



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

California Endangered Species Act  
Amended Incidental Take Permit No. 2081-2022-027-04  
(Amendment No. 1)

## **CARR LAKE RESTORATION AND PARK DEVELOPMENT PROJECT**

### **I. Authority:**

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the 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>Big Sur Land Trust</b>
<b>Principal Officer:</b>	<b>Rachel Saunders, Director of Conservation</b>
<b>Contact Person:</b>	<b>Rachel Saunders, 831-625-5523</b>
<b>Mailing Address:</b>	<b>509 Hartnell Street Monterey, California 93940</b>
<b>Permittee:</b>	<b>City of Salinas</b>
<b>Principal Officer:</b>	<b>Rene Mendez, City Manager</b>
<b>Contact Person:</b>	<b>Ana Ambriz, 831-758-7328</b>
<b>Mailing Address:</b>	<b>320 Lincoln Avenue Salinas, California 93901</b>

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

On May 1, 2023, CDFW issued the original ITP No. 2081-2022-027-04 to Big Sur Land Trust, authorizing take of California tiger salamander (*Ambystoma californiense*) (Covered Species) associated with and incidental to the Carr Lake Restoration and Park Development Project (Project) in Monterey County, California. The Project as described in the original ITP included the development of 73.1 acres of agricultural land (former Carr Lake basin) into public open

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

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

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

space, including a 6.4-acre neighborhood park, a 58.5-acre restoration area, and 2.8 acres of multiuse trails and bridges.

On June 26, 2024, CDFW received an application from Big Sur Land Trust requesting an amendment to the original ITP and received the corresponding fee payment on July 19, 2024. Supplementary information was submitted on November 18, 2024, February 27, 2025, and April 17, 2025. On April 18, 2025, CDFW received a written request from Big Sur Land Trust, acknowledged and consented by City of Salinas, to add City of Salinas as a Permittee on the ITP. As of April 18, 2025, the amendment request includes amending the Project Description section of the original ITP to reflect corrections and modifications to certain design elements of the Project that occurred after the original ITP was issued and adding the City of Salinas as a Permittee on the ITP. The modifications to the Project Description section of the original ITP include a revised layout and acreage of walking trails; a revised layout and length of concrete rail fence; a revised footprint and acreage of the gravel access road; modifications to the foundation designs for three footbridges (Bridges A, B, and C); addition of two new High Density Polyethylene (HDPE) culvert crossings beneath the walking trail and a third HDPE culvert crossing with riprap under the walking trail in place of a footbridge; installation of a concrete grade control structure instead of a concrete apron at the outlet of the treatment wetland on Hospital Creek beneath Bridge A; installation of a buried rock cut-off wall at the inlet to the seasonal wetland beneath Bridge B; and revised restoration areas. The modifications to the Project will result in an approximately 0.24-acre increase in permanent impacts within the Project footprint and a 1.71-acre decrease in temporary impacts as compared to the original ITP. The overall Project footprint is now 71.67 acres.

CDFW finds that this Amendment (Amendment No. 1) is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5). Issuance of Amendment No. 1 will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will Amendment No. 1 increase other Project impacts on the Covered Species (i.e., “impacts of taking” as used in Fish and Game Code Section 2081, subd. (b)(2)). Issuance of Amendment No. 1 does not affect CDFW’s previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

CDFW now reissues this ITP including the revised provisions in Amendment No. 1 (collectively, the Amended ITP). The Amended ITP includes all of the operative provisions as of the effective date of this Amended ITP. Attachment 4 to this Amended ITP shows the specific red-line changes made to the original ITP as a result of this Amendment No. 1. Figure 2 is revised to depict the Project modifications. Hereafter, throughout the Amended ITP, the term “Permittee” shall collectively refer to both Permittees.

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

The original ITP became effective when it was signed by all parties and received by CDFW. The original ITP’s effective date was May 9, 2023. This remains the effective date for the original take authorization. This Amended ITP is effective as of the date signed by CDFW

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below. Unless renewed by CDFW, this Amended ITP and its authorization to take the Covered Species shall expire on **December 31, 2035**.

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 7.11 of this ITP.

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

The Carr Lake Restoration and Park Development Project (Project) is located in the northwestern portion of the historic Carr lakebed in the City of Salinas, Monterey County (Figure 1). The Project is located approximately 1.3 miles northeast of downtown Salinas at 36.689589, -121.640236. The Project site is located within the United States Geological Survey Salinas 7.5-minute quadrangle. Most of the Project site is bounded by agricultural parcels to the north, east, south, and west. A residential area is located adjacent to a portion of the northern Project boundary and Salinas Union High School is located adjacent to the southern Project boundary.

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

The Project includes the development of 71.67 acres of agricultural land (former Carr Lake basin) into public open space. The Project includes a 6.20-acre Neighborhood Park, a 61.90-acre Restoration Area, and 2.59 acres of multi-use trails and bridges (Figure 2). Construction of the entire Project will occur in two phases. The first phase will comprise of construction of the Neighborhood Park and will occur over the span of approximately 12 months. The second phase will comprise of construction of the Restoration Area and will occur over the span of approximately five months. Upon completion of initial revegetation activities within the Restoration Area, a 10-year, post-construction vegetation maintenance and monitoring period will follow.

The existing agricultural fields within the Project site will remain actively farmed until initiation of construction for each phase (Figure 3). Field 1 along with a 50-foot buffer in Field 2 will be taken out of production for construction of the Neighborhood Park (Phase 1). While Phase 1 is being constructed, farming will continue in the remaining fields until the construction of the Restoration Area (Phase 2). At that time, the remaining fields will be removed from production and graded.

#### **Neighborhood Park (Phase 1)**

The Neighborhood Park will be constructed on the higher elevation area in the northwestern portion of the Project site, just east of Sherwood Drive. The Neighborhood Park will include an amphitheater, skate park, dog park, multipurpose court, basketball court, play area, community center/classroom, restrooms, a gazebo, picnic areas, turfgrass, ornamental landscape trees and plantings, walking pathways, and parking lots (Figure 2). Within the 6.20-acre Neighborhood Park, 4.66 acres of undeveloped land will be permanently removed through the construction of structures and impervious surfaces; the remaining 1.54 acres are

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currently developed. Equipment and materials will be staged within the 5.25-acre Phase 1 Staging Area depicted in Figure 2.

### *Project Activities*

Project activities during Phase 1 will include: construction mobilization and staging; demolition of existing agricultural buildings, structures, and pavements; grading to include 15,000 cubic yards of cut and fill; trench digging for the installation of sanitary sewer, storm drain, water, electrical, and irrigation mainline; construction of concrete foundations, walls, and structures; construction of parking lots, curbs, and gutters; installation of bathrooms, trash enclosures, a gazebo, and picnic shelters; construction of permeable and impervious pathways and slabs; installation of irrigation system; installation of site furnishings and amenities; installation of concrete rail perimeter fencing; installation of plantings in landscape and bioswales.

### **Restoration Area (Phase 2)**

The 61.90-acre Restoration Area will create 31.45 acres of upland grassland, 19.54 acres of freshwater emergent wetland, 0.92 acres of riparian tree groves, a 6.28-acre seasonal wetland depression/pond, 0.84 acres of freshwater forested/shrub wetland, 2.33 acres of seasonal wetland grass depressions, and 0.54 acres of a native grass swale. Equipment and materials will be staged within the 4.02-acre Phase 2 Staging Area depicted in Figure 2.

### *Gabilan Creek*

Gabilan Creek will be transformed into a dynamic, multi-thread stream that will flow across an inset floodplain. The channel gradient of the enhanced stream will match the existing gradient of Gabilan Creek throughout the Project site. The inset floodplain will create a corridor within which Gabilan Creek can inundate and migrate within over time. A portion of the channel threads will be discontinuous or dissipate into multiple distributary channels.

### *Hospital Creek*

Hospital Creek will mimic a freshwater marsh ecosystem. Backwater channels will be created to increase the residence time of water and allow water to infiltrate into the soil. A treatment wetland water quality feature will be created at the upstream end of the restored Hospital Creek reach within the Project site. The treatment wetland will have two in-stream pools, separated by a vegetated high-marsh area. A cast-in-place concrete grade beam will be installed at the outlet of the treatment wetland beneath Bridge A as a grade control structure. The grade control structure will be approximately 1 foot wide and 40 feet long and will extend approximately 2 feet above ground. At the mouth of the channel, flow will disperse across a delta as it enters the seasonal wetland depression.

### *Seasonal Wetland Depression*

The Project includes the creation of a 6.28-acre seasonal wetland depression at the end of the Hospital Creek stream system that will receive water from the upstream freshwater marsh ecosystem. The feature is not designed to maintain a specific hydroperiod and there will not be a liner or outlet control structure to regulate the hydroperiod. A buried rock cut-off wall will

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be installed beneath Bridge B at the inlet to the seasonal wetland and will prevent excessive downcutting and will serve as grade control. The buried rock cut-off wall will be 6 feet wide, 100 feet long, and approximately 624 square feet (sq ft) in area. The proposed seasonal wetland depression will provide 28.8 acre-feet of storage. When full, the seasonal wetland will drain to the Reclamation Ditch downstream of the confluence with Natividad Creek at the end of the Project reach.

#### *Existing Agricultural Ditches*

To provide drainage for runoff from the adjacent agricultural fields located outside of the Project site, the remaining segments of the Hospital and Gabilan Creek ditches will remain in their current alignment to drain agricultural runoff. The ditches will be separated from the enhanced stream channels by soil fill plugs at the upstream end. Downstream of the soil fill plugs, water will be directed to the existing ditches as surface runoff from the adjacent fields. Water will then flow in the ditches towards the confluence of the Hospital and Gabilan ditches, and ultimately to the seasonal wetland via a 48-inch-diameter HDPE culvert with approximately 184 sq ft of riprap at its outlet.

#### *Diversion and Dewatering*

A total of approximately 4,040 linear feet of existing channel in Hospital Creek, Gabilan Creek, and Natividad Creek will be temporarily diverted and dewatered using cofferdams, pumps, and piping. Diversions will only be active during the final tie-in grading between the existing channels and the proposed channels. Therefore, most of the excavation work associated with the proposed Hospital and Gabilan Creeks and floodplains will occur with no active diversion. Excavation work to create the new channels in the proposed floodplain will not involve diverting or dewatering the existing channels until the final tie-in grading between the existing channels and the new channels is performed.

#### *Trails, Access Road, and Bridges*

A total of 9,475 linear feet (112,660 sq ft) of trail will be constructed. Approximately 1,623 linear feet (19,374 sq ft) of that trail will be built as part of the Neighborhood Park. The remaining 7,852 linear feet (93,286 sq ft) will be constructed as part of the Restoration Area. Trail construction will require the use of approximately 2,755 cubic yards of aggregate. Trails will be 8 feet wide with a 2-foot-wide shoulder on each side for an overall width of 12 feet. The 8-foot-wide portion of the trail will be a compacted aggregate. The 2-foot-wide shoulders will be a compacted native dirt material. A box culvert and permanent vehicle crossing will be installed over Hospital Creek, upstream of the proposed treatment wetland. An access road will be constructed along the western Project boundary between the site entrance near La Posada Drive and the Hospital Creek vehicle crossing. Three bridges suitable for foot traffic and light vehicles will be installed over new channels within the Restoration Area.

#### *Project Activities*

Project activities during Phase 2 will include: construction mobilization and staging; temporary diversion and dewatering of a total of approximately 4,040 linear feet of channel in Hospital Creek, Gabilan Creek, and Natividad Creek; grading to include 175,000 cubic yards of cut

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and 60,000 cubic yards of fill to create new seasonal wetlands, reroute Hospital and Gabilan Creeks into new meandering channels, create a treatment wetland at the upstream section of Hospital Creek, create a seasonal wetland depression, and create areas of undulating upland topography; handling and temporary stockpiling of excess soil generated by grading; installation of a box culvert and permanent vehicle crossing over Hospital Creek; installation of bridge abutments and wing walls; preparation and compaction of subgrade for access road and walking paths; installation of irrigation mainline; installation of concrete split rail fencing; installation of an aggregate base and surface along the access road; construction of walking paths with aggregate base and aggregate surface over new channels; installation of prefabricated bridge structures on top of constructed abutments and wing walls over new channels; installation of three HDPE culvert crossings beneath walking trails; and installation of a concrete grade control structure beneath Bridge A and a buried rock cut-off wall beneath Bridge B.

### **Revegetation, Maintenance, and Monitoring**

Following the completion of Phase 2, the 61.90-acre Restoration Area will be revegetated with native plants comprising a mosaic of freshwater emergent wetland, forested/shrub wetland, upland grassland, and a mixture of riparian and upland trees. Revegetation activities will include soil preparation, hydroseeding with a native seed mix, and live plantings of native plants, shrubs, and trees. The maintenance and monitoring period will occur for 10 years following the completion of initial revegetation activities in the Restoration Area.

#### ***Project Activities***

Project activities during revegetation, maintenance, and monitoring will include: revegetation of approximately 61.90 acres, including soil preparation, hydroseeding, and installation of live plants and trees; installation, monitoring, and maintenance of raptor perches, raptor nesting boxes, and songbird nest boxes using shovels, picks, and post-hole diggers; invasive plant species removal by hand or using shovels, hoes, picks, weed wrenches or similar; plant maintenance and replacement using shovels; supplemental seeding; vegetation trimming using hand saws, pruners, loppers, chainsaws, hedge trimmers, and string trimmers; mowing using push mowers and riding mowers; browse protection; irrigation (overhead spray); leaf blowing; trash pickup; spot spraying with herbicide; periodic sediment and vegetation removal from drainage channels, restored channels, and the seasonal wetland depression using heavy equipment; maintenance of irrigation systems and water supply; repairing areas of erosion and/or installing temporary erosion control devices; repair and maintenance of trails and access roads (e.g., filling potholes, adding decomposed granite, compaction); repair and maintenance of bridges and culverts; and repair and maintenance of fence posts, gates, locks, and signage using shovels, picks, and post-hole diggers.

### **Access, Staging, Equipment, and Grading**

Construction access will be at the northwestern entrance to the Project site at La Posada Drive. Construction staging for heavy equipment and temporary stockpiling will be located as shown on Figure 2. Equipment will include excavators, loaders, bulldozers, vibratory compactors, scrapers, dump trucks, utility vehicles, pickup trucks, shovels, hoes, picks, weed

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wrenches, hand saws, pruners, loppers, chainsaws, hedge trimmers, string trimmers, post-hole diggers, push mowers, riding mowers with rubber wheels, as well as water pumps and piping for diversion of creeks during construction. Grading within the Project site will generate approximately 121,000 cubic yards of material that will be removed from the site and re-purposed, recycled, or disposed of.

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

This ITP covers the following species:

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

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

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

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 all construction activities associated with heavy equipment staging and operations; demolition of buildings, structures, and pavement; crop removal; grading, compaction, and paving; excavation; construction of concrete foundations, walls, and structures; installation of utilities and irrigation systems; landscaping; temporary diversion and dewatering of channels; rerouting channels; grading to create seasonal wetlands and channels; materials stockpiling, transport, and laydown; installation of a box culvert; installation of bridge abutments, wing walls, and pre-fabricated bridge structures; installation of three HDPE culvert crossings; installation of riprap; installation of a concrete grade control structure beneath Bridge A; installation of a buried rock cut-off wall beneath Bridge B; installation of concrete split rail fencing; soil preparation; revegetation; vegetation management, maintenance, and monitoring; sediment and vegetation removal from the seasonal wetland depressions and channels; maintenance of irrigation systems and water supply; repairing areas of erosion and/or installing temporary erosion control devices; repair and maintenance of trails, bridges, culverts, fences, gates, locks, and signage; repair of access roads; and other related activities described in the Project Description section of this ITP (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as construction vehicle/equipment strikes; crushing or suffocation by trampling, heavy equipment, and materials; and entrapment and desiccation within trenches, open pipelines, and uncovered excavations. 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 capture of individuals when individuals of the Covered Species are salvaged, collected, and relocated or translocated out

<sup>4</sup>Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species.

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

of harm's way as required by this ITP. Take of the Covered Species is only authorized and expected to occur in the Project site and only as a result of Covered Activities. The areas where authorized take of the Covered Species is expected to occur include: the 71.67-acre Project site, (collectively, the Project Area).

The Project is expected to cause the permanent loss of 8.23 acres of dispersal habitat for the Covered Species, and temporary loss of 61.90 acres of dispersal habitat for the Covered Species (Figure 2). Approximately 1.54 acres of the Project Area are currently developed and will remain developed upon completion of the Project. Dispersal habitat within the Project Area is comprised of irrigated row crop agriculture. Covered Species may disperse across the Project Area, however site surveys indicate there are no refugia opportunities (e.g., burrows) given current agricultural land practices and surrounding developments. The Project Area is greater than 630 meters of known or potential Covered Species breeding habitat, thus incidental take would likely occur during dispersal. Impacts of the authorized taking include adverse impacts to the Covered Species related to temporal losses and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: introduction or spread of invasive species; stress resulting from noise, vibrations, capture, and relocation; mortality due to project related vehicle and/or heavy equipment strikes; increased competition for food and space; and increased vulnerability to predation.

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

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

#### **IX. Conditions of Approval:**

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. California Environmental Quality Act (CEQA) Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Carr Lake Restoration and Park Development Mitigated

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Negative Declaration Report (SCH No.: 2021050632) adopted by the City of Salinas on September 14, 2021 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

- 3. Lake and Streambed Alteration (LSA) Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the LSA Agreement (Notification No. MON-25589-R4) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
- 4. Endangered Species Act Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Programmatic Biological Opinion for California Red-Legged Frog, California Tiger Salamander, and Santa Cruz Long-Toed Salamander on Issuance of Recovery Permits and Recovery Projects in Santa Cruz, Monterey, and San Benito Counties, California (2017-F-0584) 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) and/or Designated Monitor(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, contact information, and references with contact information of Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Example (Attachment 2) or another format containing the same information. This information shall be submitted for CDFW review and approval at least 30 days before starting Covered Activities. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of the Covered Species and to minimize disturbance of Covered Species habitat. The Designated Monitor(s) shall assist the Designated Biologist(s) in compliance monitoring under

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direction/supervision of the Designated Biologist(s). Designated Monitor responsibilities will be restricted to a specific set of Conditions of Approval, specified by the Permittee or Designated Representative at the time their qualifications are submitted for review. Permittee shall ensure that the Designated Biologist(s) and Designated Monitor(s) are knowledgeable and experienced in the Covered Species' biology, natural history, collecting and handling, as well as monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed.

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

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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. Monitoring Documentation.** The Designated Biologist(s) and Designated Monitor(s) shall maintain monitoring documentation on-site in either hard copy or digital format throughout the duration of the Project, 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 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 weekly intervals but at least once a month, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 6.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species habitat.
- 6.9. Delineation of Property 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.
- 6.10. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species habitat. Permittee shall maintain all signs, stakes, flags, rope, cord, and fencing until the completion of Covered Activities in that area, at which time they should be removed.
- 6.11. 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

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areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. 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.

- 6.12. 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 6.11 of this ITP.
- 6.13. 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.
- 6.14. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project Area and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 6.15. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, exclusionary fencing, 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 and provide documentation of compliance with all pre-Project Conditions of Approval at least 14 calendar days before starting Covered Activities within the Project Area.
- 7.2. Notification of Non-compliance.** The Designated Representative or the Designated Biologist shall immediately notify CDFW via email 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 or

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Designated Biologist shall follow notification with a written report to CDFW within 24 hours describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.

- 7.3. Covered Species Mortality Reduction and Relocation Plan.** The Designated Biologist shall prepare a Covered Species Mortality Reduction and Relocation Plan and submit it to CDFW for review and approval a minimum of 30 days prior to the beginning of Covered Activities. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to, a discussion and map of the portion of the Project Area which represents potential upland habitat; identification of the area within 1.3 miles of known or potential breeding habitat for Covered Species; detailed survey, excavation, capture, handling, and relocation methods; identification of relocation areas; and identification of a wildlife rehabilitation center or veterinary facility capable of treating injured animals. The Designated Biologist shall submit a revised Covered Species Mortality Reduction and Relocation Plan and submit it to CDFW for review and approval a minimum of 30 days prior to the start of the 10-year maintenance and monitoring period to identify changes in potential Covered Species upland and breeding habitat as a result of the Project, as well as to incorporate burrow/crevice excavation methods. Covered Activities may not proceed until the Covered Species Mortality Reduction and Relocation Plan is approved in writing by CDFW. Designated Monitors are prohibited from capturing and handling the Covered Species unless specifically approved in writing by CDFW and under the direct supervision of the Designated Biologist(s). Any proposed changes to the CDFW-approved Covered Species Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Covered Species Mortality Reduction and Relocation Plan modifications.
- 7.4. Restoration Maintenance and Monitoring Plan.** Before starting Covered Activities within the Restoration Area (Phase 2), Permittee shall provide CDFW with the final detailed Restoration Maintenance and Monitoring Plan for CDFW review and approval to facilitate vegetation and maintenance of the 61.90-acre Restoration Area. At a minimum, the Plan shall include the following information:
- 7.4.1. Vegetation Restoration: (1) a map that identifies the location of the areas to be vegetated; (2) a California native plant palette and seed sources; (3) a planting plan, including seed application method; (4) an annual nonnative, invasive plant species removal plan; (5) monitoring and maintenance measures and a timeline when these will occur; and (6) success standards and contingency measures if the first application is unsuccessful.
- 7.4.2. Installation of Raptor Perches & Nesting Boxes: a map that identifies the locations of the raptor perches and raptor nesting boxes.

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7.4.3. Sediment and Vegetation Removal: (1) a map that identifies the location of the areas where sediment and vegetation removal will occur within potential Covered Species breeding habitat; (2) a maintenance timeline limiting sediment and vegetation removal within potential Covered Species breeding habitat to the period from July 15 to October 15 of each year (Dry Season); and (3) a description of sediment and vegetation removal methods and equipment needed within each location.

7.5. Geographic Information Systems Data Files. Before starting Covered Activities, the Permittee shall provide CDFW with separate Geographic Information Systems (GIS) data files for the temporary and permanent habitat impact areas authorized under this ITP for the Covered Species for the Project Area. If habitat for the Covered Species will be both temporarily and permanently impacted, the Permittee shall provide one set of GIS data files for each impact type. The Permittee shall provide any additional GIS data files for the Project or related Covered Species features within 30 days of CDFW's request. All GIS data files shall be provided in a format acceptable to CDFW.

7.6. Compliance Monitoring. During Phase 1 and Phase 2, the Designated Biologist(s) shall be on site for the duration of the day when Covered Activities occur and conduct at least daily compliance inspections. The Designated Biologist(s) shall conduct compliance inspections a minimum of monthly during periods of inactivity and after clearing, grubbing, and grading are completed. Following the completion of initial revegetation activities within the Restoration Area (Phase 2) and the start of the 10-year maintenance and monitoring period, the Designated Biologist(s) shall be on site for the duration of the day when ground- and/or vegetation-disturbing Covered Activities occur and shall conduct quarterly compliance inspections. Minor ground- and/or vegetation-disturbing Covered Activities using hand tools (e.g., shovels, hoes, picks) or handheld power tools (e.g., string trimmers, hedge trimmers, chain saws) do not require monitoring by the Designated Biologist(s). In addition, vegetation-disturbing Covered Activities using push mowers and riding mowers between July 15 and October 15 do not require monitoring by the Designated Biologist(s).

CDFW may approve, in writing, reduced monitoring and compliance inspections during the 10-year maintenance and monitoring period. In addition, CDFW may approve, in writing, Designated Monitor(s) to conduct monitoring and compliance inspections if the Designated Biologist(s) is/are available to respond to the Project Area within one (1) hour of being contacted to address Covered Species needs and any other issues that may arise during implementation of this ITP.

The Designated Biologist(s) shall conduct compliance inspections to:

(1) minimize incidental take of the Covered Species;

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

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

**7.7. Record of Covered Species Relocation.** The Designated Biologist shall maintain a record of Covered Species handled and all documented observations of Covered Species. This information shall include for each animal: (1) date, time, and location (Global Positioning System (GPS) coordinates and maps) and capture and/or observation as well as release, if applicable; (2) the name of the party that identified the Covered Species; (3) circumstances of the incident; (3) the general condition and health, noting all visible conditions including gait and behavior, ectoparasites, injuries, etc.; (4) any diagnostic markings, sex, age (juvenile or adult); (5) actions undertaken; (6) habitat description; and (7) ambient temperature when handled and released or observed. The Designated Biologist shall also submit this information to the California Natural Diversity Database as per Condition of Approval 7.10 below. The Designated Biologist shall prepare a Relocation Summary and include it in the Quarterly Compliance and Annual Status Reports described in Conditions of Approval 7.8 and 7.9, respectively, below.

**7.8. Quarterly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 7.6 and 7.7 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project within the Project Area, both for the prior quarter, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in the Project Area during the coming quarter, if applicable; a summary of all pre-activity surveys and compliance monitoring conducted during the previous quarter; and the activities authorized under the Covered Activities which occurred during the previous quarter. Quarterly Compliance Reports shall be due by January 15, April 15, July 15, and October 15 via email to CDFW's Regional Representative, Regional CESA Program, and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Stephanie Manzo ([Stephanie.Manzo@wildlife.ca.gov](mailto:Stephanie.Manzo@wildlife.ca.gov)),

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Regional CESA Program email is [R4CESA@wildlife.ca.gov](mailto:R4CESA@wildlife.ca.gov), and Headquarters CESA Program email is [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). CDFW may approve, in writing, a reduction in the timing and number of compliance inspections and reports required under this provision. However, 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.

- 7.9. Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.8; (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. ASRs shall be submitted to CDFW following the directions provided in Condition of Approval 7.8 above.
- 7.10. California Natural Diversity Database 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 Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.11. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report following the directions provided in Condition of Approval 7.8 above. The Designated Representative or Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the

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impacts of future projects on the Covered Species; and (8) any other pertinent information.

**7.12. 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 contacting the Regional Office at [R4CESA@wildlife.ca.gov](mailto:R4CESA@wildlife.ca.gov) and by emailing the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, an explanation as to cause of take or injury, photograph(s), if possible, 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. Pre-Activity Clearance Survey and Reporting.** No more than 14 calendar days prior to initiating Covered Activities within the Project Area, the Designated Biologist shall survey the Project Area prior to construction of Phase 1, prior to construction of Phase 2, and immediately prior to ground- and/or vegetation-disturbing Covered Activities conducted during the 10-year maintenance and monitoring period. These surveys shall provide 100 percent visual coverage (including burrow and crevice openings) of the area to be disturbed, as well as a 50-foot buffer zone around the area to be disturbed. If individuals of the Covered Species are found, the Designated Biologist(s) shall relocate them in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.3). Permittee shall provide the survey results to CDFW in a written report prior to the beginning of Covered Activities. Minor ground- and/or vegetation-disturbing Covered Activities using hand tools (e.g., shovels, hoes, picks) and handheld power tools (e.g., string trimmers, hedge trimmers, chain saws) do not require pre-activity clearance surveys. In addition, vegetation-disturbing Covered Activities conducted between July 15 and October 15 using push mowers and riding mowers do not require a pre-activity clearance survey.

**8.2. Flag Burrows/Crevices.** If individuals of the Covered Species are found during pre-activity clearance surveys (Condition of Approval 8.1), the Designated Biologist(s) shall flag all animal burrows and crevices suitable for Covered Species occupancy within 500 feet of the Covered Species observation. Burrows/crevices outside of the Permittee's access or control do not need to be flagged. An

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avoidance buffer of 50 feet or greater around flagged animal burrows/crevices shall be maintained regardless of whether the burrow/crevice is within the area to be disturbed or solely within the disturbance area's 50-foot buffer zone. Flagged burrows/crevices which occur within 500 feet of a Covered Species observation, and which cannot be avoided by at least 50 feet, shall be fully excavated in accordance with Condition of Approval 8.3.

- 8.3. Burrow/Crevice Excavation.** Prior to initiating ground- and/or vegetation-disturbing Covered Activities within the Project Area, animal burrows and crevices identified and flagged during the pre-activity clearance surveys (per Conditions of Approval 8.1 and 8.2) which occur within 500 feet of a Covered Species observation, and which cannot be fully avoided by at least 50 feet, shall be fully excavated. Applicable burrows/crevices may be excavated by hand or in a manner otherwise approved by CDFW in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Burrow/crevice excavation shall occur under the direct supervision of the Designated Biologist(s).

Burrows/crevices identified outside of the area to be disturbed, but within the disturbance area's 50-foot buffer zone, shall be similarly excavated if they lie within 50 feet of ground-disturbing Covered Activities within the Project Area. Burrows/crevices outside of the Permittee's access and/or control do not need to be excavated. The Designated Biologist(s) shall relocate any live Covered Species discovered during burrow/crevice excavation in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Burrow/crevice excavation shall occur no more than 14 calendar days after the completion of the pre-activity clearance surveys as described in Condition of Approval 8.1.

- 8.4. Dry Season Work.** Ground- and/or vegetation-disturbing Covered Activities within potential Covered Species breeding habitat shall not occur until the potential Covered Species breeding habitat is dry, unless surveys are conducted to demonstrate the absence of Covered Species eggs and larvae.
- 8.5. Fieldwork Code of Practice.** To ensure the Designated Biologist(s) or Designated Monitors(s) do not convey disease between the Project Area and areas outside the Project Area, the Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force (see Attachment 3) shall be followed at all times. The Designated Biologist(s) or Designated Monitor(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.
- 8.6. Rain Forecast.** The Designated Biologist and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. Permittee shall cease all

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ground- and/or vegetation-disturbing Covered Activities in the Project Area where initial ground and/or vegetation disturbance (vegetation removal, grading, grubbing, and excavation) has yet to occur during rainfall and/or when a 50 percent or greater chance of rainfall is predicted within 72 hours. Permittee may continue ground- and vegetation-disturbing Covered Activities 24 hours after rainfall ceases and there is a zero percent chance of rainfall in the 72-hour forecast. Minor ground- and/or vegetation-disturbing Covered Activities using hand tools (e.g., shovels, hoes, picks) and handheld power tools (e.g., string trimmers, hedge trimmers, chain saws) may proceed during rainfall and/or when a 50 percent or greater chance of rainfall is predicted within 72 hours.

- 8.7. Soil and Materials Stockpiles.** Permittee shall ensure that soil stockpiles are placed where soil will not pass into potential Covered Species breeding habitat, or into any other "Waters of the State," in accordance with Fish and Game Code section 5650. The Permittee shall appropriately protect stockpiles to prevent soil erosion. The Permittee shall stockpile and stage all materials and equipment in a manner that discourages Covered Species use. In all locations, Permittee shall not place bundled or loose materials directly on the ground. These materials shall be elevated to discourage use by Covered Species.
- 8.8. Open Excavations.** Designated Biologist(s) shall inspect all open holes, sumps, and trenches within the Project Area at the beginning and end of each workday (including once daily on non-workdays) for trapped Covered Species. To prevent inadvertent entrapment of Covered Species, all open trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope, or the worker(s) shall oversee the covering of all excavated, trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground, and the excavation cover shall be secured with soil staples or by similar means to prevent gaps. Worker(s) shall thoroughly inspect all trenches, holes, sumps, or other excavations for Covered Species (or other wildlife) before they are back-filled. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow Covered Species to escape unimpeded, if possible, before Covered Activities are allowed to continue, or the Designated Biologist(s) may capture and relocate the Covered Species as per the Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 7.3 above.

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- 8.9. Vehicle and Equipment Inspection.** Within the Project Area, workers shall inspect under vehicles and equipment for Covered Species before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) may move the Covered Species out of harm's way outside of the Project Area in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 7.3.
- 8.10. Pipes and other Structures Entrapment Prevention.** Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the object is subsequently moved, buried, or capped. If an individual of the Covered Species is discovered inside a pipe, culvert, or similar structure during inspection, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) may move Covered Species out of harm's way outside of the Project Area in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 7.3.
- 8.11. Covered Species Observations.** During all Covered Activities within the Project Area, all workers shall inform the Designated Biologist(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Project Area of its own accord or the Designated Biologist(s) relocates the Covered Species following the CDFW-approved Covered Species Mortality Reduction and Relocation Plan specified in Condition of Approval 7.3 above.
- 8.12. Covered Species Injury.** If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 7.12. Notification shall include the name of the facility where the animal was taken.
- 8.13. Herbicide Use.** Permittee shall ensure that all herbicide use (mixing, application, and clean-up) is done by a licensed or certified applicator in accordance with all

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applicable state, federal, and local regulations. Permittee shall only apply herbicide sprays via ground application when wind speed measures less than 5 miles per hour. Permittee shall ensure that great care is taken to avoid herbicide use outside the boundaries of the Project Area. Permittee shall ensure that any herbicide used where there is the possibility that the herbicide could come into direct contact with water is approved for use in an aquatic environment.

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

To meet this requirement, the Permittee shall purchase 0.5 acres of upland habitat Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 9.1 below. Purchase of Covered Species credits must be complete before starting Covered Activities.

**9.1. Covered Species Credits.** Permittee shall purchase 0.5 acres of upland habitat Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities.

**X. Amendment:**

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

**XI. Stop-Work Order:**

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

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threatened, or candidate species, regardless of whether that species is a Covered Species under this ITP. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 30 additional days.

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

## **XII. 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.

## **XIII. 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.

## **XIV. 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 (2081-2022-027-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager  
California Department of Fish and Wildlife  
1234 East Shaw Avenue  
Fresno, California 93710  
[R4CESA@wildlife.ca.gov](mailto:R4CESA@wildlife.ca.gov)

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and a copy to:

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

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

Stephanie Manzo  
California Department of Fish and Wildlife  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 578-0409  
[Stephanie.Manzo@wildlife.ca.gov](mailto:Stephanie.Manzo@wildlife.ca.gov)

#### **XV. Compliance with the CEQA:**

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, City of Salinas. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Carr Lake Restoration and Park Development Mitigated Negative Declaration Report and Initial Study, (SCH No.: 2021050632) dated May 28, 2021 that the City of Salinas adopted for Carr Lake Restoration and Park Development on September 14, 2021. At the time the lead agency adopted 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. None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or

Amended Incidental Take Permit  
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California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of Amendment No. 1.

#### **XVI. 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 and the Carr Lake Restoration and Park Development Mitigated Negative Declaration and Initial Study, the results of 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 through the purchase of Covered Species credits from a CDFW approved mitigation or conservation bank; (2) establishment of avoidance zones; (3) worker education; and (4) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the purchase of 0.5 acres of upland habitat Covered Species credits from a CDFW-approved mitigation or conservation bank in advance of initiating Covered Activities, 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;

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- (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.

## XVII. Attachments:

FIGURE 1	Project Location Map
FIGURE 2	Impact Areas (Amendment No. 1)
FIGURE 3	Farming During Phase 1
ATTACHMENT 1	Mitigation Monitoring and Reporting Program (Amendment No. 1)
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Fieldwork Code of Practice
ATTACHMENT 4	Major Amendment No. 1 with Track Changes

## ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

ON 7/9/2025

DocuSigned by:  
  
 12950B95267A4F5...  
 for Julie A. Vance, Regional Manager  
 CENTRAL REGION

Amended Incidental Take Permit  
 No. 2081-2022-027-04  
 (Amendment No. 1)  
**BIG SUR LAND TRUST**  
**CARR LAKE RESTORATION AND PARK DEVELOPMENT PROJECT**

US 101 South, take exit 330 from US 101 South to West Laurel Dr  
Turn right on North Main St.  
Turn left on East Bernal Dr.  
At intersection of East Bernal Dr. and Sherwood Drive, continue through  
the traffic light onto La Posada Way. Site is east of La Posada Way.

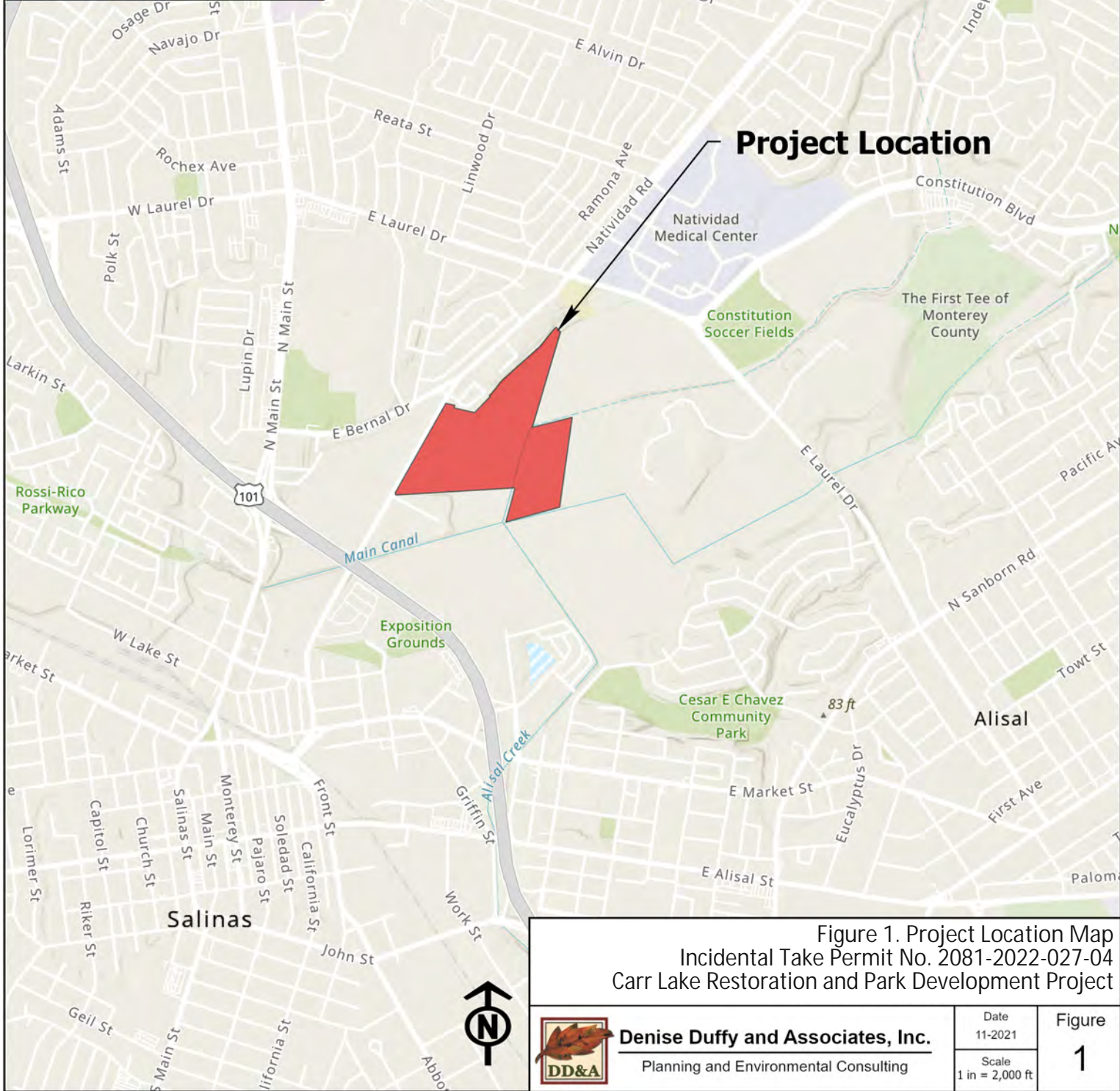


Figure 1. Project Location Map  
Incidental Take Permit No. 2081-2022-027-04  
Carr Lake Restoration and Park Development Project



**Denise Duffy and Associates, Inc.**  
Planning and Environmental Consulting

Date  
11-2021

Scale  
1 in = 2,000 ft

Figure  
1



Category	Area (Ac)
<b>No Impact - Existing Development</b>	
Subtotal	1.54
<b>Permanent Impact</b>	
Traditional Park	4.66
Walking Trails	2.59
Access Road (gravel)	0.93
HDPE Culvert Trail Crossings	0.01
Concrete grade control structure on Hospital Creek at Bridge A	0.001
Riprap and buried rock cut-off wall on Hospital Creek	0.02
Hospital Creek Crossing	0.01
Clear Span Bridges - Concrete abutments wingwalls	0.01
Subtotal	8.23
<b>Temporary Impact</b>	
Subtotal	61.90
Total Area	71.67



- - - Property Boundary
- Concrete Rail Fence
- Riprap
- Concrete Abutment
- Concrete Wing Wall
- Concrete Cut Off Wall
- Access Road
- Phase 1 Staging
- Phase 2 Staging
- Restoration Temporary Impact Areas
- Post Project Flow

## Impact Areas

ITP Major Amendment  
Carr Lake Park Restoration



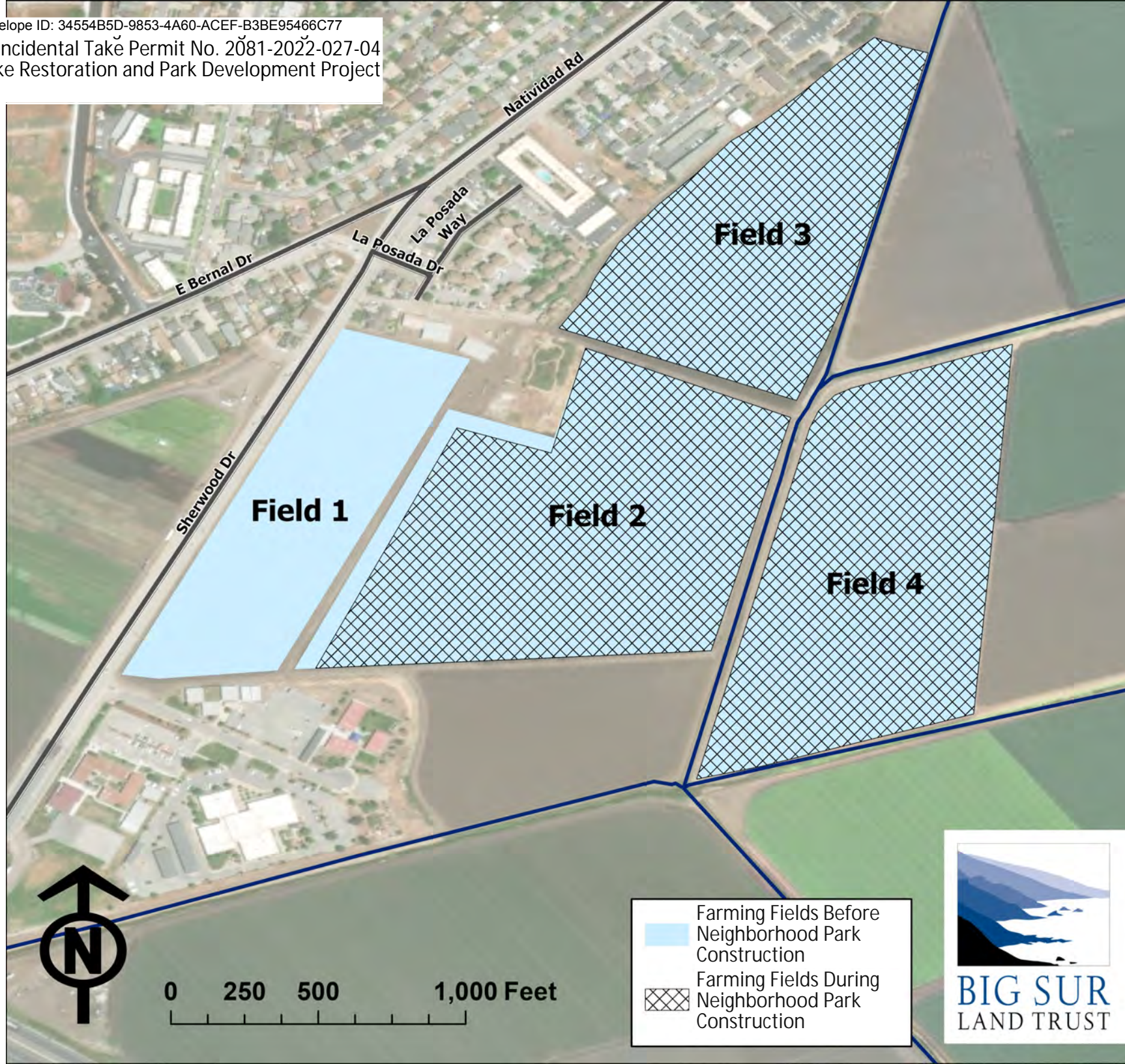
**Denise Duffy and Associates, Inc.**  
Planning and Environmental Consulting

Date  
6-2025  
Scale  
1 in = 500 ft

**Figure**  
**2**



Incidental Take Permit No. 2081-2022-027-04  
Carr Lake Restoration and Park Development Project



**Attachment 1**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2022-027-04  
(Amendment No. 1)**

**PERMITTEES:      Big Sur Land Trust  
                         City of Salinas**

**PROJECT:           Carr Lake Restoration and Park Development**

**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.

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<b>BEFORE DISTURBING SOIL OR VEGETATION</b>					
1	<u>Designated Representative.</u> Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist(s) and/or Designated Monitor(s).</u> Permittee shall submit to CDFW in writing the name, qualifications, business address, contact information, and references with contact information of Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Example (Attachment 2) or another format containing the same information. This information shall be submitted for CDFW review and approval at least 30 days before starting Covered Activities. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of the Covered Species and to minimize disturbance of Covered Species habitat. The Designated Monitor(s) shall assist the Designated Biologist(s) in compliance monitoring under direction/supervision of the Designated Biologist(s). Designated Monitor responsibilities will be restricted to a specific set of Conditions of Approval, specified by the Permittee or Designated Representative at the time their qualifications are submitted for review. Permittee shall ensure that the Designated Biologist(s) and Designated Monitor(s) are knowledgeable and experienced in the Covered Species' biology, natural history, collecting and handling, as well as monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed.	ITP Condition # 6.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	<u>Education Program.</u> Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they can perform any work within the Project Area. The 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 the ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, 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 # 6.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
4	<u>Trash Abatement.</u> Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at weekly intervals but at least once a month, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 6.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
5	<u>Dust Control.</u> Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 6.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	<u>Delineation of Property Boundaries.</u> 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 # 6.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	<u>Delineation of Habitat.</u> Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species habitat. Permittee shall maintain all signs, stakes, flags, rope, cord, and fencing until the completion of Covered Activities in that area, at which time they should be removed.	ITP Condition # 6.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	<u>Notification Before Commencement.</u> The Designated Representative shall notify CDFW and provide documentation of compliance with all pre-Project Conditions of Approval at least 14 calendar days before starting Covered Activities within the Project Area.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
9	<p><b>Covered Species Mortality Reduction and Relocation Plan.</b> The Designated Biologist shall prepare a Covered Species Mortality Reduction and Relocation Plan and submit it to CDFW for review and approval a minimum of 30 days prior to the beginning of Covered Activities. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to, a discussion and map of the portion of the Project Area which represents potential upland habitat; identification of the area within 1.3 miles of known or potential breeding habitat for Covered Species; detailed survey, excavation, capture, handling, and relocation methods; identification of relocation areas; and identification of a wildlife rehabilitation center or veterinary facility capable of treating injured animals. The Designated Biologist shall submit a revised Covered Species Mortality Reduction and Relocation Plan and submit it to CDFW for review and approval a minimum of 30 days prior to the start of the 10-year maintenance and monitoring period to identify changes in potential Covered Species upland and breeding habitat as a result of the Project, as well as to incorporate burrow/crevice excavation methods. Covered Activities may not proceed until the Covered Species Mortality Reduction and Relocation Plan is approved in writing by CDFW. Designated Monitors are prohibited from capturing and handling the Covered Species unless specifically approved in writing by CDFW and under the direct supervision of the Designated Biologist(s). Any proposed changes to the CDFW-approved Covered Species Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Covered Species Mortality Reduction and Relocation Plan modifications.</p>	ITP Condition # 7.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
10	<p><b>Restoration and Maintenance Plan.</b> Before starting Covered Activities within the Restoration Area (Phase 2), Permittee shall provide CDFW with the final detailed Restoration Maintenance and Monitoring Plan for CDFW review and approval to facilitate vegetation and maintenance of the 61.90-acre Restoration Area. At a minimum, the Plan shall include the following information:</p> <p>7.4.1. Vegetation Restoration: (1) a map that identifies the location of the areas to be vegetated; (2) a California native plant palette and seed sources; (3) a planting plan, including seed application method; (4) an annual nonnative, invasive plant species removal plan; (5) monitoring and maintenance measures and a timeline when these will occur; and (6) success standards and contingency measures if the first application is unsuccessful.</p> <p>7.4.2. Installation of Raptor Perches &amp; Nesting Boxes: a map that identifies the locations of the raptor perches and raptor nesting boxes.</p> <p>7.4.3. Sediment Removal: (1) a map that identifies the location of the areas where sediment and vegetation removal will occur within potential Covered Species breeding habitat; (2) a maintenance timeline limiting sediment and vegetation removal within potential Covered Species breeding habitat to the period from July 15 to October 15 of each year (Dry Season); and (3) a description of sediment and vegetation removal methods and equipment needed within each location.</p>	ITP Condition # 7.4	Before commencing ground- or vegetation-disturbing activities within the Restoration Area (Phase 2)	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
11	<u>Geographic Information Systems Data Files.</u> Before starting Covered Activities, the Permittee shall provide CDFW with separate Geographic Information Systems (GIS) data files for the temporary and permanent habitat impact areas authorized under the ITP for the Covered Species for the Project Area. If habitat for the Covered Species will be both temporarily and permanently impacted, the Permittee shall provide one set of GIS data files for each impact type. The Permittee shall provide any additional GIS data files for the Project or related Covered Species features within 30 days of CDFW's request. All GIS data files shall be provided in a format acceptable to CDFW.	ITP Condition # 7.5	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
12	<u>Record of Covered Species Relocation.</u> The Designated Biologist shall maintain a record of Covered Species handled and all documented observations of Covered Species. This information shall include for each animal: (1) date, time, and location (Global Positioning System (GPS) coordinates and maps) and capture and/or observation as well as release, if applicable; (2) the name of the party that identified the Covered Species; (3) circumstances of the incident; (3) the general condition and health, noting all visible conditions including gait and behavior, ectoparasites, injuries, etc.; (4) any diagnostic markings, sex, age (juvenile or adult); (5) actions undertaken; (6) habitat description; and (7) ambient temperature when handled and released or observed. The Designated Biologist shall also submit this information to the California Natural Diversity Database as per Condition of Approval 7.10 below. The Designated Biologist shall prepare a Relocation Summary and include it in the Quarterly Compliance and Annual Status Reports described in Conditions of Approval 7.8 and 7.9, respectively, below.	ITP Condition # 7.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Designated Biologist / Permittee	
13	<u>Pre-Activity Clearance Survey and Reporting.</u> No more than 14 calendar days prior to initiating Covered Activities within the Project Area, the Designated Biologist shall survey the Project Area prior to construction of Phase 1, prior to construction of Phase 2, and immediately prior to ground- and/or vegetation-disturbing Covered Activities conducted during the 10-year maintenance and monitoring period. These surveys shall provide 100 percent visual coverage (including burrow and crevice openings) of the area to be disturbed, as well as a 50-foot buffer zone around the area to be disturbed. If individuals of the Covered Species are found, the Designated Biologists(s) shall relocate them in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.3). Permittee shall provide the survey results to CDFW in a written report prior to the beginning of Covered Activities. Minor ground- and/or vegetation disturbing Covered Activities using hand tools (e.g., shovels, hoes, picks) and handheld power tools (e.g., string trimmers, hedge trimmers, chain saws) do not require pre-activity clearance surveys. In addition, vegetation-disturbing Covered Activities conducted between July 15 and October 15 using push mowers and riding mowers do not require a pre-activity clearance survey.	ITP Condition # 8.1	Before commencing ground- or vegetation-disturbing activities / Entire Project	Designated Biologist / Permittee	
14	<u>Flag Burrows/Crevices.</u> If individuals of the Covered Species are found during pre activity clearance surveys (Condition of Approval 8.1), the Designated Biologist(s) shall flag all animal burrows and crevices suitable for Covered Species occupancy within 500 feet of the Covered Species observation. Burrows/crevices outside of the Permittee's access or control do not need to be flagged. An avoidance buffer of 50 feet or greater around flagged animal burrows/crevices shall be maintained regardless of whether the burrow/crevice is within the area to be disturbed or solely within the disturbance area's 50-foot buffer zone. Flagged burrows/crevices which occur within 500 feet of a Covered Species observation, and which cannot be avoided by at least 50 feet, shall be fully excavated in accordance with Condition of Approval 8.3.	ITP Condition # 8.2	Before commencing ground- or vegetation-disturbing activities	Designated Biologist / Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
15	<p><u>Burrow/Crevice Excavation.</u> Prior to initiating ground- and/or vegetation-disturbing Covered Activities within the Project Area, animal burrows and crevices identified and flagged during the pre-activity clearance surveys (per Conditions of Approval 8.1 and 8.2) which occur within 500 feet of a Covered Species observation, and which cannot be fully avoided by at least 50 feet, shall be fully excavated. Applicable burrows/crevices may be excavated by hand or in a manner otherwise approved by CDFW in accordance with the CDFW approved Covered Species Mortality Reduction and Relocation Plan. Burrow/crevice excavation shall occur under the direct supervision of the Designated Biologist(s).</p> <p>Burrows/crevices identified outside of the area to be disturbed, but within the disturbance area's 50-foot buffer zone, shall be similarly excavated if they lie within 50 feet of ground-disturbing Covered Activities within the Project Area. Burrows/crevices outside of the Permittee's access and/or control do not need to be excavated. The Designated Biologist(s) shall relocate any live Covered Species discovered during burrow/crevice excavation in accordance with the CDFW approved Covered Species Mortality Reduction and Relocation Plan. Burrow/crevice excavation shall occur no more than 14 calendar days after the completion of the pre-activity clearance surveys as described in Condition of Approval 8.1.</p>	ITP Condition # 8.3	Before commencing ground- or vegetation-disturbing activities	Designated Biologist / Permittee	
16	<p><u>Covered Species Credits.</u> Permittee shall purchase 0.5 acres of upland habitat Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities.</p>	ITP Condition #9.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
<b>DURING CONSTRUCTION</b>					
17	<p><u>Designated Biologist/Designated Monitor Authority.</u> To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist and/or Designated Monitor shall immediately stop any activity that does not comply with the ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist and/or Designated Monitor in the performance of his/her duties. If the Designated Biologist and/or Designated Monitor is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of the ITP.</p>	ITP Condition # 6.3	Entire Project	Designated Biologist / Permittee	
18	<p><u>Monitoring Documentation.</u> The Designated Biologist(s) and Designated Monitor(s) shall maintain monitoring documentation on-site in either hard copy or digital format throughout the duration of the Project, 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 monitoring documentation is available for review at the Project site upon request by CDFW.</p>	ITP Condition # 6.5	Entire Project	Designated Biologist / Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
19	<p><u>Compliance Monitoring.</u> During Phase 1 and Phase 2, the Designated Biologist(s) shall be on site for the duration of the day when Covered Activities occur and conduct at least daily compliance inspections. The Designated Biologist(s) shall conduct compliance inspections a minimum of monthly during periods of inactivity and after clearing, grubbing, and grading are completed. Following the completion of initial revegetation activities within the Restoration Area (Phase 2) and the start of the 10-year maintenance and monitoring period, the Designated Biologist(s) shall be on site for the duration of the day when ground- and/or vegetation-disturbing Covered Activities occur and shall conduct quarterly compliance inspections. Minor ground- and/or vegetation-disturbing Covered Activities using hand tools (e.g., shovels, hoes, picks) or handheld power tools (e.g., string trimmers, hedge trimmers, chain saws) do not require monitoring by the Designated Biologist(s). In addition, vegetation-disturbing Covered Activities using push mowers and riding mowers between July 15 and October 15 do not require monitoring by the Designated Biologist(s).</p> <p>CDFW may approve, in writing, reduced monitoring and compliance inspections during the 10-year maintenance and monitoring period. In addition, CDFW may approve, in writing, Designated Monitor(s) to conduct monitoring and compliance inspections if the Designated Biologist(s) is/are available to respond to the Project Area within one (1) hour of being contacted to address Covered Species needs and any other issues that may arise during implementation of this ITP.</p> <p>The Designated Biologist(s) shall conduct compliance inspections to:</p> <ol 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> </ol> <p>The Designated Representative or Designated Biologist(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.</p>	ITP Condition # 7.6	Entire Project	Designated Biologist / Permittee	
20	<p><u>Notification of Non-compliance.</u> The Designated Representative or the Designated Biologist shall immediately notify CDFW via email if the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative or Designated Biologist shall follow notification with a written report to CDFW within 24 hours describing, in detail, any non-compliance with the ITP and suggested measures to remedy the situation.</p>	ITP Condition # 7.2	Entire Project	Designated Biologist / Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
21	<p><u>Quarterly Compliance Report.</u> The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 7.6 and 7.7 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project within the Project Area, both for the prior quarter, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in the Project Area during the coming quarter, if applicable; a summary of all pre-activity surveys and compliance monitoring conducted during the previous quarter; and the activities authorized under the Covered Activities which occurred during the previous quarter. Quarterly Compliance Reports shall be due by January 15, April 15, July 15, and October 15 via email to CDFW's Regional Representative, Regional CESA Program, and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Representative is Stephanie Manzo (Stephanie.Manzo@wildlife.ca.gov), Regional CESA Program email is R4CESA@wildlife.ca.gov, and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may approve, in writing, a reduction in the timing and number of compliance inspections and reports required under this provision. However, CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.</p>	ITP Condition # 7.8	Entire Project	Designated Biologist / Permittee	
22	<p><u>Annual Status Report.</u> Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.8; (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 this 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. ASRs shall be submitted to CDFW following the directions provided in Condition of Approval 7.8 above.</p>	ITP Condition # 7.9	Entire Project	Permittee	
23	<p><u>California Natural Diversity Database Observations.</u> 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 Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.</p>	ITP Condition # 7.10	Entire Project	Designated Biologist / Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
24	<u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by contacting the Regional Office at R4CESA@wildlife.ca.gov and by emailing the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, an explanation as to cause of take or injury, photograph(s), if possible, and any other pertinent information.	ITP Condition # 7.12	Entire Project	Designated Biologist / Permittee	
25	<u>Erosion Control Materials.</u> Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species habitat.	ITP Condition # 6.8	Entire Project	Permittee	
26	<u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description, and shall not cross Covered Species habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 6.11	Entire Project	Permittee	
27	<u>Staging Areas.</u> Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.11 of the ITP.	ITP Condition # 6.12	Entire Project	Permittee	
28	<u>Hazardous Waste.</u> Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 6.13	Entire Project	Permittee	
29	<u>Dry Season Work.</u> Ground- and/or vegetation-disturbing Covered Activities within potential Covered Species breeding habitat shall not occur until the potential Covered Species breeding habitat is dry, unless surveys are conducted to demonstrate the absence of Covered Species eggs and larvae.	ITP Condition # 8.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
30	<u>Fieldwork Code of Practice.</u> To ensure the Designated Biologist(s) or Designated Monitors(s) do not convey disease between the Project Area and areas outside the Project Area, the Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force (see Attachment 3) shall be followed at all times. The Designated Biologist(s) or Designated Monitor(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.	ITP Condition # 8.5	Entire Project	Designated Biologist / Permittee	
31	<u>Rain Forecast.</u> The Designated Biologist and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. Permittee shall cease all ground- and/or vegetation-disturbing Covered Activities in the Project Area where initial ground and/or vegetation disturbance (vegetation removal, grading, grubbing, and excavation) has yet to occur during rainfall and/or when a 50 percent or greater chance of rainfall is predicted within 72 hours. Permittee may continue ground- and vegetation-disturbing Covered Activities 24 hours after rainfall ceases and there is a zero percent chance of rainfall in the 72-hour forecast. Minor ground and/or vegetation-disturbing Covered Activities using hand tools (e.g., shovels, hoes, picks) and handheld power tools (e.g., string trimmers, hedge trimmers, chain saws) may proceed during rainfall and/or when a 50 percent or greater chance of rainfall is predicted within 72 hours.	ITP Condition # 8.6	Entire Project	Designated Biologist / Permittee	
32	<u>Soil and Materials Stockpiles.</u> Permittee shall ensure that soil stockpiles are placed where soil will not pass into potential Covered Species breeding habitat, or into any other "Waters of the State," in accordance with Fish and Game Code section 5650. The Permittee shall appropriately protect stockpiles to prevent soil erosion. The Permittee shall stockpile and stage all materials and equipment in a manner that discourages Covered Species use. In all locations, Permittee shall not place bundled or loose materials directly on the ground. These materials shall be elevated to discourage use by Covered Species.	ITP Condition # 8.7	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
33	<u>Open Excavations.</u> Designated Biologist(s) shall inspect all open holes, sumps, and trenches within the Project Area at the beginning and end of each workday (including once daily on non-workdays) for trapped Covered Species. To prevent inadvertent entrapment of Covered Species, all open trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope, or the worker(s) shall oversee the covering of all excavated, trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground, and the excavation cover shall be secured with soil staples or by similar means to prevent gaps. Worker(s) shall thoroughly inspect all trenches, holes, sumps, or other excavations for Covered Species (or other wildlife) before they are back-filled. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow Covered Species to escape unimpeded, if possible, before Covered Activities are allowed to continue, or the Designated Biologist(s) may capture and relocate the Covered Species as per the Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 7.3 above.	ITP Condition # 8.8	Entire Project	Designated Biologist / Permittee	
34	<u>Vehicle and Equipment Inspection.</u> Within the Project Area, workers shall inspect under vehicles and equipment for Covered Species before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) may move the Covered Species out of harm's way outside of the Project Area in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 7.3.	ITP Condition # 8.9	Entire Project	Permittee	
35	<u>Pipes and other Structures Entrapment Prevention.</u> Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the object is subsequently moved, buried, or capped. If an individual of the Covered Species is discovered inside a pipe, culvert, or similar structure during inspection, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) may move Covered Species out of harm's way outside of the Project Area in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 7.3.	ITP Condition # 8.10	Entire Project	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
36	<u>Covered Species Observations.</u> During all Covered Activities within the Project Area, all workers shall inform the Designated Biologist(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Project Area of its own accord or the Designated Biologist(s) relocates the Covered Species following the CDFW-approved Covered Species Mortality Reduction and Relocation Plan specified in Condition of Approval 7.3 above.	ITP Condition # 8.11	Entire Project	Permittee	
37	<u>Covered Species Injury.</u> If a Covered Species is injured as a result of Project related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 7.12. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 8.12	Entire Project	Permittee	
38	<u>Herbicide Use.</u> Permittee shall ensure that all herbicide use (mixing, application, and clean-up) is done by a licensed or certified applicator in accordance with all applicable state, federal, and local regulations. Permittee shall only apply herbicide sprays via ground application when wind speed measures less than 5 miles per hour. Permittee shall ensure that great care is taken to avoid herbicide use outside the boundaries of the Project Area. Permittee shall ensure that any herbicide used where there is the possibility that the herbicide could come into direct contact with water is approved for use in an aquatic environment.	ITP Condition # 8.13	Entire Project	Permittee	
39	<u>CDFW Access.</u> Permittee shall provide CDFW staff with reasonable access to the Project Area and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 6.14	Entire Project	Permittee	
<b>POST-CONSTRUCTION</b>					
40	<u>Refuse Removal.</u> Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, exclusionary fencing, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 6.15	Post-construction	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
41	<u>Final Mitigation Report</u> . No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report following the directions provided in Condition of Approval 7.8 above. The Designated Representative or Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on 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 # 7.11	Post-construction and after completion of mitigation	Permittee	
42	CDFW accepts the Final Mitigation Report as complete.	ITP Condition # 7.11	Post-construction	CDFW	

## Biologist/Botanist Resume Submittal Cover Sheet

**Project Name:** \_\_\_\_\_

**ITP Number:** \_\_\_\_\_

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

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

**Number of resumes included in Transmittal:** \_\_\_\_\_

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

**Reviewed and submitted by:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
 Permittee or Designated Representative

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

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

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

**Name of Biologist & Contact Information**

**Education:** (include year graduated)

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

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

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

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

Location:

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

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

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

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

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #2

Location:

Project date completed: To and from date

Incidental Take Permit # (and Other Agency Permits):

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

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

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #3 ...

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

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

Location:

Project date completed: To and from date

Incidental Take Permit # (and Other Agency Permits):

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

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

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #2

Location:

Project date completed: To and from date

Incidental Take Permit # (and Other Agency Permits):

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

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

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #3 ...

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

## The Declining Amphibian Task Force Fieldwork Code of Practice

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

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

## Attachment 4

### Amended Incidental Take Permit No. 2081-2022-027-04 (Amendment No. 1)

#### Carr Lake Restoration and Park Development Project

#### 1. The Permittee section has been amended as follows:

**Permittee:** Big Sur Land Trust  
**Principal Officer:** Rachel Saunders, Director of Conservation  
**Contact Person:** Rachel Saunders, 831-625-5523  
**Mailing Address:** 509 Hartnell Street  
Monterey, California 93940

**Permittee:** City of Salinas  
**Principal Officer:** Rene Mendez, City Manager  
**Contact Person:** Ana Ambriz, 831-758-7328  
**Mailing Address:** 320 Lincoln Avenue  
Salinas, California 93901

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

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

On May 1, 2023, CDFW issued the original ITP No. 2081-2022-027-04 to Big Sur Land Trust, authorizing take of California tiger salamander (*Ambystoma californiense*) (Covered Species) associated with and incidental to the Carr Lake Restoration and Park Development Project (Project) in Monterey County, California. The Project as described in the original ITP included the development of 73.1 acres of agricultural land (former Carr Lake basin) into public open space, including a 6.4-acre neighborhood park, a 58.5-acre restoration area, and 2.8 acres of multiuse trails and bridges.

On June 26, 2024, CDFW received an application from Big Sur Land Trust requesting an amendment to the original ITP and received the corresponding fee payment on July 19, 2024. Supplementary information was submitted on November 18, 2024, February 27, 2025, and April 17, 2025. On April 18, 2025, CDFW received a written request from Big Sur Land Trust, acknowledged and consented by City of Salinas, to add City of Salinas as a Permittee on the ITP. As of April 18, 2025, the amendment request includes amending the Project Description section of the original ITP to reflect corrections and modifications to certain design elements of the Project that occurred after the original ITP was issued and adding the City of Salinas as a Permittee on the ITP. The modifications to the Project Description section of the original

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



ITP include a revised layout and acreage of walking trails; a revised layout and length of concrete rail fence; a revised footprint and acreage of the gravel access road; modifications to the foundation designs for three footbridges (Bridges A, B, and C); addition of two new High Density Polyethylene (HDPE) culvert crossings beneath the walking trail and a third HDPE culvert crossing with riprap under the walking trail in place of a footbridge; installation of a concrete grade control structure instead of a concrete apron at the outlet of the treatment wetland on Hospital Creek beneath Bridge A; installation of a buried rock cut-off wall at the inlet to the seasonal wetland beneath Bridge B; and revised restoration areas. The modifications to the Project will result in an approximately 0.24-acre increase in permanent impacts within the Project footprint and a 1.71-acre decrease in temporary impacts as compared to the original ITP. The overall Project footprint is now 71.67 acres.

CDFW finds that this Amendment (Amendment No. 1) is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5). Issuance of Amendment No. 1 will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will Amendment No. 1 increase other Project impacts on the Covered Species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)). Issuance of Amendment No. 1 does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

CDFW now reissues this ITP including the revised provisions in Amendment No. 1 (collectively, the Amended ITP). The Amended ITP includes all of the operative provisions as of the effective date of this Amended ITP. Attachment 4 to this Amended ITP shows the specific red-line changes made to the original ITP as a result of this Amendment No. 1. Figure 2 is revised to depict the Project modifications. Hereafter, throughout the Amended ITP, the term "Permittee" shall collectively refer to both Permittees.

### **3. The Effective Date and Expiration Date section has been amended as follows:**

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

This~~The original~~ ITP ~~shall become~~became effective when it was signed by all parties and received by CDFW~~as described in~~. The original ITP's effective date was May 9, 2023. This remains the Notices section of this~~effective date for the original take authorization. This Amended ITP~~is effective as of the date signed by CDFW below. Unless renewed by CDFW, this Amended ITP and its authorization to take the Covered Species shall expire on **December 31, 2035.**

\* \* \*

### **4. The Project Description section has been amended as follows:**

#### **Project Description:**

The Project includes the development of ~~73.4~~71.67 acres of agricultural land (former Carr Lake basin) into public open space. The Project includes a ~~6.4~~20-acre Neighborhood Park, a ~~58.5~~61.90-acre Restoration Area, and ~~2.8~~59 acres of multi-use trails and bridges (Figure 2). Construction of the entire Project will occur in two phases. The first phase will comprise of construction of the Neighborhood Park, and will occur over the span of approximately ~~12\_ months, beginning in the summer of 2023 through the spring of 2024.~~ The second phase

will comprise of construction of the Restoration Area, and will occur over the span of approximately five months, ~~beginning in the spring of 2024 through the fall of 2024.~~ Upon completion of initial ~~restoration~~revegetation activities within the Restoration Area, a 10-year, post-construction vegetation maintenance and monitoring period will follow.

\* \* \*

### **Neighborhood Park (Phase 1)**

The Neighborhood Park will be constructed on the higher elevation area in the northwestern portion of the Project site, just east of Sherwood Drive. The Neighborhood Park will include an amphitheater, skate park, dog park, multipurpose court, basketball court, play area, ~~a~~ community center/classroom, restrooms, a gazebo, picnic areas, turfgrass, ornamental landscape trees and plantings, walking pathways, and parking lots (Figure 2). Within the ~~6.420~~-acre Neighborhood Park, ~~4.966~~ acres of undeveloped land will be permanently removed through the construction of structures and impervious surfaces; the remaining ~~1.554~~ acres are currently developed. Equipment and materials will be staged within the ~~5.4625~~-acre Phase 1 Staging Area depicted in Figure ~~42~~.

#### *Project Activities*

Project activities during Phase 1 will include: construction mobilization and staging; demolition of existing agricultural buildings, structures, and pavements; grading to include 15,000 cubic yards of cut and fill; trench digging for the installation of sanitary sewer, storm drain, water, electrical, and irrigation mainline; construction of concrete foundations, walls, and structures; construction of parking lots, curbs, and gutters; installation of bathrooms, trash enclosures, a gazebo, and picnic shelters; construction of permeable and impervious pathways and slabs; installation of irrigation system; installation of site furnishings and amenities; installation of ~~1,358 linear feet of~~ concrete rail perimeter fencing; installation of plantings in landscape and bioswales.

### **Restoration Area (Phase 2)**

The ~~58.561.90~~-acre Restoration Area will create ~~28.631.45~~ acres of upland grassland, ~~18.319.54~~ acres of freshwater emergent wetland, ~~4.90.92~~ acres of riparian tree groves, a ~~4.56.28~~-acre seasonal wetland/~~depression~~, ~~1.1/pond~~, ~~0.84~~ acres of freshwater forested/shrub wetland, ~~and 1.42.33~~ acres of seasonal wetland grass depressions ~~(Figure 2).~~, ~~and 0.54 acres of a native grass swale~~. Equipment and materials will be staged within the ~~5.384.02~~-acre Phase 2 Staging Area depicted in Figure ~~42~~.

\* \* \*

#### *Hospital Creek*

Hospital Creek will mimic a freshwater marsh ecosystem. Backwater channels will be created to increase the residence time of water and allow water to infiltrate into the soil. A treatment wetland water quality feature will be created at the upstream end of the restored Hospital Creek reach within the Project site. The treatment wetland will have two in-stream pools, separated by a vegetated high-marsh area. ~~The treatment wetland will transition into the restored, sinuous portion of Hospital Creek. An approximately 40-foot-wide by 8-foot-long concrete apron outlet control structure will be installed at this transition, directly under a pedestrian bridge crossing, to prevent downcutting and maintain depths appropriate for water quality treatment. A cast-in-place concrete grade beam will be installed at the outlet of the~~

treatment wetland beneath Bridge A as a grade control structure. The grade control structure will be approximately 1 foot wide and 40 feet long and will extend approximately 2 feet above ground. At the mouth of the channel, flow will disperse across a delta as it enters the seasonal wetland depression.

### *Seasonal Wetland Depression*

The Project includes the creation of a ~~4.56.28~~-acre seasonal wetland depression at the end of the Hospital Creek stream system that will receive water from the upstream freshwater marsh ecosystem. The feature is not designed to maintain a specific hydroperiod and there will not be a liner or outlet control structure to regulate the hydroperiod. A buried rock cut-off wall will be installed beneath Bridge B at the inlet to the seasonal wetland and will prevent excessive downcutting and will serve as grade control. The buried rock cut-off wall will be 6 feet wide, 100 feet long, and approximately 624 square feet (sq ft) in area. The proposed seasonal wetland depression will provide 28.8 acre-feet of storage. When full, the seasonal wetland will drain to the Reclamation Ditch downstream of the confluence with Natividad Creek at the end of the Project reach.

### *Existing Agricultural Ditches*

To provide drainage for runoff from the adjacent agricultural fields located outside of the Project site, the ~~existing remaining segments of the~~ Hospital and Gabilan ~~Creeks Creek~~ ditches will remain in their current alignment to drain agricultural runoff. The ditches will be separated from the enhanced stream channels by soil fill plugs at the upstream end. Downstream of the soil fill plugs, water will be directed to the existing ditches as surface runoff ~~and through existing tile drains~~ from the adjacent fields. Water will then flow in the ditches towards the confluence of the Hospital and Gabilan ditches, and ultimately to the seasonal wetland: via a 48-inch-diameter HDPE culvert with approximately 184 sq ft of riprap at its outlet.

\* \* \*

### *Trails, Access Road, and Bridges*

~~Approximately 8,291 linear feet (99,493 sq ft) of trail~~ A total of 9,475 linear feet (112,660 sq ft) of trail will be constructed. Approximately 1,623 linear feet (19,374 sq ft) of that trail will be built as part of the Neighborhood Park. The remaining 7,852 linear feet (93,286 sq ft) will be constructed as part of the Restoration Area. Trail construction will require the use of approximately ~~1,400~~ 2,755 cubic yards of aggregate. Trails will be 8 feet wide with a 2-foot-wide shoulder on each side for an overall width of 12 feet. The 8-foot-wide portion of the trail will be a compacted aggregate. The 2-foot-wide shoulders will be a compacted native dirt material. A box culvert and permanent vehicle crossing will be installed over Hospital Creek, upstream of the proposed treatment wetland. An access road will be constructed along the western Project boundary between the site entrance near La Posada Drive and the Hospital Creek vehicle crossing. ~~Four~~ Three bridges suitable for foot traffic and light vehicles will be installed over new channels within the Restoration Area, ~~including a raised boardwalk and observation deck over the new seasonal wetland depression.~~

### *Project Activities*

Project activities during Phase 2 will include: construction mobilization and staging; temporary diversion and dewatering of a total of approximately 4,040 linear feet of channel in Hospital Creek, Gabilan Creek, and Natividad Creek; grading to include ~~180~~ 175,000 cubic yards of cut

and 3460,000 cubic yards of fill to create new seasonal wetlands, reroute Hospital and Gabilan Creeks into new meandering channels, create a treatment wetland at the upstream section of Hospital Creek, create a seasonal wetland depression, and create areas of undulating upland topography; handling and temporary stockpiling of excess soil generated by grading; installation of a box culvert and permanent vehicle crossing over Hospital Creek; installation of ~~a 40-foot-wide concrete apron outlet control structure; installation of foundational piers and anchors at raised boardwalk and observation deck; installation of bridge abutments and foundation~~bridge abutments and wing walls; preparation and compaction of subgrade for access road and walking paths; installation of irrigation mainline; installation of ~~6,075 linear feet of~~ concrete split rail fencing; installation of an aggregate base and surface along the access road; construction of walking paths with aggregate base and aggregate surface over new channels; installation of prefabricated bridge structures on top of constructed abutments and ~~foundation~~wing walls over new channels; ~~construction~~installation of three HDPE culvert crossings beneath walking trails; and installation of a raised boardwalk and observation deck on top of constructed piersconcrete grade control structure beneath Bridge A and anchors over the new seasonal wetland depressiona buried rock cut-off wall beneath Bridge B.

### **Vegetation Revegetation, Maintenance, and Monitoring**

Following the completion of Phase 2, the ~~58.561.90~~-acre Restoration Area will be ~~vegetated~~revegetated with native plants comprising a mosaic of freshwater emergent wetland, forested/shrub wetland, upland grassland, and a mixture of riparian and upland trees. Vegetation Revegetation activities will include soil preparation, hydroseeding with a native seed mix, and live plantings of native plants, shrubs, and trees. The ~~establishment, maintenance, and monitoring period~~ will occur for 10 years following the completion of initial ~~restoration~~revegetation activities in the Restoration Area ~~(Phase 2).~~.

### **Project Activities**

Project activities during ~~the vegetation revegetation~~, maintenance, and monitoring ~~period~~ will include: ~~vegetation revegetation~~ of approximately ~~58.561.90~~ acres, including soil preparation, hydroseeding ~~during Year 1,~~ and installation of live plants and trees ~~throughout Years 2 and 3;~~ installation, monitoring, and maintenance of raptor perches, raptor nesting boxes, and songbird nest boxes using shovels, picks, and post-hole diggers; invasive plant species removal, by hand or using shovels, hoes, picks, weed wrenches or similar; plant maintenance and replacement, using shovels; supplemental seeding; vegetation trimming using hand saws, pruners, loppers, chainsaws, hedge trimmers, and string trimmers; mowing, using push mowers and riding mowers; browse protection, ~~and~~; irrigation (overhead spray); leaf blowing; trash pickup; spot spraying with herbicide; periodic sediment and vegetation removal from drainage channels, restored channels, and the seasonal wetland depression using heavy equipment; maintenance of irrigation systems and water supply; repairing areas of erosion and/or installing temporary erosion control devices; repair and maintenance of trails and access roads (e.g., filling potholes, adding decomposed granite, compaction); repair and maintenance of bridges and culverts; and repair and maintenance of fence posts, gates, locks, and signage using shovels, picks, and post-hole diggers.

### **Access, Staging, Equipment, and Grading**

Construction access will be at the northwestern entrance to the Project site at La Posada Drive. Construction staging for heavy equipment and temporary stockpiling will be located as shown on Figure 42. Equipment will include excavators, loaders, bulldozers, vibratory

compactors, scrapers, dump trucks, utility vehicles, pickup trucks, shovels, hoes, picks, weed wrenches, hand saws, pruners, loppers, chainsaws, hedge trimmers, string trimmers, post-hole diggers, push mowers, riding mowers with rubber wheels, as well as water pumps and piping for diversion of creeks during construction. Grading within the Project site will generate approximately ~~143~~121,000 cubic yards of material that will be removed from the site and re-purposed, recycled, or disposed of.

## **5. The Impacts of the Taking on Covered Species section has been amended as follows:**

### **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 all construction activities associated with heavy equipment staging and operations; demolition of buildings, structures, and pavement; crop removal; grading, compaction, and paving; excavation; construction of concrete foundations, walls, and structures; installation of utilities and irrigation systems; landscaping; temporary diversion and dewatering of channels; rerouting channels; grading to create seasonal wetlands and channels; materials stockpiling, transport, and laydown; installation of a box culvert; ~~construction of raised boardwalk~~installation of bridge abutments, wing walls, and observation deck~~pre-fabricated bridge structures; installation of three HDPE culvert crossings; installation of riprap; installation of a concrete grade control structure beneath Bridge A; installation of a buried rock cut-off wall beneath Bridge B;~~ installation of concrete split rail fencing; soil preparation; revegetation; vegetation management, maintenance, and monitoring; sediment and vegetation removal from the seasonal wetland depressions and channels; maintenance of irrigation systems and water supply; repairing areas of erosion and/or installing temporary erosion control devices; repair and maintenance of trails, bridges, culverts, fences, gates, locks, and signage; repair of access roads; and other related activities described in the Project Description section of this ITP (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as construction vehicle/equipment strikes; crushing or suffocation by trampling, heavy equipment, and materials; and entrapment and desiccation within trenches, open pipelines, and uncovered excavations. 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 capture of individuals when individuals of the Covered Species are salvaged, collected, and relocated or translocated out of harm's way as required by this ITP. Take of the Covered Species is only authorized and expected to occur in the Project site and only as a result of Covered Activities. The areas where authorized take of the Covered Species is expected to occur include: the ~~73.471.67-~~ acre Project site, (collectively, the Project Area).

The Project is expected to cause the permanent loss of ~~7.998.23~~ acres of dispersal habitat for the Covered Species, and temporary loss of ~~63.61.90~~ acres of dispersal habitat for the Covered Species (Figure ~~42~~). Approximately 1.~~554~~ acres of the Project Area are currently developed and will remain developed upon completion of the Project. Dispersal habitat within the Project Area is comprised of irrigated row crop agriculture. Covered Species may disperse across the Project Area, however site surveys indicate there are no refugia



opportunities (e.g., burrows) given current agricultural land practices and surrounding developments. The Project Area is greater than 630 meters of known or potential Covered Species breeding habitat, thus incidental take would likely occur during dispersal. Impacts of the authorized taking include adverse impacts to the Covered Species related to temporal losses and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: introduction or spread of invasive species; stress resulting from noise, vibrations, capture, and relocation; mortality due to project related vehicle and/or heavy equipment strikes; increased competition for food and space; and increased vulnerability to predation.

## 6. The Conditions of Approval section has been amended as follows:

### Conditions of Approval:

\* \* \*

### 6. General Provisions:

\* \* \*

- 6.5. ~~Construction~~ Monitoring Documentation. The Designated Biologist(s) and Designated Monitor(s) shall maintain ~~construction~~-monitoring documentation on-site in either hard copy or digital format throughout the ~~construction period~~duration of the Project, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the ~~construction~~-monitoring documentation is available for review at the Project site upon request by CDFW.
- 6.6. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at ~~daily~~weekly intervals but at least once a ~~week~~month, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.

\* \* \*

### 7. Monitoring, Notification and Reporting Provisions:

\* \* \*

- 7.3. Covered Species Mortality Reduction and Relocation Plan. The Designated Biologist shall prepare a Covered Species Mortality Reduction and Relocation Plan and submit it to CDFW for review and approval a minimum of 30 days prior to the beginning of Covered Activities. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to, a discussion and map of the portion of the Project Area which represents potential upland habitat; identification of the area within 1.3 miles of known or potential breeding habitat for Covered Species; detailed survey, excavation, capture, handling, and relocation methods; identification of relocation areas; and identification of a wildlife rehabilitation center

or veterinary facility capable of treating injured animals. The Designated Biologist shall submit a revised Covered Species Mortality Reduction and Relocation Plan and submit it to CDFW for review and approval a minimum of 30 days prior to the start of the 10-year maintenance and monitoring period to identify changes in potential Covered Species upland and breeding habitat as a result of the Project, as well as to incorporate burrow/crevice excavation methods. Covered Activities may not proceed until the Covered Species Mortality Reduction and Relocation Plan is approved in writing by CDFW. Designated Monitors are prohibited from capturing and handling the Covered Species unless specifically approved in writing by CDFW and under the direct supervision of the Designated Biologist(s). Any proposed changes to the CDFW-approved Covered Species Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Covered Species Mortality Reduction and Relocation Plan modifications.

- 7.4. Restoration and Maintenance and Monitoring Plan. Before starting Covered Activities within the Restoration Area (Phase 2), Permittee shall provide CDFW with the final detailed Restoration ~~and~~ Maintenance and Monitoring Plan for CDFW review and approval to facilitate vegetation and maintenance of the ~~58.561.90~~-acre Restoration Area. At a minimum, the Plan shall include the following information:

- 7.4.1. Vegetation Restoration: (1) a map that identifies the location of the areas to be vegetated; (2) a California native plant palette and seed sources; (3) a planting plan, including seed application method; (4) an annual nonnative, invasive plant species removal plan; (5) monitoring and maintenance measures and a timeline when these will occur; ~~(6) avoidance and minimization measures; and (7) and (6)~~ success standards and contingency measures if the first application is unsuccessful.
- 7.4.2. Installation of Raptor Perches & Nesting Boxes: ~~(1) avoidance and minimization measures; and (2)~~ a map that identifies the locations of the raptor perches and raptor nesting boxes.
- 7.4.3. Sediment and Vegetation Removal: (1) a map that identifies the location of the areas where sediment and vegetation removal will occur within potential Covered Species breeding habitat; (2) ~~avoidance and minimization measures~~; (3) a maintenance timeline limiting sediment and vegetation removal within potential Covered Species breeding habitat to the period from July 15 to October 15 of each year (Dry Season); and ~~(4)~~ a description of sediment and vegetation removal methods and equipment needed within each location.

\* \* \*

- 7.6. Compliance Monitoring. ~~The~~ During Phase 1 and Phase 2, the Designated Biologist(s) shall be on site for the duration of the day when Covered Activities occur and conduct at least daily compliance inspections. The Designated Biologist(s) shall conduct compliance inspections a minimum of ~~weekly~~ monthly

during periods of inactivity and after clearing, grubbing, and grading are completed. Following the completion of initial revegetation activities within the Restoration Area (Phase 2) and the start of the 10-year maintenance and monitoring period, the Designated Biologist(s) shall be on site for the duration of the day when ground- and/or vegetation-disturbing Covered Activities occur and shall conduct quarterly compliance inspections. Minor ground- and/or vegetation-disturbing Covered Activities using hand tools (e.g., shovels, hoes, picks) or handheld power tools (e.g., string trimmers, hedge trimmers, chain saws) do not require monitoring by the Designated Biologist(s). In addition, vegetation-disturbing Covered Activities using push mowers and riding mowers between July 15 and October 15 do not require monitoring by the Designated Biologist(s).

CDFW may approve, in writing, reduced monitoring and compliance inspections during the 10-year maintenance and monitoring period. In addition, CDFW may approve, in writing, Designated Monitor(s) to conduct monitoring and compliance inspections if the Designated Biologist(s) is/are available to respond to the Project Area within one (1) hour of being contacted to address Covered Species needs and any other issues that may arise during implementation of this ITP.

The Designated Biologist(s) shall conduct compliance inspections to:

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

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

\* \* \*

- 7.8. Quarterly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 7.6 and 7.7 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project within the Project Area, both for the prior quarter, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in the Project Area during the coming quarter, if applicable; a summary of all pre-activity surveys and compliance monitoring conducted during the previous quarter; and the activities authorized under the Covered Activities which occurred during the previous quarter. Quarterly Compliance Reports shall be due by January 15, April 15, July 15, and October 15



via email to CDFW's Regional Representative, Regional CESA Program, and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Stephanie Manzo ([Stephanie.Manzo@wildlife.ca.gov](mailto:Stephanie.Manzo@wildlife.ca.gov)), Regional CESA Program email is [R4CESA@wildlife.ca.gov](mailto:R4CESA@wildlife.ca.gov), and Headquarters CESA Program email is [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). CDFW may approve, in writing, a reduction in the timing and number of compliance inspections and reports required under this provision. However, 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.

\* \* \*

**7.12. 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~~contacting the Regional Office at ~~(559) 243-4005~~R4CESA@wildlife.ca.gov and by ~~email to~~emailing the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, an explanation as to cause of take or injury, photograph(s), if possible, 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. Pre-Activity Clearance Survey and Reporting.** No more than 14 calendar days prior to initiating Covered Activities within the Project Area, the Designated Biologist shall survey the ~~construction and staging areas within the~~ Project Area prior to construction of Phase 1, ~~and~~ prior to construction of Phase 2, and immediately prior to ground- and/or vegetation-disturbing Covered Activities conducted during the 10-year maintenance and monitoring period. These surveys shall provide 100 percent visual coverage (including burrow and crevice openings) ~~at~~of the ~~Project Area~~area to be disturbed, as well as a 50-foot buffer zone around the ~~active portion of the Project Area during Phase 1 and Phase 2, respectively~~area to be disturbed. If individuals of the Covered Species are found, the Designated Biologist(s) shall relocate them in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.3). Permittee shall provide the survey results to CDFW in a written report prior to the beginning of Covered Activities. Minor ground- and/or vegetation-disturbing Covered Activities using hand tools (e.g., shovels, hoes, picks) and handheld power tools (e.g., string trimmers, hedge trimmers, chain saws) do not require pre-activity clearance surveys. In addition, vegetation-disturbing Covered Activities conducted between July 15 and

October 15 using push mowers and riding mowers do not require a pre-activity clearance survey.

**8.2.** Flag Burrows/Crevices. If individuals of the Covered Species are found during pre-activity clearance surveys (Condition of Approval 8.1), the Designated Biologist(s) shall flag all animal burrows and crevices suitable for Covered Species occupancy within 500 feet of the Covered Species observation. Burrows/crevices outside of the Permittee's access or control do not need to be flagged. An avoidance buffer of 50 feet or greater around flagged animal burrows/crevices shall be maintained regardless of whether the burrow/crevice is within the area to be disturbed or solely within the disturbance area's 50-foot buffer zone. Flagged burrows/crevices which occur within 500 feet of a Covered Species observation, and which cannot be avoided by at least 50 feet, shall be fully excavated in accordance with Condition of Approval 8.3.

**8.3.** Burrow/Crevise Excavation. Prior to initiating ground- and/or vegetation-disturbing Covered Activities within the Project Area, animal burrows and crevices identified and flagged during the pre-activity clearance surveys (per Conditions of Approval 8.1 and 8.2) which occur within 500 feet of a Covered Species observation, and which cannot be fully avoided by at least 50 feet, shall be fully excavated. Applicable burrows/crevices may be excavated by hand or in a manner otherwise approved by CDFW in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Burrow/crevice excavation shall occur under the direct supervision of the Designated Biologist(s).

Burrows/crevices identified outside of the area to be disturbed, but within the disturbance area's 50-foot buffer zone, shall be similarly excavated if they lie within 50 feet of ground-disturbing Covered Activities within the Project Area. Burrows/crevices outside of the Permittee's access and/or control do not need to be excavated. The Designated Biologist(s) shall relocate any live Covered Species discovered during burrow/crevice excavation in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Burrow/crevice excavation shall occur no more than 14 calendar days after the completion of the pre-activity clearance surveys as described in Condition of Approval 8.1.

**8.4.** Dry Season Work. Ground- and/or vegetation-disturbing Covered Activities within potential Covered Species breeding habitat shall not occur until the potential Covered Species breeding habitat is dry, unless surveys are conducted to demonstrate the absence of Covered Species eggs and larvae.

\* \* \*

**8.6.** Rain Forecast. The Designated Biologist and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. ~~During rainfall events and/or when a 50 percent or greater chance of rainfall is predicted within 72 hours,~~ the Permittee shall cease all ground- and/or vegetation-disturbing Covered Activities in the Project Area where initial ground and/or vegetation disturbance (vegetation removal, grading, grubbing, and excavation) has yet to occur ~~until~~

~~the~~ during rainfall and/or when a 50 percent or greater chance of rainfall is predicted within 72 hours. Permittee may continue ground- and vegetation-disturbing Covered Activities 24 hours after rainfall ceases and there is a zero percent chance of rain-is-rainfall in the 72-hour forecast. Minor ground- and/or vegetation-disturbing Covered Activities using hand tools (e.g., shovels, hoes, picks) and handheld power tools (e.g., string trimmers, hedge trimmers, chain saws) may proceed during rainfall and/or when a 50 percent or greater chance of rainfall is predicted within 72 hours.

\* \* \*

- 8.8. Open Excavations.** Designated Biologist(s) shall inspect all open holes, sumps, and trenches within the Project Area at the beginning and end of each workday (including once daily on non-workdays) for trapped Covered Species. To prevent inadvertent entrapment of Covered Species, all open trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope, ~~and~~ or the worker(s) shall oversee the covering of all excavated, trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground, and the excavation cover shall be secured with soil staples or by similar means to prevent gaps. Worker(s) shall thoroughly inspect all trenches, holes, sumps, or other excavations for Covered Species (or other wildlife) before they are back-filled. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow Covered Species to escape unimpeded, if possible, before Covered Activities are allowed to continue, or the Designated Biologist(s) may capture and relocate the Covered Species as per the Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 7.3 above.

\* \* \*

- 8.13. Herbicide Use.** Permittee shall ensure that all herbicide use (mixing, application, and clean-up) is done by a licensed or certified applicator in accordance with all applicable state, federal, and local regulations. Permittee shall only apply herbicide sprays via ground application when wind speed measures less than ~~35~~ 35 miles per hour. Permittee shall ensure that great care is taken to avoid herbicide use outside the boundaries of the Project Area. Permittee shall ensure that any herbicide used where there is the possibility that the herbicide could come into direct contact with water is approved for use in an aquatic environment.

- 7. The Liability section has been inserted preceding the Compliance with Other Laws section as follows:**

**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.

**8. The Notices section has been amended as follows:**

**Notices:**

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

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

\* \* \*

**9. The Compliance with the CEQA section has been amended as follows:**

**Compliance with the CEQA:**

\* \* \*

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.

None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of Amendment No. 1.

**10. The Attachments section has been amended as follows:**

**Attachments:**

FIGURE 1	Project Location Map
FIGURE 2	<del>Concept Sketch</del> <u>Impact Areas (Amendment No. 1)</u>
FIGURE 3	Farming During Phase 1
<del>FIGURE 4</del>	<del>Impact Areas and Staging Areas</del>
ATTACHMENT 1	Mitigation Monitoring and Reporting Program <u>(Amendment No. 1)</u>
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Fieldwork Code of Practice
<u>ATTACHMENT 4</u>	<u>Major Amendment No. 1 with Track Changes</u>

**11. The Acknowledgement section has been removed as follows:**

**ACKNOWLEDGMENT**

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

By: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_