



California Department of Fish and Wildlife  
Northern Region  
601 LOCUST STREET  
REDDING, CA 96001

California Endangered Species Act  
Incidental Take Permit No. 2081-2025-034-01

**HUM 36 THREE BRIDGES PROJECT (CALTRANS EA# 01-0C500)**

**I. Authority:**

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take<sup>1</sup> of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.<sup>2</sup> However, CDFW may authorize the take of any such species by permit pursuant to the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c). (See Cal. Code Regs., tit. 14, § 783.4.)

<b>Permittee:</b>	<b>California Department of Transportation (Caltrans)</b>
<b>Contact Person:</b>	<b>Jason Meyer, Jason.Meyer@dot.ca.gov</b>
<b>Mailing Address:</b>	<b>1656 Union Street Eureka, CA 95501</b>

**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 7.6 of this ITP.

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

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

**III. Project Location:**

The HUM 36 Three Bridges Project (Project) is located along State Route 36 in Humboldt County. The Project will replace the Hely Creek Bridge at post mile (PM) 11.46 (40.4998, -123.9747); widen the bridge and upgrade rails at Little Larabee Creek Bridge at PM 25.27 (40.4783, -123.7810); and replace Butte Creek Bridge at PM 34.52 (40.4410, -123.6698).

**IV. Project Description:**

The Project proposes to replace the bridges over Hely Creek and Butte Creek, and to widen the bridge over Little Larabee Creek. Presently all three bridges do not meet current design standards. In 2021, CDFW issued the Project a CESA Consistency Determination (CD, #2080-2021-012-01). Caltrans' current application for an ITP is for two reasons. First, over the two in-water construction seasons covered in the prior CESA CD (2023 and 2024), the Project relocated close to five times more steelhead (winter and summer-run) during water diversions (Hely Creek and Little Larabee Creek) than was predicted (636 vs 160); resulting in a take exceedance of Covered Species. Second, while the prior CESA CD only analyzed two seasons of stream dewatering, Caltrans now anticipates a third in-water construction season for Hely, Little Larabee and potentially Butte creeks will be needed.

The Project description for bridge construction remains unchanged from the prior CESA CD, and is described in the National Marine Fisheries Service's 2021 Biological Option (WCRO-2021-01053) and in more detail in Caltrans' 2021 Biological Assessment. To minimize impacts to Covered Species, the Project will install temporary stream diversion systems at each bridge construction area. Within stream diversion areas, fish will be captured and relocated to suitable habitat prior to dewatering of streams. In-water work is limited to June 15 through October 15 and diversions will use a gravity system. At Hely Creek, a temporary stream diversion will dewater up to 176 feet of the stream during each year of construction. A cofferdam will be installed 92 feet upstream of the existing bridge's centerline and water will flow 84 feet downstream of the bridge centerline. At Little Larabee Creek, a temporary stream diversion will dewater up to 196 feet of the stream during each year of construction. A cofferdam will be installed 67 feet upstream of the existing bridge's centerline and water will flow 129 feet downstream of the bridge centerline. At Butte Creek, a temporary stream diversion will dewater up to 85 feet of the stream during each year of construction. A cofferdam will be installed 55 feet upstream of the existing bridge's centerline and water will flow 30 feet downstream of the bridge centerline.

The ITP application also includes additional mitigation for CESA take occurring in excess of the prior CESA CD. This additional mitigation includes installation and monitoring of an engineered, in-stream large wood structure approximately 75-feet downstream of the Hely Creek bridge. Access to install the additional large wood at Hely would not require an increase in dewatered stream length and no additional riparian impacts are anticipated. Preliminary plans are included in the ITP application and final design plans for the additional instream large wood structure at Hely Creek will be provided to CDFW prior to construction.

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The proposed mitigation will be incorporated into the Project’s final construction plans and sufficient funds will be allocated in the contract to implement the proposed work. Caltrans shall provide funding security for mitigation requirements, in compliance with the Master Funding Agreement entered into by the California Department of Fish and Wildlife and Caltrans on September 3, 2021, to ensure that it has adequate funding to complete the additional mitigation described above. Caltrans has created a separate project, identified by expenditure authorization number (EA #) 01-0C501, for the principal purpose of funding security for mitigation and associated monitoring and adaptive management requirements, referred to as a Child EA mitigation project. Costs to source material and implement and monitor the instream large wood structure installation are estimated to range from \$20,000.00 to \$25,000.00. Prior to construction activities that could take CESA species, Caltrans will submit final documentation (“Funding Memorandum”) to CDFW to show that sufficient funds have been allocated in the Child EA mitigation project (01-0C501) to ensure implementation of all monitoring measures described here to fully mitigate the incidental take of state-listed species resulting from construction of the proposed Project and in accordance with Fish and Game Code Section 2081(b).

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> <sup>3</sup>
1. Coho Salmon ( <i>Oncorhynchus kisutch</i> )	Threatened <sup>4</sup>
2. Northern California Summer Steelhead ( <i>O. mykiss</i> )	Endangered <sup>5</sup>

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

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

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include stream diversions and fish relocation (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as fish mortality from stream dewatering and fish relocation. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from stream dewatering and fish relocation. The areas where authorized take of the Covered Species is expected to occur include: 176 linear feet of stream habitat at Hely Creek, 196 linear feet of stream habitat at Little Larabee Creek, and 85 linear feet of stream habitat at Butte Creek (collectively, the Project Area).

The Project is expected to cause no permanent loss of habitat for the Covered Species, and

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

<sup>4</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(2)(D).

<sup>5</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (a)(2)(P).

temporary loss of 457 linear feet of stream 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 construction noise and vibrations, fish capture and relocation, temporary impacts to water quality, temporary loss of rearing habitat, and temporary loss of riparian vegetation.

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

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

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

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration and Initial Study (SCH No.: 2020060581) adopted by the California Department of Transportation on June 14, 2021 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. EPIMS-HUM-25051-R1C) 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 *Endangered Species Act Section 7(a)(2) Biological Opinion*, and *Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for Caltrans' HUM-36 Three Bridges Project (EA 01-0C500, WCRO-2021-01053)* for the Project

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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.** A qualified biologist approved by CDFW, having the appropriate permits and experience, shall act as the biological monitor (monitor) for the Project. The monitor shall be on site upon commencement of ground disturbing activities and until all grubbing/trimming has been completed to monitor for any common or special status species within 300-feet of any Project-related work. Additionally, the biological monitor shall be on site during all in-water work. If any common or special status species are found in the path of construction, the monitor shall move the species out of harm's way to a safe location using the following protection measures implemented at the discretion of the monitor and the Resident Engineer: 1) hand capture species and relocate out of the work area, and/or 2) install silt fence or other exclusionary fencing to prevent species from re-entering disturbance area. Any exclusionary devices installed for this purpose shall be checked by the monitor, or designee of the monitor, on a daily basis to check/ensure continued exclusionary device effectiveness.

**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 their 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. 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. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.
- 6.5. Construction Monitoring Documentation.** The Designated Biologist(s) and 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. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.
- 6.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators.
- 6.7. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials or exclusionary contrivances potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 6.8. Delineation of Project Boundaries.** Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 6.9. Project Access.** Project-related personnel shall access the Project Area using existing routes, or routes identified in documents reference within this ITP. If Permittee determines construction or 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.

- 6.10. 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 Condition of Approval 6.9 of this ITP.
- 6.11. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and mitigation areas 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.
- 6.12. Refuse Removal.** Upon completion of Covered Activities each year, 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 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 weekly after the temporary stream divisions are in place until they are removed. 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. Annual Status Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into an Annual Status Report (ASR) and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Annual Compliance Reports shall be submitted 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 Greg O'Connell, Senior Environmental Scientist (Specialist) (Gregory.OConnell@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. Permittee shall provide CDFW with an 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 compliance monitoring for that year identified in Condition of Approval 7.3; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; and (6) information about other Project impacts on the Covered Species.

**7.5. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 30 calendar days of the observation, and the Designated Biologist shall include copies of the submitted forms with the next ASR.

**7.6. Final Mitigation Report.** No later than 90 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 Annual 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.

**7.7. Notification of Injury.** Permittee shall immediately notify the Designated Biologist if a Covered Species is injured by a Project-related activity, or if a Covered Species is otherwise found dead within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide notification to CDFW within 24 hours. The notification to CDFW shall include information regarding the location, species, and number of animals injured or dead, an explanation as to cause of injury/death, and any other pertinent information and the ITP Number.

**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. Work Periods.**

**8.1.1.** All work within the stream channel or on the stream banks shall be confined to the period commencing June 15 and ending October 15, of any year in which this ITP is valid. If weather conditions permit and stream flows remain low, Permittee may perform work in the channel or on the stream banks after October 15 provided a written request is made to the Department at least five days before the proposed work period variance. Written approval from the Department for the work period variance must be received by the Permittee prior to the start or continuation of work after October 15.

**8.1.2.** To avoid impacts to nesting birds, vegetation removal and riparian planting may be conducted during any time of year, following all other measures related to nesting bird protections in this Agreement.

**8.2. Wet Weather.** If the 10-day weather forecast indicates a probability of precipitation of 50% or greater, the Permittee shall do all of the following:

- Monitor the seventy-two (72) hour forecast from the National Weather Service.
- When the 72-hour forecast indicates a 50 percent chance or greater probability of precipitation, and a quantitative precipitation forecast of 0.5 inches or more within a 24-hour period:

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- Stage erosion and sediment control materials at the work site.
- When rainfall is reasonably expected, or at the onset of any precipitation that could cause erosion, ground disturbing activities shall cease until erosion control measures are implemented.
- Erosion control measures shall be implemented to stabilize exposed soils that have the potential to mobilize sediment into the stream channel or adjacent wetland or riparian areas.

**8.3. Equipment Cleaning.** All machinery or heavy equipment that will be entering the stream bed, channel, and bank shall be cleaned of materials deleterious to aquatic life including oil, lubricants, coolants, hydraulic fluid, soil, and other debris. Cleaning of equipment shall take place outside of the stream bed, channel, and bank.

**8.4. Equipment Maintenance.** Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants, or hydraulic fluids shall not take place within stream bed, channel, and bank, with the exception of cranes and portable generators. Generators shall be equipped with appropriately sized secondary spill containment devices at all times. Heavy equipment used or stored within stream bed, channel, and bank shall use drip pans or other devices (i.e., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination. Absorbent pads and spill cleanup kits shall be onsite during all refueling activities.

**8.5. Inspection and Decontamination of Project Equipment.** Permittee shall inspect all vehicles and project-related heavy equipment and remove all visible soil/mud, plant materials, and animal remnants, and drain any water, prior to entering and exiting the Project site. Permittee shall decontaminate vehicles and heavy equipment by pressure washing with hot (minimum of 140 degrees Fahrenheit) water before entering the Project site. Permittee shall perform any needed decontamination of vehicles and other Project gear and equipment in a designated location where runoff can be contained and not allowed to pass into waters of the state and other sensitive habitat areas. Rinse water shall be disposed of at least 100 feet from any surface water.

**8.6. Hazardous Spills.** In the event that Project activities cause any material hazardous or toxic to aquatic life to enter the bed, bank, or channel of any stream, Permittee shall immediately follow the steps outlined in the January 28, 2019, Caltrans Construction District 1 Spill Communication Plan (Attachment 2), or the most current version of a mutually agreed upon Spill Communication Plan that exists at the time of Project implementation. In addition to immediately notifying CalTIP at 888-334-2258 as outlined in the Spill Communication Plan, the Permittee shall also notify the current Caltrans Liaison by phone and by email as soon as possible within the first 24 hours of discovery of the spill. CDFW shall be consulted regarding clean-up procedures and measures to minimize impacts to fish and wildlife resources.

- 8.7. Stream Protection.** No debris, soil, silt, sand, bark, slash, rubbish, cement or concrete washings, oil or petroleum products, drilling fluids or cuttings, or other deleterious material from Project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the state. This measure does not apply to minimal turbidity created by installation of a clear water diversion as described in an approved Construction Site Dewatering and Diversion Plan, if applicable. All work and resulting outcomes shall be consistent with Fish and Game Code (e.g., F & G. Code, § 5650 [pollution], § 5652 [trash and debris]).
- 8.8. Concrete Primary Containment.** The Permittee shall install the necessary containment structures and other BMPs to control the placement of wet concrete and to prevent it or high pH runoff from entering the channel outside of those structures. When Permittee is pouring or actively working with wet concrete, there shall be a designated monitor on-site at all times to inspect the containment structures and ensure that no concrete or other debris enters into the channel outside of the structures.
- 8.9. Concrete Secondary Containment.** If flowing water is present in the channel the Permittee shall install a secondary containment barrier between the primary containment structures (i.e., headwall form, roadway forms) and the active channel to prevent wet concrete or high pH runoff from entering the active channel upon failure or leak of primary structures. If no flowing water is present in the channel, only the Concrete Primary Containment Condition of Approval (8.8) is required.
- 8.10. Isolate Concrete from Stream.** To prevent the release of materials that may be toxic to fish and other aquatic species, poured concrete and/or cement shall be isolated from stream flow and allowed to dry/cure for a minimum of seven days. Procedures to monitor the pH of surface water coming into contact with concrete shall be enacted before water is conveyed downstream, unless concrete has dried/cured for a minimum of 30 days. During the pH monitoring period, all water that has come in contact with poured concrete shall be isolated and not allowed to flow downstream or otherwise come in contact with fish and other aquatic resources. If this water has a pH less than 6.5 or greater than 8.5, the water shall be pumped to tanker truck or to a lined off-channel basin and allowed to evaporate or discharged to an upland location where it cannot enter water or hauled off-site for proper disposal. When monitored water consistently meets necessary pH requirements (between 6.5 and 8.5 pH), surface water can be conveyed downstream. Results of pH monitoring shall be made available to CDFW upon request.
- 8.11. Concrete Pour Timing.** When the seven-day forecast indicates a 50 percent chance or greater probability of precipitation, and a quantitative precipitation forecast of 0.5 inches or more within a 24-hour period, no concrete, grout, or other high pH cementitious materials shall be poured or placed on or over the bed, bank, or channel. Additionally,

prior to a rain event, uncured concrete must be covered with plastic to prevent high PH water runoff from entering the stream.

- 8.12. Contain Concrete Washings.** Any concrete washout area(s) shall be established outside the riparian area, and away from the stream channel, with sufficient devices to prevent contamination of soil and/or waters of the state. At no time shall concrete or cement be washed instream or within the riparian area. All cement and concrete rubble shall be removed from the Project site before Project completion.
- 8.13. Riparian Revegetation.** Riparian revegetation shall be conducted according to the Revegetation Plan for the Bridge Rail Replacement –3 Bridges Project dated March 2022. Monitoring will be annual, and reports shall be submitted to CDFW in years 1, 3, and 5. If changes are made to the Revegetation Plan prior to implementation, the revised plan shall be submitted to CDFW for review and approval at least 30 days prior to implementation. The final planting plan shall be submitted to CDFW for review and approval at least 30 days prior to implementation.
- 8.14. Temporary Diversion.** A CDFW approved temporary stream diversion shall be constructed to isolate the work area from flow. Diversion methods and materials will be based on Construction Site Best Management Practices (BMPs) and site conditions and will be selected by the environmental construction liaison and/or the qualified biologist in consultation with the contractor. Flows will then be diverted into a temporary culvert, pipe, or conduit and released downstream from the work area. The temporary diversion shall allow full downstream passage of late out-migrating smolts and shall not impede upstream movement of adult salmonids.
- 8.15. Construction Site Dewatering and Diversion Plan.** Permittee shall provide CDFW with a final Construction Site Dewatering and Diversion Plan for review and approval at least 30 working days prior to the start of dewatering. Dewatering shall be done in a manner that prevents the discharge of material that could be deleterious to fish, plants or other aquatic life and maintains adequate flows to downstream reaches during all times natural flow would have supported aquatic life.
- 8.16. Use of Pumps.** If a pump is necessary to accelerate the dewatering, the pump intake must be double screened to prevent fish from being pumped out with the water. The pump screens shall meet National Marine Fisheries Service and CDFW screening criteria.
- 8.17. Subsurface Flows.** If subsurface flow is present, any turbid water pumped from the work area shall be used for construction purposes (compaction, dust abatement, etc.) or properly disposed of in an upland area where it will not drain to waters of the state.
- 8.18. Aquatic Species Relocation Plan.** Permittee shall provide CDFW with a final Aquatic Species Relocation Plan for review and approval at least 30 working days prior to the start

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of dewatering and relocation activities. The plan shall outline all aquatic species relocation methods, including the location of the habitat where aquatic species are to be relocated. Fish relocation activities shall be conducted by a qualified fisheries biologist with demonstrated experience handling listed salmonids. Captured fish and amphibians shall be segregated by size to minimize predation, and maintained in cool, well-oxygenated water until released to suitable habitat outside the construction impact area. Permittee shall notify CDFW at least five working days prior to aquatic species relocation activities to provide an opportunity for CDFW staff to be present during these activities.

- 8.19. Hydroacoustic Monitoring.** Hydroacoustic monitoring shall occur during impact pile driving, hoe ramming, or jackhammering associated with bridge widening/removal and partial removal of rock to confirm avoidance of sound pressure levels injurious to salmonids. Activity shall cease before injurious cumulative sound exposure levels (cSEL's) are reached in a given day. cSEL thresholds are described in the Project's Biological Opinion (WCRO-2021-01053). Annual reports summarizing hydroacoustic monitoring shall be submitted to CDFW by January 31 of each year of construction.

- 9. Compensatory Mitigation:** CDFW has determined that mitigation is required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area and the extent to which the Covered Activities will impact the habitat. To meet this requirement, the Permittee shall design, construct, and monitor the effectiveness of an in-stream, large wood structure approximately 75-feet downstream from the Hely Creek bridge.

- 9.1. Cost Estimates.** For the purpose of determining the Security amount, Caltrans has estimated the cost sufficient for CDFW or its contractors to complete the mitigation and monitoring as up to \$25,000.00.
- 9.2. Mitigation.** Permittee shall submit final engineered design plans for the installation of a large wood structure for CDFW review and approval prior to installation. The wood structure shall include a minimum of two logs with minimum size ranges as presented in ITP application Attachment 2 (Draft layout design for instream large wood structure installation).
- 9.3. Mitigation Monitoring.** Pre and Post monitoring of large wood structure installation will occur to determine if mitigation was effective in increasing ecosystem benefits for salmonids. The mitigation will be deemed successful if the wood structures remain in the system and provide intended ecosystem benefits for a minimum of five years, or until a 50-year storm occurs whichever occurs sooner. After the fifth year or a 50-year or greater storm occurs, the mitigation is complete without expectation that the wood will remain in place in perpetuity. Methods to evaluate success shall include photo documenting features

such as: large wood remaining within the system, fish presence, bank stabilization, sediment transport/gravel sorting and pool formation (and cross section measurements). The following shall be documented and reported to CDFW for years 0,1,2,3, and 5:

- 9.3.1. Year 0 (pre-installation).** Caltrans shall identify and record locations of two photo points on both banks and two points up and downstream of the large wood structure installation, photos will be taken at those four points (each cardinal direction), record cross section measurements approximately five feet downstream and 10 feet upstream from where the large wood structure is proposed, and record qualitative information regarding bank stability, sediment/gravel accumulation, fish presence, and pooling downstream of bridge.
- 9.3.2. Year 1 (post-installation).** Caltrans shall photo document at identified eight points (each cardinal direction), record cross section measurements approximately five feet downstream and 10 feet upstream from where the large wood structure is placed, and record qualitative information regarding bank stability, sediment/gravel accumulation, fish presence, and pooling downstream of bridge.
- 9.3.3. Year 2.** Caltrans shall photo document at identified eight points (each cardinal direction) and record qualitative information regarding bank stability, sediment/gravel accumulation, fish presence, and pooling downstream of bridge.
- 9.3.4. Year 3.** Caltrans shall photo document at identified eight points (each cardinal direction), record cross section measurements approximately five feet downstream and 10 upstream from where the large wood structure is placed, and record qualitative information regarding bank stability, sediment/gravel accumulation, fish presence, and pooling downstream of bridge.
- 9.3.5. Year 4.** Caltrans shall photo document at identified eight points (each cardinal direction) and record qualitative information regarding bank stability, sediment/gravel accumulation, fish presence, and pooling downstream of bridge.
- 9.3.6. Year 5.** Caltrans shall photo document at identified eight points (each cardinal direction), record cross section measurements approximately five feet downstream and 10 feet upstream from where the large wood structure is placed, and record qualitative information regarding bank stability, sediment/gravel accumulation, fish presence, and pooling downstream of bridge.

**10. Security:** The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

**10.1. Security Amount.** The Security shall be in the amount of \$25,000.00 or in the amount

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identified in 9.1 specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.

**10.2. Security Form.** The Security shall be in the form of the Master Funding Agreement between the California Department of Fish and Wildlife and the California Department of Transportation dated September 3, 2021, or another form of Security approved in advance in writing by CDFW.

**10.3. Master Funding Agreement.** If the Master Funding Agreement is used as security, 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.

**10.4. Security Release.** The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by timely submission of all required reports.

Even if Security is provided, the Permittee must implement the required mitigation no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional mitigation 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

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CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 30 additional days.

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

**XI. Compliance with Other Laws:**

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

**XII. Notices:**

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email 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 (2081-2025-034-01) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Tina Bartlett, Regional Manager  
Northern Region  
California Department of Fish and Wildlife  
[ASKRegion1@Wildlife.ca.gov](mailto:ASKRegion1@Wildlife.ca.gov)

and a copy to:

Habitat Conservation Planning Branch  
California Department of Fish and Wildlife  
[CESA@Wildlife.ca.gov](mailto:CESA@Wildlife.ca.gov)

Northern Region, Coastal Habitat Conservation  
California Department of Fish and Wildlife  
[EPIMS.R1C@Wildlife.ca.gov](mailto:EPIMS.R1C@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:

Greg O'Connell, Senior Environmental Scientist (Specialist)  
[Gregory.OConnell@Wildlife.ca.gov](mailto:Gregory.OConnell@Wildlife.ca.gov)

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

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, 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 HUM-36 Three Bridges Project Initial Study with Mitigated Negative Declaration, (SCH No. 2020060581) dated June 2021 that the California Department of Transportation adopted for the Project on June 15, 2021. At the time the lead agency adopted the Mitigated Negative 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.

**XIV. Findings Pursuant to CESA:**

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

CDFW finds based on substantial evidence in the ITP application, HUM-36 Three Bridges Project Initial Study with Mitigated Negative Declaration, Lake and Streambed Alteration Notification, 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) instream large wood installation and monitoring; (2) establishment of avoidance zones; (3) worker education; and (4) Annual 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 mitigation required to provide for adequate compensation. Based on this evaluation, CDFW determined

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that the mitigation along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;

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

**XV. Attachments:**

ATTACHMENT 1

Mitigation Monitoring and Reporting Program

ATTACHMENT 2

Caltrans Construction District 1 Spill Communication Plan

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 07/02/2025.**

DocuSigned by:  
  
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Brett Kormos, Acting for  
Tina Bartlett, Regional Manager  
Northern Region

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**Attachment 1**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2025-034-01**

**PERMITTEE: California Department of Transportation**

**PROJECT: HUM 36 Three Bridges Project**

**PURPOSE OF THE MMRP**

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

**OBLIGATIONS OF PERMITTEE**

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

**VERIFICATION OF COMPLIANCE, EFFECTIVENESS**

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

TABLE OF MITIGATION MEASURES

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

Brett Kormos acting for Tina Bartlett, Regional Manager

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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<b>BEFORE STARTING COVERED ACTIVITIES</b>					
1	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 Covered Activities / Entire Project	Permittee	
2	Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) prior to starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history of the Covered Species. The Designated Biologist 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 in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed.	ITP Condition # 6.2	Before commencing Covered Activities	Permittee	
3	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. 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 # 6.4	Before commencing Covered Activities / Entire Project	Permittee	
4	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.	ITP Condition # 6.6	Before commencing Covered Activities / Entire Project	Permittee	
5	Permittee shall prohibit use of erosion control materials or exclusionary contrivances 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 # 6.7	Before commencing Covered Activities / Entire Project	Permittee	
6	Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.	ITP Condition # 6.8	Before commencing Covered Activities / Entire Project	Permittee	
7	Project-related personnel shall access the Project Area using existing routes, or routes identified in documents reference within this ITP. If Permittee determines construction or 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 # 6.9	Before commencing Covered Activities / Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
8	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.9 of this ITP.	ITP Condition # 6.10	Before commencing Covered Activities / Entire Project	Permittee	
9	The Designated Representative shall notify CDFW 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 Covered Activities	Permittee	
10	Permittee shall provide CDFW with a final Construction Site Dewatering and Diversion Plan for review and approval at least 30 working days prior to the start of dewatering. Dewatering shall be done in a manner that prevents the discharge of material that could be deleterious to fish, plants or other aquatic life and maintains adequate flows to downstream reaches during all times natural flow would have supported aquatic life.	ITP Condition # 8.15			
11	Permittee shall provide CDFW with a final Aquatic Species Relocation Plan for review and approval at least 30 working days prior to the start of dewatering and relocation activities. The plan shall outline all aquatic species relocation methods, including the location of the habitat where aquatic species are to be relocated. Fish relocation activities shall be conducted by a qualified fisheries biologist with demonstrated experience handling listed salmonids. Captured fish and amphibians shall be segregated by size to minimize predation, and maintained in cool, well-oxygenated water until released to suitable habitat outside the construction impact area. Permittee shall notify CDFW at least five working days prior to aquatic species relocation activities to provide an opportunity for CDFW staff to be present during these activities.	ITP Condition # 8.18	Before commencing Covered Activities / Entire Project	Permittee	

DURING CONSTRUCTION					
12	Upon completion of Covered Activities each year, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 6.12	Entire Project	Permittee	
13	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	
14	<p>The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections a minimum of weekly after the temporary stream divisions are in place until they are removed. The Designated Biologist shall conduct compliance inspections to:</p> <ul style="list-style-type: none"> <li>(1) minimize incidental take of the Covered Species;</li> <li>(2) prevent unlawful take of species;</li> <li>(3) check for compliance with all measures of this ITP;</li> <li>(4) check all exclusion zones; and</li> <li>(5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.</li> </ul> <p>The Designated Representative or Designated Biologist shall preparedailywritten 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.</p>	ITP Condition # 7.3	Entire Project	Permittee	

15	The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into an Annual Status Report (ASR) and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Annual Compliance Reports shall be submitted 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 Greg O'Connell, Senior Environmental Scientist (Specialist) (Gregory.OConnell@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. Permittee shall provide CDFW with an 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 compliance monitoring for that year identified in Condition of Approval 7.3; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; and (6) information about other Project impacts on the Covered Species.	ITP Condition # 7.4	Entire Project	Permittee	
16	The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within 30 calendar days of the observation, and the Designated Biologist shall include copies of the submitted forms with the next ASR.	ITP Condition # 7.5	Entire Project	Permittee	
17	Permittee shall immediately notify the Designated Biologist if a Covered Species is injured by a Project-related activity, or if a Covered Species is otherwise found dead within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide notification to CDFW within 24 hours. The notification to CDFW shall include information regarding the location, species, and number of animals injured or dead, an explanation as to cause of injury/death, and any other pertinent information and the ITP Number.	ITP Condition # 7.7	Entire Project	Permittee	
18	All work within the stream channel or on the stream banks shall be confined to the period commencing June 15 and ending October 15, of any year in which this ITP is valid. If weather conditions permit and stream flows remain low, Permittee may perform work in the channel or on the stream banks after October 15 provided a written request is made to the Department at least five days before the proposed work period variance. Written approval from the Department for the work period variance must be received by the Permittee prior to the start or continuation of work after October 15. To avoid impacts to nesting birds, vegetation removal and riparian planting may be conducted during any time of year, following all other measures related to nesting bird protections in this Agreement.	ITP Condition # 8.1	Entire Project	Permittee	

19	<p>If the 10-day weather forecast indicates a probability of precipitation of 50% or greater, the Permittee shall do all of the following:</p> <ul style="list-style-type: none"> <li>• Monitor the seventy-two (72) hour forecast from the National Weather Service.</li> <li>• When the 72-hour forecast indicates a 50 percent chance or greater probability of precipitation, and a quantitative precipitation forecast of 0.5 inches or more within a 24-hour period:</li> <li>• Stage erosion and sediment control materials at the work site.</li> <li>• When rainfall is reasonably expected, or at the onset of any precipitation that could cause erosion, ground disturbing activities shall cease until erosion control measures are implemented.</li> <li>• Erosion control measures shall be implemented to stabilize exposed soils that have the potential to mobilize sediment into the stream channel or adjacent wetland or riparian areas.</li> </ul>	ITP Condition # 8.2	Entire Project	Permittee	
20	All machinery or heavy equipment that will be entering the stream bed, channel, and bank shall be cleaned of materials deleterious to aquatic life including oil, lubricants, coolants, hydraulic fluid, soil, and other debris. Cleaning of equipment shall take place outside of the stream bed, channel, and bank.	ITP Condition # 8.3	Entire Project	Permittee	
21	Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants, or hydraulic fluids shall not take place within stream bed, channel, and bank, with the exception of cranes and portable generators. Generators shall be equipped with appropriately sized secondary spill containment devices at all times. Heavy equipment used or stored within stream bed, channel, and bank shall use drip pans or other devices (i.e., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination. Absorbent pads and spill cleanup kits shall be onsite during all refueling activities.	ITP Condition # 8.4	Entire Project	Permittee	
22	Permittee shall inspect all vehicles and project-related heavy equipment and remove all visible soil/mud, plant materials, and animal remnants, and drain any water, prior to entering and exiting the Project site. Permittee shall decontaminate vehicles and heavy equipment by pressure washing with hot (minimum of 140 degrees Fahrenheit) water before entering the Project site. Permittee shall perform any needed decontamination of vehicles and other Project gear and equipment in a designated location where runoff can be contained and not allowed to pass into waters of the state and other sensitive habitat areas. Rinse water shall be disposed of at least 100 feet from any surface water.	ITP Condition # 8.5	Entire Project	Permittee	
23	In the event that Project activities cause any material hazardous or toxic to aquatic life to enter the bed, bank, or channel of any stream, Permittee shall immediately follow the steps outlined in the January 28, 2019, Caltrans Construction District 1 Spill Communication Plan (Attachment 2), or the most current version of a mutually agreed upon Spill Communication Plan that exists at the time of Project implementation. In addition to immediately notifying CalTIP at 888-334-2258 as outlined in the Spill Communication Plan, the Permittee shall also notify the current Caltrans Liaison by phone and by email at as soon as possible within the first 24 hours of discovery of the spill. CDFW shall be consulted regarding clean-up procedures and measures to minimize impacts to fish and wildlife resources.	ITP Condition # 8.6	Entire Project	Permittee	

24	No debris, soil, silt, sand, bark, slash, rubbish, cement or concrete washings, oil or petroleum products, drilling fluids or cuttings, or other deleterious material from Project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the state. This measure does not apply to minimal turbidity created by installation of a clear water diversion as described in an approved Construction Site Dewatering and Diversion Plan, if applicable. All work and resulting outcomes shall be consistent with Fish and Game Code (e.g., F & G. Code, § 5650 [pollution], § 5652 [trash and debris]).	ITP Condition # 8.7	Entire Project	Permittee	
25	The Permittee shall install the necessary containment structures and other BMPs to control the placement of wet concrete and to prevent it or high pH runoff from entering the channel outside of those structures. When Permittee is pouring or actively working with wet concrete, there shall be a designated monitor on-site at all times to inspect the containment structures and ensure that no concrete or other debris enters into the channel outside of the structures.	ITP Condition # 8.8	Entire Project	Permittee	
26	If flowing water is present in the channel the Permittee shall install a secondary containment barrier between the primary containment structures (i.e., headwall form, roadway forms) and the active channel to prevent wet concrete or high pH runoff from entering the active channel upon failure or leak of primary structures. If no flowing water is present in the channel, only the Concrete Primary Containment Condition of Approval (8.8) is required.	ITP Condition # 8.9	Entire Project	Permittee	
27	To prevent the release of materials that may be toxic to fish and other aquatic species, poured concrete and/or cement shall be isolated from stream flow and allowed to dry/cure for a minimum of seven days. Procedures to monitor the pH of surface water coming into contact with concrete shall be enacted before water is conveyed downstream, unless concrete has dried/cured for a minimum of 30 days. During the pH monitoring period, all water that has come in contact with poured concrete shall be isolated and not allowed to flow downstream or otherwise come in contact with fish and other aquatic resources. If this water has a pH less than 6.5 or greater than 8.5, the water shall be pumped to tanker truck or to a lined off-channel basin and allowed to evaporate or discharged to an upland location where it cannot enter water or hauled off-site for proper disposal. When monitored water consistently meets necessary pH requirements (between 6.5 and 8.5 pH), surface water can be conveyed downstream. Results of pH monitoring shall be made available to CDFW upon request.	ITP Condition # 8.10	Entire Project	Permittee	
28	When the seven-day forecast indicates a 50 percent chance or greater probability of precipitation, and a quantitative precipitation forecast of 0.5 inches or more within a 24-hour period, no concrete, grout, or other high pH cementitious materials shall be poured or placed on or over the bed, bank, or channel. Additionally, prior to a rain event, uncured concrete must be covered with plastic to prevent high PH water runoff from entering the stream.	ITP Condition # 8.11	Entire Project	Permittee	
29	Any concrete washout area(s) shall be established outside the riparian area, and away from the stream channel, with sufficient devices to prevent contamination of soil and/or waters of the state. At no time shall concrete or cement be washed in stream or within the riparian area. All cement and concrete rubble shall be removed from the Project site before Project completion.	ITP Condition # 8.12	Entire Project	Permittee	
30	A CDFW approved temporary stream diversion shall be constructed to isolate the work area from flow. Diversion methods and materials will be based on Construction Site Best Management Practices (BMPs) and site conditions and will be selected by the environmental construction liaison and/or the qualified biologist in consultation with the contractor. Flows will then be diverted into a temporary culvert, pipe, or conduit and released downstream from the work area. The temporary diversion shall allow full downstream passage of late out-migrating smolts and shall not impede upstream movement of adult salmonids.	ITP Condition # 8.14	Entire Project	Permittee	

31	If a pump is necessary to accelerate the dewatering, the pump intake must be double screened to prevent fish from being pumped out with the water. The pump screens shall meet National Marine Fisheries Service and CDFW screening criteria.	ITP Condition # 8.16	Entire Project	Permittee	
32	If subsurface flow is present, any turbid water pumped from the work area shall be used for construction purposes (compaction, dust abatement, etc.) or properly disposed of in an upland area where it will not drain to waters of the state.	ITP Condition # 8.17	Entire Project	Permittee	
33	Hydroacoustic monitoring shall occur during impact pile driving, hoe ramming, or jackhammering associated with bridge widening/removal and partial removal of rock to confirm avoidance of sound pressure levels injurious to salmonids. Activity shall cease before injurious cumulative sound exposure levels (cSEL's) are reached in a given day. cSEL thresholds are described in the Project's Biological Opinion (WCRO-2021-01053). Annual reports summarizing hydroacoustic monitoring shall be submitted to CDFW by January 31 of each year of construction.	ITP Condition # 8.19	Entire Project	Permittee	
34	Permittee shall submit final engineered design plans for the installation of a large wood structure for CDFW review and approval prior to installation. The wood structure shall include a minimum of two logs with minimum size ranges as presented in ITP application Attachment 2 (Draft layout design for instream large wood structure installation).	ITP Condition # 9.2	Entire Project	Permittee	

35	<p>Pre and Post monitoring of mitigation large wood structure installation will occur to determine if mitigation was effective in increasing ecosystem benefits for salmonids. The mitigation will be deemed successful if the wood structures remain in the system and provide intended ecosystem benefits for a minimum of five years, or until a 50-year storm occurs whichever occurs sooner. After the fifth year or a 50-year or greater storm occurs, the mitigation is complete without expectation that the wood will remain in place in perpetuity. Methods to evaluate success shall include photo documenting features such as: large wood remaining within the system, fish presence, bank stabilization, sediment transport/gravel sorting and pool formation (and cross section measurements). The following shall be documented and reported to CDFW for years 0, 1, 2, 3, and 5:</p> <p><u>Year 0 (pre-installation).</u> Caltrans shall identify and record locations of two photo points on both banks and two points up and downstream of the large wood structure installation, photos will be taken at those four points (each cardinal direction), record cross section measurements approximately five feet downstream and 10 feet upstream from where the large wood structure is proposed, and record qualitative information regarding bank stability, sediment/gravel accumulation, fish presence, and pooling downstream of bridge.</p> <p><u>Year 1 (post-installation).</u> Caltrans shall photo document at identified eight points (each cardinal direction), record cross section measurements approximately five feet downstream and 10 feet upstream from where the large wood structure is placed, and record qualitative information regarding bank stability, sediment/gravel accumulation, fish presence, and pooling downstream of bridge.</p> <p><u>Year 2.</u> Caltrans shall photo document at identified eight points (each cardinal direction) and record qualitative information regarding bank stability, sediment/gravel accumulation, fish presence, and pooling downstream of bridge.</p> <p><u>Year 3.</u> Caltrans shall photo document at identified eight points (each cardinal direction), record cross section measurements approximately five feet downstream and 10 feet upstream from where the large wood structure is placed, and record qualitative information regarding bank stability, sediment/gravel accumulation, fish presence, and pooling downstream of bridge.</p> <p><u>Year 4.</u> Caltrans shall photo document at identified eight points (each cardinal direction) and record qualitative information regarding bank stability, sediment/gravel accumulation, fish presence, and pooling downstream of bridge.</p> <p><u>Year 5.</u> Caltrans shall photo document at identified eight points (each cardinal direction), record cross section measurements approximately five feet downstream and 10 feet upstream from where the large wood structure is placed, and record qualitative information regarding bank stability, sediment/gravel accumulation, fish presence, and pooling downstream of bridge.</p>	ITP Condition # 9.3	Entire Project / Post Construction	Permittee	
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POST-CONSTRUCTION					
36	No later than 90 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 Annual 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.	ITP Condition # 8.1	Post Construction	Permittee	
39	Riparian revegetation shall be conducted according to the Revegetation Plan for the Bridge Rail Replacement—3 Bridges Project dated March 2022. Monitoring will be annual, and reports shall be submitted to CDFW in years 1, 3, and 5. If changes are made to the Revegetation Plan prior to implementation, the revised plan shall be submitted to CDFW for review and approval at least 30 days prior to implementation. The final planting plan shall be submitted to CDFW for review and approval at least 30 days prior to implementation.	ITP Condition # 8.13	Post Construction	Permittee	

# Spill Communication Plan

## Caltrans Construction-District 1

**A. Introduction:**

The purpose of this Plan is to ensure prompt notifications are made to appropriate **Agencies & Entities** who oversee Jurisdictional Waters, in the event of an unpermitted release of a deleterious substance to Jurisdictional Waters.

This Plan applies to Caltrans and its agents who perform construction project work in District 1 and illustrates how spills and leaks of potential pollutants are to be reported. On an annual basis, this Plan will be utilized to educate and train all project related personnel via the following mechanisms: specific tail-gate safety meetings; onsite project related meetings; and other relevant training opportunities.

If an unpermitted discharge of a substance deleterious to aquatic life or other natural resources enters or could potentially enter Jurisdictional Waters, immediately after ensuring all safety topics are addressed, staff at the project site shall notify the appropriate **Agencies & Entities** listed in this document as soon as possible. Additional reporting requirements may be necessary, as described and defined by project-specific permits. If it is unknown whether a discharge is permitted, onsite field staff shall conservatively assume that it is not. Likewise, if it is unknown whether a substance is deleterious, it shall be conservatively assumed that it is, and correspondingly reported as such. The response, notification procedures and requirements set forth in this Plan, along with directions set forth under Section 13-4, “Job Site Management,” of the Standard Specifications shall apply to all spills, including ones initially considered *de minimus*.

**B. Spill Response:**

The primary focus during the initial phase of any spill response is to ensure the safety of all, including the traveling public; any first responders; and all onsite Contractor and Caltrans staff. If a significant or hazardous spill occurs, it may be necessary to stop all work and evacuate the area near the spill during the initial response, prior to performing notifications.

After ensuring appropriate safety precautions have been implemented, field staff at the project site shall immediately collect the information under Section “D” below and ensure notifications are made to the following: **Resident Engineer, Water Pollution Control Manager, Environmental Construction Liaison**, and that all appropriate **Agencies & Entities** (*see other side of this document for contact information*).

If safe to do so, all available onsite Caltrans and Contractor personnel shall immediately begin working to contain and minimize impacts. Staff are to cordon off the affected spill area and clear everyone except for those who are necessary to assist with the response, cleanup and notification process. Once determined safe to do so, onsite staff are to immediately mobilize all available project staff, materials, and equipment necessary to begin and assist in the cleanup efforts.

Under certain situations, when a significant or hazardous spill occurs in critical or unique locations, other agencies may take over responsibility for directing the subsequent response and cleanup, such as for most oil spills within navigable waters where the United States Coast Guard would take over directing the response and cleanup efforts. Such unique situations will be clearly outlined in project specific permits, with appropriate contacts and directions.

**C. Notification of Agencies & Entities:**

As outlined in Section “B” above, if a spill occurs and all safety precautions have been evaluated, onsite field staff shall notify appropriate **Agencies & Entities** as soon as possible. Additionally, the Caltrans Resident Engineer or their delegated representative will follow up with all **Agencies & Entities** to ensure proper processes are being implemented. If there is no cell-phone service or other means of quickly notifying all appropriate contacts at the project site, all practical attempts to make such notifications shall be required, including sending non-critical staff who aren’t necessary for the initial response, to a nearby location to make all required notifications.

Notifications should be provided to:

- 911 (**For Significant or Hazardous spills only**)
- California Office of Emergency Services (CalOES) (800) 852-7550
- Department of Fish and Wildlife (DFW) Cal-TIP (888) 334-2258
- North Coast Regional Water Quality Control Board (707) 576-2200 (**DN, HUM, MEN**)
- Central Valley Regional Water Quality Control Board (916) 464-3291 (**LAK**)

Additional notifications may be required based on location and type of spill:

- Yurok Tribe (707) 482-1822 (**DN-101 PM 2.07/8.76, DN-169, HUM-96 PM 22.75/25.1, HUM-169**)
- Hoopa Tribe (530) 625-4211 (**HUM-96 PM 7.8/22.75**)
- Resighini Tribe (707) 482-2431 (**DN-101 PM 1 to 2.07**)
- National Marine Fisheries Service (NMFS) - Santa Rosa Office (707) 575-6057
- United States Coast Guard (800) 424-8802
- National Response Center at (800) 424-8802 regarding spills of Federal-reportable quantities, as outlined under 40 CFR 110, 117, and 302
- California Highway Patrol – if appropriate or per VC Section 23112.5 (**Arcata 707-822-5981; Garberville 707-923-2155; Ukiah 707-467-4420; Clearlake 707-279-0103; Williams 530-473-2821; Crescent City 707-464-3117**)

Every attempt should be made to speak to a person instead of leaving a voicemail. Documentation of the following shall be performed: who was spoken to; when the notification was performed; and the contents if a message was required. All documentation relating to the incident and notifications shall be retained and become part of the Project Files.

**D. Information to provide**

1. The type of substance/material released and the initial assumption relating to the cause or trigger of the release-
2. The estimated volume/amount of substance/material released-
3. The estimated potential harm to aquatic life and/or known natural resources in the project area-
4. The estimated time relating to the duration of the release, along with estimated extend of potential impacts -
5. The location and physical extent of the release occurred (include State Route number, County, Mile Marker; adjacent known landmarks; adjacent waterbody/watershed names; and physical address if practical-
6. The current and planned response to contain and cleanup the release, along with other relevant information.

# Spill Communication Plan

## Caltrans Construction-District 1

Effective January 28, 2019

