



**California Department of Fish and Wildlife
Bay Delta Region 3
2825 Cordilia Road, Suite 100
Fairfield, CA 94534**

California Endangered Species Act
Incidental Take Permit No. 2081-2024-063-03

STATE ROUTE 84 STORM DAMAGE REHABILITATION PROJECT (EA 04-0Q480)

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:	California Department of Transportation, District 4
Principal Officer:	Lindsay Vivian, Office Chief
Contact Person:	Gregory Pera, (415) 535-1372
Mailing Address:	111 Grand Avenue, Oakland, CA 94612

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 **December 31, 2029**.

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

III. Project Location:

The State Route 84 Storm Damage Rehabilitation Project (Project) is located southwest of the census-designated place of La Honda, on State Route 84 at post-mile 7.8 in San Mateo County, California (Figure 1). The Project is located in the township and range are 7S and 4W, section 22 of the Mount Diablo meridian at 37°18'43.45"N and 122°16'55.78"W.

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

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

IV. Project Description:

Caltrans proposes to construct a steel casing tangent wall along the east bank of San Gregorio Creek at Post Mile 7.8 of State Route 84 to stabilize the eroded creek embankment. The project aims to protect highway infrastructure, maintain roadway functionality, and extend its service life.

The project includes the removal of the existing secant wall's concrete pile cap, backfilling the area between the new and existing walls with cellular concrete, rerouting an existing culvert, and repaving the roadway. The new 110-foot-long wall will run parallel to the existing structure (Figure 2).

Following the wall's installation, San Gregorio Creek will be realigned westward to reduce erosive flows along the east bank. The realignment involves excavating the creek bed and reconstructing the bank with rock slope protection (RSP), soil wraps, and backfill. Rootwads and a rock cluster will be strategically placed at the toe of the slope to enhance channel complexity and habitat quality.

Bank Stabilization and Habitat Restoration

The proposed 1:1.5 (horizontal to vertical) slope will integrate buried RSP at the base, vegetated RSP up to the 5-year water surface elevation, and bioengineered soil wraps on the upper slope. Native backfill and topsoil will support revegetation, while container plants will be installed throughout.

Rootwad and rock deflector structures will be added to promote scour pools and habitat for salmonids and other aquatic species. Eight rootwads will be embedded into the RSP footprint along the channel bend, while one rock deflector will direct flows and enhance in-stream habitat. These features are expected to create approximately 310 linear feet of aquatic habitat, with multiple scour pools forming around them.

Temporary Creek Diversion System (TCDS)

During in-water work (June 1–October 31), a temporary creek diversion system will be implemented. This system includes cofferdams, plastic sheeting, and a flexible pipe to maintain flow while isolating the work area. Temporary RSP will be placed downstream of the dewatering pipe to prevent erosion.

Additional Project Features

Access: Throughout the Project, access by personnel would occur either on foot to the creek bed or via a temporary construction roadway. This access path/roadway will be created on an area overlapping the proposed rock slope protection (RSP) and bank fill separating the new wall and the realigned segment of San Gregorio Creek.

Roadway Improvements: The pavement will be ground down 0.1 feet and resurfaced. The westbound shoulder will be widened and transitioned to match the existing shoulder.

Drainage Enhancements: A 24-inch drain pipe will be replaced along a new alignment, maintaining its size and approximate length.

Bridge Rail Upgrades: Existing CA ST-10 bridge rails will be replaced with CA ST-75 rails.

Stormwater Management: A bioretention swale will be installed along the westbound shoulder south of the slope repair area.

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. Central California Coast Coho Salmon (<i>Oncorhynchus kisutch</i>)	Endangered ⁴

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

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include initial site preparation; access road construction; heavy equipment operation; excavation; handling stockpiles and stored materials; foot traffic; grading; road resurfacing; removal of vegetation and trees; placement of the cofferdam and dewatering activities; stream reconstruction and restoration activities; and relocation activities authorized by this ITP (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”), or in the form of pursue, catch, capture, or attempt to do so may occur as a result of Covered Activities such as injury and mortality of individuals during fish capture and relocation efforts including direct contact with collection equipment, handling and holding in temporary holding containers, crowding, overheating, etc. Mortality can also occur during fish release if there is crowding at the relocation sites, which can increase competition for available resources such as food and habitat. Individuals could be crushed during placement of the cofferdam or other dewatering structures, and the associated stream flow diversion could injure or cause mortalities of juvenile salmonids by concentrating or stranding them in residual wetted areas before they are relocated or causing them to move to adjacent areas of poor habitat. Additionally, juvenile salmonids could experience injury and mortality during dewatering,

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

⁴ Cal. Code Regs. tit. 14 § 670.5, subd. (a)(2)(N).

through impingement and entrainment if pumps are used and the dewatering pumps are not screened properly. Additionally, vegetation removal, both riparian and mature trees, could reduce shading on the actual surface waters causing higher water temperatures in the creek than what is suitable for salmonids. The Project could also potentially increase suspended sediment loads (i.e., turbidity) in and downstream of the BSA during and immediately following construction activities, leading to changes in salmonid physiology, and behavior, all of which may lead to physiological stress, reduced survival rates, and reduced population numbers. General water quality could also be diminished by contaminants such as fuels, lubricants, hydraulic fluids, concrete, and other chemicals/compounds used in construction activities being accidentally introduced into waters adjacent to and downstream of the Project through spills or through surface runoff from staging area.

The areas where authorized take of the Covered Species is expected to occur include: the construction area, staging area, as well as upstream and downstream of the construction site as shown in Figure 2 (collectively, the Project Area).

The Project is expected to cause the permanent loss of 0.112 acres of habitat for the Covered Species, and temporary loss of 0.126 acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from capture and relocation, long-term effects due to increased turbidity, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

VII. Incidental Take Authorization of Covered Species:

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

VIII. Conditions of Approval:

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.

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. 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 and Initial Study (SCH No.: 2022070096) certified by the California Department of Transportation on October 12, 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 (LSA) Agreement (EPIMS-SMO-39409-R3) 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 Formal Consultation on the State Route 84 Storm Damage Rehabilitation Project, San Mateo County, California (Caltrans EA 0Q480) (2024-0139028-S7-001) 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 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), Biological Monitor(s), Fisheries Biologist(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s), Biological Monitor(s) and Fisheries Biologist(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities.

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Permittee shall ensure that the Designated Biologist(s), Biological Monitor(s), and Fisheries Biologist(s) are knowledgeable and experienced in the biology, natural history, and collecting and handling of the Covered Species. The Designated Biologist(s) and Biological Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Biological Monitor(s) must be changed.

6.2.1. Designated Biologist. A Designated Biologist is an individual who holds a bachelor's degree in a relevant scientific discipline from an accredited university and: 1) is knowledgeable in relevant species' life histories and ecology, 2) can correctly identify relevant species, 3) has conducted field surveys for relevant species, 4) is familiar with relevant survey protocols, 5) is knowledgeable of state and federal laws regarding the protection of sensitive species and, 6) has previous experience on a transportation/infrastructure project coordinating with a Resident Engineer and Equipment operators.

6.2.2. Biological Monitor. A Biological Monitor is an individual who shall have academic and professional experience in biological sciences and related resource management activities as it pertains to this Project, experience with construction-level Biological Monitoring, be able to recognize species that may be present within the Project area and be familiar with the habitats and behavior of those species.

6.2.3. Fisheries Biologist. A Fisheries Biologist is an individual that has a four-year degree in fish biology or closely related field, has at least two years of experience in the handling of at least one of the special-status fish species that may be on-site, is in possession of appropriate State and Federal permits to handle the Covered Species, and has been provided written authorization from CDFW to act as a Fisheries Biologist under this Permit.

6.3. Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing

CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.

- 6.4. Qualified Stream Restoration Specialist. Permittee shall also designate a person or persons as a Qualified Stream Restoration Specialist to monitor the work specific to the stream channel restoration design work covered by this agreement. At least 30 days prior to the commencement of Project activities related to the stream channel restoration design work covered by this Agreement, the Permittee shall submit to CDFW, for review and concurrence, the qualifications for a hydraulic engineer, fish passage engineer, fluvial geomorphologist or similar California licensed professional (Qualified Stream Restoration Specialist).
 - 6.4.1. The Qualified Stream Restoration Specialist shall have a minimum of five years of professional experience in fish passage and stream channel restoration including overseeing the placement of rootwad structures used as bank revetment and/or other large woody structures used in stream channel restoration efforts, and other flow redirective structures, including construction best management practices for the placement of rootwads, large woody structures, and flow redirective structures such as rock wing deflectors. The prospective consulting firm, providing the Qualified Stream Restoration Specialist, shall have at least ten years of specialized experience in engineering design and construction oversight related to salmonid fish passage improvement projects; or shall be able to show a high degree of competence in the subject matter from past fish passage and stream channel restoration projects.
- 6.5. Qualified Stream Restoration Specialist Responsibilities. The Qualified Stream Restoration Specialist shall act, in coordination with the Qualified Biologists and/or Biological Monitors, as a construction monitor to oversee and document the implementation and construction of the stream channel restoration designs approved by CDFW Conservation Engineering Branch. The Qualified Stream Restoration Specialist shall be on-site during all stream channel restoration construction work within the bed, bank, and channel, and document construction activities through the preparation of daily construction inspection diaries.
- 6.6. Qualified Stream Restoration Specialist Authority. The Qualified Stream Restoration Specialist shall have the authority to make corrective changes in the field to ensure consistency with the stream channel restoration designs accepted by the CDFW Conservation Engineering Branch. The Qualified Stream Restoration Specialist shall communicate with the resident engineer and the Qualified Biologist, and the Permittee shall notify CDFW when changes are necessary to ensure designs meet the conditions of this Agreement. Construction methods shall be consistent with the California Salmonid Stream Habitat Restoration Manual, Part XII (July 2009) and shall be inspected by the Qualified Stream Restoration Specialist for consistency.

- 6.7. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.
- 6.8. Construction Monitoring Documentation. The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.
- 6.9. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.10. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 6.11. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 6.12. Project Access. Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel are necessary outside

of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.

- 6.13. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in this ITP.
- 6.14. Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 6.15. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands, if applicable, 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.
- 6.16. 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 30 days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 7.2. Notification of Non-Compliance. The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.
- 7.3. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections a minimum of once per week during periods of inactivity and after

clearing, grubbing, and grading are completed. The Designated Biologist shall conduct compliance inspections to:

- (1) minimize incidental take of the Covered Species;
- (2) prevent unlawful take of species;
- (3) check for compliance with all measures of this ITP;
- (4) check all exclusion zones; and
- (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.

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

- 7.4. Daily Reports from Qualified Stream Restoration Specialist. The Qualified Stream Restoration Specialist shall be on-site daily when Covered Activities specific to stream restoration occur. Daily construction inspection diaries, including photographic documentation, shall be prepared by the Qualified Stream Restoration Specialist and the Permittee shall submit these diaries electronically to CDFW on a weekly basis for review during construction of the accepted stream channel restoration designs. Daily construction inspection diaries must include, as a minimum, name of person completing the report, date and time of work, summary of construction activities, staff present at the site, summary of accepted design changes and a description of why the changes were made, photographic documentation, and signature of Qualified Stream Restoration Specialist certifying the accuracy of the diaries. Within 60 days after completion of the stream channel restoration work, the Qualified Stream Restoration Specialist shall prepare a summary of the implemented stream channel restoration activities, including an appendix of daily construction inspection diaries, which shall be submitted in the Final Construction Report required in the LSA Agreement, Storm Damage Permanent Restoration (EPIMS-SMO-39409-R3, EA 0Q480).
- 7.5. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Jacqueline Dixon, (707) 477-6819, Jacqueline.Dixon@wildlife.ca.gov and Headquarters CESA Program email is

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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.

- 7.6. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.5; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 7.7. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.8. Final Mitigation Report. No later than 60 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 7.9. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial

notification to CDFW by calling the Regional Office at (707) 428-2002. Initial notification shall also be provided to the CDFW Regional Representative is Jackie Dixon, Senior Environmental Scientist (Specialist), (707) 477-6819, Jacqueline.Dixon@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two 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:

- 8.1. Seasonal Work Restrictions. All work within the bed, bank channel and associated riparian habitat is limited to the period from June 1 to October 31 each season within the Project Area.
- 8.2. Weather Work Restrictions. Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. No Covered Activities shall occur during a rain event. No Covered Activities will be started if the associated erosion control measures cannot be completed prior to the onset of precipitation. No Covered Activities shall occur within 24 hours of a 40 percent chance of precipitation or greater in the National Weather Service forecast for the Project Area. Covered Activities may continue 24 hours after the rain ceases if there is less than a 40 percent chance of precipitation in the 24-hour forecast for the Project Area. No work within ponded or flowing water is authorized to occur under the conditions of the ITP.
- 8.3. Weather and Erosion Control Monitoring and Reporting. Permittee shall monitor for weather events outlined in Condition of Approval 8.2 and ensure that the appropriate erosion control measures are in place prior to the initiation of a rain event. The Designated Biologist or an approved Biological Monitor shall be on-site each day to monitor that erosion control material is properly installed and working as intended. If any erosion or runoff is observed the monitor shall immediately confer with the Resident Engineer to halt work in that location and re-install measures or contain the runoff until the issue can be resolved. Monthly reports of the erosion control measures in place shall be provided that include images of the measures installed. All compliance issues with this measure shall be immediately reported to CDFW.
- 8.4. Storm Event Inspection. After any storm event, Permittee shall inspect all sites scheduled to begin or continue construction within the next 72 hours. Corrective action for erosion and sedimentation shall be taken as needed.

- 8.5. Time of Day Work Restriction. For any activity that will clear, grub, remove existing unpaved features, excavate embankments, remove existing drainage features, construct new drainage features or excavate soil, the Permittee shall terminate all Covered Activities 30 minutes before sunset and shall not resume Covered Activities until 30 minutes after sunrise unless approved by the CDFW Representative in writing. The Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department for determining when Covered Activities shall terminate and resume. Nightwork requests beyond ten nights may require an amendment to this ITP.
- 8.6. Staging. Staging areas shall be located in a dry upland location, above the top of bank and proper measures shall be installed to avoid runoff into water systems. Staging areas shall be within a paved or gravel-lined site. Use existing staging sites, work areas, and roads to the extent practicable for staging and access and to avoid impacting previously undisturbed areas. Staging areas and access routes shall be identified in advance of construction and clearly demarcated in the field with fencing and/or flagging. When not in use, construction equipment shall be stored, refueled, and otherwise maintained in the construction staging areas. Construction equipment, building materials, fuels, lubricants, and solvents shall not be stockpiled or stored where they may be washed into State waters or where they will cover aquatic or riparian vegetation.
- 8.7. Decontamination. Any equipment that will contact the stream flows during project activities shall be decontaminated before and after work to prevent the spread of aquatic diseases and invasive aquatic species to other waterways. Permittee shall require workers to decontaminate waders, boots, SCUBA gear, fins and other clothing that will come in direct contact with the water. Decontamination of clothing and equipment shall be done through one or more of the following methods:
- 8.7.1. Drying equipment in an upland location following last off-site aquatic use. If average daytime temperatures exceed 80 degrees F, drying times shall be at least 7 days. If average daytime temperatures are below 80 degrees F, drying times shall be at least 30 days.
 - 8.7.2. Scalding water wash (at least 140 degrees F) with varying high- and low-pressure spray to dislodge pathogens, vegetation, and contaminated sediment.
 - 8.7.3. Freezing at a temperature of less than 32 degrees F for more than 72 hours.
 - 8.7.4. Soaking in a CDFW-approved disinfectant solution for at least 2 minutes (or longer, depending on the disinfectant used). To avoid harm to non-target species, disinfected clothing and equipment shall be thoroughly rinsed in a water bath before entering the river.

Repeat decontamination is required only if the equipment/clothing is removed from the site, used within a different water body, and returned to the project site.

Decontamination shall take place in an upland location and any chemicals used during decontamination shall be prevented from entering water bodies or storm drains.

- 8.8. Vehicle and Equipment Inspection. Prior to the entry of any vehicle or equipment into the project area, including the staging sites, the vehicle shall be cleaned of any biological material that may have originated from an off-site location, at an off-site facility. Any equipment or vehicles driven and/or operated in the proximity of the stream and/or waterbody shall be checked daily for leaks of materials that, if introduced to water, could be deleterious to aquatic life, wildlife, or riparian habitat. All equipment shall be maintained in good working order to prevent the release of any contaminants. If a vehicle is found to be leaking fluids of any kind, it shall be taken to an off-site location immediately. Vehicles shall be moved away from the stream and/or water body prior to refueling and lubrication.

Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream and riparian areas shall be positioned over drip-pans. Stationary heavy equipment shall have suitable containment to handle a catastrophic spill or leak.

- 8.9. Vegetation Clearing within Temporary Covered Species Barriers. Areas proposed to be encompassed by temporary Covered Species barriers including staging areas, access routes, and the Project Area will require vegetation removal to occur within the exclusionary fencing. Prior to vegetation removal the areas shall be surveyed as required by the Conditions of Approval in this ITP. The vegetation removal will be monitored by a Designated Biologist for the duration of the Project; the Designated Biologist has the authority to stop work if required for any reason in consultation with the Resident Engineer.
- 8.10. Vegetation Marked for Protection. Vegetation in areas of permanent and temporary impact shall be removed prior to grading. Prior to clearing and grubbing operations, the Designated Biologist shall clearly mark vegetation within the Project Area that shall be avoided.
- 8.11. Vegetation Disturbance. No disturbance or removal of vegetation, other than that specified in the Project description shall occur because of Project activities. Vegetation outside the construction corridor shall not be removed or damaged without prior consultation and approval of CDFW.
- 8.12. Spoils. Permittee shall not place spoil where it could enter State waters or other sensitive habitat, such as riparian, or place over vegetation except as specifically noticed to and accepted by CDFW, in writing. Spoil shall be hauled off-site or stockpiled in an upland location where it shall be covered with plastic sheeting or visquine whenever it is evident that rainy conditions threaten to erode loose soils into sensitive habitats.

- 8.13. Remove Hazardous Substances. Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the waters of the State. Any of these materials, placed within or where they may enter a stream or lake, by Permittee or any party working under contract, or with the permission of the Permittee, shall be removed immediately.
- 8.14. Remove Temporary Flagging, Fencing, and Barriers. Permittee shall remove all temporary flagging, fencing, erosion control, temporary work platforms, temporary access road materials, and/or Covered Species barriers from the Project Area upon completion of Project activities.
- 8.15. Geo-Textile Fabric Restriction. No permanent geo-textile material or filter fabric of any kind is permitted for installation in any portion of this Project. Temporary use of geo-textile material or filter fabric is permitted provided it is removed each season.
- 8.16. Temporary Lighting Avoidance and Minimization. All temporary Project lighting associated with construction staging areas, access routes and construction sites shall be shut down upon the completion of work each day and not used as security lighting overnight. Temporary Project lighting on the surface of the road shall be directed towards the road surface and shall not be directed into areas outside of the road surface to prevent additional light pollution and disruption of wildlife activity. Baffles and various shading devices may be employed. All temporary lighting installed as part of the Project shall be fully hooded (i.e., no lateral lighting). Any illumination shall be directed to the ground and away from the river. All lighting shall be turned off 30 minutes prior to sunset, unless required for safety or security purposes.
- 8.17. Permanent Lighting. No new or permanent replacement lighting structures are authorized for installation under the terms of this permit.
- 8.18. Cofferdam Installation and Removal. The Qualified Biologist and a Fisheries Biologist approved by CDFW (can be the same person) shall direct the installation, removal and dewatering efforts of all cofferdam structures. The cofferdam installation shall be limited to the period between June 1 and October 31. During the period of active dewatering, the CDFW-approved Fisheries Biologist shall check daily for stranded aquatic life as the water level in the dewatering area drops and until active dewatering ceases. All stranded aquatic life in the dewatered areas shall be immediately relocated to habitat outside of harm's way. Cofferdams shall remain in place and functional during Covered Activities. Cofferdams that fail for any reason shall be repaired immediately. All materials used in cofferdam construction shall be removed from the project site once the coffer dams are no longer needed.
- 8.19. Daily Cofferdam Checks. The Qualified Biologist, Fisheries Biologist, or Biological Monitor shall check daily for stranded aquatic life in the dewatered areas prior to

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commencement of project activities each morning. If any fish is found within the dewatered area, then the biologist or monitor shall immediately stop work until the fish can be identified to species and relocated outside of harm's way by the Fisheries Biologist as described in the Covered Species Relocation Plan (Measure 8.28).

- 8.20. Coffer Dams and Work Area Seepage. If the area within a cofferdam requires periodic pumping of seepage, pumping will occur under direct supervision of qualified fisheries biologist approved by CDFW. Any turbid water pumped from dewatered areas will be discharged into an area protected by a turbidity curtain to prevent suspended sediment from being transported upstream or downstream. Alternatively, Permittee may place pumps in upland flat areas, away from the stream channel. Pumps placed in uplands shall be secured by tying off to a tree or staked in place to prevent movement by vibration. Pump intakes shall be fitted with fish screens meeting CDFW criteria to prevent entrainment or impingement of fish. CDFW fish screen criteria can be found online in Appendix S of the California Salmonid Stream Habitat Restoration Manual. Pump intakes shall be periodically checked for impingement of fish or amphibians that shall be relocated according to the approved measure outlined for each species. Any turbid water pumped from the work site itself to maintain it in a dewatered state shall be disposed of in an upland location where it will not drain directly into any stream channel.
- 8.21. Cofferdam Work Area. Precipitation forecasts and potential increases of river flow shall be considered when planning construction activities within the cofferdam work area to avoid the potential for the release of materials or equipment into the river. Prior to departing the cofferdam work area each day, Contractor shall remove all non-fixed equipment and/or materials (not including pumps used for dewatering, as necessary) from the cofferdam work area and place in secured area.
- 8.22. Wet or Uncured Concrete within a non-dewatered Cofferdam. Permittee shall not allow wet or uncured concrete to enter into rivers or stream at any time. This Measure applies to "cofferdams" that have not been completely dewatered, with the exception of within the cofferdam with secondary containment casing, that fully isolates the concrete being poured from the surrounding waterway. If wet or uncured concrete is placed within non-dewatered cofferdam with secondary containment, water within the cofferdam will not be released into and/or allowed to intermingle with San Gregorio Creek without water quality testing to demonstrate that pH levels and dissolved oxygen concentrations are within acceptable range, consistent with background conditions (pH between 6 and 8 [pH units]; dissolved oxygen greater than 6 mg/L). If water quality within cofferdam exceeds these ranges, water will be pumped and treated and/or disposed of consistent with federal, State, and/or local regulations.
- 8.23. Concrete Avoidance and Minimization. Permittee shall make available the Project's Spill and Monitoring Plan (or equivalent document) upon request. No concrete pours are permitted during nighttime hours (from 30 minutes prior to sunset to 30 minutes

prior to sunrise) under the terms of this Agreement. All concrete or any cement products shall be excluded from the wetted channel and any runoff areas exposed to poured concrete, or areas where it may come into contact with water, for a period of 30 days after it has been poured or sprayed. All concrete chemical admixtures shall be accepted in advance, in writing by CDFW prior to their use on-site. Concrete chemical admixtures shall not impact the environment and shall have Safety Data Sheets (SDS) demonstrating environmental safety. The toxicology and ecological sections (usually Sections 11 and 12) can identify if the material is environmentally safe. If the SDS lists "unknown", the concrete chemical admixture is not permitted.

- 8.24. Spill Prevention and Control Plan. Permittee shall prepare a spill prevention and control plan 30 days prior to the start of construction to minimize the potential for hazardous, toxic, or petroleum substances release into the project area during construction and project operation. The plan shall identify the location of containment and abatement materials on-site, the actions to be taken in the event of a spill of hazardous material, the emergency response materials which shall be kept at the site to allow the rapid containment and clean-up of any spilled material, and notification and cleanup procedures to be enacted in the event of a spill. The emergency response plan shall also be submitted in the final construction report.
- 8.25. On-Site Spill Prevention Specialist. At all times while Covered Activities are underway, Permittee shall have a designated person on-site who is properly trained in spill containment/clean up to implement spill control devices in the event a spill occurs.
- 8.26. Spill Containment and Spill Kits. All activities performed in or near the water shall have absorbent materials designated for hazardous materials spill containment and cleanup activities on-site for use in an accidental spill. Permittee shall immediately initiate the cleanup activities in the event of a hazardous materials spill. Prior to entering the work site, all field personnel shall know the location of spill kits and trained in their appropriate use. The emergency response plan shall also be submitted in the final construction report.
- 8.27. Notification of Spill. Permittee and all contractors shall be subject to the water pollution regulations found in Fish and Game Code sections 5650 and 12015. In the event of a hazardous materials spill into the stream (e.g., petroleum, sediment, etc.), Permittee shall immediately notify the California Office of Emergency Services State Warning Center by calling (800) 852-7550 and immediately provide written notification to CDFW by email.

Permittee shall take all reasonable measures to document the extent of the impacts and affected areas including photographic documentation of affected areas, injured fish and wildlife. If dead fish or wildlife are found in the affected area, Permittee shall collect carcasses and immediately deliver them to CDFW. Permittee shall meet with CDFW within 10 days of the reported spill in order to develop a resolution including:

site clean-up, site remediation, and compensatory mitigation for the harm caused to fish, wildlife, and the habitats on which they depend as a result of the spill. Permittee shall be responsible for all spill clean-up, site remediation, and compensatory mitigation costs. Spill of materials to waters of the State that are deleterious to fish and wildlife are in violation of Fish and Game Code section 5650 et seq., and are subject to civil penalties for each person responsible. CDFW reserves the right to refer the matter to the District Attorney's Office if a resolution cannot be agreed upon and achieved within a specified timeframe, generally six months from the date of the incident.

8.28. Covered Species Relocation Plan. The Designated Biologist(s) shall prepare a Covered Species Relocation Plan (Relocation Plan) and submit for CDFW review 60 days prior to the initiation of construction. The Relocation Plan shall include, but not be limited to, pre-activity survey methodology appropriate for the season, capture, handling, and relocation methods; and identification of where the individuals will be relocated to. The relocation areas shall be identified by the Designated Biologist(s) based upon best suitable habitat available and time of year and approved by CDFW prior to the start of Covered Activities. The Relocation Plan shall be submitted to CDFW for review and approval prior to the beginning of Covered Activities. Covered Activities anywhere within the Project Area may not proceed until the Relocation Plan is approved in writing by CDFW. Only the approved Designated Biologist(s) are authorized to capture and handle the Covered Species.

9. Habitat Management Land Acquisition and Restoration: CDFW has determined that habitat creation, restoration and long-term 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 with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the Covered Species habitat area required to provide for adequate compensation.

To meet this requirement, the Permittee shall be responsible for Covered Species habitat creation, restoration and long-term management of 0.238 acres of compensatory habitat on-site. On-site habitat enhancement shall include the creation of 8 rootwads, as well as monitoring and management of restored areas to meet conditions of Approval 9.1, 9.2, and 9.3 below. Restored, created and managed habitats are collectively referred to as the Habitat Management Lands (HM lands). Long-term funding, for monitoring and management of created Covered Species habitat and vegetation management, must be secured before starting Covered Activities or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations.

- 9.1. Cost Estimates. CDFW has estimated the cost of habitat creation, restoration, and long-term management of Covered Species habitat creation and restoration of temporarily disturbed habitat as follows:
 - 9.1.1. Habitat creation, restoration and enhancement costs for 0.238 acres of on-site riparian and aquatic habitat estimated at **\$928,000.00**.
 - 9.1.2. Long-term management funding as described in Condition of Approval 9.2, estimated at **\$40,000.00**. Management funding is estimated initially for the purpose of providing Security to ensure implementation of habitat creation, restoration, monitoring and management.
 - 9.1.3. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work: **\$40,000.00**.
- 9.2. Management Fund. The Permittee shall ensure that HM lands are managed, maintained, and monitored as described in this ITP. Permittee shall provide ten years of monitoring and management funding for activities outlined in the final accepted Habitat Enhancement and Long-Term Management Plan consistent with Measure 9.3 below.
- 9.3. On-Site Habitat Enhancement Plan. The Permittee shall be responsible for submitting an On-Site Habitat Enhancement Plan to address an area of at least 0.238 acres of habitat creation, restoration (including the installation of 8 rootwad structures) and long-term management of compensatory habitat including Covered Species monitoring for a period of 10 years. The plan shall be submitted to CDFW for written review and acceptance at least 30 days prior to the initiation of Covered Activities. The plan shall address revegetating all access routes, staging areas and areas of impacts within Covered Species habitat. All other applicable areas of barren soil or upland habitat shall be hydro-seeded or planted with native vegetation appropriate to the Project Site. All on-site tree and woody vegetation plantings shall be subject to the ten-year monitoring period and 75% success criteria for survivorship. All hydro-seeding shall be monitored and compared utilizing before and after images to determine success. If hydro-seeding does not take hold within 6 months, additional applications shall be required. If any tree or woody vegetation plantings fail, additional plantings shall be required and additional years of monitoring shall be required in consultation with CDFW until the success criteria are achieved as noted above. All disturbed areas shall be monitored and controlled for invasive species rated as "High" by the California Invasive Plant Council's database, which is accessible at: <https://www.cal-ipc.org/plants/inventory/>. All locations shall be required to obtain a 10% or less ground cover percentage for species rated as "High" annually

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for five-years as specified in this Agreement. Reference site analysis and final approval of an enhancement site as having all obligations met may be accepted upon written request and written approval from CDFW. Alternative concepts for enhancement, such as land acquisition or permanent protection may be considered upon written request and written approval to CDFW. All temporary irrigation systems shall be removed upon completion of site enhancements or at such a time when supplemental watering is no longer required.

- 9.3.1. On-Site Habitat Enhancement Plan Monitoring and Reporting. The Permittee shall submit the On-Site Habitat Enhancement Report to CDFW by December 31 for the ten-year period, as well as any additional years, as applicable. The report shall include success criteria milestones. The report shall also include the Rootwad and Stream Channel Restoration Monitoring (RSCRM) Plan required in the LSA Agreement, Storm Damage Permanent Restoration (EPIMS-SMO-39409-R3, EA 0Q480).

The RSCRM Plan shall include, at a minimum: a map showing the stream channel restoration locations, final CDFW accepted design plan sets, photographic monitoring stations, and a proposed channel geomorphic survey analysis that shall include channel cross sections, a longitudinal profile survey throughout the Project's footprint, exact coordination location and elevation data for a specific survey point for each rootwad structure, and a map depicting these survey locations. The RSCRM Plan shall also describe corrective actions to be taken if excessive scour or excessive depositional events occur that affect the pool habitat development on the tips of the rootwad structures and the rock wing deflector or if the rootwad and rock wing deflector structures fail before the end of the monitoring period. The RSCRM Plan shall monitor over a period of ten (10) years and shall submit the analyses in years 0, 1, 3, 5, 7, and 10.

- 9.3.1.1. On-Site Cross Section Analysis. Permittee shall record and evaluate channel cross sections throughout the Project footprint. The cross-section analysis shall adequately characterize the reconstructed channel cross-sectional geometry. As a minimum nine channel cross sections shall be collected to include the following Project station locations: (1) "A" Line 25+75.81, (2) "A" Line 25+25.81, (3) "A" Line 25+01.50, (4) "A" Line 24+75.50, (5) "A" Line 24+49.50, (6) "A" Line 24+16.24, (7) "A" Line 23+98.09, (8) "A" Line 23+78.50, (9) "A" Line 23+28.50. Information shall be collected over a period of 10 years and results provided in years 0, 1, 3, 5, 7, and 10 and compared to previous collected channel cross sections for a comparison of any geomorphic changes to the reconstructed channel cross-sectional geometry. Year 0 channel cross section surveys shall be collected, by the Qualified Stream Restoration Specialist, as a post-construction survey (as-built survey conditions) to ensure the Project was constructed consistently with the CDFW accepted final design plan set. The Year 0 as-built survey conditions

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shall be certified and stamped by the Qualified Stream Restoration Specialist or the Civil Engineer in responsible charge of the as-built design plans documenting any design changes or field-modifications during the construction process. The Year 0 cross section surveys shall occur within seven working days of Project completion and shall be submitted to CDFW for review and concurrence. Cross section data shall be provided in an excel spreadsheet or demonstrated with high quality graphical representation. Permittee shall prepare a report for each analysis and submit the report to CDFW.

9.3.1.2. Channel Longitudinal Profile Analysis. Permittee shall collect and evaluate longitudinal profile surveys following the channel thalweg location (survey points collected along the low flow channel locations) to accurately define the channel gradient, depths and locations of the pools at the tips of each rootwad and the rock wing deflector, the depth and variability, if applicable, of scour, the length and depth of any accumulated sediments (channel aggradation) that is occurring within the longitudinal profile survey limits. The longitudinal profiles should begin upstream at Project station location "A" Line 26+00.00 and end downstream at Project station "A" Line 23+00.00. Information shall be collected over a period of 10 years and results provided in years 0, 1, 3, 5, 7, and 10 and compared to previous collected channel longitudinal profiles for a comparison of any geomorphic changes to the reconstructed channel profile. Year 0 longitudinal profile surveys shall be collected by the Qualified Stream Restoration Specialist, as a post-construction survey (as-built survey conditions) to ensure the Project was constructed consistently with the CDFW accepted final design plan set. The Year 0 as-built survey conditions shall be certified and stamped by the Qualified Stream Restoration Specialist or the Civil Engineer in responsible charge of the as-built design plans documenting any design changes or field-modifications during the construction process. The Year 0 longitudinal profile survey shall occur within seven working days of Project completion and shall be submitted to CDFW for review and concurrence. Longitudinal profile data shall be provided in an excel spreadsheet or demonstrated with high quality graphical representation. Permittee shall prepare a report for each analysis and submit the report to CDFW.

9.3.1.3. Location and Elevation of Rootwads. Permittee shall establish the exact coordinate location and elevation data for a specific point for each rootwad structure. The coordinate location and elevation analysis shall adequately locate the rootwads for monitoring the stability and orientation of the rootwad structures. Information shall be collected over a period of 10 years and results provided in years 0, 1, 3, 5, 7, and 10 and compared to previous collected coordinate locations and elevations

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for a comparison of any structural/stability changes to the individual structures. Year 0 coordinate location and elevation data shall be collected by the Qualified Stream Restoration Specialist, as a post-construction survey (as-built survey conditions) to ensure the Project was constructed consistently with the CDFW accepted final design plan set. The Year 0 as-built survey conditions shall be certified and stamped by the Qualified Stream Restoration Specialist or the Civil Engineer in responsible charge of the as-built design plans documenting any design changes or field-modifications during the construction process. The Year 0 coordinate location and elevation analysis shall occur within seven working days of Project completion and shall be submitted to CDFW for review and concurrence. Rootwad coordinate location and elevation data shall be provided in a table and mapped on a design layout. Permittee shall prepare a report for each analysis and submit report to CDFW.

9.3.1.4. Photographic Monitoring Stations and Documentation of Work. Permittee shall establish photographic monitoring stations and shall provide at least nine vantage points of the Project to include all Project stream channel restoration design elements to accompany the cross section and longitudinal profile analyses. The photos shall be collected from the same vantage points for each conducted channel geomorphic survey. Permittee shall include documentation of the designated photo stations on a map describing the location of the photo, direction of view, and include photos at each photo station with the reports required above.

9.3.1.5. Subsurface In-Stream Monitoring – Post-Construction. If the surveys and monitoring protocols identified within this Agreement discovers that the surface stream flows are going subsurface within any of the channel sections within the Project footprint when continuous surface flows are otherwise present upstream in the channel, the Permittee shall be required to correct the issue. The method to correct the issue shall be developed in consultation with CDFW and the mitigation requirements of this Agreement will not be met until subsurface flows have been corrected or improved at the discretion of CDFW.

9.3.2. On-Site Covered Species Monitoring. The Permittee shall be responsible for submission of an On-Site Covered Species Monitoring Plan a minimum of 30 days prior to the initiation of construction. The plan shall focus on the determination of presence/absence of Covered salmonid species and the utilization of the proposed root-wad structures through the detection of redds, or salmonid egg deposition features within Soquel Creek. Covered Species monitoring shall occur for a period of ten years.

10. Security: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9

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that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

- 10.1. Master Funding Agreement. Security for this ITP shall be governed by the Master Funding Agreement between the California Department of Fish and Wildlife and the California Department of Transportation, dated September 3, 2021.
- 10.2. Funding Memorandum. Permittee has prepared and CDFW has approved, the project-specific Funding Memorandum required by the Master Funding Agreement and attached to this ITP as Attachment 3.
- 10.3. Security Amount. The Security shall be in the amount of \$1,008,000.00 This amount is based on the cost estimates identified in Condition of Approval 9.1 above and the Funding Memorandum.
- 10.4. Funding of the Child Expenditure Authorization (EA). Permittee shall create and fund the Child EA with funds equivalent to the Security Amount.
- 10.5. Compliance with the Master Funding Agreement. Permittee shall complete all requirements set forth in the Master Funding Agreement and shall at all times comply with the terms and conditions of that Agreement.

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

IX. Amendment:

This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

X. Stop-Work Order:

If CDFW determines the Permittee has violated any term or condition of this ITP or has engaged in unlawful take, CDFW may issue Permittee a written stop-work order instructing the Permittee to suspend any Covered Activity for an initial period of up to 30 days or risk suspension or revocation of this ITP. CDFW can issue a stop-work order to prevent or remedy a violation of this ITP, including but not limited to the failure to comply with reporting

or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species, regardless of whether that species is a Covered Species under this ITP. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any 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. Liability:

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

XII. Compliance with Other Laws:

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

XIII. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2024-063-03) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Erin Chappell, Regional Manager
California Department of Fish and Wildlife – Bay Delta Region
2825 Cordelia Road, Suite 100, Fairfield, CA 94534
(707) 428-2002
R3CESA@wildlife.ca.gov

and a copy to:

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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:

Jacqueline Dixon, Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife – Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 477-6819
Jacqueline.Dixon@wildlife.ca.gov

XIV. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, the California Department of Transportation. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the State Route 84 Storm Damage Permanent Restoration Project (SCH No.: 2022070096) dated June 28, 2022 that the California Department of Transportation certified for State Route 84 Storm Damage Rehabilitation Project on October 12, 2022. 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.

XV. Findings Pursuant to CESA:

These findings are intended to document CDFW's compliance with the specific findings

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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, State Route 84 Storm Damage Permanent Restoration Project, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) 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 0.238 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable

Incidental Take Permit
No. 2081-2024-063-03

CALIFORNIA DEPARTMENT OF TRANSPORTATION – DISTRICT 4
STATE ROUTE 84 STORM DAMAGE REHABILITATION PROJECT


impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

XVI. Attachments:

FIGURE 1	Project Location Map
FIGURE 2	Project Elements Area Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Master Funding Agreement Funding Memorandum

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

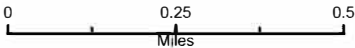
on 6/11/2025.

DocuSigned by:

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Erin Chappell, Regional Manager
 Bay Delta Region



Aerial Imagery: ESRI 2023



Legend

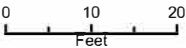
★ Project Location

Figure 1. Project Vicinity

State Route 84
Storm Damage Rehabilitation Project
EA 04-0Q480, SM-84-PM 7.8
San Mateo County, California



Aerial Imagery: ESRI 2025



Legend

CDFW 1602 Jurisdiction

- Wetland
- OHWM
- Riparian Edge
- Existing Culvert (~100 LF)

Linear Impacts

- Permanent (~110 LF)
- Temporary (~70 LF)

Project Components

Permanent Impacts (0.112 AC)

- Native backfill (0.011 AC)
- RSP (0.026 AC)
- RSP, native backfill (0.000 AC)
- RSP, soil wraps (0.032 AC)
- RSP, streambed material (0.020 AC)
- Soil wraps (0.012 AC)
- Wall fill (0.010 AC)

- Rock Cluster
- Rootwad

New Culvert (~100 LF)

- Road fill (0.001 AC)

Temporary Impacts (0.126 AC)

- Stream diversion (0.086 AC)
- Streambed material (0.037 AC)
- Temporary work area (0.001 AC)

Figure 2. Project Impacts

State Route 84
Storm Damage Rehabilitation Project
EA 04-0Q480, SM-84-PM 7.8
San Mateo County, California

Attachment 1

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
CALIFORNIA ENDANGERED SPECIES ACT
INCIDENTAL TAKE PERMIT NO. 2081-2024-063-03**

PERMITTEE: California Department of Transportation

PROJECT: State Route 84 Storm Damage Rehabilitation Project

PURPOSE OF THE MMRP

The purpose of this MMRP is to ensure that the impact minimization and mitigation measures required by the California Department of Fish and Wildlife (CDFW) for the above-referenced Project are properly implemented, and thereby to ensure compliance with section 2081(b) of the Fish and Game Code and section 21081.6 of the Public Resources Code. A table summarizing the mitigation measures required by CDFW is attached. This table is a tool for use in monitoring and reporting on implementation of mitigation measures, but the descriptions in the table do not supersede the mitigation measures set forth in the California Incidental Take Permit (ITP) and in attachments to this 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 this 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 this ITP. The Source column identifies the ITP condition that sets forth the mitigation measure. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure. The Status/Date/Initials column shall be completed by the Permittee during preparation of each Status Report and the Final Mitigation Report, and must identify the implementation status of each mitigation measure, the date that status was determined, and the initials of the person determining the status.

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Designated Biologist(s), Biological Monitor(s), Fisheries Biologist(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s), Biological Monitor(s) and Fisheries Biologist(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s), Biological Monitor(s), and Fisheries Biologist(s) are knowledgeable and experienced in the biology, natural history, and collecting and handling of the Covered Species. The Designated Biologist(s) and Biological Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Biological Monitor(s) must be changed.	ITP Condition # 6.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. 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.	ITP Condition # 6.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
4	Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 6.9	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 6.10	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	Notification Before Commencement. The Designated Representative shall notify CDFW 30 days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
7	Vegetation Clearing within Temporary Covered Species Barriers. Areas proposed to be encompassed by temporary Covered Species barriers including staging areas, access routes, and the Project Area will require vegetation removal to occur within the exclusionary fencing. Prior to vegetation removal the areas shall be surveyed as required by the Conditions of Approval in this ITP. The vegetation removal will be monitored by a Designated Biologist for the duration of the Project; the Designated Biologist has the authority to stop work if required for any reason in consultation with the Resident Engineer.	ITP Condition # 8.9	Before commencing ground- or vegetation-disturbing activities	Permittee	
8	Vegetation Marked for Protection. Vegetation in areas of permanent and temporary impact shall be removed prior to grading. Prior to clearing and grubbing operations, the Designated Biologist shall clearly mark vegetation within the Project Area that shall be avoided.	ITP Condition # 8.10	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	Spill Prevention and Control Plan. Permittee shall prepare a spill prevention and control plan 30 days prior to the start of construction to minimize the potential for hazardous, toxic, or petroleum substances release into the project area during construction and project operation. The plan shall identify the location of containment and abatement materials on-site, the actions to be taken in the event of a spill of hazardous material, the emergency response materials which shall be kept at the site to allow the rapid containment and clean-up of any spilled material, and notification and cleanup procedures to be enacted in the event of a spill. The emergency response plan shall also be submitted in the final construction report.	ITP Condition # 8.24	Before commencing ground- or vegetation-disturbing activities	Permittee	
10	<p>Habitat Management Land Acquisition and Restoration: CDFW has determined that habitat creation, restoration and long-term 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 with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the Covered Species habitat area required to provide for adequate compensation.</p> <p>To meet this requirement, the Permittee shall be responsible for Covered Species habitat creation, restoration and long-term management of 0.238 acres of compensatory habitat on-site. On-site habitat enhancement shall include the creation of 8 rootwads, as well as monitoring and management of restored areas to meet conditions of Approval 9.1, 9.2, and 9.3 below. Restored, created and managed habitats are collectively referred to as the Habitat Management Lands (HM lands). Long-term funding, for monitoring and management of created Covered Species habitat and vegetation management, must be secured before starting Covered Activities or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations.</p>	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<p>Cost Estimates. CDFW has estimated the cost of habitat creation, restoration, and long-term management of Covered Species habitat creation and restoration of temporarily disturbed habitat as follows:</p> <p>Habitat creation, restoration and enhancement costs for 0.238 acres of on-site riparian and aquatic habitat estimated at \$928,000.00.</p> <p>Long-term management funding as described in Condition of Approval 9.2, estimated at \$40,000.00. Management funding is estimated initially for the purpose of providing Security to ensure implementation of habitat creation, restoration, monitoring and management.</p> <p>All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work: \$40,000.00.</p>	ITP Condition # 9.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
12	<p>Management Fund. The Permittee shall ensure that HM lands are managed, maintained, and monitored as described in this ITP. Permittee shall provide ten years of monitoring and management funding for activities outlined in the final accepted Habitat Enhancement and Long-Term Management Plan consistent with Measure 9.3 below.</p>	ITP Condition # 9.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
13	<p>On-Site Habitat Enhancement Plan. The Permittee shall be responsible for submitting an On-Site Habitat Enhancement Plan to address an area of at least 0.238 acres of habitat creation, restoration (including the installation of 8 rootwad structures) and long-term management of compensatory habitat including Covered Species monitoring for a period of 10 years. The plan shall be submitted to CDFW for written review and acceptance at least 30 days prior to the initiation of Covered Activities. The plan shall address revegetating all access routes, staging areas and areas of impacts within Covered Species habitat. All other applicable areas of barren soil or upland habitat shall be hydro-seeded or planted with native vegetation appropriate to the Project Site. All on-site tree and woody vegetation plantings shall be subject to the ten-year monitoring period and 75% success criteria for survivorship. All hydro-seeding shall be monitored and compared utilizing before and after images to determine success. If hydro-seeding does not take hold within 6 months, additional applications shall be required. If any tree or woody vegetation plantings fail, additional plantings shall be required and additional years of monitoring shall be required in consultation with CDFW until the success criteria are achieved as noted above. All disturbed areas shall be monitored and controlled for invasive species rated as "High" by the California Invasive Plant Council's database, which is accessible at: https://www.cal-ipc.org/plants/inventory/. All locations shall be required to obtain a 10% or less ground cover percentage for species rated as "High" annually for five-years as specified in this Agreement. Reference site analysis and final approval of an enhancement site as having all obligations met may be accepted upon written request and written approval from CDFW. Alternative concepts for enhancement, such as land acquisition or permanent protection may be considered upon written request and written approval to CDFW. All temporary irrigation systems shall be removed upon completion of site enhancements or at such a time when supplemental</p>	ITP Condition # 9.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	watering is no longer required.				
14	<p>On-Site Habitat Enhancement Plan Monitoring and Reporting. The Permittee shall submit the On-Site Habitat Enhancement Report to CDFW by December 31 for the ten-year period, as well as any additional years, as applicable. The report shall include success criteria milestones. The report shall also include the Rootwad and Stream Channel Restoration Monitoring (RSCRM) Plan required in the LSA Agreement, Storm Damage Permanent Restoration (EPIMS-SMO-39409-R3, EA 0Q480).</p> <p>The RSCRM Plan shall include, at a minimum: a map showing the stream channel restoration locations, final CDFW accepted design plan sets, photographic monitoring stations, and a proposed channel geomorphic survey analysis that shall include channel cross sections, a longitudinal profile survey throughout the Project's footprint, exact coordination location and elevation data for a specific survey point for each rootwad structure, and a map depicting these survey locations. The RSCRM Plan shall also describe corrective actions to be taken if excessive scour or excessive depositional events occur that affect the pool habitat development on the tips of the rootwad structures and the rock wing deflector or if the rootwad and rock wing deflector structures fail before the end of the monitoring period. The RSCRM Plan shall monitor over a period of ten (10) years and shall submit the analyses in years 0, 1, 3, 5, 7, and 10.</p> <p>On-Site Cross Section Analysis. Permittee shall record and evaluate channel cross sections throughout the Project footprint. The cross-section analysis shall adequately characterize the reconstructed channel cross-sectional geometry. As a minimum nine channel cross sections shall be collected to include the following Project station locations: (1) "A" Line 25+75.81, (2) "A" Line 25+25.81, (3) "A" Line 25+01.50, (4) "A" Line 24+75.50, (5) "A" Line 24+49.50, (6) "A" Line 24+16.24, (7) "A" Line 23+98.09, (8) "A" Line 23+78.50, (9) "A" Line 23+28.50. Information shall be collected over a period of 10 years and results provided in years 0, 1, 3, 5, 7, and 10 and compared to previous collected channel cross sections for a comparison of any geomorphic changes to the reconstructed channel cross-sectional geometry. Year 0 channel cross section surveys shall be collected, by the Qualified Stream Restoration Specialist, as a post-construction survey (as-built survey conditions) to ensure the Project was constructed consistently with the CDFW accepted final design plan set. The Year 0 as-built survey conditions shall be certified and stamped by the Qualified Stream Restoration Specialist or the Civil Engineer in responsible charge of the as-built design plans documenting any design changes or field-modifications during the construction process. The Year 0 cross section surveys shall occur within seven working days of Project completion and shall be submitted to CDFW for review and concurrence. Cross section data shall be provided in an excel spreadsheet or demonstrated with high quality graphical representation. Permittee shall prepare a report for each analysis and submit the report to CDFW.</p> <p>Channel Longitudinal Profile Analysis. Permittee shall collect and evaluate longitudinal profile surveys following the channel thalweg location (survey points collected along the low flow channel locations) to accurately define the channel gradient, depths and locations of the pools at the tips of each rootwad and the rock wing deflector, the depth and variability, if applicable, of scour, the length and depth of any accumulated sediments (channel aggradation) that is occurring within the longitudinal profile survey limits. The longitudinal profiles should begin upstream at Project station location "A" Line 26+00.00 and end downstream at Project station "A" Line 23+00.00. Information shall be collected over a period of 10 years and results provided</p>	ITP Condition # 9.3.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>in years 0, 1, 3, 5, 7, and 10 and compared to previous collected channel longitudinal profiles for a comparison of any geomorphic changes to the reconstructed channel profile. Year 0 longitudinal profile surveys shall be collected by the Qualified Stream Restoration Specialist, as a post-construction survey (as-built survey conditions) to ensure the Project was constructed consistently with the CDFW accepted final design plan set. The Year 0 as-built survey conditions shall be certified and stamped by the Qualified Stream Restoration Specialist or the Civil Engineer in responsible charge of the as-built design plans documenting any design changes or field-modifications during the construction process. The Year 0 longitudinal profile survey shall occur within seven working days of Project completion and shall be submitted to CDFW for review and concurrence. Longitudinal profile data shall be provided in an excel spreadsheet or demonstrated with high quality graphical representation. Permittee shall prepare a report for each analysis and submit the report to CDFW.</p> <p>Location and Elevation of Rootwads. Permittee shall establish the exact coordinate location and elevation data for a specific point for each rootwad structure. The coordinate location and elevation analysis shall adequately locate the rootwads for monitoring the stability and orientation of the rootwad structures. Information shall be collected over a period of 10 years and results provided in years 0, 1, 3, 5, 7, and 10 and compared to previous collected coordinate locations and elevations for a comparison of any structural/stability changes to the individual structures. Year 0 coordinate location and elevation data shall be collected by the Qualified Stream Restoration Specialist, as a post-construction survey (as-built survey conditions) to ensure the Project was constructed consistently with the CDFW accepted final design plan set. The Year 0 as-built survey conditions shall be certified and stamped by the Qualified Stream Restoration Specialist or the Civil Engineer in responsible charge of the as-built design plans documenting any design changes or field-modifications during the construction process. The Year 0 coordinate location and elevation analysis shall occur within seven working days of Project completion and shall be submitted to CDFW for review and concurrence. Rootwad coordinate location and elevation data shall be provided in a table and mapped on a design layout. Permittee shall prepare a report for each analysis and submit report to CDFW.</p> <p>Photographic Monitoring Stations and Documentation of Work. Permittee shall establish photographic monitoring stations and shall provide at least nine vantage points of the Project to include all Project stream channel restoration design elements to accompany the cross section and longitudinal profile analyses. The photos shall be collected from the same vantage points for each conducted channel geomorphic survey. Permittee shall include documentation of the designated photo stations on a map describing the location of the photo, direction of view, and include photos at each photo station with the reports required above.</p> <p>Subsurface In-Stream Monitoring – Post-Construction. If the surveys and monitoring protocols identified within this Agreement discovers that the surface stream flows are going subsurface within any of the channel sections within the Project footprint when continuous surface flows are otherwise present upstream in the channel, the Permittee shall be required to correct the issue. The method to correct the issue shall be developed in consultation with CDFW and the mitigation requirements of this Agreement will not be met until subsurface flows have been corrected or improved at the discretion of CDFW.</p>				

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
15	On-Site Covered Species Monitoring. The Permittee shall be responsible for submission of an On-Site Covered Species Monitoring Plan a minimum of 30 days prior to the initiation of construction. The plan shall focus on the determination of presence/absence of Covered salmonid species and the utilization of the proposed root-wad structures through the detection of redds, or salmonid egg deposition features within Soquel Creek. Covered Species monitoring shall occur for a period of ten years.	ITP Condition # 9.3.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
16	<p>Security: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <p>Master Funding Agreement. Security for this ITP shall be governed by the Master Funding Agreement between the California Department of Fish and Wildlife and the California Department of Transportation, dated September 3, 2021.</p> <p>Funding Memorandum. Permittee has prepared and CDFW has approved, the project-specific Funding Memorandum required by the Master Funding Agreement and attached to this ITP as Attachment 3.</p> <p>Security Amount. The Security shall be in the amount of \$1,008,000.00 This amount is based on the cost estimates identified in Condition of Approval 9.1 above and the Funding Memorandum.</p> <p>Funding of the Child Expenditure Authorization (EA). Permittee shall create and fund the Child EA with funds equivalent to the Security Amount.</p> <p>Compliance with the Master Funding Agreement. Permittee shall complete all requirements set forth in the Master Funding Agreement and shall at all times comply with the terms and conditions of that Agreement.</p> <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition # 10	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
DURING CONSTRUCTION					
17	Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-	ITP Condition # 6.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	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.				
18	<p>Qualified Stream Restoration Specialist. Permittee shall also designate a person or persons as a Qualified Stream Restoration Specialist to monitor the work specific to the stream channel restoration design work covered by this agreement. At least 30 days prior to the commencement of Project activities related to the stream channel restoration design work covered by this Agreement, the Permittee shall submit to CDFW, for review and concurrence, the qualifications for a hydraulic engineer, fish passage engineer, fluvial geomorphologist or similar California licensed professional (Qualified Stream Restoration Specialist).</p> <p>The Qualified Stream Restoration Specialist shall have a minimum of five years of professional experience in fish passage and stream channel restoration including overseeing the placement of rootwad structures used as bank revetment and/or other large woody structures used in stream channel restoration efforts, and other flow redirective structures, including construction best management practices for the placement of rootwads, large woody structures, and flow redirective structures such as rock wing deflectors. The prospective consulting firm, providing the Qualified Stream Restoration Specialist, shall have at least ten years of specialized experience in engineering design and construction oversight related to salmonid fish passage improvement projects; or shall be able to show a high degree of competence in the subject matter from past fish passage and stream channel restoration projects.</p>	ITP Condition # 6.4	Entire Project	Permittee	
19	Qualified Stream Restoration Specialist Responsibilities. The Qualified Stream Restoration Specialist shall act, in coordination with the Qualified Biologists and/or Biological Monitors, as a construction monitor to oversee and document the implementation and construction of the stream channel restoration designs approved by CDFW Conservation Engineering Branch. The Qualified Stream Restoration Specialist shall be on-site during all stream channel restoration construction work within the bed, bank, and channel, and document construction activities through the preparation of daily construction inspection diaries.	ITP Condition # 6.5	Entire Project	Permittee	
20	Qualified Stream Restoration Specialist Authority. The Qualified Stream Restoration Specialist shall have the authority to make corrective changes in the field to ensure consistency with the stream channel restoration designs accepted by the CDFW Conservation Engineering Branch. The Qualified Stream Restoration Specialist shall communicate with the resident engineer and the Qualified Biologist, and the Permittee shall notify CDFW when changes are necessary to ensure designs meet the conditions of this Agreement. Construction methods shall be consistent with the California Salmonid Stream Habitat Restoration Manual, Part XII (July 2009) and shall be inspected by the Qualified Stream Restoration Specialist for consistency.	ITP Condition # 6.6	Entire Project	Permittee	
21	Construction Monitoring Documentation. The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.	ITP Condition # 6.8	Entire Project	Permittee	
22	Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition # 6.11	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
23	Project Access. Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 6.12	Entire Project	Permittee	
24	Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in this ITP.	ITP Condition # 6.13	Entire Project	Permittee	
25	Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 6.14	Entire Project	Permittee	
26	CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands, if applicable, 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.	ITP Condition # 6.15	Entire Project	Permittee	
27	Notification of Non-Compliance. The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.	ITP Condition # 7.2	Entire Project	Permittee	
28	Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections a minimum of once per week during periods of inactivity and after clearing, grubbing, and grading are completed. The Designated Biologist shall conduct compliance inspections to: (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.	ITP Condition # 7.3	Entire Project	Permittee	
29	Daily Reports from Qualified Stream Restoration Specialist. The Qualified Stream Restoration Specialist shall be on-site daily when Covered Activities specific to stream restoration occur. Daily construction inspection diaries, including photographic documentation, shall be prepared	ITP Condition # 7.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	by the Qualified Stream Restoration Specialist and the Permittee shall submit these diaries electronically to CDFW on a weekly basis for review during construction of the accepted stream channel restoration designs. Daily construction inspection diaries must include, as a minimum, name of person completing the report, date and time of work, summary of construction activities, staff present at the site, summary of accepted design changes and a description of why the changes were made, photographic documentation, and signature of Qualified Stream Restoration Specialist certifying the accuracy of the diaries. Within 60 days after completion of the stream channel restoration work, the Qualified Stream Restoration Specialist shall prepare a summary of the implemented stream channel restoration activities, including an appendix of daily construction inspection diaries, which shall be submitted in the Final Construction Report required in the LSA Agreement, Storm Damage Permanent Restoration (EPIMS-SMO-39409-R3, EA 0Q480).				
30	Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Jacqueline Dixon, (707) 477-6819, Jacqueline.Dixon@wildlife.ca.gov and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 7.5	Entire Project	Permittee	
31	Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.5; (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.	ITP Condition # 7.6	Entire Project	Permittee	
32	CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 7.7	Entire Project	Permittee	
33	Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or	ITP Condition # 7.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (707) 428-2002. Initial notification shall also be provided to the CDFW Regional Representative is Jackie Dixon, Senior Environmental Scientist (Specialist), (707) 477-6819, Jacqueline.Dixon@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two 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.				
34	Seasonal Work Restrictions. All work within the bed, bank channel and associated riparian habitat is limited to the period from June 1 to October 31 each season within the Project Area.	ITP Condition # 8.1	Entire Project	Permittee	
35	Weather Work Restrictions. Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. No Covered Activities shall occur during a rain event. No Covered Activities will be started if the associated erosion control measures cannot be completed prior to the onset of precipitation. No Covered Activities shall occur within 24 hours of a 40 percent chance of precipitation or greater in the National Weather Service forecast for the Project Area. Covered Activities may continue 24 hours after the rain ceases if there is less than a 40 percent chance of precipitation in the 24-hour forecast for the Project Area. No work within ponded or flowing water is authorized to occur under the conditions of the ITP.	ITP Condition # 8.2	Entire Project	Permittee	
36	Weather and Erosion Control Monitoring and Reporting. Permittee shall monitor for weather events outlined in Condition of Approval 8.2 and ensure that the appropriate erosion control measures are in place prior to the initiation of a rain event. The Designated Biologist or an approved Biological Monitor shall be on-site each day to monitor that erosion control material is properly installed and working as intended. If any erosion or runoff is observed the monitor shall immediately confer with the Resident Engineer to halt work in that location and re-install measures or contain the runoff until the issue can be resolved. Monthly reports of the erosion control measures in place shall be provided that include images of the measures installed. All compliance issues with this measure shall be immediately reported to CDFW.	ITP Condition # 8.3	Entire Project	Permittee	
37	Storm Event Inspection. After any storm event, Permittee shall inspect all sites scheduled to begin or continue construction within the next 72 hours. Corrective action for erosion and sedimentation shall be taken as needed.	ITP Condition #8.4	Entire Project	Permittee	
38	Time of Day Work Restriction. For any activity that will clear, grub, remove existing unpaved features, excavate embankments, remove existing drainage features, construct new drainage features or excavate soil, the Permittee shall terminate all Covered Activities 30 minutes before sunset and shall not resume Covered Activities until 30 minutes after sunrise unless approved by the CDFW Representative in writing. The Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department for determining when Covered Activities shall terminate and resume. Nightwork requests beyond ten nights may require an amendment to this ITP.	ITP Condition # 8.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
39	<p>Decontamination. Any equipment that will contact the stream flows during project activities shall be decontaminated before and after work to prevent the spread of aquatic diseases and invasive aquatic species to other waterways. Permittee shall require workers to decontaminate waders, boots, SCUBA gear, fins and other clothing that will come in direct contact with the water. Decontamination of clothing and equipment shall be done through one or more of the following methods:</p> <p>Drying equipment in an upland location following last off-site aquatic use. If average daytime temperatures exceed 80 degrees F, drying times shall be at least 7 days. If average daytime temperatures are below 80 degrees F, drying times shall be at least 30 days.</p> <p>Scalding water wash (at least 140 degrees F) with varying high- and low-pressure spray to dislodge pathogens, vegetation, and contaminated sediment.</p> <p>Freezing at a temperature of less than 32 degrees F for more than 72 hours.</p> <p>Soaking in a CDFW-approved disinfectant solution for at least 2 minutes (or longer, depending on the disinfectant used). To avoid harm to non-target species, disinfected clothing and equipment shall be thoroughly rinsed in a water bath before entering the river.</p> <p>Repeat decontamination is required only if the equipment/clothing is removed from the site, used within a different water body, and returned to the project site. Decontamination shall take place in an upland location and any chemicals used during decontamination shall be prevented from entering water bodies or storm drains.</p>	ITP Condition # 8.7	Entire Project	Permittee	
40	<p>Vehicle and Equipment Inspection. Prior to the entry of any vehicle or equipment into the project area, including the staging sites, the vehicle shall be cleaned of any biological material that may have originated from an off-site location, at an off-site facility. Any equipment or vehicles driven and/or operated in the proximity of the stream and/or waterbody shall be checked daily for leaks of materials that, if introduced to water, could be deleterious to aquatic life, wildlife, or riparian habitat. All equipment shall be maintained in good working order to prevent the release of any contaminants. If a vehicle is found to be leaking fluids of any kind, it shall be taken to an off-site location immediately. Vehicles shall be moved away from the stream and/or water body prior to refueling and lubrication.</p> <p>Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream and riparian areas shall be positioned over drip-pans. Stationary heavy equipment shall have suitable containment to handle a catastrophic spill or leak.</p>	ITP Condition # 8.8	Entire Project	Permittee	
41	Vegetation Disturbance. No disturbance or removal of vegetation, other than that specified in the Project description shall occur because of Project activities. Vegetation outside the construction corridor shall not be removed or damaged without prior consultation and approval of CDFW.	ITP Condition # 8.11	Entire Project	Permittee	
42	Spoils. Permittee shall not place spoil where it could enter State waters or other sensitive habitat, such as riparian, or place over vegetation except as specifically noticed to and accepted by CDFW, in writing. Spoil shall be hauled off-site or stockpiled in an upland location where it shall be covered with plastic sheeting or visquine whenever it is evident that rainy conditions threaten to erode loose soils into sensitive habitats.	ITP Condition # 8.12	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
43	Remove Hazardous Substances. Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the waters of the State. Any of these materials, placed within or where they may enter a stream or lake, by Permittee or any party working under contract, or with the permission of the Permittee, shall be removed immediately.	ITP Condition # 8.13	Entire Project	Permittee	
44	Geo-Textile Fabric Restriction. No permanent geo-textile material or filter fabric of any kind is permitted for installation in any portion of this Project. Temporary use of geo-textile material or filter fabric is permitted provided it is removed each season.	ITP Condition # 8.15	Entire Project	Permittee	
45	Temporary Lighting Avoidance and Minimization. All temporary Project lighting associated with construction staging areas, access routes and construction sites shall be shut down upon the completion of work each day and not used as security lighting overnight. Temporary Project lighting on the surface of the road shall be directed towards the road surface and shall not be directed into areas outside of the road surface to prevent additional light pollution and disruption of wildlife activity. Baffles and various shading devices may be employed. All temporary lighting installed as part of the Project shall be fully hooded (i.e., no lateral lighting). Any illumination shall be directed to the ground and away from the river. All lighting shall be turned off 30 minutes prior to sunset, unless required for safety or security purposes.	ITP Condition # 8.16	Entire Project	Permittee	
46	Permanent Lighting. No new or permanent replacement lighting structures are authorized for installation under the terms of this permit.	ITP Condition # 8.17	Entire Project	Permittee	
47	Cofferdam Installation and Removal. The Qualified Biologist and a Fisheries Biologist approved by CDFW (can be the same person) shall direct the installation, removal and dewatering efforts of all cofferdam structures. The cofferdam installation shall be limited to the period between June 1 and October 31. During the period of active dewatering, the CDFW-approved Fisheries Biologist shall check daily for stranded aquatic life as the water level in the dewatering area drops and until active dewatering ceases. All stranded aquatic life in the dewatered areas shall be immediately relocated to habitat outside of harm's way. Cofferdams shall remain in place and functional during Covered Activities. Cofferdams that fail for any reason shall be repaired immediately. All materials used in cofferdam construction shall be removed from the project site once the coffer dams are no longer needed.	ITP Condition # 8.18	During dewatering activities	Permittee	
48	Daily Cofferdam Checks. The Qualified Biologist, Fisheries Biologist, or Biological Monitor shall check daily for stranded aquatic life in the dewatered areas prior to commencement of project activities each morning. If any fish is found within the dewatered area, then the biologist or monitor shall immediately stop work until the fish can be identified to species and relocated outside of harm's way by the Fisheries Biologist as described in the Covered Species Relocation Plan (Measure 8.28).	ITP Condition # 8.19	Entire Project	Permittee	
49	Cofferdams and Work Area Seepage. If the area within a cofferdam requires periodic pumping of seepage, pumping will occur under direct supervision of qualified fisheries biologist approved by CDFW. Any turbid water pumped from dewatered areas will be discharged into an area protected by a turbidity curtain to prevent suspended sediment from being transported upstream or downstream. Alternatively, Permittee may place pumps in upland flat areas, away from the	ITP Condition # 8.20	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	stream channel. Pumps placed in uplands shall be secured by tying off to a tree or staked in place to prevent movement by vibration. Pump intakes shall be fitted with fish screens meeting CDFW criteria to prevent entrainment or impingement of fish. CDFW fish screen criteria can be found online in Appendix S of the California Salmonid Stream Habitat Restoration Manual. Pump intakes shall be periodically checked for impingement of fish or amphibians that shall be relocated according to the approved measured outlined for each species. Any turbid water pumped from the work site itself to maintain it in a dewatered state shall be disposed of in an upland location where it will not drain directly into any stream channel.				
50	Cofferdam Work Area. Precipitation forecasts and potential increases of river flow shall be considered when planning construction activities within the cofferdam work area to avoid the potential for the release of materials or equipment into the river. Prior to departing the cofferdam work area each day, Contractor shall remove all non-fixed equipment and/or materials (not including pumps used for dewatering, as necessary) from the cofferdam work area and place in secured area.	ITP Condition # 8.21	Entire Project	Permittee	
51	Wet or Uncured Concrete within a non-dewatered Cofferdam. Permittee shall not allow wet or uncured concrete to enter into rivers or stream at any time. This Measure applies to "cofferdams" that have not been completely dewatered, with the exception of within the cofferdam with secondary containment casing, that fully isolates the concrete being poured from the surrounding waterway. If wet or uncured concrete is placed within non-dewatered cofferdam with secondary containment, water within the cofferdam will not be released into and/or allowed to intermingle with San Gregorio Creek without water quality testing to demonstrate that pH levels and dissolved oxygen concentrations are within acceptable range, consistent with background conditions (pH between 6 and 8 [pH units]; dissolved oxygen greater than 6 mg/L). If water quality within cofferdam exceeds these ranges, water will be pumped and treated and/or disposed of consistent with federal, State, and/or local regulations.	ITP Condition # 8.22	Entire Project	Permittee	
52	Concrete Avoidance and Minimization. Permittee shall make available the Project's Spill and Monitoring Plan (or equivalent document) upon request. No concrete pours are permitted during nighttime hours (from 30 minutes prior to sunset to 30 minutes prior to sunrise) under the terms of this Agreement. All concrete or any cement products shall be excluded from the wetted channel and any runoff areas exposed to poured concrete, or areas where it may come into contact with water, for a period of 30 days after it has been poured or sprayed. All concrete chemical admixtures shall be accepted in advance, in writing by CDFW prior to their use on-site. Concrete chemical admixtures shall not impact the environment and shall have Safety Data Sheets (SDS) demonstrating environmental safety. The toxicology and ecological sections (usually Sections 11 and 12) can identify if the material is environmentally safe. If the SDS lists "unknown", the concrete chemical admixture is not permitted.	ITP Condition # 8.23	Entire Project	Permittee	
53	On-Site Spill Prevention Specialist. At all times while Covered Activities are underway, Permittee shall have a designated person on-site who is properly trained in spill containment/clean up to implement spill control devices in the event a spill occurs.	ITP Condition # 8.25	Entire Project	Permittee	
54	Spill Containment and Spill Kits. All activities performed in or near the water shall have absorbent materials designated for hazardous materials spill containment and cleanup activities on-site for use in an accidental spill. Permittee shall immediately initiate the cleanup activities in the event of a hazardous materials spill. Prior to entering the work site, all field personnel shall	ITP Condition # 8.26	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	know the location of spill kits and trained in their appropriate use. The emergency response plan shall also be submitted in the final construction report.				
55	<p>Notification of Spill. Permittee and all contractors shall be subject to the water pollution regulations found in Fish and Game Code sections 5650 and 12015. In the event of a hazardous materials spill into the stream (e.g., petroleum, sediment, etc.), Permittee shall immediately notify the California Office of Emergency Services State Warning Center by calling (800) 852-7550 and immediately provide written notification to CDFW by email.</p> <p>Permittee shall take all reasonable measures to document the extent of the impacts and affected areas including photographic documentation of affected areas, injured fish and wildlife. If dead fish or wildlife are found in the affected area, Permittee shall collect carcasses and immediately deliver them to CDFW. Permittee shall meet with CDFW within 10 days of the reported spill in order to develop a resolution including: site clean-up, site remediation, and compensatory mitigation for the harm caused to fish, wildlife, and the habitats on which they depend as a result of the spill. Permittee shall be responsible for all spill clean-up, site remediation, and compensatory mitigation costs. Spill of materials to waters of the State that are deleterious to fish and wildlife are in violation of Fish and Game Code section 5650 et seq., and are subject to civil penalties for each person responsible. CDFW reserves the right to refer the matter to the District Attorney's Office if a resolution cannot be agreed upon and achieved within a specified timeframe, generally six months from the date of the incident.</p>	ITP Condition # 8.27	Entire Project	Permittee	
56	<p>Covered Species Relocation Plan. The Designated Biologist(s) shall prepare a Covered Species Relocation Plan (Relocation Plan) and submit for CDFW review 60 days prior to the initiation of construction. The Relocation Plan shall include, but not be limited to, pre-activity survey methodology appropriate for the season, capture, handling, and relocation methods; and identification of where the individuals will be relocated to. The relocation areas shall be identified by the Designated Biologist(s) based upon best suitable habitat available and time of year and approved by CDFW prior to the start of Covered Activities. The Relocation Plan shall be submitted to CDFW for review and approval prior to the beginning of Covered Activities. Covered Activities anywhere within the Project Area may not proceed until the Relocation Plan is approved in writing by CDFW. Only the approved Designated Biologist(s) are authorized to capture and handle the Covered Species.</p>	ITP Condition # 8.28	Entire Project	Permittee	
POST-CONSTRUCTION					
57	<p>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.</p>	ITP Condition # 6.16	Post-construction	Permittee	
58	<p>Final Mitigation Report. No later than 60 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully</p>	ITP Condition # 7.8	Post-construction and after completion of mitigation	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.				
59	Remove Temporary Flagging, Fencing, and Barriers. Permittee shall remove all temporary flagging, fencing, erosion control, temporary work platforms, temporary access road materials, and/or Covered Species barriers from the Project Area upon completion of Project activities.	ITP Condition # 8.14	Post-construction	Permittee	

**BIOLOGIST RESUME**

Project Name: Click or tap here to enter text.

LSA Agreement/ITP Number(s): Click or tap here to enter text.

COVER SHEET

SUBMIT EACH RESUME AS A SEPARATE DOCUMENT

Name	Requested Role(s) ¹	Species/Resource(s)

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

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

**BIOLOGIST RESUME**

Project Name: Click or tap here to enter text.

LSA Agreement/ITP Number(s): Click or tap here to enter text.

SECTION I. NAME AND CONTACT INFORMATION

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

SECTION II. EDUCATION

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

SECTION III. ROLE(S) AND PERMIT REQUIREMENTS

Requested Role(s):
Relevant LSA Agreement Measures or ITP Conditions²:

SECTION IV. SPECIES AND RESOURCE EXPERIENCE – SUMMARY

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

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

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

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

**BIOLOGIST RESUME**

Project Name: Click or tap here to enter text.

LSA Agreement/ITP Number(s): Click or tap here to enter text.

SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS

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

SPECIES OR RESOURCE 1:**Project 1 Name & Location:****Project Start Date:****Project End Date:****LSA Agreement, ITP, or Other Agency Permit Number:****Role(s)⁴:****Survey Type(s)⁵:****Construction Monitoring⁶****Days:****Activities:****Species Life Stages Observed & Handled, Number of Each****Company Name, Professional Reference Name, Phone, Email:****Life Stage:****Number Observed:****Number Handled:****Reported to****CNDDB⁷ (Y/N):****If not reported to CNDDB, why:****CDFW and Other Agency Email:****Project 2 Name & Location:****Project Start Date:****Project End Date:****LSA Agreement, ITP, or Other Agency Permit Number:****Role(s):****Survey Type(s):****Construction Monitoring:****Days:****Activities:****Species Life Stages Observed & Handled, Number of Each****Company Name, Professional Reference Name, Phone, Email:****Life Stage:****Number Observed:****Number Handled:****Reported to****CNDDB (Y/N):**

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

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

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

⁷ CNDDB is the abbreviation for California Natural Diversity Database.



BIOLOGIST RESUME

Project Name: [Click or tap here to enter text.](#)

LSA Agreement/ITP Number(s): [Click or tap here to enter text.](#)

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

**BIOLOGIST RESUME**

Project Name: Click or tap here to enter text.

LSA Agreement/ITP Number(s): Click or tap here to enter text.

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

**BIOLOGIST RESUME**

Project Name: Click or tap here to enter text.

LSA Agreement/ITP Number(s): Click or tap here to enter text.

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



BIOLOGIST RESUME

Project Name: [Click or tap here to enter text.](#)

LSA Agreement/ITP Number(s): [Click or tap here to enter text.](#)

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

MASTER FUNDING AGREEMENT

This MASTER FUNDING AGREEMENT (AGREEMENT) is made by and between the California Department of Transportation (CALTRANS) and California Department of Fish and Wildlife (CDFW). CALTRANS and CDFW shall be collectively referred to herein as the "PARTIES" and individually as a "PARTY."

RECITALS

1. CALTRANS intends to construct future transportation projects for the State Highway System (individually a "PROJECT" and collectively "PROJECTS"). Pursuant to California Fish and Game Code sections 2080.1 and 2081, CDFW can issue CALTRANS, respectively, a Consistency Determination or an Incidental Take Permit for CALTRANS PROJECTS. The Incidental Take Permit and/or Consistency Determination are hereinafter referred to individually as a "TAKE AUTHORIZATION" and collectively as "TAKE AUTHORIZATIONS."
2. CDFW's issuance of TAKE AUTHORIZATIONS for CALTRANS PROJECTS is conditioned on CALTRANS implementing certain mitigation and monitoring measures and requirements hereinafter referred to collectively as "MITIGATION REQUIREMENTS."
3. Unless CALTRANS satisfies the MITIGATION REQUIREMENTS prior to incurring impacts from a PROJECT, the TAKE AUTHORIZATIONS require that CALTRANS set aside funds to satisfy the cost CDFW has determined will be necessary to satisfy the MITIGATION REQUIREMENTS for the PROJECT, in the event of a default by CALTRANS. These funds shall be referred to herein as "SECURITY FUNDS."
4. As set forth in applicable TAKE AUTHORIZATIONS condition(s), CALTRANS is required to establish and maintain the SECURITY FUNDS in an amount, form, and manner acceptable to CDFW.
5. The PARTIES desire to enter into this AGREEMENT to establish the manner in which CALTRANS will maintain SECURITY FUNDS for the proper implementation and completion of MITIGATION REQUIREMENTS for CALTRANS PROJECTS. The specific purpose of and background for this AGREEMENT are included in the summary of CALTRANS' project programming and funding procedures set forth in Exhibit "A," attached hereto and incorporated herein by reference.

OPERATIVE PROVISIONS

NOW THEREFORE, in consideration of the covenants and conditions set forth herein, the PARTIES agree as follows:

1. Effective Date.

This AGREEMENT is effective as of the date CALTRANS and CDFW have executed this AGREEMENT.

2. Funding Memorandum

As a condition to CDFW's issuance of a final TAKE AUTHORIZATION, CALTRANS will provide a completed Funding Memorandum to CDFW in the form of Exhibit "B," attached hereto and incorporated herein by reference, to document the manner in which CALTRANS will provide SECURITY FUNDS (the "FUNDING MEMORANDUM"). The FUNDING MEMORANDUM will include the following:

- A. The name of the project;
- B. A brief project description;
- C. The incidental take permit number or consistency determination number;
- D. The CALTRANS parent project expense authorization (EA) number;
- E. The CALTRANS child project EA (Child EA) number;
- F. The estimated costs of the MITIGATION REQUIREMENTS; and
- G. The total amount required for the SECURITY FUNDS
- H. Subject to the Budget Act provisions of this AGREEMENT, a statement that the funds have been budgeted, as well as allocated, and will not be re-allocated to another element of the PROJECTS, or to other PROJECTS, or for any other purpose.

3. Process for CALTRANS SECURITY FUNDS.

- A. In order to meet the SECURITY FUNDS requirement of the TAKE AUTHORIZATIONS, CALTRANS shall create and program a separate and unique project expense authorization identified as a "Child EA" which is more fully described in Exhibit "A." After the Child EA is established, CALTRANS will transfer the SECURITY FUNDS, once allocated for PROJECTS, to the Child EA.
- B. CALTRANS agrees to use the SECURITY FUNDS in the Child EA exclusively to satisfy MITIGATION REQUIREMENTS required by TAKE AUTHORIZATIONS.
- C. In the event CDFW determines that CALTRANS is not satisfying MITIGATION REQUIREMENTS, the PARTIES will resolve any issues through the internal dispute resolution process described in Exhibit "C," attached hereto and incorporated herein by reference.
- D. CDFW acknowledges and agrees that the provisions of this AGREEMENT constitute advance written approval of a security form by CDFW's Office of the General Counsel for all CALTRANS TAKE AUTHORIZATIONS statewide.
- E. If after exhausting the internal resolution process described in Exhibit "C." the PARTIES fail to resolve issues relating to MITIGATION REQUIREMENTS and SECURITY FUNDING, CDFW will notify CALTRANS, in writing, of its intent to obtain the unused remaining

SECURITY FUNDS, and CALTRANS shall take all necessary actions to transfer all remaining, unencumbered SECURITY FUNDS to CDFW within 45 days.

F. CDFW and CALTRANS will work together in good faith until MITIGATION REQUIREMENTS are completed. CALTRANS will follow processes described in Exhibit "A" to program additional funds, if needed, to complete MITIGATION REQUIREMENTS. In the event CDFW obtains the remaining unencumbered SECURITY FUNDS, pursuant to subsection E above, CALTRANS will work in good faith to provide CDFW with access to any mitigation lands within a CALTRANS right of way or otherwise under the control of CALTRANS, and to facilitate the timely completion of the MITIGATION REQUIREMENTS, and CDFW will work in good faith to obtain all necessary approvals from CALTRANS to access the mitigation lands and complete the MITIGATION REQUIREMENTS in accordance with CALTRANS policies and practices for its lands.

G. If CDFW obtains the remaining unencumbered SECURITY FUNDS, pursuant to subsection E above, and those funds are insufficient to complete the MITIGATION REQUIREMENTS, CALTRANS agrees to replenish the Child EA, and CDFW and CALTRANS agree to meet to identify appropriate sources of funding to replenish the Child EA for the timely completion of the MITIGATION REQUIREMENTS.

4. Budget Contingency Clause

The PARTIES mutually agree that if the Budget Act of the current year and/or any subsequent years covered under this AGREEMENT does not appropriate sufficient funds for the funding required under this AGREEMENT, this AGREEMENT shall be of no further force and effect. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of the FUNDING SECURITY, CALTRANS shall have the option to either terminate this AGREEMENT without liability or offer an AGREEMENT amendment to reflect the reduced amount. In addition, CALTRANS' obligations under this AGREEMENT are subject to Legislative appropriation and allocation by the California Transportation Commission (CTC).

In the event this AGREEMENT is terminated due to the Legislature's failure to appropriate sufficient funds or CALTRANS exercises its option to terminate this AGREEMENT after a reduction or deletion of funds, CALTRANS shall remain responsible for funding and completing the MITIGATION REQUIREMENTS, and CALTRANS and CDFW shall agree to meet and to work in good faith to identify appropriate sources of funding to complete the MITIGATION REQUIREMENTS.

5. Termination

Either PARTY may terminate this AGREEMENT upon sixty (60) days' prior written notice to the other PARTY. The PARTIES agree that, if this AGREEMENT is terminated for any reason, prior to the effective date of the termination CALTRANS shall provide alternative performance security to CDFW, in a form to be approved in advance in writing by CDFW's Office of General Counsel, for all PROJECTS for which the MITIGATION REQUIREMENTS have not been completed.

6. Retention of Records/Audits

The PARTIES shall maintain as public records all books, documents, papers, accounting records and other evidence pertaining to the performance of this AGREEMENT, including but not limited to, the costs of administering this AGREEMENT. The PARTIES shall make such materials available at their respective offices at all reasonable times and for three years from the date CALTRANS has satisfied its MITIGATION REQUIREMENTS and obligations under this AGREEMENT. The PARTIES, State Auditor, Federal Highway Administration, or any duly authorized representative of the Federal government having jurisdiction under Federal laws or regulations (including the basis of Federal funding in whole or in part), shall have access to any party's books, records, and documents that are pertinent for audits and examinations. Excerpts, transactions, and copies thereof shall be furnished upon request.

7. Applicable laws.

All applicable laws and regulations relating to the use of federal or state funds shall apply notwithstanding other provisions of this AGREEMENT.

8. Amendments

Except as provided in Section 14 regarding Notices, this AGREEMENT may only be amended by written agreement, executed by all PARTIES.

9. Severability

In case any part, term, portion, or provision of this AGREEMENT is or shall be invalid, illegal, or unenforceable, the remaining parts, terms, portions, and provisions shall remain in full force and effect.

10. Miscellaneous

Nothing within the provisions of this AGREEMENT is intended to create duties, or obligations to, or rights in third parties not a party to this AGREEMENT, or to affect the legal liability of either party to the AGREEMENT by imposing any standard of care different from the standard of care imposed by law.

11. Entire Agreement

This AGREEMENT reflects the entire AGREEMENT of the PARTIES with respect to the subject matter hereof and supersedes all prior or contemporaneous oral or written understandings, statements, representations, and promises.

12. Authority

Each of the PARTIES represents and warrants that each of the persons executing this AGREEMENT on its behalf has full and complete legal authority to do so and thereby binds the party to this AGREEMENT.

13. Counterparts

This AGREEMENT may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. CDFW and CALTRANS agree that digital signatures are acceptable for execution of this AGREEMENT.

14. Notices

Notices made or required under this AGREEMENT shall be directed to the CALTRANS and CDFW representative as follows:

CDFW:

Chad Dibble, Deputy Director
Ecosystem Conservation Division
Department of Fish and Wildlife
P.O. Box 944209
Sacramento, CA 94244-2090
916-653-6956
chad.dibble@wildlife.ca.gov

CALTRANS:

Philip J. Stolarski, Chief
Division of Environmental Analysis
Department of Transportation
1120 N St, MS 27
Sacramento, CA 95814
916-206-7254
phil.stolarski@dot.ca.gov

The CALTRANS and CDFW representatives during the term of this AGREEMENT may be changed by advance written notice without the necessity of an amendment to this AGREEMENT.

15. Electronic Signatures.

Electronic signatures of the PARTIES, whether digital or encrypted, are intended to authenticate this AGREEMENT and shall have the same force and effect as manual signatures for this AGREEMENT.

“CALTRANS”

STATE OF CALIFORNIA

Department of Transportation

By: 

Director

“CDFW”

STATE OF CALIFORNIA

Department of Fish and Wildlife

By: See following page

Director

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“CALTRANS”

STATE OF CALIFORNIA

Department of Transportation

By: See prior page
Toks Omishakin, Director

“CDFW”

STATE OF CALIFORNIA

Department of Fish and Wildlife

By:  9/3/21
Charlton H. Bonham, Director

EXHIBIT A TO MASTER FUNDING AGREEMENT

CALTRANS PROJECT PROGRAMMING AND FUNDING PROCEDURES

All PROJECTS begin by CALTRANS preparing a Project Initiation Document (PID) that contains a purpose and need statement, defined project scope, capital and support cost estimate for each alternative, and project work-schedule. The cost estimate includes the projected costs of environmental studies, mitigation, and monitoring to meet anticipated MITIGATION REQUIREMENTS. The California Transportation Commission (CTC) then allocates project environmental analysis and preliminary project design funds based upon the project scope and cost estimates in the PID, including costs for anticipated MITIGATION REQUIREMENTS. CALTRANS can then allocate the CTC-approved funds into a programmed Expense Authorization (EA). MITIGATION REQUIREMENTS cost estimates in the PID are preliminary and subject to change, as a project's impacts and required mitigation are not definite until completion of subsequent engineered designs, environmental studies, and consultation with CDFW and other state and federal resource agencies.

The next phase of PROJECTS is the Project Approval and Environmental Document (PA&ED) component in which a Final Project Report and Final Environmental Document are completed. During this phase, CALTRANS studies each alternative and develops appropriate mitigation in consultation with both federal and state resource agencies, including CDFW, to maximize avoidance and minimization and identify effective mitigation. This process and its results are documented in the Final Environmental Document and incorporated into the Project Report. By signing the Final Project Report, the CALTRANS District Director establishes the full project description which integrates the mitigation measures as a commitment of the overall project and verifies that the resources necessary to complete the project and MITIGATION REQUIREMENTS are included in the estimated project costs. The CTC then allocates the appropriate funding for the final design and construction of the project based on the Final Environmental Document and the Final Project Report. Before allocating the funds, however, the CTC determines that the project meets its stated purpose and need and that the funds are sufficient to complete the project, including all commitments for avoidance, minimization, mitigation, and monitoring. These funds are then allocated for the anticipated programming/construction year.

The next phase for PROJECTS in the CALTRANS project development process is the preparation of plans, specifications and estimates (PS&E) necessary for the bidding process. The PS&E package is premised on the decisions and commitments in the Final Environmental Document and Final Project Report. At the completion of the PS&E phase, and prior to listing the contract for bid, the CALTRANS District Environmental Division Chief certifies that the PS&E package incorporates all environmental commitments. At that time, an Environmental Commitment Tracking Record is created to verify compliance with the environmental commitments throughout the life of the project.

As PROJECTS develop and are further evaluated during the PA&ED and PS&E phases, a decision is made regarding whether PROJECTS will result in the take of CESA-listed or candidate species. Plans to avoid, minimize, mitigate, and monitor the CESA-listed species impacts are made through early coordination with CDFW. CALTRANS and CDFW staff determine the preferred mitigation and CALTRANS may include this as a proposal to CDFW in its TAKE AUTHORIZATIONS applications or within the federal ESA consultation for take authorization to be used with TAKE AUTHORIZATIONS. The final project avoidance, minimization, and MITIGATION REQUIREMENTS and SECURITY FUNDS requirements are then delivered in the TAKE AUTHORIZATIONS by CDFW or within the federal ESA take authorization to be used for TAKE AUTHORIZATIONS.

CALTRANS is committed to fulfilling environmental commitments for PROJECTS. This includes programming sufficient resources to meet MITIGATION REQUIREMENTS. MITIGATION REQUIREMENTS may be encountered prior to impacts of CESA-listed species, concurrently with, or beyond project construction within the State's right-of-way or located outside the State's right-of-way.

With approval from the CTC, CALTRANS can apportion funding from a parent project EA and program into a new EA, referred to for accounting purposes as a "Child EA." The Child EA is used for mitigation efforts that require work after CALTRANS has accepted the contract and construction work. The Child EA is programmed to maintain adequate funding for all mitigation acquisition, construction, monitoring, maintenance, and adaptive management activities under TAKE AUTHORIZATIONS issued for the parent project. The unique Child EA establishes a dedicated fund to cover the cost of MITIGATION REQUIREMENTS that extend beyond project completion and acceptance and until CDFW has determined CALTRANS has satisfied the MITIGATION REQUIREMENTS.

When programming and/or funding adjustments are necessary during the life of PROJECTS, the project change control process must be followed by CALTRANS. A request for change is reviewed by CALTRANS Headquarters Management, including the Environmental Division Chief, for consistency with environmental commitments. If the proposed change request includes changing environmental commitments, it must be documented with the consultation and concurrence of the applicable resource agencies, and, if necessary, additional environmental studies and documentation. The changes to project budgets created by the project change control process and the creation and programming of a Child EA must be approved by the CTC.

At the construction phase of PROJECTS, the Resident Engineer monitors the progress of the project including compliance with environmental commitments. Prior to the closure of PROJECTS, the Project Manager with assistance from the district Environmental Construction Liaison reviews all aspects of the PROJECTS for compliance with MITIGATION REQUIREMENTS for TAKE AUTHORIZATIONS. After closure of the primary construction phase of PROJECTS, funding within a Child EA

ensures additional work to complete MITIGATION REQUIREMENTS exists beyond the life of the primary construction contract.

If CDFW has determined that CALTRANS has not met its MITIGATION REQUIREMENTS for TAKE AUTHORIZATIONS, the PARTIES shall use the internal resolution process described in Exhibit "C."

EXHIBIT B TO MASTER FUNDING AGREEMENT

FUNDING MEMORANDUM

1. Name of Project:
2. Brief Description of the Project:
3. Incidental Take Permit Number or Consistency Determination Number:
4. CALTRANS parent project EA and program funding source:
5. CALTRANS Child EA and program funding source:
6. Estimated costs of Mitigation (including monitoring):
7. Total amount for security (combined total of estimated costs of Mitigation and Monitoring):

The funds for this project have been currently budgeted and allocated, for the project as described above. The funds that have been allocated for mitigation and monitoring will not be re-allocated to another element of the project or expended for any purpose other than completing the mitigation and monitoring requirements.

Signature_____

Date _____

Instruction: This form is to be transmitted by CALTRANS to CDFW with each application for an incidental take permit under Fish and Game Code section 2081, and with each request for a Consistency Determination under Fish and Game Code section 2080.1. CALTRANS personnel who signs permit shall also sign this form.

EXHIBIT C TO MASTER FUNDING AGREEMENT

INTERNAL DISPUTE RESOLUTION PROCESS

If at any time CDFW determines that Caltrans is not meeting its MITIGATION REQUIREMENTS for TAKE AUTHORIZATIONS, the PARTIES shall use the following process for resolution.

Stage	Caltrans Staff Title	DFW Staff Title	Duration of stage
1	District Assoc./Environmental Planner (NS)	Senior Environmental Scientist	10 working days
2	District Senior Environmental Planer	Senior ES (Supervisory)	10 working days
3	District Supervisory EP	Environmental Program Manager	10 working days
4	District Principal TP/Deputy Env. Planner	Regional Manager	10 working days
5	District Director/ HQ Environmental Division Chief	HQ Deputy Director for Ecosystem Conservation	10 working days
6	Director	Director	10 working days

At each stage, if the PARTIES reach an impasse and cannot resolve the disputed issue, they will document the issue(s) needing resolution and the reasons for the impasse and notify the group in the next stage of ladder. At each stage of the resolution process, all PARTIES will seek to reach agreement within 10 working days or prepare information for the next stage of resolution until the matter is resolved.