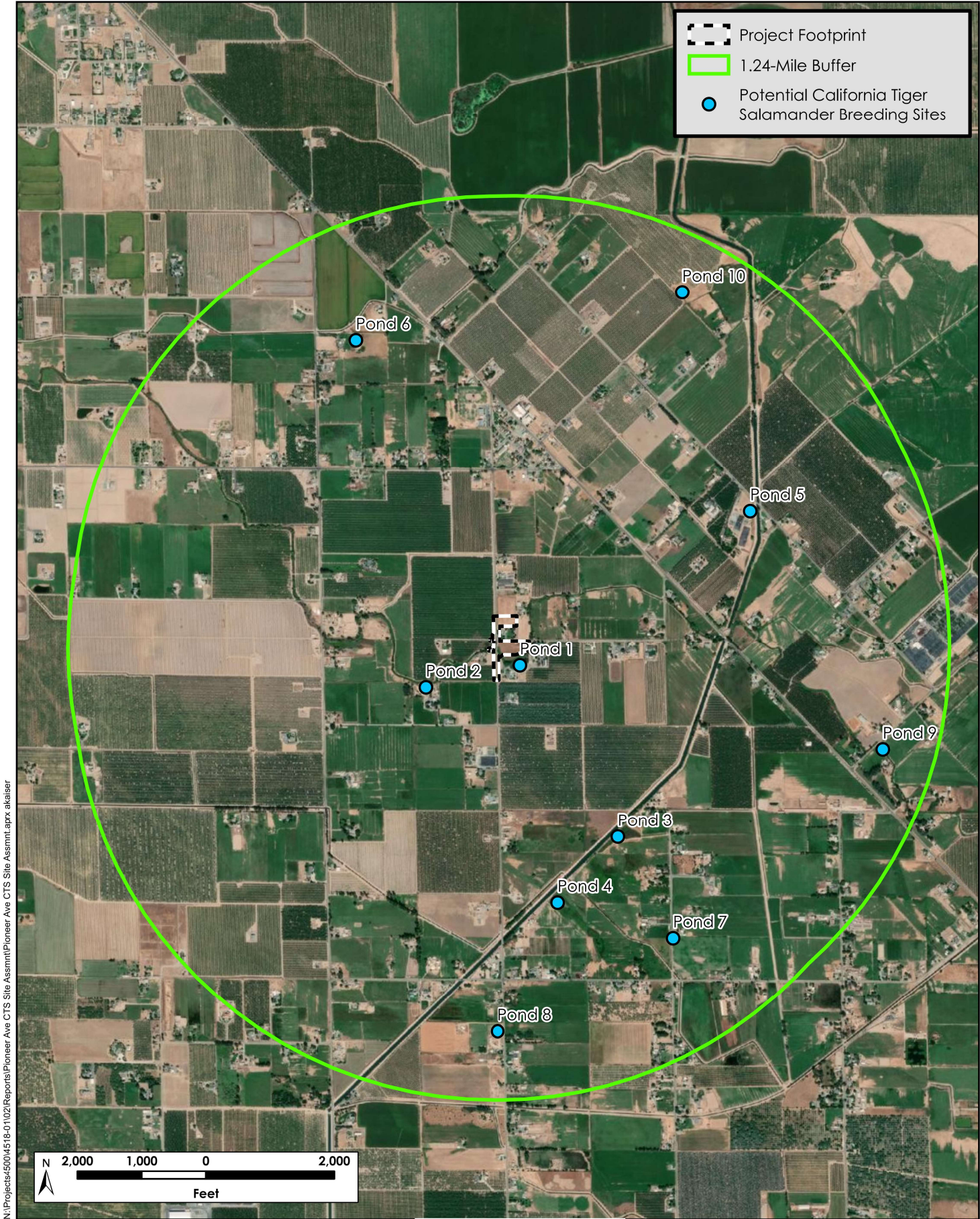


Figure 7. Potential CTS Breeding Sites within 1.24 Miles of the Project Site

Pioneer Avenue over Lone Tree Creek Bridge Replacement Project
California Tiger Salamander Site Assessment (4518-02)
April 2021

Attachment 1

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

AMENDED INCIDENTAL TAKE PERMIT NO. 2081-2024-006-04

PERMITTEE: County of Stanislaus

**PROJECT: Pioneer Avenue Over Lone Tree Creek Bridge
Replacement Project**

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

BEFORE DISTURBING SOIL OR VEGETATION

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
1	Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition of Approval – Designated Biologist	Before commencing ground- or vegetation-disturbing activities Entire Project Notify CDFW if/when a substitute Designated Representative is selected or identified	Permittee	
2	At least 30 days before starting Covered Activities, Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of proposed Designated Biologist(s) and/or Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information. Permittee shall review qualifications before submission and ensure that the Designated Biologist(s) and Designated Monitor(s) are knowledgeable and experienced in Covered Species' biology and natural history, collecting and handling of the Covered Species, excavating burrows and crevices to minimize mortality of Covered Species, and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. CDFW may approve Designated Monitor(s) not meeting the qualifications of a Designated Biologist to assist in compliance monitoring and/or implementation of Conditions of Approval as specified by CDFW. Designated Monitor responsibilities shall be restricted to specific Conditions of Approval, specified by the Permittee or Designated Representative at the time their qualifications are submitted for review. Designated Monitor(s) and their specific activities shall be approved in advance and in writing by CDFW. 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 Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if Designated Biologist(s) or Designated Monitor(s) must be changed.	ITP Condition of Approval – Designated Biologist(s) and/or Designated Monitor(s)	At least 30 days before starting Covered Activities Entire Project Obtain approval in advance, in writing, if Designated Biologist(s) or Designated Monitor(s) must be changed	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
3	Permittee shall provide an education program for all persons employed or otherwise working in the Project Area before they can perform any work within the Project Area. The same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. 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. The program shall consist of a presentation from the Designated Biologist(s) that includes: (1) a discussion of the biology, life history, and general behavior of the Covered Species; (2) information about the distribution and habitat needs of the Covered Species; (3) sensitivity of the Covered Species to human activities; (4) its status pursuant to CESA including legal protection, definition of 'take', recovery efforts, and penalties for violations; and (5) Project-specific protective measures described in the ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.	ITP Condition of Approval - Education Program	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	
4	Permittee shall initiate a trash abatement program before starting Covered Activities and continue the program for the duration of Covered Activities. Permittee shall ensure that trash and food items are contained in animal proof containers. Permittee shall remove trash and food items ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs. Permittee shall remove all trash from the Project Area at the end of Covered Activities.	ITP Condition of Approval - Trash Abatement	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	
5	Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area within Lone Tree Creek, the riparian corridor, and grassland habitat with high visibility fencing or stakes. Permittee shall restrict all Covered Activities to within the fenced or staked areas within Lone Tree Creek, the riparian corridor, and grassland habitat. Permittee shall maintain all fencing and stakes until the completion of Covered Activities.	ITP Condition of Approval - Delineation of Work Area Boundaries	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	
6	Before starting Covered Activities, Permittee shall clearly delineate habitat of the Covered Species within Lone Tree Creek, the riparian corridor, and grassland habitat with posted signs to minimize the disturbance of Covered Species' habitat beyond the limits of marked areas.	ITP Condition of Approval - Delineation of Habitat	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	
7	The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition of Approval - Notification Before Commencement	Before commencing ground- or vegetation-disturbing activities	Designated Representative	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
8	Permittee shall prepare a CTS Mortality Reduction and Relocation Plan and submit it to CDFW for review and written approval a minimum of 30 days before starting Covered Activities. The CTS Mortality Reduction and Relocation Plan shall include, but not be limited to, the following details: (1) discussion and map of locations within the Project Area which represents potential upland habitat and aquatic breeding habitat (if applicable); (2) discussion and map of locations within the Project Area within a) 630 meters and b) 2,092 meters of known or potential aquatic breeding habitat (if applicable); (3) detailed survey, excavation, capture, handling, and relocation methods; (4) cover board check frequencies or removal based on seasonality and environmental conditions to ensure any cover boards that remain in use during the dry season (or dry periods) don't lead to CTS desiccation risk; (5) identification of where salvaged individuals will be relocated and a discussion of the biological suitability of relocation site(s); and (6) identification of a wildlife rehabilitation center or veterinary facility where injured individuals of the Covered Species will be taken. Covered Activities may not proceed until a CTS Mortality Reduction and Relocation Plan is approved in writing by CDFW.	ITP Condition of Approval - CTS Mortality Reduction and Relocation Plan	A minimum of 30 days before starting Covered Activities	Permittee	
9	Permittee shall prepare a CTS Exclusion Fencing Plan and submit it to CDFW for review and written approval a minimum of 30 days before starting Covered Activities. The CTS Exclusion Fencing Plan shall include, but not be limited to, the following details: (1) area(s) to be fenced (including maps); (2) fence materials; (3) fence design (e.g., height), layout (including maps), and installation methods; (4) cover boards to provide refuge areas for the Covered Species (include number of cover boards/spacing, material of cover boards, size of individual cover boards, cover board check frequencies based on seasonality, and locations); (5) specification of the maximum continuous linear length of fencing to be installed at any given time; and (6) inspection, maintenance, repair, and replacement methods and intervals. Permittee shall have a CDFW-approved CTS Exclusion Fencing Plan before implementing Conditions of Approval <u>CTS Pre-Activity Clearance Surveys and Reporting</u> , <u>Flag Burrows/Crevices and Burrow Avoidance</u> , <u>CTS Burrow and Crevice Excavation</u> , and <u>CTS Exclusion Fence Installation</u> , below.	ITP Condition of Approval - CTS Exclusion Fencing Plan	A minimum of 30 days before starting Covered Activities	Permittee	
10	The Designated Biologist(s) shall survey the Project Area for CTS no more than 30 days prior to conducting Covered Activities. Surveys shall provide 100 percent visual coverage (including burrow and crevices) within the Project Area and a 50-foot buffer zone around the Project Area if access allows. If Covered Species are found, the Designated Biologist(s) shall relocate Covered Species from the Project Area in accordance with the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan</u> . Designated Monitor(s) are prohibited from capturing and handling Covered Species unless specifically approved in writing by CDFW and under the direct supervision of the Designated Biologist(s). Permittee shall provide the pre-activity clearance survey results to CDFW in a written report before starting Covered Activities.	ITP Condition of Approval - CTS Pre-Activity Clearance Surveys and Reporting	No more than 30 days prior to conducting Covered Activities Provide the pre-activity clearance survey results to CDFW in a written report before starting Covered Activities	Permittee/ Designated Biologist	
11	During implementation of Condition of Approval <u>CTS Pre-Activity Clearance Surveys and Reporting</u> , the Designated Biologist(s) shall flag all animal burrows and crevices suitable for CTS occupancy within the Project Area and a 50-foot buffer zone around the Project Area if access allows. Burrows or crevices do not need to be flagged if they are located in areas outside of the Permittee's access and/or control. An avoidance buffer of 50 feet or greater around flagged burrows/crevices shall be maintained regardless of whether the burrow/crevice is in the Project Area or solely within the Project Area's 50-foot buffer zone. Flagged burrows/crevices which occur within 630 meters (0.4 miles) of known or potential CTS aquatic breeding habitat and which cannot be avoided by at least 50 feet shall be fully excavated in accordance with Condition of Approval <u>CTS Burrow and Crevice Excavation</u> .	ITP Condition of Approval - Flag Burrows/ Crevices and Burrow Avoidance	No more than 30 days prior to conducting Covered Activities During CTS Pre-Activity Clearance Surveys	Permittee/ Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
12	Before starting Covered Activities, animal burrows and crevices flagged during implementation of Condition of Approval <u>CTS Pre-Activity Clearance Surveys and Reporting</u> shall be fully excavated if those burrows and crevices are within 630 meters (0.4 miles) of known or potential CTS aquatic breeding habitat and cannot be fully avoided by at least 50 feet. Excavation shall occur no more than 14 days after the completion of the <u>CTS Pre-Activity Clearance Surveys and Reporting</u> and flagging of burrows/crevices per Condition of Approval <u>Flag Burrow/Crevices and Burrow Avoidance</u> . Flagged burrows/crevices may be excavated by hand or in a manner otherwise approved by CDFW in accordance with the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan</u> . Burrow/crevice excavation shall occur under the direct supervision of the Designated Biologist(s). The Designated Biologist(s) shall relocate any live CTS discovered during burrow/crevice excavation in accordance with the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan</u> . Designated Monitor(s) are prohibited from capturing and handling CTS unless specifically approved in writing by CDFW and under the direct supervision of the Designated Biologist(s). Burrows and crevices identified outside of the Project Area shall be excavated if those burrows and crevices lie within 50 feet of Project ground- and/or vegetation disturbing activities. This excavation requirement applies regardless of whether the burrow/crevice is located within the Project Area or within the Project Area's 50-foot buffer zone except when the burrow/crevice is in an area outside of the Permittee's access and/or control.	ITP Condition of Approval - CTS Burrow and Crevice Excavation	Before commencing ground- or vegetation-disturbing activities Excavation shall occur no more than 14 days after the completion of the CTS Pre-Activity Clearance Surveys and flagging of burrows/crevices	Permittee/ Designated Biologist	
13	After surveying, flagging, and excavating animal burrows in accordance with Conditions of Approval <u>CTS Pre-Activity Clearance Surveys and Reporting</u> , <u>Flag Burrows/Crevices and Burrow Avoidance</u> , and <u>CTS Burrow and Crevice Excavation</u> , and after CDFW has approved the <u>CTS Exclusion Fencing Plan</u> but before starting Covered Activities, Permittee shall install CTS exclusion fencing to prevent Covered Species from migrating into the cleared Project Area. The CTS exclusion fence shall be installed under the direct supervision of the Designated Biologist(s) and begin no later than 48 hours after burrow/crevice excavations and Covered Species relocation activities are complete. The Designated Biologist(s) shall accompany the exclusion fence construction crew to ensure that Covered Species are not killed or injured during fence installation. The Permittee shall avoid covering animal burrows and crevices during fence installation in accordance with Condition of Approval <u>Flag Burrows/Crevices and Burrow Avoidance</u> and not cover any burrows/crevices with any fencing material. When animal burrows and crevices that are within 630 meters of known or potential CTS aquatic breeding habitat cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval <u>CTS Burrow and Crevice Excavation</u> prior to commencing fence installation.	ITP Condition of Approval - CTS Exclusion Fence Installation	Before commencing ground- or vegetation-disturbing activities No later than 48 hours after burrow/crevice excavations and Covered Species relocation activities are complete	Permittee/ Designated Biologist	
14	Permittee shall purchase 0.20 CTS upland credit 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.	ITP Condition of Approval - Covered Species Credits	Before commencing ground- or vegetation-disturbing activities Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval	Permittee	

15	Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt or an executed Credit Transfer Agreement for 0.20 CTS upland credit from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities.	ITP Condition of Approval - Bill of Sale and Payment Receipt or Credit Transfer Agreement	Before commencing ground- or vegetation-disturbing activities	Permittee	
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DURING GROUND DISTURBANCE AND VEGETATION REMOVAL ACTIVITIES

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
16	To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist(s) and/or Designated Monitor(s) shall be given the authority to immediately stop any activity that does not comply with the ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist(s) and/or Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s) and/or Designated Monitor(s) are unable to comply with the ITP, then the Designated Biologist(s) and/or Designated Monitor(s) shall notify the CDFW Regional Representative (detailed in the Notices section below) immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s)/Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of the ITP.	ITP Condition of Approval - Designated Biologist and/or Designated Monitor Authority	Entire Project	Permittee/ Designated Biologist	
17	The Designated Biologist(s) and Designated Monitor(s) shall maintain construction monitoring documentation on site in either hard copy or digital format throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction monitoring documentation is available for review upon request by CDFW.	ITP Condition of Approval - Construction Monitoring Documentation	Entire Project	Permittee/ Designated Biologist	
18	Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist(s) and Designated Monitor(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Dust palliatives shall not be used in the Project Area without prior review of the chemical composition and written approval for use by CDFW.	ITP Condition of Approval - Dust Control	Entire Project	Permittee	
19	Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material. This includes photodegradable or biodegradable synthetic netting, or other plastic erosion control materials. Permittee shall deploy erosion control fabric/mats, blankets, and/or fiber rolls consisting of only natural fibers such as jute, coconut, twine, or other similar fibers.	ITP Condition of Approval - Erosion Control Materials	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
20	Project-related personnel shall access the Project Area using existing routes and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species or Covered Species habitat impacts will occur as a result of the Project modification.	ITP Condition of Approval - Project Access	Entire Project	Permittee/ Designated Representative	
21	Permittee shall confine all Project-related parking, storage areas, stockpile areas, laydown sites, equipment storage, and equipment refueling, maintenance, and washing to designated staging/stockpile areas shown in Figure 3. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the Project Area unless provided for in accordance with Condition of Approval Project Access.	ITP Condition of Approval - Staging Areas	Entire Project	Permittee	
22	Permittee shall properly maintain all machinery to prevent spills and leaks. Permittee shall immediately stop and pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off site.	ITP Condition of Approval - Hazardous Waste	Entire Project	Permittee	
23	Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition of Approval - CDFW Access	Entire Project	Permittee	
24	The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or the MMRP. The Designated Representative and/or the Designated Biologist(s) shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with the ITP and suggested measures to remedy the situation.	ITP Condition of Approval - Notification of Non-compliance	Entire Project	Permittee/ Designated Representative/ Designated Biologist	
25	<p>The Designated Biologist(s) shall be on-site daily to conduct compliance monitoring when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to:</p> <ol style="list-style-type: none"> (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. <p>The Designated Representative or Designated Biologist(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP. After initial ground disturbance, vegetation removal, clearing, and grubbing, and after the temporary water diversion system has been completely installed, a Designated Biologist(s) shall be on-site a minimum of once a month to conduct compliance monitoring. In addition to the compliance inspections required by this Condition of Approval, the Designated Representative and Designated Biologist(s) shall ensure that all other inspections required by the ITP are conducted at the frequencies (i.e., interval, time(s) of day, following weather events) required by other specific Conditions of Approval.</p>	ITP Condition of Approval - Compliance Monitoring	<p>Entire Project</p> <p>On-site daily</p> <p>A minimum of once a month after initial ground disturbance, vegetation removal, clearing, and grubbing, and after the temporary water diversion system has been completely installed.</p>	Permittee/ Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
26	Permittee shall provide CDFW with Monthly Compliance Reports (MCR) no more than 10 days after the end of each month. The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records required by Condition of Approval <u>Compliance Monitoring</u> into a MCR and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. MCRs shall also include: (1) an accounting of the number of acres that have been permanently and temporarily disturbed by the Project within the Project Area, both for the month and the total since ITP issuance; (2) the number of acres of habitat disturbance anticipated to occur in the Project Area during the next month, if applicable; (3) a summary of all Pre-Activity Clearance Surveys and compliance monitoring conducted during the month; and (4) the activities authorized under the Covered Activities which occurred during the month. MCRs shall be submitted to CDFW's Regional Office, Regional Representative, and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Office e-mail is R4CESA@wildlife.ca.gov with a copy to CDFW's Regional Representative Ruby Kwan-Davis (Ruby.Kwan-Davis@wildlife.ca.gov) and Headquarters CESA Program (CESA@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition of Approval - Monthly Compliance Report	Entire Project No more than 10 days after the end of each month	Permittee	
27	Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all <u>MCRs</u> for that year; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species. Permittee shall submit ASRs to CDFW's Regional Office, Regional Representative, and Headquarters CESA Program.	ITP Condition of Approval - Annual Status Report	Entire Project No later than January 31 of every year	Permittee	
28	The Designated Biologist(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation. The Designated Biologist shall include copies of the submitted forms with the next <u>MCR</u> or <u>ASR</u> , whichever is submitted first relative to the observation.	ITP Condition of Approval - CNDDDB Observations	Entire Project Within 60 calendar days	Permittee/ Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
29	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(s) or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by email to the CDFW's Regional Office (R4CESA@wildlife.ca.gov) and CDFW Representative (Ruby.Kwan-Davis@wildlife.ca.gov). The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured, name of the CDFW-approved facility where the animal was taken, and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition of Approval - Notification of Take or Injury	Entire Project	Permittee/ Designated Biologist	
30	A Designated Biologist(s) shall be on site daily during initial clearing and grubbing activities in and along Lone Tree Creek. Invasive blackberry and vegetation along the banks of Lone Tree Creek shall be removed incrementally, by hand/using hand tools (e.g., loppers, clippers, pruners) to the maximum extent feasible from top to bottom, and power tool blades shall be set no lower than 4 inches to allow the Designated Biologist(s) 100 percent visual coverage to inspect the area under vegetation for any individuals of the Covered Species and burrows/crevices. If Covered Species or burrows/crevices are found, the Designated Biologist and Project workers shall immediately cease all Covered Activities in the vicinity. If any CTS are found, the Designated Biologists(s) shall relocate CTS out of harm's way outside of the Project Area and in accordance with the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan</u> . If any burrows/crevices are found, the Designated Biologist shall implement burrow/crevice avoidance per Condition of Approval <u>Flag Burrows/Crevices and Burrow Avoidance</u> or excavate the burrow per Condition of Approval <u>CTS Burrow and Crevice Excavation</u> .	ITP Condition of Approval – Vegetation Removal Along Lone Tree Creek	During Vegetation Removal	Permittee/ Designated Biologist	
31	Permittee and/or Designated Biologist(s) shall check the CTS exclusion fence and refuge areas (e.g. cover boards) daily during initial ground disturbance, vegetation removal, clearing, and grubbing, and daily until the temporary water diversion system is completely installed. After initial ground disturbance, vegetation removal, clearing, and grubbing, and after the temporary water diversion system has been completely installed, the Designated Biologist(s) shall check the CTS exclusion fence a minimum of once a week during the wet season, daily following rain events, and frequencies in accordance with the CDFW approved <u>CTS Mortality Reduction and Relocation Plan</u> for refuge checks during the dry season. If Covered Species are found within the interior fence or refuge areas, the Designated Biologist(s) shall relocate them in accordance with the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan</u> .	ITP Condition of Approval - CTS Exclusion Fence Inspection	Entire Project Daily A minimum of once a month after initial ground disturbance, vegetation removal, clearing, and grubbing, and after the temporary water diversion system has been completely installed	Permittee/ Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
32	Permittee shall maintain and repair the CTS exclusion fence. Repairs shall be made within 48 hours of any discovery that repairs are necessary. Permittee shall ensure that the CTS exclusion fence remains in place and supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain. Permittee shall remove all CTS exclusion fencing immediately upon completion of Covered Activities.	ITP Condition of Approval - CTS Exclusion Fence Repair and Removal	Entire Project	Permittee	
33	The Permittee and Designated Biologist(s) shall monitor the National Weather Service 72-hour forecast for the Project Area. Permittee shall cease all Covered Activities in the Project Area where initial ground disturbance (grading, vegetation removal, grubbing, and excavation) has yet to occur during rainfall and/or when a 50 percent or greater chance of rainfall is predicted within 72 hours. Permittee may continue Covered Activities 24 hours after rainfall ceases and there is a zero percent chance of rainfall in the 72-hour forecast. Where initial ground disturbance has already occurred, Permittee may continue Covered Activities during rainfall only if the Project Area has been previously disturbed and the Project Area (or areas approved by CDFW per a CTS Exclusion Fencing Plan) is surrounded by CTS exclusion fencing that is in good repair and being properly maintained (see Condition of Approval <u>CTS Exclusion Fence Installation</u>).	ITP Condition of Approval - Rain Forecast	Entire Project	Permittee	
34	Permittee shall ensure that soil stockpiles and materials are placed where soil, rocks, and quarried material will not pass into CTS aquatic breeding habitat, or into any other "Waters of the State". Permittee shall protect stockpiles appropriately to prevent soil erosion. Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species. Permittee shall not place materials outside of the Project Area and staging/stockpile areas (see Condition of Approval <u>Staging Areas</u>).	ITP Condition of Approval - Soil Stockpiles and Borrow Area Material	Entire Project	Permittee	
35	The Designated Biologist(s) shall inspect all open holes, sumps, trenches, and other excavations daily and at the beginning of each day during initial ground disturbance, vegetation removal, clearing, and grubbing, and until the temporary water diversion system is completely installed for any Covered Species that may be trapped. The Designated Biologist(s) shall inspect all open holes, sumps, trenches, and other excavations for Covered Species immediately before they are temporarily or permanently back-filled. If any Project workers discovers that Covered Species have become trapped at any point, Project workers shall immediately cease all Covered Activities in the vicinity which could cause further entrapment, or injure or kill the Covered Species, and notify the Designated Biologist(s). The Designated Biologist(s) and Project workers shall allow Covered Species to move to a safe location unimpeded, if possible, before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) may move Covered Species out of harm's way outside of the Project Area and in accordance with the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan</u> .	ITP Condition of Approval - Open Excavations	Entire Project Daily until initial ground disturbance, vegetation removal, clearing, and grubbing, and after the temporary water diversion system has been completely installed Immediately before all open holes, sumps, trenches, and other excavations are backfilled	Permittee/ Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
36	Permittee shall ensure that all open holes, sumps, trenches, and other excavations are covered or escape ramps are provided to prevent inadvertent entrapment of Covered Species. At the end of each working day, Project workers shall cover all open holes, sumps, trenches, and other excavations of any depth that have sidewalls greater than 1:1 (45 degree) slope with barrier material (e.g., plywood). The outer two feet of the cover shall conform to solid ground so that gaps do not occur between the cover and the ground. The cover shall be secured to prevent gaps such that Covered Species are unable to dig or squeeze under the cover. If any open holes, sumps, trenches, and other excavations cannot be covered, Permittee, in consultation with Designated Biologist(s) shall provide at least one escape ramp constructed of earthen fill or a non-slip wooden plank with a less than 1:1 (45 degree) slope for each open hole, sump, trench, or other excavation. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment in open holes, sumps, trenches, and other excavations are warranted, Permittee shall request and obtain CDFW's written approval prior to implementing the alternative. The Designated Biologist(s) shall inspect the integrity of covers and escape ramps to ensure that covers and ramps are in good condition, secured, and with no gaps.	ITP Condition of Approval - Covers and Ramps	Entire Project	Permittee	
37	Project workers shall inspect under vehicles and equipment for Covered Species before the start of each workday and before vehicles and equipment are moved for any Covered Species that may be utilizing the equipment as temporary shelter. If any Project worker discovers a Covered Species, the Project worker shall notify the Designated Biologist(s). Project workers and the Designated Biologist(s) shall allow the Covered Species to move to a safe location, if possible, before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) may move the Covered Species out of harm's way outside of the Project Area and in accordance with the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan</u> .	ITP Condition of Approval - Vehicle and Equipment Inspection	Entire Project	Permittee	
38	Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area be capped or otherwise enclosed at the ends to prevent entry by the Covered Species. Project workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for CTS 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, the Project worker shall immediately cease all Covered Activities in the vicinity which could injure or kill the Covered Species and notify the Designated Biologist(s). Covered Species shall be allowed to escape unimpeded to a safe location, if possible, before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) may move CTS out of harm's way outside of the Project Area and in accordance with the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan</u> .	ITP Condition of Approval - Pipes and Other Structures Entrapment Prevention	Entire Project	Permittee	
39	During all Covered Activities within the Project Area, all Project workers shall inform the Designated Biologist(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Project Area of its own accord, or the Designated Biologist(s) relocates the Covered Species following the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan</u> .	ITP Condition of Approval - Covered Species Observations	Entire Project	Permittee/ Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
40	The Designated Biologist(s) shall maintain a record of all Covered Species handled and relocated. For each Covered Species handled and relocated, the Designated Biologist(s) shall report the following information: (1) date, time, and location (Global Positioning System (GPS) coordinates and maps) of capture and/or observation as well as release, if applicable; (2) the name of the party that identified the Covered Species; (3) circumstances of the incident; (4) the general condition and health, noting all visible conditions including gait and behavior, ectoparasites, injuries, etc.; (5) any diagnostic markings, sex, age (juvenile or adult); (6) actions undertaken; (7) habitat description; and (8) ambient temperature when handled, released, and or observed. CTS handling and relocation records shall be included in the required <u>MCRs</u> and <u>ASRs</u> . In addition, the Designated Biologist(s) shall submit this information to CDFW's CNDDDB required by Condition of Approval <u>CNDDDB Observations</u> .	ITP Condition of Approval - Record of CTS Handling and Relocation	Entire Project	Permittee/ Designated Biologist	
41	If a Covered Species is injured as a result of Project related activities, the Designated Biologist(s) shall immediately take it to the CDFW approved wildlife rehabilitation or veterinary facility per the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan</u> . Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Designated Biologist(s) or Designated Representative shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report required by Condition of Approval <u>Notification of Take or Injury</u> .	ITP Condition of Approval - Covered Species Injury	Entire Project	Permittee/ Designated Biologist	
42	Permittee shall ensure that any pumps/pump intakes used for water diversion will be screened with wire mesh no larger than 5 millimeters. Permittee shall place pump intakes within a perforated bucket or other method that reduces suction to prevent CTS from entering the pump system.	ITP Condition of Approval - Water Diversion	Entire Project	Permittee	
43	The Designated Biologist(s) and Designated Monitor(s) shall follow the Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force at all times (see Attachment 3) to ensure that disease is not conveyed outside of the Project Area. The Designated Biologist(s) and 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. The Designated Biologist(s) and Designated Monitor(s) shall take care so that all traces of the disinfectant are removed before entering the next aquatic habitat.	ITP Condition of Approval - Fieldwork Code of Practice	Entire Project	Permittee/ Designated Biologist	
44	Permittee shall restore areas of temporary impacts within Lone Tree Creek, the riparian corridor, and grassland habitat by re-grading the area as to decompact the soils and restoring vegetation to pre-Project conditions. Disturbed areas shall be hydroseeded with an area/regionally appropriate, California native seed mix to promote habitat reestablishment and minimize soil erosion. Permittee may add one or two sterile non-native perennial grass species to the seed mix provided that amount does not exceed 25% of the total seed mix by count. Permittee shall submit a Seed Mix to CDFW for review and written approval prior to application.	ITP Condition of Approval - Restoration of Temporary Impacts	Submit a Seed Mix to CDFW for review and written approval prior to restoration/ hydroseeding	Permittee	
45	Permittee shall not use any herbicides or pesticides for the duration of the Project.	ITP Condition of Approval - Herbicide/ Pesticide Use Prohibited	Entire Project	Permittee	

POST-CONSTRUCTION					
45	Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition of Approval - Refuse Removal	Upon completion of Covered Activities	Permittee	
46	No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all MCRs and 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 the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on the 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) GIS data files depicting the total extent of permanent and temporary disturbance associated with the Project and the location and status of restoration areas for temporary disturbance; and (9) any other pertinent information.	ITP Condition of Approval - Final Mitigation Report	No later than 45 days after completion of all mitigation measures	Permittee	
47	CDFW accepts as complete the Permittee's <u>Final Mitigation Report</u> required by the ITP.		Upon completion of Covered Activities	CDFW	

Biologist/Botanist Resume Submittal Cover Sheet

Project Name: _____

ITP Number: _____

****Please submit each resume as a separate file. Use of this cover sheet will expedite CDFW review.**

****Please provide the names of up to ten individuals in the order you would like CDFW to review for approval.**

Number of resumes included in Transmittal: _____

	Name	Requested Role ¹	Covered Species	COA #(s) to implement (Monitor only) ²
1		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
2		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
3		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
4		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
5		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
6		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
7		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
8		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
9		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
10		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		

Reviewed and submitted by: _____ **Date:** _____
Permittee or Designated Representative

¹ Requested roles correspond to the biological staffing requirements indicated in the Incidental Take Permit (ITP). Roles may include a "Designated Biologist" with the necessary experience to survey for special-status species or a "Designated Monitor" with the necessary experience to monitor construction activities for special-status species. More than one role may be requested for an individual.

² Please contact the Regional Representative specified in the ITP with any questions about the Condition of Approval numbers for Designated Monitors.

***** Please Note: While use of this form is not mandatory, CDFW strongly recommends completing this form as it will ensure the receipt of adequate information and expedite CDFW review of biologist's qualifications. By submitting your resume for review and approval, you are acknowledging that you have received a copy of the ITP, have read it, and understand the role of a Designated Biologist (DB) and Designated Monitor (DM) and the responsibilities of a DB or DM required by the ITP. *****

Name of Biologist & Contact Information

Education: (include year graduated)

Training/Workshops: (be prepared to provide copies of certificates upon request; these should be related to the Covered Species (or similar species) in the Incidental Take Permit)

Certifications: (please provide any copies of a CDFW Scientific Collecting Permit, MOU, or USFWS 10(a)(1)(A)) permit; these should be related to the Covered Species (or similar species) in the Incidental Take Permit)

Species Name #1: (Example: California Tiger Salamander)

Project Name #1 (list the information below for all projects (separately) where biologist worked with this species; projects may be listed more than once under each separate species and please only include projects on the resume that demonstrate experience with the Covered Species (or similar species) in the ITP)

Location:

Project date completed: To and from date (month and year)

Incidental Take Permit (ITP) # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #2

Location:

Project date completed: To and from date

Incidental Take Permit # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #3 ...

Species Name #2: (Example: Similar or related species to CTS)

Project Name #1 (list the information below for all projects (separately) where the biologist worked with this species)

Location:

Project date completed: To and from date

Incidental Take Permit # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #2

Location:

Project date completed: To and from date

Incidental Take Permit # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #3 ...

Include any other relevant experience with the Covered Species (or related species) or implementation of Conditions of Approval in the ITP (for example: species relocation, etc.)

The Declining Amphibian Task Force Fieldwork Code of Practice

A code of practice, prepared by the Declining Amphibian Task Force (DAPTF) to provide guidelines for use by anyone conducting field work at amphibian breeding sites or in other aquatic habitats. Observations of diseased and parasite-infected amphibians are now being frequently reported from sites all over the world. This has given rise to concerns that releasing amphibians following a period of captivity, during which time they can pick up unapparent infections of novel disease agents, may cause an increased risk of mortality in wild populations. Amphibian pathogens and parasites can also be carried in a variety of ways between habitats on the hands, footwear, or equipment of fieldworkers, which can spread them to novel localities containing species which have had little or no prior contact with such pathogens or parasites. Such occurrences may be implicated in some instances where amphibian populations have declined. Therefore, it is vitally important for those involved in amphibian research (and other wetland/pond studies including those on fish, invertebrates and plants) to take steps to minimize the spread of disease and parasites between study sites.

1. Remove mud, snails, algae, and other debris from nets, traps, boots, vehicle tires and all other surfaces. Rinse cleaned items with sterilized (e.g. boiled or treated) water before leaving each study site.
2. Boots, nets, traps, etc., should then be scrubbed with 70% ethanol solution (or sodium hypochlorite 3 to 6%) and rinsed clean with sterilized water between study sites. Avoid cleaning equipment in the immediate vicinity of a pond or wetland.
3. In remote locations, clean all equipment as described above upon return to the lab or "base camp". Elsewhere, when washing machine facilities are available, remove nets from poles and wash with bleach on a "delicates" cycle, contained in a protective mesh laundry bag.
4. When working at sites with known or suspected disease problems, or when sampling populations of rare or isolates species, wear disposable gloves and change them between handling each animal. Dedicate sets of nets, boots, traps, and other equipment to each site being visited. Clean and store them separately and the end of each field day.
5. When amphibians are collected, ensure the separation of animals from different sites and take great care to avoid indirect contact between them (e.g. via handling, reuse of containers) or with other captive animals. Isolation from un-sterilized plants or soils which have been taken from other sites is also essential. Always use disinfected/disposable husbandry equipment.
6. Examine collected amphibians for the presence of diseases and parasites soon after capture. Prior to their release or the release of any progeny, amphibians should be quarantined for a period and thoroughly screened for the presence of any potential disease agents.
7. Used cleaning materials (liquids, etc.) should be disposed of safely and if necessary taken back to the lab for proper disposal. Used disposable gloves should be retained for safe disposal in sealed bags.