



**California Department of Fish and Wildlife
Central Region
1234 East Shaw Avenue
Fresno, California 93710**

California Endangered Species Act
Incidental Take Permit No. 2081-2014-078-04
Amendment No. 3

**STATE ROUTE 140 FERGUSON SLIDE ROCK SHED PROJECT
CALTRANS EA 10-0P921**

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 sections 2081.9 and 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take¹ of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.² Additional prohibitions found in Fish and Game Code section 5050 prohibit the take of fully protected amphibians except as provided by Fish and Game Code section 2081.9. Notwithstanding Section 5050, CDFW may authorize the incidental take of limestone salamander (*Hydromantes brunus*) resulting from impacts attributable to the Department of Transportation's implementation of the Ferguson Slide Permanent Restoration Project on State Route 140 from 8 miles east of Briceburg to 7.6 miles west of El Portal in Mariposa County if the conditions set forth in Fish and Game Code sections 2081.9 and 2081, subdivisions (b) and (c) are met. (See Cal. Code Regs., tit. 14, § 783.4).

Permittee:	California Department of Transportation (Caltrans)
Principal Officer:	Jeffrey L. Holt, Branch Chief, Unit 4718
Contact Person:	Nicole Kith, (209) 693-3738
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Amended ITP³ Background:

On December 18, 2015, CDFW issued the original ITP No. 2081-2014-078-04 to Caltrans (Permittee), authorizing the take of limestone salamander (Covered Species) associated with and incidental to the State Route 140 Ferguson Slide Rock Shed Project in Mariposa County, California (Project). The Project, as described in the ITP and as originally issued by CDFW,

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

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

³When this incidental take permit and attachments refer to the "ITP", it means the "Amended ITP" (Amendment Nos. 1 through 3 unless the context dictates otherwise).

included the construction of a 700-foot-long rock shed along the existing alignment of State Route (SR) 140 to reestablish two-lane traffic in an area previously impacted by a major rockslide.

On August 24, 2016, CDFW issued Major Amendment No. 1 which updated the Project description to include geotechnical drilling activities, increased the amount of permanent impacts to habitat for Covered Species from 1.28 to 1.32 acres, and changed the submittal date for the Vegetation Restoration Plan from within six months to within 24 months of ITP issuance. The addition of geotechnical drilling activities resulted in edits and additions to the Conditions of Approval.

On August 1, 2018, CDFW issued Minor Amendment No. 2 to change the expiration date of the ITP, as previously amended, from November 1, 2019, to November 1, 2034. This amendment also included the postponement of the required preparation and submittal of the Vegetation Restoration Plan from within 24 months of issuance of the ITP to two months prior to commencement of the construction phase of the Project.

On December 19, 2024, CDFW received a request from the Permittee for a third major amendment to the ITP, as amended, and the corresponding fee payment. The Permittee requested to amend the ITP, as previously amended, to update the Project description due to considerable changes in the construction means and methods since the issuance of the original ITP in December of 2015. These changes resulted in the need to update the extent of project-related impacts to Covered Species habitat and included requested changes to the original monitoring methodology to better reflect worksite conditions.

Issuance of this Amendment will increase the total area of impacts to Covered Species habitat as compared to the Project as originally approved; however, by implementing compliance monitoring, pre-activity surveys, and other take minimization measures added herein by Amendment, it is not expected that this Amendment will increase Project impacts on the Covered Species included in the original ITP (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)). Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c) and Fish and Game Code section 2081.9 with respect to the Covered Species included in the original ITP.

CDFW now amends and reissues the ITP. This Amended ITP includes all of the operative provisions as of the effective date of this Amended ITP. Attachment 5 to this Amended ITP show the specific red-line changes made to the ITP resulting from this Major Amendment No. 3.

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Effective Date and Expiration Date of this ITP:

The original ITP was executed in duplicate form and became effective on December 21, 2015. This Amended ITP shall become effective upon execution by the Regional Manager for CDFW's Central Region. Permittee will begin construction on or before January 1, 2016. (Fish & G. Code § 2081.9(a)(1).) Unless renewed by CDFW, this Amended ITP's authorization to take the Covered Species shall expire on **November 1, 2034**.

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 6.10 of this ITP.

Project Location:

The State Route 140 Ferguson Slide Rock Shed 10-0P921 (Project) is located on State Route (SR) 140 in Mariposa County approximately 8 miles east of Briceburg and 7.6 miles west of El Portal within land managed by the United States Forest Service. The Project is located in Township 3 South, Range 19 East, Section 19, United States Geological Survey (USGS); Mount Diablo meridian, at approximately Latitude 37.656272N Longitude - 119.901161W (Figure 1).

Project Description:

A series of rockslides between April 29, 2006 and May 28, 2006, resulted in the complete coverage of SR 140 with rock, making it impassable. In August 2006, Caltrans completed construction of two temporary bridges over the Merced River to bypass that section of highway. In June 2008, new temporary bridges were installed at a skewed angle to allow the passage of longer vehicles. Work on the Ferguson Slide Restoration began in the spring of 2015 with the removal and disposal of the loose slide debris, talus, which had already been completed on SR 140 by the Permittee to allow access to the original pre-slide slope in order to perform geotechnical investigations, data collection, and the installation of a cable anchor drapery system.

The geotechnical investigation data collection systems described below, talus slide removal, and installation of cable netting over the slide area were completed between 2016 and 2021, under the original ITP and ITP Major Amendment No. 1. Since that time, the Permittee has collected data from the sensors, evaluated the data, and updated the design plans. Additional rock slides during that period resulted in delays in completing the design. Project construction activities will recommence in 2025, for the construction a 673-foot-long rock shed open "tunnel", which will be a reinforced concrete box girder roof supported on concrete piles and tieback anchors into the canyon wall on the uphill side of SR 140. The Project will also repair and conform SR 140 on either end of the rock shed extending just past the locations of the existing temporary bridges and remove the existing temporary traffic detour. This will include removal of both temporary bridges, associated concrete abutments, column supports, and slope-stabilizing gabions.

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Continuation of Covered Activities

The following is a step-by-step description of the proposed continuation of the construction process:

1. Construction of the rock shed tunnel will begin with the removal of approximately 33,000 cubic yards of remaining talus above the SR 140 roadway elevation. Approximately 28,400 cubic yards of this native talus will be repurposed to construct a temporary access road and temporary work platforms. The temporary access road will be constructed at the elevation of the existing roadway, which will be adjacent to the river channel. A platform, referred to as a casting bed, will be constructed at each end of the rock shed, and these casting beds will be where the rock shed segments will be cast in place. The access road will span the entire length of the rock shed tunnel and casting bed platforms and will be wide enough (approximately 20 feet) to accommodate heavy equipment and provide adequate space for the casting beds at each end. Construction of the reinforced concrete casting bed platforms will require excavating areas within the existing road surface and pouring and forming concrete. The new roadway surface will eventually cover these casting beds and platforms.
2. A temporary work platform will be constructed at each end of the rock shed tunnel. The platform at the upstream end of the tunnel will be approximately 240 feet long and 50 feet wide, and the platform at the downstream end will be approximately 160 feet long and 50 feet wide.
3. A reinforced concrete retaining wall will be constructed on the slope on the uphill side of the existing roadway, which will be held in place by rock anchors. A cast-in-place reinforced concrete foundation will be constructed along the existing roadway alignment, just below the roadway elevation. This foundation will be held in place by micro-piles driven by track-mounted drill rigs vertically approximately 20 to 35 feet deep into the bedrock, as this foundation will support the rock shed segments as they are moved into place.
4. A total of 11 concrete rock shed tunnel segments will be cast-in-place at the casting beds on the ends of the rock shed foundation. One segment at a time will be slowly jacked into place along steel rails on the foundation toward the center of the slide area, then adding segments working outward (upstream and downstream).
5. After the rock shed tunnel structure is in place and anchored, the hillside slope above the roadway will be cut back 15 feet above the top of the rock shed tunnel roof. Permanent rock anchors will be installed to secure the segments to the hillside, and micro-piles will be drilled vertically to secure the segments into the foundation.

6. Following the completion of the rock shed tunnel construction, a layer of clean imported sand will be placed on the roof of the structure to provide a cushioning effect from any large boulders that may roll down onto it. The sand will be placed by means of a conveyor system or hydraulic crane, which would transport the sand from trucks located on SR 140 to the roof of the shed. Approximately 23,000 cubic yards of the native talus fill material will be relocated and placed on top of the sand layer to provide additional protection from falling rock. The remaining 5,400 cubic yards of the fill material will be hauled off site to the Mariposa County landfill.
7. Following the removal of all fill material, the riverbanks will be restored as close to pre-construction contours as possible. Aesthetic treatments will be added to the tunnel structure and pre-cast concrete aesthetic pergolas will be added to each end of the tunnel. The roadway of SR 140 will be restored (paved) at either end of the tunnel to conform to the new elevation of the rock shed tunnel structure and existing highway. Installation of guardrail, road signs, final aesthetic treatments, and lane striping will be the last phase of the rock shed tunnel construction, followed by installation of final erosion controls, seeding, and landscaping. Once the adjacent SR 140 segments are repaired, the detour traffic will be moved back to the restored SR 140. All previously disturbed areas will be restored including removal of the temporary bridges, abutments, and supports.

For all cast-in-place concrete, once concrete trucks have delivered concrete to the forms they will need to be cleaned of residue concrete before leaving the site. Wash out basins for this purpose will be located in the staging areas on the existing pavement of SR 140 between the rock shed and the current traffic diversion (Figure 2). This area will also be used for staging or storage of construction and building materials. If additional staging areas are needed, the already disturbed and paved section of Incline Road, between the initial temporary bridge abutments and the realigned temporary bridges constructed to allow crossing by vehicles (such as buses) with a long wheel base, will be utilized.

Hillside Wall Excavation

The existing slope of the hill, after removal of the talus, will be roughly one vertical foot to one horizontal foot. A horizontal cut of roughly 15 feet deep will be made into the hillside for the full length of the rock shed to accommodate the hillside wall as well as the 12-foot lanes, 4 foot shoulders, 4 foot base for the guardrail, and the outer rock shed wall thickness. Due to the 1:1 slope, the vertical face of the completed excavation will be roughly 15 feet tall. Since the cut will be made into solid rock, the need for shoring is not anticipated. Standard excavators and excavators with large jack hammer attachments will be used for the excavation of the hillside working in a top down manner. Controlled blasting, small charges covered by protective shields to fully contain the blasted material, may be used in addition to the excavating equipment if necessary.

Hillside Wall Footing

Once the excavation for the wall is complete the excavation for the footing will take place using the same equipment and working from the unearthed SR 140 roadbed. The reinforced concrete footing will be constructed in a trench approximately 10 feet deep and 3 feet wide running continuously for the entire length of the rock shed. Forms will be placed in the trench or, where possible, the concrete will be poured against the face of the excavation. Rebar reinforcement will be placed and then concrete will be poured into the forms or excavation. Concrete trucks will supply a concrete pump, which will deliver the concrete to the forms. The trucks and pump will work from the existing roadbed. Back fill will be placed and compacted as needed between voids between excavated areas and the concrete footing.

Hillside Wall

This wall will be constructed of reinforced concrete with ground anchors extending behind the back face of the wall into the existing rock slope. The wall will extend for the full length of the rock shed and will provide continuous support for the roof. The back face of the wall will be formed by the excavated hillside or the forms extending up from the limit of the excavation. Forms will be constructed to shape the front and ends of the wall, rebar reinforcement will be placed, and then concrete poured within the forms. Concrete trucks will again work from the existing roadbed.

Wall Anchors

One of the structural purposes of the wall is to provide lateral support for the entire rock shed. In order to do this, anchors will be required within the wall, which will prevent it from moving laterally towards the river. The anchors will be composed of steel rods or tendons placed inside of holes drilled into the rock slope. The holes will be larger than the steel so that grout can be placed in the space between the steel anchor and the hole. Anchor installation will use Rotary Percussion Drilling, a method of air drilling which uses compressed air to drive a hammer to pound a hole into the rock. Noise levels will not exceed 130 decibels and vibration will be minimal. Dust will be controlled with water as needed. The equipment needed will be small (about the size of a pick-up truck) and mounted on crawler tracts. The equipment will work from the face of the cut with a horizontal arm that will guide the drill hammer into the rock slope. The depth of the hole will be roughly 30-60 feet depending on the thickness of the strata being drilled as determined during the drilling process. Once the hole is cut, the steel anchor will be placed into the hole, and grout will be pumped into the hole to create a bond between the steel and the rock. A small grout mixer and grout pump will be required to fully grout each hole. After the tendons are grouted in the hole, they will be stressed with a hydraulic jack, which is about the size of a garbage can and is lifted into place with a small crane or lift truck. Access will be from the existing SR 140 roadbed.

Construction Schedule

Continuation of the construction is anticipated to take approximately 46 months and is scheduled to begin in the Summer of 2025 and is anticipated to be completed in November 2030. Work may be paused by inclement weather, particularly in the winter.

Night work is proposed for large concrete continuous-pouring operations, averaging one day per week over a five-year period (excluding winter shut-downs) for a total of approximately 275 nights. These will be required at various stages of the Project and will only occur in previously disturbed (no soil or vegetation disturbance) work areas. These areas will be constrained by wooden concrete forms and networks of re-bar reinforcement. During the summer months these continuous-pouring operations will likely begin at or after sunset, due to high daytime temperatures not allowing for proper concrete cure rates. During cooler weather concrete pours will likely extend only beyond sunset into the early evening hours. Artificial lighting sources will have directional lighting and shields to minimize spill-over of light into areas outside the active work area.

Geotechnical Drilling Activities

In order to complete a slide stability analysis, geotechnical drilling activities are warranted within the upper slide mass (Geotechnical Work Area) (Figure 3). Geotechnical drilling activities will include preparation of four work pads, drilling four bore holes, and installation of electronic data collectors and transmitters. All heavy equipment will be transported to the Geotechnical Work Area by a heavy vertical-lift helicopter via long-line system.

Before work pads are established for equipment placement, loose rocks that pose a safety hazard in areas above the work pad locations will be removed by hand and allowed to fall through a practice known as hand scaling. Hand scaling will take approximately one to two days to complete and will require the use of picks, pry bars, shovels, and hand-held jack hammers if necessary. All workers will utilize climbing gear for safety including, ropes, harnesses, and rigging secured to suitable trees, rocks, and existing anchors previously installed.

After hand scaling is completed, establishment of the work pads will commence which will require minor earth work including clearing and grubbing of four 12- by 20-foot (0.005 acre) areas. The work pad locations were selected in areas that have natural "bench" topography within the Geotechnical Work Area. A 1.5 ton "spider" excavator that has the ability to traverse along the steep slope will be utilized primarily for the earth work activities, although, if it is unable to fully complete the establishment of the work pads due to excessively large boulders or difficult ground conditions, a D6 caterpillar bulldozer may be needed to complete the grubbing activities. Due to the unstable nature of the Geotechnical Work Area, unexpected circumstances such as subterranean voids or highly unstable loose substrate may require work pads to be relocated up to a maximum distance of 40 feet from the

preferred bore locations (Figure 3). No more than one distance shift per work pad location would occur.

Once the work pads are established, an immobile drill rig will be delivered via helicopter and placed upon a work pad and set up to begin drilling. Upon completion of a bore hole, the drill rig will be air lifted via helicopter to the next work pad in order to drill the next site and repeated until all four bore holes are completed. It is anticipated that one drill rig will be required to complete all four bore holes; although, if unexpected delays put the geotechnical drilling activities timeline at risk of going outside of the required work window, the contractor may employ an additional drill rig in order to simultaneously drill two bore holes at once. The bore holes will be approximately four inches in diameter and drilled a maximum total depth of 250 feet or until solid rock is encountered. When solid rock is encountered, drilling will continue to a maximum depth of 20 feet into the bedrock to ensure adequate data collection. Approximately ten crew members will be on site during drilling activities and each bore hole will require approximately five days of drilling. In total, the geotechnical drilling activities will take approximately 25 work days to complete.

In order to collect data on the slide, a tubular array of sensors will be inserted into the bore holes which will automatically measure and electronically transmit data from a small antenna array supported by a tripod base mounted on the surface of the slide. Data collection is anticipated to last for up to six months or until the sensors break. The sensors will not be recovered but left in place once data collection is completed.

Construction Equipment

The following equipment will be used to construct the Project:

- Heavy vertical lift helicopter
- 1.5 ton “spider” excavator
- D6 bulldozer
- Air compressor
- Water storage tank
- Safety rigging (ropes, climbing harnesses, tie-offs to trees and stable boulders)
- Handheld tools such as a jack hammer, pry bar, shovels, pick axes
- Concrete mixers and delivery trucks
- Concrete pump trucks
- Concrete grout pumps
- Cranes
- 60-ton RT crane
- Forklifts
- Loaders

- Soil Compactors
- Street Sweepers
- Skid Steer – Tracked
- Excavators
- Bull Dozers
- Graders
- Highway paving equipment
- Conveyor system to place aggregate on top of structure
- Various sized flatbeds, pickup trucks, and trailers
- Deep foundation drilling equipment
- Small batch plant for deep foundation and rock anchor concrete/grout

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
1. Limestone salamander (<i>Hydromantes brunus</i>)	Threatened ⁴

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

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 ground disturbance associated with habitat clearing, grubbing, the installation and removal of exclusion fence; installation and removal of environmentally sensitive area (ESA) designation fences; cutting, drilling and explosive removal of rock; removal of the existing road surface; grading; excavation and stockpiling of material; deposition of new fill or back-fill; compaction from heavy equipment operations; rock shed construction including: hillside wall excavation, hillside wall footing installation, hillside wall installation, wall anchor installation, portal wall installation, river side column installation, river side wall installation, roadway slab installation, beam installation on top of columns, roof installation; culvert and headwall removal, culvert, drainage inlet, and headwall installation, road and shoulder construction and paving; installation of erosion control materials including fiber rolls, silt fence, hydro-seeding, and other blown fiber soil stabilizing products; use of equipment staging and storage areas; and ground disturbance associated with the oak tree revegetation effort and follow-up revegetation maintenance; geotechnical drilling activities including: loose rock and boulder removal, clearing and

⁴See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(3)(D). Limestone salamander is also designated as a fully protected species (Fish & G. Code, § 5050 et seq.).

grubbing, vibration from equipment transport via helicopter, compaction from heavy equipment operations, and drilling (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 earth-moving equipment removing mossy talus and rock outcrops that results in crushed or entombed individuals; vehicle strikes on access roads and staging areas from Project-related traffic including hauling of materials to the site and spoils away from the site; entombment of individuals during excavation of potential habitat on either side of the slide during vegetation removal and during clearing and grubbing of potential habitat within the Geotechnical Work Area, crushing during cut/fill, grading, rock falls, and compaction; and entrapment and burial when back filling excavations and by falling into bore holes. 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 in the event that an individual is found in the Project Area and needs to be moved out of harm's way. The areas where authorized take of the Covered Species is expected to occur include: the rock shed and the portions of SR 140 on either side of the rock shed and extending out past the temporary bridges from Station 100+00 on the downstream side to Station 136+00 on the upstream side and within the Geotechnical Work Area (collectively, the Project Area, Figure 2 and Figure 3).

The Project is expected to result in a total of approximately 2.33 acres of short-term temporary impacts, 0.64 acre of long-term temporary impacts, and 1.06 acres of permanent impacts to the Covered Species and habitat for the Covered Species (Table 1 and Figures 4A and 4B). Short-term temporary impacts include proximal effects that may directly or indirectly impact the Covered Species and habitat for Covered Species and include noise, vibration, and dust resulting from construction activities, but will not involve soil disturbance or vegetation removal. Long-term temporary impacts will occur in areas with anticipated soil disturbance and vegetation removal and/or trimming and may take more than a year after initial impact to restore to pre-project conditions for the Covered Species. Permanent impacts represent permanent habitat loss where the habitat is permanently replaced by structural elements and no longer useable as habitat by the Covered Species. Habitat quality as referenced in Table 1 and Figures 4A and 4B are described below.

Table 1. Project Impacts to Limestone Salamander Habitat.

Habitat Type	Short-term Temporary Impacts¹	Long-term Temporary Impacts¹	Permanent Impact¹	Total Long-Term and Perm Impacts
Good Quality	0.95	0.41	0.42	0.83
Low Quality	1.38	0.23	0.64	0.87
All Habitat	2.33	0.64	1.06	1.7

1. Short-term temporary impacts are due to noise/vibration/dust; long-term temporary impacts are due to ground and vegetation disturbance; permanent impacts are where habitat is permanently lost due to structural elements.

Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from rock excavation, rock falling and cutting, vehicular and equipment transport by helicopter, and other construction work; stress resulting from capture and relocation in the event that an individual is found in the Project Area; and possible long-term effects if Project construction causes a change in the hillside hydrology resulting in displacement from currently occupied habitat, increased competition for food and space, and increased vulnerability to predation.

Covered Species habitat within the Project Area has been classified as "low quality" and "good quality" based upon suitability criteria that includes the facing of the slope; degree of shading canopy cover; presence of deep leaf, duff, and moss layers; and cracked/fissured bedrock outcrops or talus necessary to support persistent limestone salamander populations (see Attachment 1, although "low quality" described here is akin to "poor" quality in that report). The area for the detoured traffic route is considered unsuitable for the Covered Species and take from restoration activities associated with removal of the detoured traffic route is not expected. During surveys conducted for the Habitat Assessment in the Limestone Salamander Biological Report (Attachment 1) five individual Covered Species were identified in excellent habitat adjacent to the Project (Map 2 of Attachment 1). Two pairs of these individuals were located south of the slide as indicated on Figure 4B, at approximately Latitude 37.653080N Longitude -119.902878W, and the fifth was found south of the upstream temporary bridge in an area beyond the Project Area. Based on the Habitat Assessment, the area of the Project most likely to impact good to excellent Covered Species habitat include the retaining wall and culvert work just south of the rock shed ("good quality" habitat in Table 1 and Figure 4B). In addition, the Geotechnical Work Area was previously identified as containing excellent to good quality habitat for the Covered Species in the above referenced Habitat Assessment. However, since the November 2015 slide, the habitat areas within the Geotechnical Work Area have been altered due to the impacts from the Ferguson Fire in 2018, such that the habitat suitability for the Covered Species has deteriorated due to die off

of trees and brush which has led to the loss of vegetation cover, increased soil dryness, and loss of moss-covered talus ("low quality" habitat in Table 1 and Figure 4A). The low-quality areas are expected to recover over time as the vegetation regrows, however this may take decades.

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.

Conditions of Approval:

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for vehicular and aircraft ingress and egress, staging and parking, and noise and vibration generating activities that may cause take. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the Conditions of Approval. Pursuant to Fish and Game Code section 2081.9, subdivision (a)(5), the take authorization provides for Permittee's development and implementation, in cooperation with CDFW, of an adaptive management process for monitoring the effectiveness of the Conditions of Approval to minimize and fully mitigate the impacts to the Covered Species, and adjusting as necessary in collaboration with CDFW.

- 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. The failure of the Legislature to appropriate funds to Permittee does not relieve the Permittee of the responsibility to begin construction by January 1, 2016, and to adopt appropriate avoidance and mitigation measures to protect the Covered Species (Fish & G. Code, § 2081.9 (a)(6).)
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (EIR) (SCH No.: 2008011118) certified by California Department of Transportation on January 31, 2014 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). An Addendum to the EIR was approved by the lead agency on May 19, 2015, and also on March 24, 2025 (see also Cal. Code Regs., tit. 14, § 15164).

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3. LSA Agreement Compliance: Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (No.:1602-2013-0198-R4 and 1602-2015-0104-R4) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.

4. 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 2 to this ITP.

5. General Provisions:

5.1. 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.

5.2. Designated Biologist(s) and Designated Monitor(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of Designated Biologists and Designated Monitors at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologists are knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologists shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. The Designated Biologist will be onsite during active building to inspect the worksite and all exclusionary fencing. (Fish & G. Code, § 2081.9(a)(2)(C).) The Designated Biologists and/or Designated Monitors shall conduct on site weekly construction inspections when there is no ongoing construction work in/near Covered Species habitat, except when access is unsafe due to inclement weather. Permittee shall obtain CDFW written approval of the Designated Biologists and Designated Monitors before starting Covered Activities, and in advance, if a Designated Biologist must be changed.

5.3. Designated Biologist and Designated Monitors Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologists and Designated Monitors shall have authority to immediately stop any activity that

does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.

- 5.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any ground- or vegetation-disturbing work, including geotechnical drilling activities. 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, on-site communication protocol with the Designated Biologist, and Project-specific protective measures described in this ITP. 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. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry 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 and when new workers, including subcontractors begin Project work.
- 5.5. Construction Monitoring Notebook. The Designated Biologists and Designated Monitors shall maintain a construction-monitoring notebook on-site throughout the construction period, including during geotechnical drilling activities, 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 notebook is available for review at the Project site upon request by CDFW.
- 5.6. 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 at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 5.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologists and/or Designated Monitors. Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles.

- 5.8. 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.
- 5.9. 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.
- 5.10. Delineation of Habitat. Permittee shall install 5-foot orange plastic mesh fencing inside the exclusion fencing (Condition of Approval 7.3) to clearly delineate ESA habitat of the Covered Species within the Project Area if Covered Activities will occur adjacent to Covered Species habitat during the Covered Species' active season (Fish & G. Code, § 2081.9 (a)(2)(B)). Permittee shall inspect the fencing weekly and maintain/repair it as necessary. Permittee shall ensure vegetation is trimmed, with monitoring by a Designed Biologist, such that it does not encroach into accessible work areas. Permittee shall remove fencing upon Project completion.
- 5.11. Project Access. Project-related personnel shall access the Project Area using existing routes, and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP if additional take of Covered Species will occur as a result of the Project modification.
- 5.12. 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 5.11 of this ITP.
- 5.13. 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.

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

6. Monitoring, Notification and Reporting Provisions:

- 6.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 6.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 6.3. Covered Species Relocation Plan. The Designated Biologist shall prepare a relocation plan (Relocation Plan) for CDFW review and approve prior to starting Covered Activities and an updated Relocation Plan prior to resuming activities associated with Major Amendment No. 3. The Relocation Plan shall include at least one relocation area, in close proximity to the Project Area, identified as excellent habitat in Map 2 of Attachment 1. The Relocation Plan shall also include identification of capture methods, handling methods, and relocation methods. The updated Relocation Plan shall include updates to the monitoring schedule and methods relevant to changes in Major Amendment No. 3. The CDFW-approved wildlife rehabilitation or veterinary facility required for Condition of Approval 7.12 shall also be identified in the Relocation Plan. Covered Activities may not proceed until CDFW approves the Relocation Plan in writing. Only approved Designated Biologist(s) are authorized to capture and handle Covered Species.

- 6.4. Pre-construction Survey Report. The Designated Biologist shall submit a report documenting the results of the pre-construction survey to CDFW within five days after performing the survey described in in Condition of Approval 7.1.
- 6.5. Compliance Monitoring. The Designated Biologist shall be on-site at all times when Covered Activities occur in potentially suitable Covered Species habitat, until temporary exclusion fencing has been installed, and thereafter according to the schedule in the updated Relocation Plan (Condition of Approval 6.3). Required frequency and duration of monitoring shall be described in the updated Relocation Plan (Condition of Approval 6.3). The Designated Biologist and Designated Monitor shall maintain close communications with the Construction Liaison to stay current with the construction schedule, locations, and activities. The Designated Biologist and Designated Monitor 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, Designated Biologists, and Designated Monitors 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.
- 6.6. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.5 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative. At the time of this ITP's approval, the CDFW Regional Representative is Mindy Trask (Mary.Trask@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 6.7. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.6; (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.

- 6.8. CNDDDB Observations. The Designated Biologist shall report any observations of the Covered Species in the worksite to CDFW immediately. (Fish & G. Code § 2081.9(a)(7).) The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation (Fish & G. Code § 2081.9 (a)(7)).
- 6.9. Vegetation Restoration Plan. The Permittee shall prepare a Vegetation Restoration Plan ~~twenty-four~~ as described in Condition of Approval 8.5 and submit it to CDFW for review and obtain approval in writing before starting restoration activities.
- 6.10. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 6.11. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is observed in the worksite or 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 (Fish & G. Code § 2081.9 (a)(7)). The resident engineer will halt work immediately. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the

Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

7. 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. CDFW has determined that measures necessary to satisfy the conservation standard of subdivision (d) of Section 2805 are incorporated into the Project. Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:

- 7.1. Pre-Construction Surveys. Prior to ground-disturbance activities, the Designated Biologist shall be present to perform pre-construction surveys for the Covered Species, and shall remain on-site until temporary exclusion fencing has been installed and any Covered Species within the exclusion fence have been relocated pursuant to the Relocation Plan required in Condition of Approval 6.3 to minimize take of Covered Species from entering the work area in accordance with Condition of Approval 7.3 below. These surveys shall cover the existing access routes and the proposed construction Project work area(s), with a 50-foot buffer zone. Pre-construction surveys shall be repeated if there has been a break in Covered Activities by more than 30 days.
- 7.2. Initial Work Window. Permittee shall restrict all initial ground-disturbing activities within potential Covered Species habitat to April 1 through November 30 when the Covered Species is less active (Fish & G. Code § 2081.9 (a)(2)(A)).
- 7.3. Temporary Exclusion Fencing Installation. Prior to any surface disturbance, Permittee shall install Covered Species exclusion fencing (exclusion fence) constructed in whole or in part of 24-inch sheet metal between the Project Area and potential Covered Species habitat (Fish & G. Code § 2081.9 (a)(2)(B)). The Designated Biologist shall accompany the exclusion fence construction crew to ensure that Covered Species are not killed or injured during fence installation. The method of fence construction and installation shall be submitted to CDFW for written approval in advance of fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the active construction period.

- 7.4. Temporary Exclusion Fencing Monitoring. The Designated Biologist or Designated Monitor shall inspect the exclusion fence at least once weekly April 1 through November 30 and as needed and maintain/repair the fence as necessary. From December 1 through January 31, the Designated Biologist and/or Designated Monitor shall inspect the exclusion fence at least once daily, except when access is unsafe due to inclement weather. If no Covered Species are found, the frequency may be reduced to once weekly during February 1 through March 31, however if any Covered Species are found the frequency shall either be maintained daily or returned to daily as applicable. The Designated Biologist and/or Designated Monitor shall check the exclusion fencing in the early morning daylight hours (no later than 2.5 hours after local sunrise, but not prior to 30 minutes before sunrise) when temperature and moisture conditions would still be tolerable for the Covered Species. The Designated Biologist and/or Designated Monitor shall also inspect the exclusion fence immediately after a rain event that exceeds 0.5 inches during a 24-hour period, regardless of the time of year, except when access is unsafe due to inclement weather. The Designated Biologists(s) shall relocate any Covered Species found up against the exclusion fencing to prevent desiccation or predation in accordance with the Relocation Plan (Condition of Approval 6.3). Permittee shall remove the exclusion fence immediately upon completion of Covered Activities.
- 7.5. Minimization of Habitat Disturbance. Permittee shall ensure that the impacts to Covered Species habitat are kept to the minimum necessary to complete the Project, specifically during cutting of the Merced Canyon wall for the installation of the 2-foot wide road shoulder within the Project boundary and outside the rock shed.
- 7.6. Covered Species in the Project Area. If any Covered Species are found in the Project Area during Covered Activities, all work within 100 feet of the Covered Species shall stop immediately until the Designated Biologist(s) can relocate the Covered Species following the CDFW-approved Relocation Plan prepared pursuant to Condition of Approval 6.3 or it leaves the Project Area on its own accord (Fish & G. Code § 2081.9 (a)(2)(D)).
- 7.7. Record of Handling. The Designated Representative or Designated Biologist shall document the following information for all Covered Species captures and sightings: the date, time, and location of each occurrence using Global Positioning System (GPS) technology, the name of the party that actually identified the animal, circumstances of the incident, the general condition and health of each individual, any diagnostic markings, sex, age (juvenile or adult), and actions undertaken and habitat description. Permittee shall submit this

information to the CNDDDB as per Condition of Approval 6.8. This information shall also be included in the Monthly Compliance Report.

- 7.8. Precipitation. The Designated Biologist and Permittee shall monitor the National Weather Service forecast for the Project Area. For the purposes of this ITP, a significant rainfall event is defined as 70 percent (or more) chance of 0.5-inch (or more) of rainfall in a 24-hour period. When a significant rainfall event is predicted, the Permittee shall cease all Covered Activities within 50 feet of suitable Covered Species upland habitat (as per Figures 4A and 4B) at least 4 hours before and 12 hours after the duration of the predicted significant rainfall event, and until no further significant rainfall is predicted within the following 24 hours. Permittee shall cease all Covered Activities within 50 feet of where Covered Species may occur (as soon as practicable) if unexpected precipitation of 0.25-inch (or more) occurs within a one-hour period, and Covered Activities in these areas shall not resume until 12 hours after the rainfall event has ended, or as otherwise approved by CDFW. Prior to resuming Covered Activities, the Designated Biologist shall monitor for presence of Covered Species within 50 feet of all locations where Covered Activities were stopped due to either of the previously described rainfall events.
- 7.9. Night Work. Permittee shall terminate all Covered Activities 30 minutes before sunset and shall not resume until 30 minutes after sunrise during the Covered Species' active season from December 1 to March 31. Permittee shall use sunrise and sunset times established by the United States Naval Observatory Astronomical Applications Department for the geographic area where the Project is located. If night work cannot be avoided during this time period, a Designated Biologist shall survey the Project Area before construction begins each night. Permittee shall prohibit all night work within the extent of present suitable Covered Species upland habitat, as identified by the Designated Biologist, when a significant rainfall event (as described in Condition of Approval 7.8) is forecast, until no further rain is forecast.
- 7.10. Equipment Inspection. Between January 1 and March 31, workers shall inspect for Covered Species under all vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location or the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area in accordance with Condition of Approval 6.3.

- 7.11. Daily Entrapment Inspections. With the exception of excavations for CIP pilings, Permittee shall ensure that all trenches, holes or other excavations with sidewalls steeper than a 1:1 slope are covered when not actively being worked on, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 slope. With the exception of excavations for CIP pilings, the Designated Biologist shall inspect all open trenches, auger holes, and other excavations that may trap Covered Species prior to any work in or around them and immediately prior to being backfilled. For those excavations for CIP pilings that cannot be safely covered or inspected due to sidewall slope, depth, and/or the placement of steel rebar, the Permittee shall install exclusion fencing to prevent access to the CIP excavations by the Covered Species. The method of fence construction and installation shall be submitted to CDFW for written approval in advance of fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the period immediately prior to being backfilled. Only the Designated Biologist(s) is/are authorized to safely remove and relocate any Covered Species found in accordance with Condition of Approval 6.3.
- 7.12. 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 6.11(Fish & G. Code § 2081.9 (a)(7)). Notification shall include the name of the facility where the animal was taken. The Designated Biologist shall notify the resident engineer who will halt work immediately.
- 7.13. Geotechnical Drilling Activity Work Window. Permittee shall restrict all Geotechnical Drilling Activities within potential Covered Species habitat to April 1 through November 30 when the Covered Species is less active.
- 7.14. Geotechnical Drilling Activity Designated Biologist On-site. The Designated Biologist shall be on-site during all geotechnical drilling activities that may result in take of the Covered Species. The Designated Biologist shall either observe all geotechnical drilling activities from an existing observation platform approximately 600 feet east of the Geotechnical Work Area (facilitated by binoculars and a spotting scope) or from the Geotechnical Work Area if the Designated Biologist has the required climbing-certification. The Permittee's construction inspector and/or resident engineer shall have direct communication with the Designated Biologist via wireless radio (e.g., two way radios) at a minimum of every half hour

in order to provide the Designated Biologist reports and updates during geotechnical drilling activities.

- 7.15. Geotechnical Drilling Activity Minimization of Habitat Disturbance. Before geotechnical drilling activities commence, Permittee shall clearly delineate the Geotechnical Work Area and each work pad location with brightly colored stakes and flagging to minimize the disturbance of Covered Species habitat. Permittee shall ensure that the impacts to Covered Species habitat are kept to the minimum necessary within the Geotechnical Work Area to complete the geotechnical drilling activities. Permittee shall maintain all stakes and flagging until the completion of geotechnical drilling activities.
- 7.16. Geotechnical Drilling Activity Precipitation. During geotechnical drilling activities, if precipitation occurs during work pad preparation and rain exceeds 0.5 inch during a 24-hour period, Permittee shall cease work pad preparation until it is no longer raining and no further rain is forecast within 24 hours according to the National Weather Service.
- 7.17. Geotechnical Drilling Activity Equipment Inspection. During geotechnical drilling activities, Permittee and/or workers shall inspect for Covered Species under all vehicles and equipment before the vehicles and equipment are moved.
- 7.18. Geotechnical Drilling Activity Bore Hole Inspections. During geotechnical drilling activities, Permittee and/or workers shall thoroughly inspect for Covered Species within active drilling areas, including the work pads and the observable zone of the bore hole, before drilling commences each day.
- 7.19. Geotechnical Drilling Activity Bore Hole Covers. During geotechnical drilling activities, Permittee and/or workers shall cover the bore holes at the end of each work shift to prevent entrapment of the Covered Species. The method and covers shall be approved in advance in writing by CDFW and shall ensure, whether the drill bit remains or not, that there are no remaining open gaps in the annular bore hole that could permit the Covered Species to enter the bore hole and subsequently lead to entrapment.
- 7.20. Covered Species in the Geotechnical Work Area. During geotechnical drilling activities, if any Covered Species are found within the Geotechnical Work Area, Permittee shall halt work immediately and notify and consult with CDFW as described in Condition of Approval 6.11 (Fish & G. Code § 2081.9 (a)(7). Geotechnical drilling activities shall not resume until CDFW has provided written agreement (e mail will suffice) that work can proceed.

- 7.21. Geotechnical Drilling Activity Completion. Upon completion of geotechnical drilling activities and commencement of data collection, Permittee and/or workers shall ensure that the bore holes are covered or plugged to prevent entrapment of Covered Species. The design of the bore hole covers, or grouted plugs shall be approved in advance and in writing by CDFW and must be constructed to accommodate the sensors inserted in the bore holes as well as designed to prevent entrapment of the Covered Species during the period of data collection for the slide stability analysis.

8. **Habitat Management Land Acquisition and Restoration:**

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 with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation.

To meet this requirement, the Permittee purchased a 39.75-acre parcel (Mariposa County Assessor's Parcel Number 008-160-008) (Figure 4, Proposed Mitigation Site) on February 7, 2014, following receipt of a letter from CDFW dated October 4, 2013, which confirmed the parcel had suitable habitat for the Covered Species. The Permittee shall provide for both the permanent protection and management of these Habitat Management (HM) lands pursuant to Condition of Approval 8.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.3 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities or by June 30, 2027, even if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations. The Permittee shall also restore on-site 0.64 acres of temporarily impacted Covered Species habitat (long-term temporary impacts) pursuant to Condition of Approval 8.5 below.

- 8.1. Cost Estimates. CDFW has estimated the cost of protection, perpetual management of the HM lands, and restoration of temporarily disturbed habitat as follows:

- 8.1.1. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.2.5 below, estimated at **\$78,000.00**;

- 8.1.2. Interim management period funding as described in Condition of Approval 8.2.6 below, estimated at **\$39,429.00**;

- 8.1.3. Long-term management funding as described in Condition of Approval 8.3 below, estimated at \$10,690.40/acre for 39.75 acres: **\$424,943.40**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
- 8.1.4. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.4, estimated at **\$9,000.00**.
- 8.1.5. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 8.5, calculated at \$10,000.00/acre for 1.72 acres: **\$17,200.00**.
- 8.2. Habitat Acquisition and Protection. To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall:
- 8.2.1. Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);
- 8.2.2. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal

Proposed Lands for Acquisition Form (see Attachment 3A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;

- 8.2.3. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 3B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 8.2.4. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.
- 8.2.5. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <http://www.dfg.ca.gov/habcon/conplan/mitbank/>); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) conducting litter removal; (5) installing a gate on the access road and sufficient fencing on either side to preclude a vehicle from driving around the gate; (6) removal of the structure on the property which is an attractive nuisance; and (7) installing signage;
- 8.2.6. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include gate and fence repair, continuing

trash removal, site monitoring, and vegetation and invasive species management. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.

- 8.3. Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 8.2, the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.2.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.

- 8.3.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager

holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within 30 days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).

8.3.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.

8.3.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.

8.3.2.2. Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:

8.3.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

8.3.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.

8.3.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.

8.3.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

8.4. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review, and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.

8.5. Habitat Restoration. Permittee shall restore 0.64 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-Project or better conditions. Before October 31, 2027, Permittee shall prepare a Vegetation Restoration Plan (Plan) to facilitate re-vegetation of the 0.64 acres and submit it to CDFW for review and shall obtain CDFW approval of the Plan in writing before starting restoration activities. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods and planting plans and specifications. The Plan shall also indicate the time of year for seeding and plantings to occur. Permittee shall water plantings regularly to ensure adequate growth.

9. Performance Security

The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

- 9.1. Security Amount. The Security shall be in the amount of **\$568,572.40**. This amount is based on the cost estimates identified in Condition of Approval 8.1 above.
- 9.2. Security Form. The Security shall be in a form of an irrevocable letter of credit or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 9.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 9.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 9.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.
- 9.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 9.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
 - Written documentation of the acquisition of the HM lands;
 - Copies of all executed and recorded conservation easements;
 - Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
 - Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required acquisition, protection, and transfer of all HM lands and record any required conservation easements by June 30, 2027. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as

required by law, if the Permittee does not complete these requirements within the specified timeframe.

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.

Stop-Work Order:

CDFW may issue Permittee a written stop-work order requiring Permittee to suspend any Covered Activity for an initial period of up to 25 days to prevent or remedy a violation of this ITP, including but not limited to the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species. 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 25 additional days. 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.

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.

Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by 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 (2081-2014-078-04-A1) 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
Phone: (559) 243-4005
RRR.R4@wildlife.ca.gov

and a copy to:

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

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

Mindy Trask
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Phone: (559) 939-0282
Mary.Trask@wildlife.ca.gov

Compliance with 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, California Department of Transportation (Caltrans). (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the EIR, (SCH No.: 2008011118) dated July 15, 2013, that Caltrans certified for Ferguson Slide Permanent Restoration Project on January 31, 2014. At the time the lead agency certified the EIR and approved the Project, it also adopted various mitigation measures for the Covered Species as conditions of Project approval. Addendums were also prepared by Caltrans and approved on May 19, 2015 and March 24, 2025.

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 EIR for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines,

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STATE ROUTE 140 FERGUSON SLIDE ROCK SHED

§ 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.

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, EIR, LSAA 1602-2013-0198-R4, LSAA 1602-2015-0104-R4, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 39.75 acres of compensatory habitat that connects two previously isolated protected parcels and is of higher quality than the habitat adjacent to SR 140 being destroyed by the Project which ranges from poor to good on the north side of the slide and from fair to excellent on the south side of the slide, 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;

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STATE ROUTE 140 FERGUSON SLIDE ROCK SHED

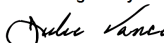
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee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

Attachments:

FIGURE 1	Map of Project Location
FIGURE 2	Map of Project Area
FIGURE 3	Map of Geotechnical Work Area
FIGURES 4A-4B	Map of Project Impact Area
FIGURE 5	Aerial Map of Proposed Mitigation Site
ATTACHMENT 1	Limestone Salamander Biological Report for Ferguson Slide Area
ATTACHMENT 2	Amended Mitigation Monitoring and Reporting Program
ATTACHMENT 3A, 3B	Proposed Lands for Acquisition Form; Habitat Management Lands Checklist
ATTACHMENT 4	Mitigation Payment Transmittal Form
ATTACHMENT 5	Amendment No. 3 with Track Changes

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

ON 10/10/2025

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager
Central Region

Incidental Take Permit
No. 2081-2014-078-04 (Amendment No. 3)
CALIFORNIA DEPARTMENT OF TRANSPORTATION
STATE ROUTE140 FERGUSON SLIDE ROCK SHED

Figure 1

Figure 1. Project Location Map

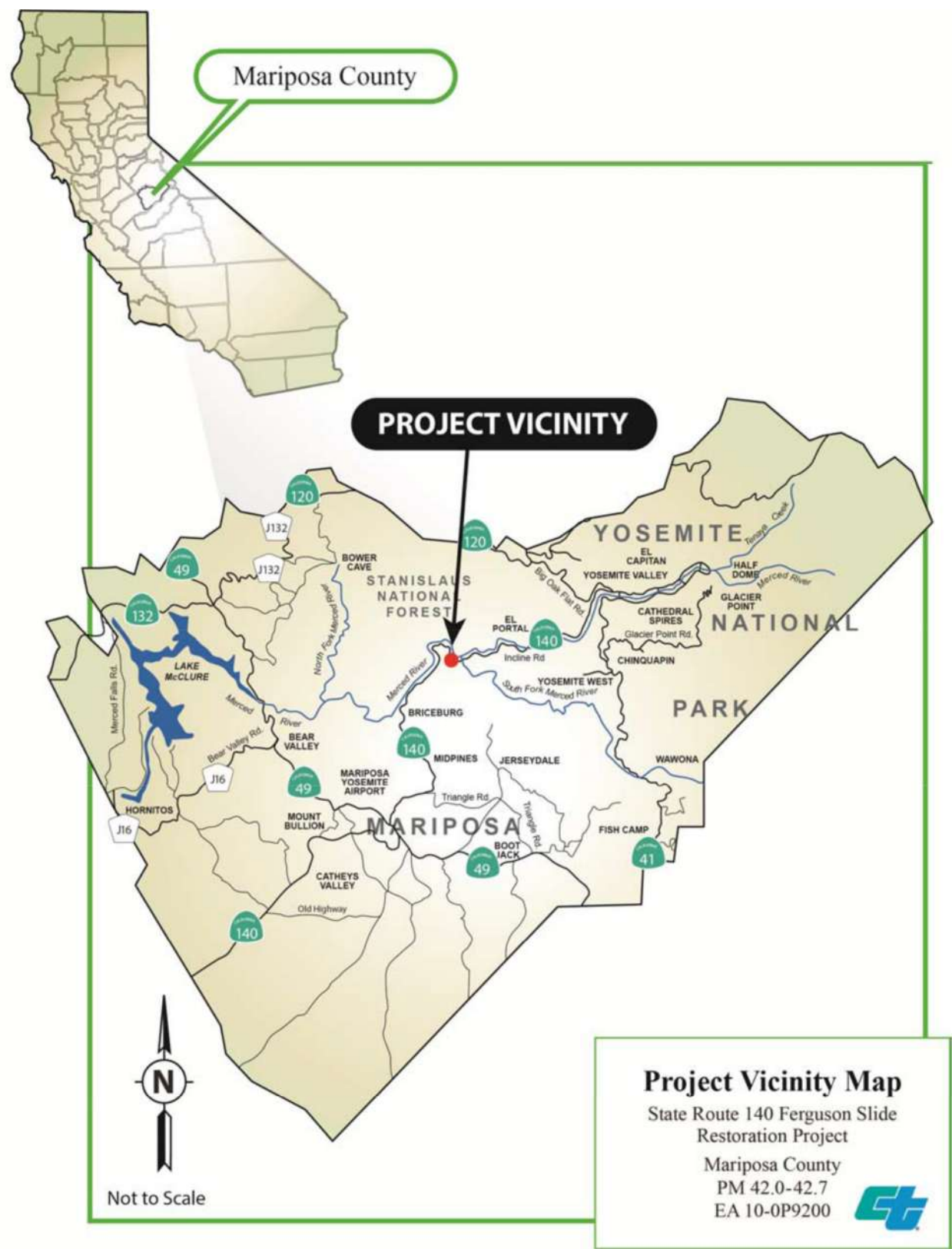
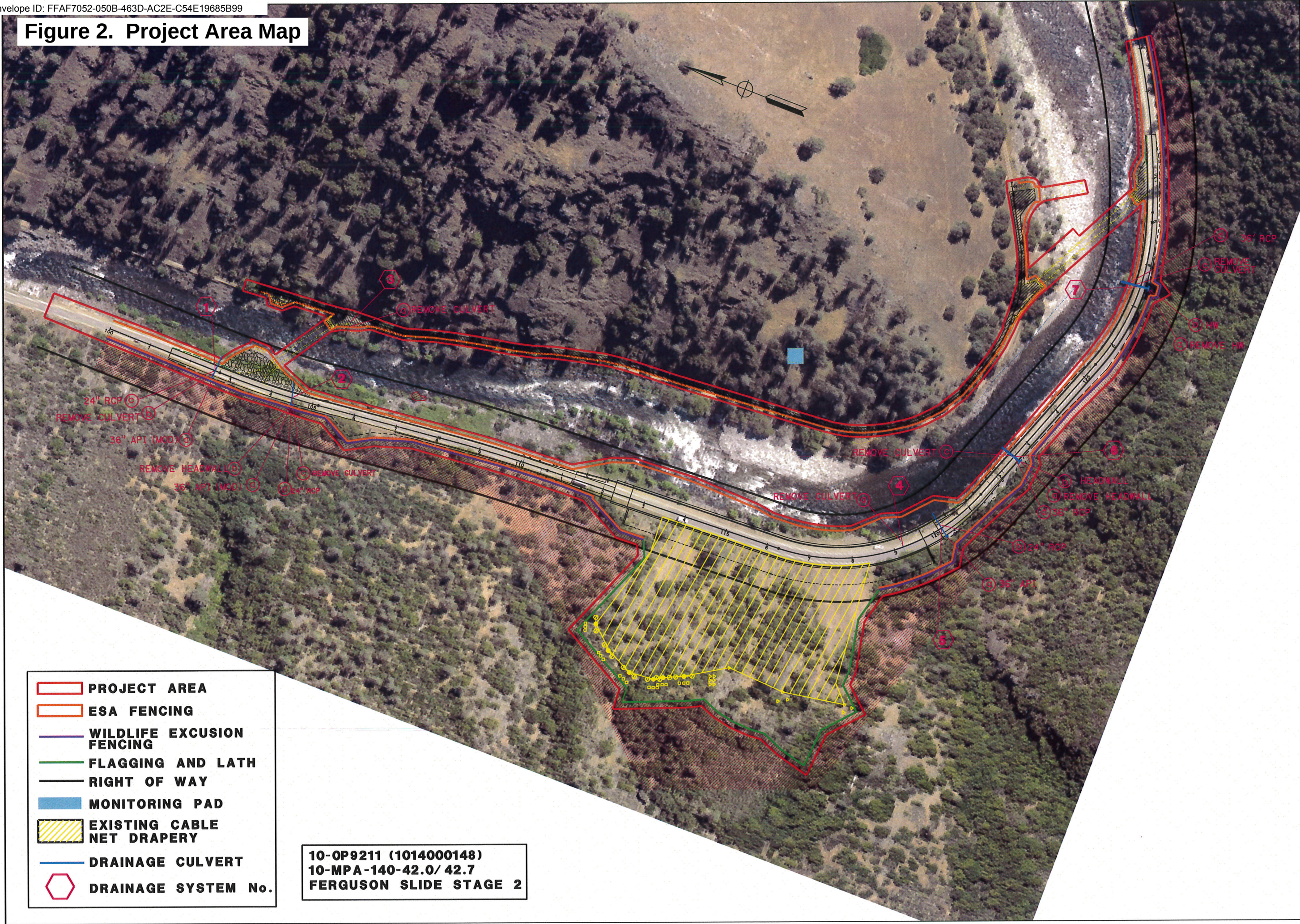


Figure 2

Figure 2. Project Area Map



- PROJECT AREA
- ESA FENCING
- WILDLIFE EXCURSION FENCING
- FLAGGING AND LATH
- RIGHT OF WAY
- MONITORING PAD
- EXISTING CABLE NET DRAPERY
- DRAINAGE CULVERT
- DRAINAGE SYSTEM No.

10-OP9211 (1014000148)
10-MPA-140-42.0/ 42.7
FERGUSON SLIDE STAGE 2

Figure 3

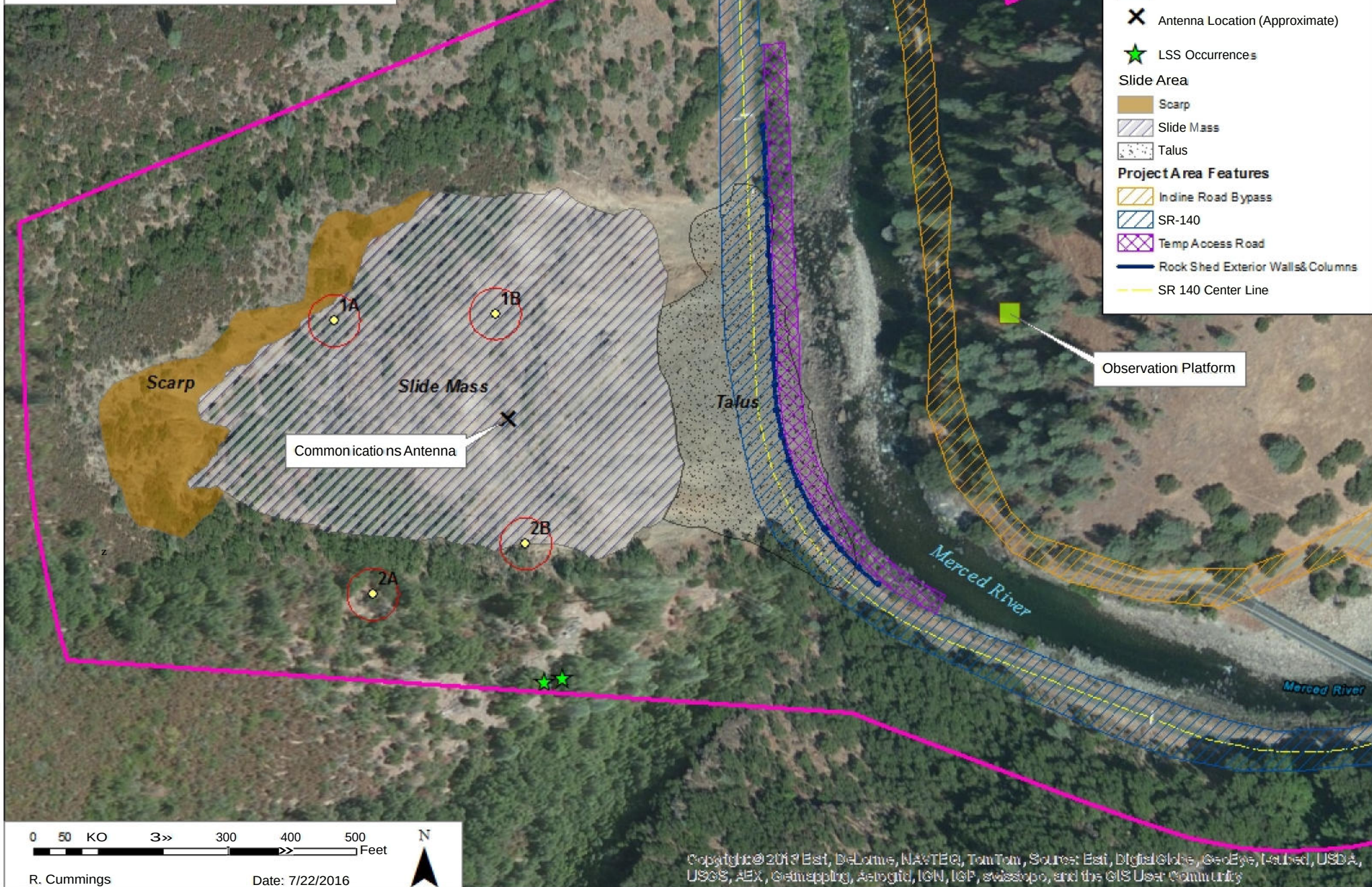
Ferguson Slide: Proposed Geotech

Survey Locations

EA# 10-0P921

IIP 2081-2014-078-04

Figure 4 (prevFigure 5)



Figures 4A & 4B

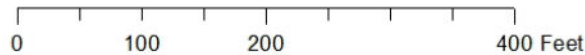
Figure 4A

Ferguson Slide Rock Shed Permanent Restoration EA# 10-0P924 Limestone Salamander Habitat Impacts Map: North Half of Project Area

USGS Quad: Kinsley

1 inch = 100 feet

Absolute Scale 1:1,200



Legend

- Project Impact Area (21.0 ac)
- LSS Low Quality Habitat: Short-Term Temporary Impacts - 1.38 ac
- LSS Low Quality Habitat: Long-Term Temporary Impacts - 0.23 ac
- LSS Low Quality Habitat: Permanent Impacts - 0.64 ac
- Suitable LSS Habitat
- Biological Study Area (135.5 ac)

R. Cummings

Date: 2/18/2025

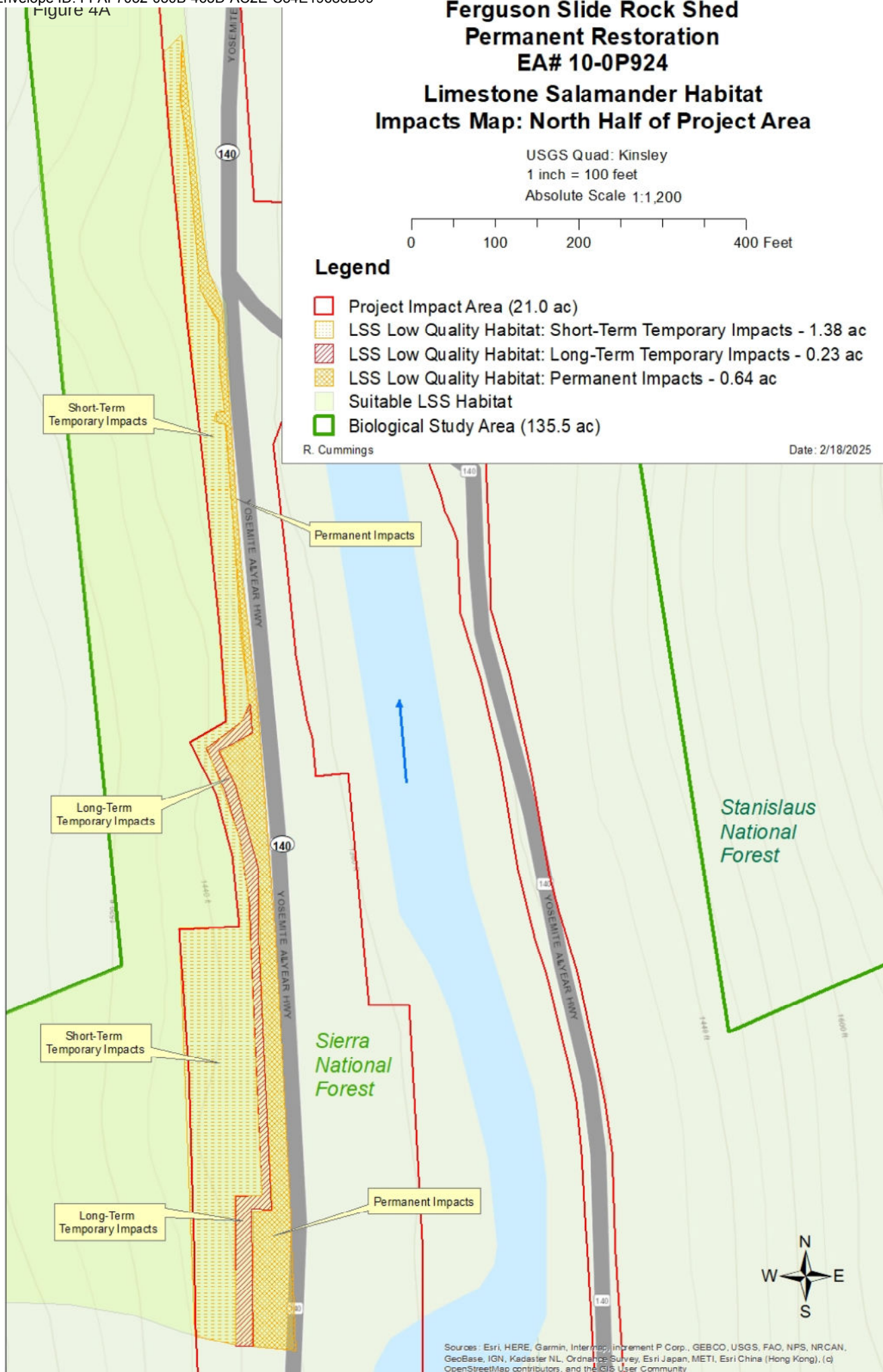


Figure 4B

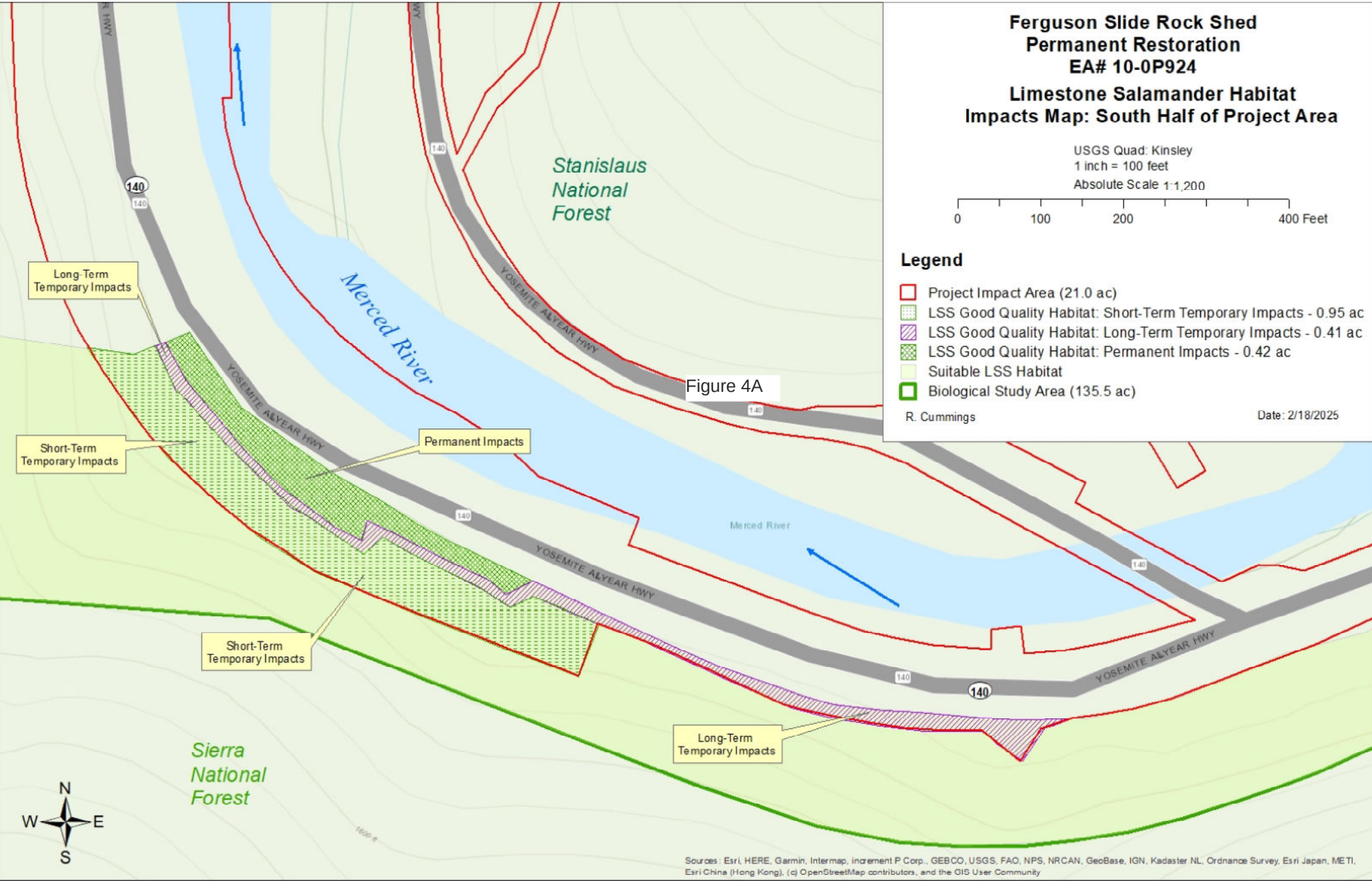
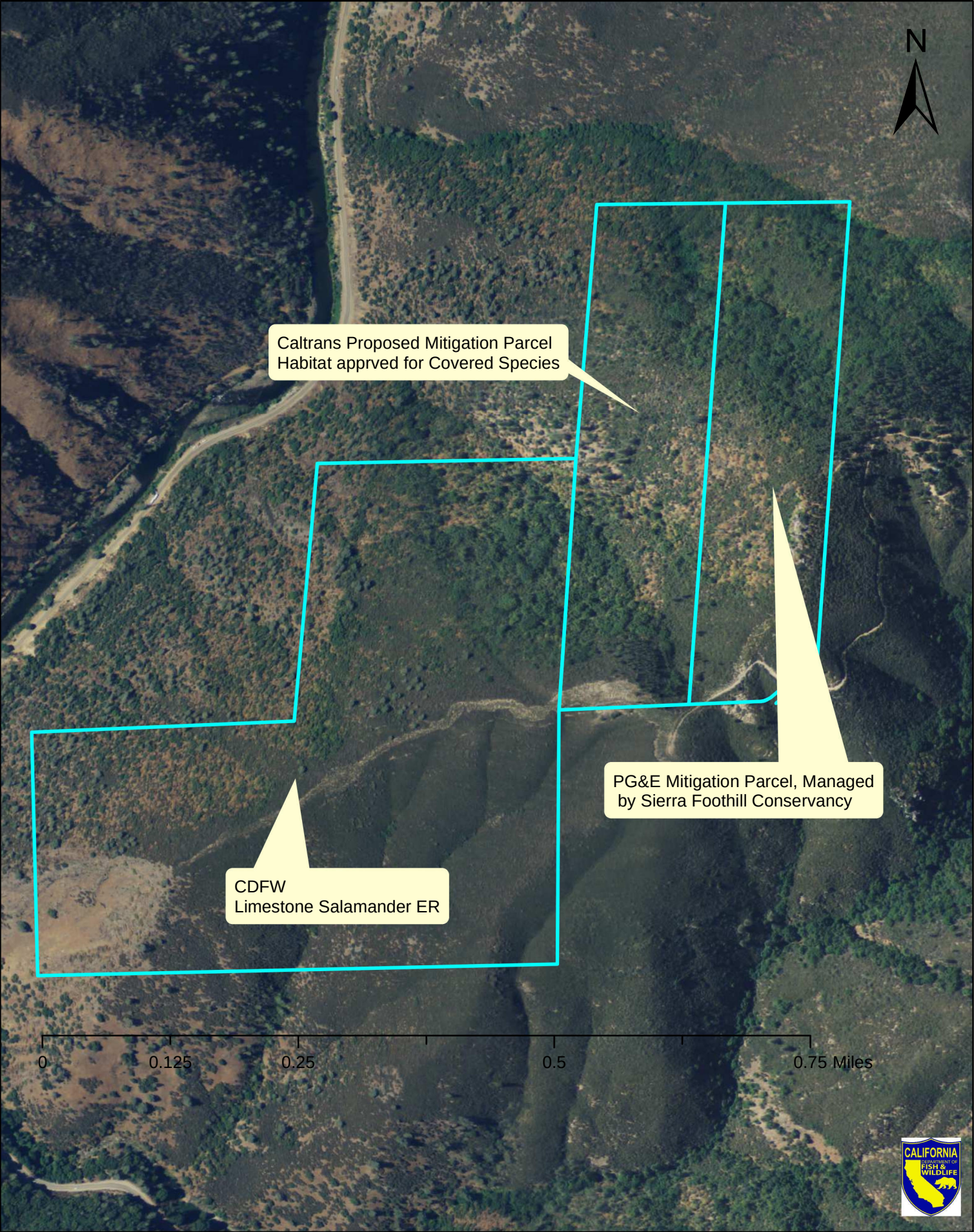


Figure 5

Figure 3. Mitigation Parcel



Attachment 1

Attachment 1

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

MUSEUM OF VERTEBRATE ZOOLOGY
3101 Valley Life Sciences Building #3106
Berkeley, CA 94720-3160
TELEPHONE: 510/642-3567
FAX: 510/643-8238

Limestone Salamander Biological Report for Ferguson Slide Area

Prepared by Sean M. Rovito and Theodore J. Papenfuss

10 April, 2007

Introduction

The Limestone Salamander (*Hydromantes brunus*) was declared a CDFG State Threatened species in 1971. The species has only been found along the Merced River drainage in Mariposa County, California. Potential threats to this species include gold mining operations, water development, highway construction, and quarrying for limestone. The species was discovered in 1952 near Briceburg, and was known from only a handful of localities along the Middle Fork of the Merced River until recently. These localities included Briceburg, Hell Hollow (Highway 49 at Lake McClure), and Sherlock Creek. Additional populations were recently discovered on Feliciano Mountain, along the North Fork of the Merced and at Hite Cove on the South Fork of the Merced River. Although the initial populations of Limestone Salamanders were found in association with limestone outcrops, Limestone Salamanders have recently been found in shale talus areas where there is no nearby limestone (Hite Cove and North Fork Merced). The closest known population to the Ferguson Slide is about 2.6 miles (airline) southwest along Feliciano Creek (Map 1).

Preferred habitats for this species are (1) northwest to east facing slopes of 34° and steeper; (2) numerous rock outcrops and moss covered talus, and; (3) oak/buckeye woodland with a thick shrub understory (Tordoff, 1980). Survey methods developed by Tordoff (1980) include both looking under cover objects during the day and searching at night when the salamanders are active during and after wet weather. Both of us have used these methods on numerous occasions. The Tordoff survey covered 63 potential Limestone Salamander habitat sites along the Merced River and its tributaries between two miles west of Bagby and three miles east of Briceburg. He did not survey further up stream towards the entrance to Yosemite National Park. To our knowledge there has never been a careful survey in the vicinity of the Ferguson Slide.

Methods

During the habitat reconnaissance, we divided the entire study site into the following categories of habitat suitability:

- 1) Unsuitable: complete absence of any moss-covered talus and rock outcrops. Generally, these areas were south- or west-facing grassy slopes subject to drying. Tree cover was sparse (Figure 1). We are certain that Limestone Salamanders do not occur in habitat classified as unsuitable.

- 2) Poor: a) rocky areas with little or no moss, often exposed.
 b) shaded areas without rocks or talus. Small areas of exposed talus.
 It is unlikely that Limestone Salamanders would occur in areas regarded as poor.

3) Fair: Small areas of suitable habitat with limited mossy talus or rock outcrops, often surrounded by habitat considered poor. Some of these areas were located along the Highway 140 roadcut on the south side of the Merced River, and others were located on the slopes above the road (see Map 2).

Limestone Salamanders could potentially occur in these areas, especially if they are adjacent to good or excellent habitat, although conditions did not appear ideal.

4) Good: shaded areas of moss-covered talus and medium-sized rock outcrops, interspersed with some areas lacking rocks. These areas appear quite suitable for Limestone Salamanders.

5) Excellent: Ideal habitat with large expanses of deep mossy talus, extensive outcrops with lots of crevasses, well shaded by oak, buckeye and bay laurel trees. Habitats similar in overall appearance to other known Limestone Salamander populations.

6) Confirmed: Limestone Salamanders found at site during survey.

Examples of habitat types are shown in Figure 1. Habitat was mapped to submeter accuracy with a Trimble GPS unit (UTM Zone 11, NAD83 Datum) using the above categories. GPS points were taken at transition areas between habitat categories, as well as at particular features such as springs or rock outcrops.

During day surveys, we searched under cover objects such as rocks, logs, and bark. Rocks were the main cover object in the area, and most daytime searches focused on turning rocks in areas with outcrops and mossy talus. We carefully replaced the cover so as not to disturb the habitat. We searched the entire Ferguson Slide Restoration Site three times, concentrating our efforts in areas that we considered to have potential for Limestone Salamanders based on our extensive experience working with this species in Mariposa County. During our initial reconnaissance of the study area, we determined that all suitable Limestone Salamander habitat was on the south side of the Merced River, since the north side consists of exposed, sunny slopes. One of us (Rovito) has observed numerous Limestone Salamanders during the last two field seasons. After our initial visit to the area, we timed further visits to coincide with rainy weather, when salamanders are most active on the surface.

Initial night searches were done along the Highway 140 roadcut both west and east of the slide area and along the dirt road on the north side of the Merced River opposite the slide area. After determining that the north side of the study area was not suitable habitat, we conducted all further night searches on the south side of the river. These searches included both areas along the roadcut and on the slopes above the road where trails were located. This allowed us to survey both rock exposures with mossy cracks and areas of talus on the slopes. We conducted three separate surveys of two days each of all the areas on the south side of the Merced River within the Biological Study Area.

We photographed all Limestone Salamanders found during surveys with a digital camera and recored the exact site of discovery with a Trimble submeter accuracy GPS. A log was kept of other vertebrate species seen during the survey, with particular emphasis on amphibians and reptiles.

Results

We conducted three separate surveys on March 16-17, Mar. 21-23 and Mar. 27-28. On the second and third surveys, we determined that Limestone Salamanders are present within the Biological Study area (Figure 2).

During the first survey (March 16-17), dry conditions due to a lack of recent rainfall made detection of salamanders less likely. The second and third surveys were conducted the day after storms had passed through the area. On March 22, a Limestone Salamander was found under a rock in an area of excellent talus habitat (GPS s53, Map 5). This site was just south of the limit of the Biological Study area, however, the excellent habitat continues downslope to the highway. On March 27, four Limestone Salamanders were found within the study area near the east side of the slide (GPS s51 and s52, Map 3).

All salamander species known from the region were also observed during surveys. These include Ensatina Salamanders (*Ensatina eschscholtzii xanthoptica*), Hell Hollow Slender Salamanders (*Batrachoseps diabolicus*), Arboreal Salamanders (*Aneides lugubris*) and California Newts (*Taricha torosa*). Salamanders were particularly abundant on the second and third surveys with moist conditions. The only frog species seen was the Pacific Treefrog (*Pseudacris regilla*). Reptile species observed included Western Fence Lizards (*Sceloporus occidentalis*), Gilbert Skinks (*Plestiodon gilberti*), Western Rattlesnake (*Crotalus oreganos*), Gopher Snake (*Pituophis catenifer*), Ringneck Snake (*Diadophis punctatus*), and California Whipsnake (*Masticophis lateralis*). Although not the focus of our search effort, other vertebrate species seen included Deer mice (*Peromyscus* sp.), Mule Deer (*Odocoileus hemionus*), American Crows (*Corvus brachyrhynchos*), Violet-Green Swallows (*Tachycineta thalassina*), Swainson's Thrush (*Catharus ustulatus*), Anna's Hummingbird (*Calypte anna*) and Canyon Wren (*Catherpes mexicanus*).

During the habitat assessment, we collected 58 submeter accuracy GPS points to delimit the boundaries of each habitat category. In some instances, small areas of habitat such as seeps and springs or rock outcrops were measured with a tape measure. The GPS points area listed in Table 1, along with a description of the habitat at each point.

On the north side of the Merced River, nearly all habitat was characterized as unsuitable (Map 6). Most of the area is a sunny, exposed slope subject to rapid drying after rains. Rock outcrops and talus are present, but the exposed conditions and lack of moss and leaf litter would make it impossible for Limestone Salamanders to survive in these areas. A single small area near the east temporary bridge was rated as poor due to the presence of oak trees which provide shade and leaf litter. It appears highly unlikely, however, that Limestone Salamanders occur in this area because it is surrounded by unsuitable habitat and lacks talus.

On the west side of the slide, there is a seasonal stream near the temporary bridge. There is excellent habitat from the road up this stream (GPS s40, Map 4). West of the seasonal stream, the habitat becomes less favorable. There is no excellent habitat along the roadcut from the seasonal stream to the boundary of the study area, since the roadcut is exposed and lacks moss. On the slope above the roadcut at the level of the power lines, the habitat was rated as fair, with few outcrops and little talus. The habitat also becomes less favorable from the streambed east to the slide. Far above the roadcut near the slide, there are areas of excellent habitat (GPS s49), with extensive rock outcrops and mossy talus and oak and digger pine trees, similar to other known Limestone Salamander localities.

Most of the habitat from the east side of the slide to the eastern boundary of the study area above the roadcut was rated as excellent, while only a limited area of the roadcut was rated as good or excellent (Maps 2, 3 and 5). Although Limestone Salamanders were only confirmed at three locations within this area of extensive habitat, the population is almost certainly continuous and is probably among the largest known populations of this species. Our ratings of excellent habitat include both heavily forested areas and more open areas with an abundance of mossy talus and rock outcrops. The site in one of the more forested areas where a salamander was found on March 22 resembles the habitat of a known Limestone Salamander population at Hite Cove, on the South Fork of the Merced River. The area where four salamanders were found during night surveys on March 27 is similar to habitat at the Briceburg Limestone Salamander Reserve and at Hell Hollow.

We were asked to conduct this survey late in the season for Limestone Salamanders, which are most easily found between November and early March. Additionally, conditions were less favorable than usual because the winter and spring of 2007 have been unusually dry. Despite less than ideal survey conditions, we confirmed the presence of Limestone Salamanders in the southeast portion of the study area. During more favorable conditions, we are certain that many more salamanders would have been observed, given the large expanse of high quality habitat at confirmed sites.

Project Impacts

Highway construction on the north side of the Merced River (Alternatives C1 and T1) would have no effect on Limestone Salamander populations, since no suitable habitat was found on this side of the river. Alternatives E1 and R1 on the south side of the Merced River could potentially destroy Limestone Salamander habitat. Good or excellent habitat exists between confirmed sites and the roadcut near the eastern side of the slide. Although no Limestone Salamanders were observed east of the eastern temporary bridge, we are virtually certain that they do occur in this area. It is likely that they are also present in areas of good and excellent habitat west of the slide. Before the landslide occurred, excellent habitat most likely connected these areas to the confirmed salamander sites east of the slide.

Mitigation

If either Alternative C1 or T1 were selected, no mitigation measures would be needed, provided that construction activities did not impact areas on the south side of the river. The habitat on the north side of the river is unsuitable for Limestone Salamanders.

Alternatives E1 and R1 would most likely destroy some Limestone Salamander habitat, killing some salamanders in the process. Mitigation measures are difficult to recommend for these alternatives, since salamanders are entirely dependent on the presence of suitable habitat. Typical mitigation measures such as translocation of animals from affected areas are not an option, since it would be possible to capture only a very small number of the total salamanders that occur at the site due to their secretive nature. Translocation would also be unwise, since the salamander populations are thought to be demographically isolated and therefore genetically unique.

If either Alternative E1 or R1 were selected, one suggested mitigation effort would be the purchase of a different site where Limestone Salamanders are known to occur. We recommend the site on Feliciana Mountain, adjacent to the Limestone Salamander Ecological Reserve. This privately owned property is currently for sale and could be annexed to the Ecological Reserve.

Literature Cited

Papenfuss, Theodore J. 1980. Sierra Nevada Foothills Amphibian and Reptile Survey. Prepared for the Bureau of Land Management. Folsom, California.

Tordoff, Walter III. 1980. Report of Study of Limestone Salamander on the Merced River. Bureau of Land Management. Folsom, California.

Figures and Maps



Figure 1. A-C: Confirmed *H. brunus* habitat, with mossy talus and outcrops. D: Excellent habitat, mossy north-facing rock outcrop. E: Excellent habitat, north-facing mossy talus. F: Good mossy habitat on roadcut near east temporary bridge.

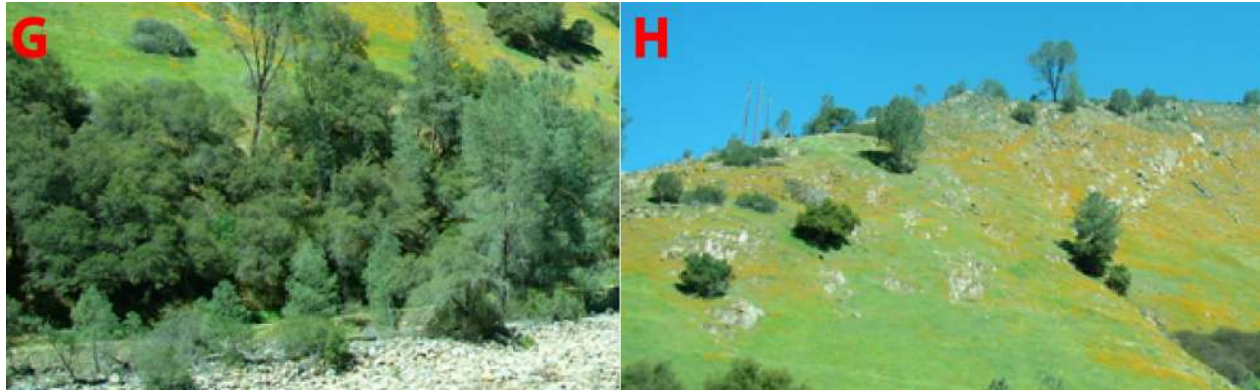
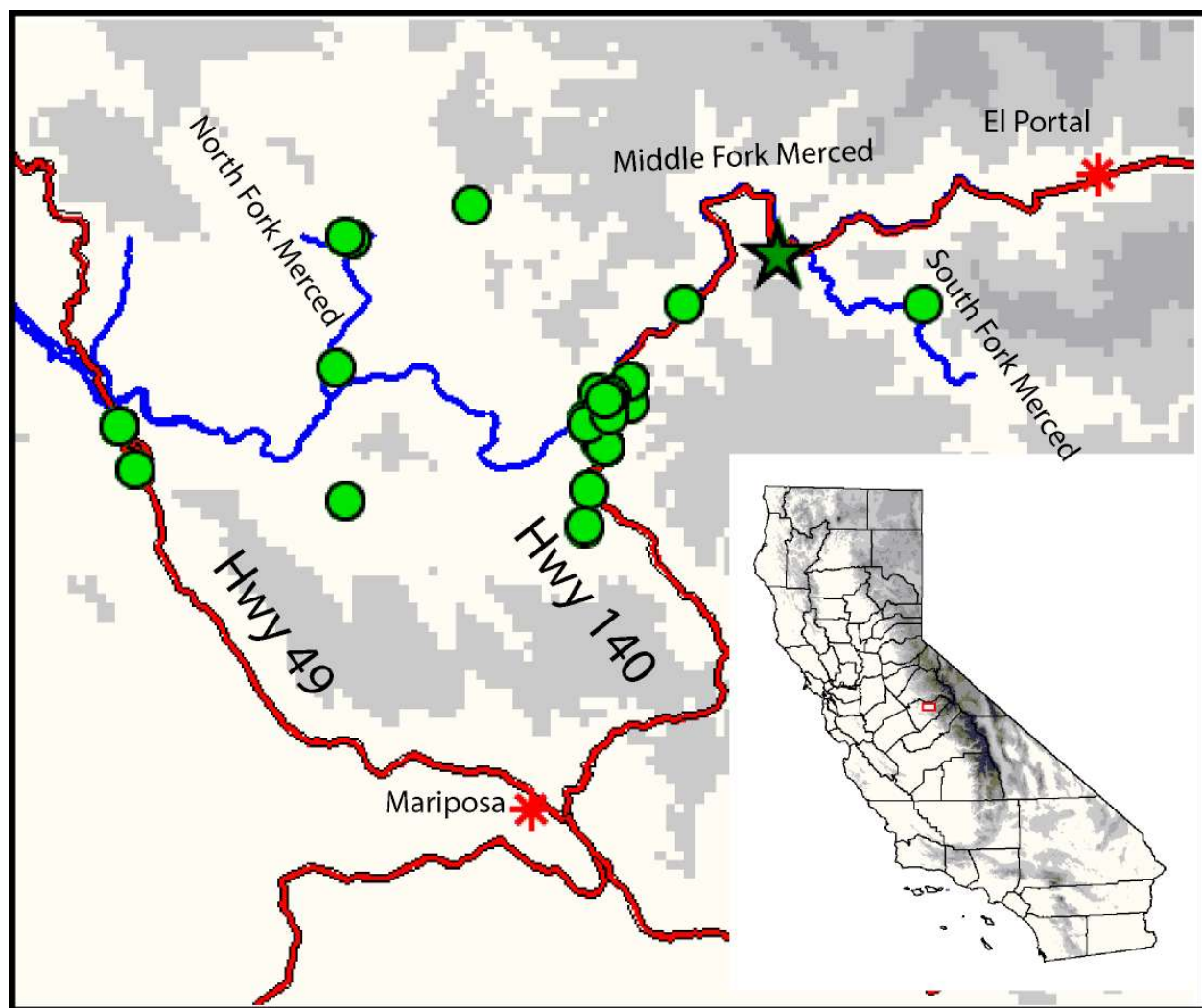


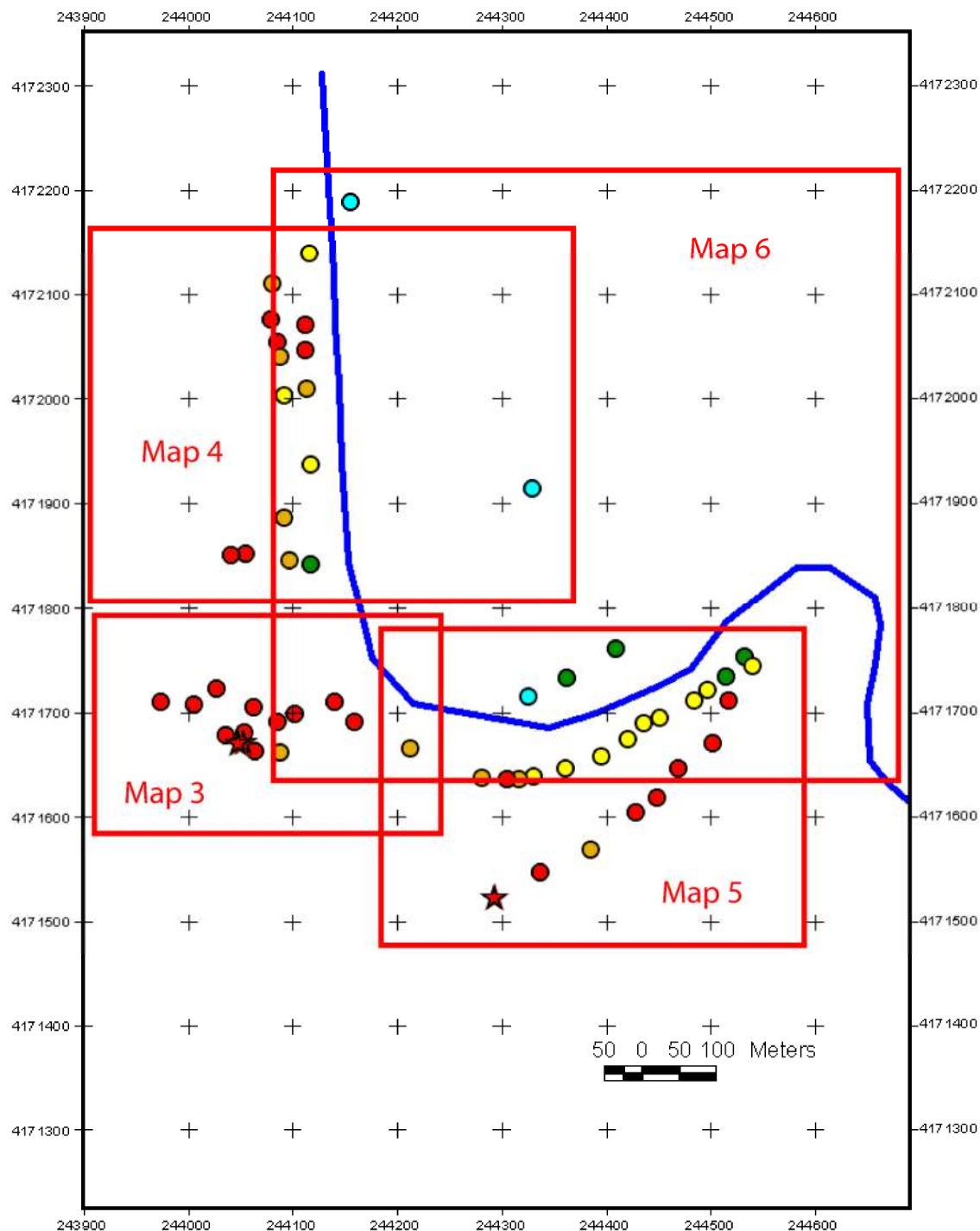
Figure 1 (continued): G: Poor habitat on north side of river (wooded area). H: Unsuitable habitat, south-facing grassy slope on north side of river.



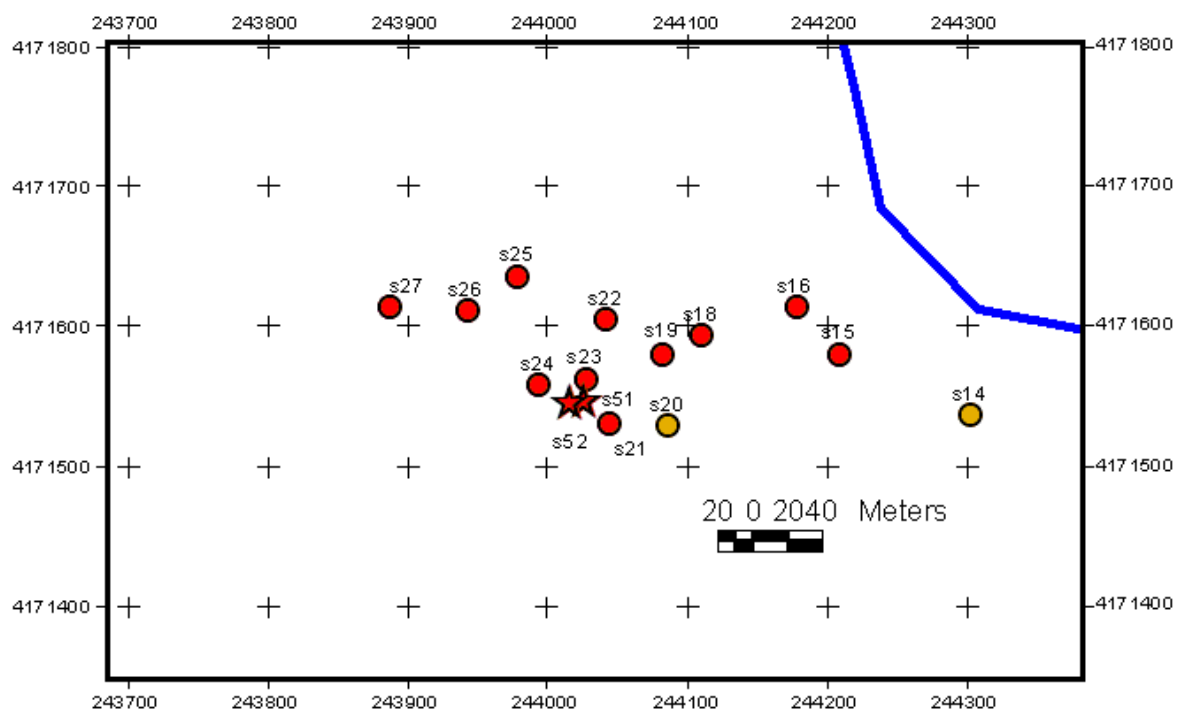
Figure 2. Limestone Salamanders found during surveys of the Ferguson Slide area. A subadult salamander is shown with a dime for scale



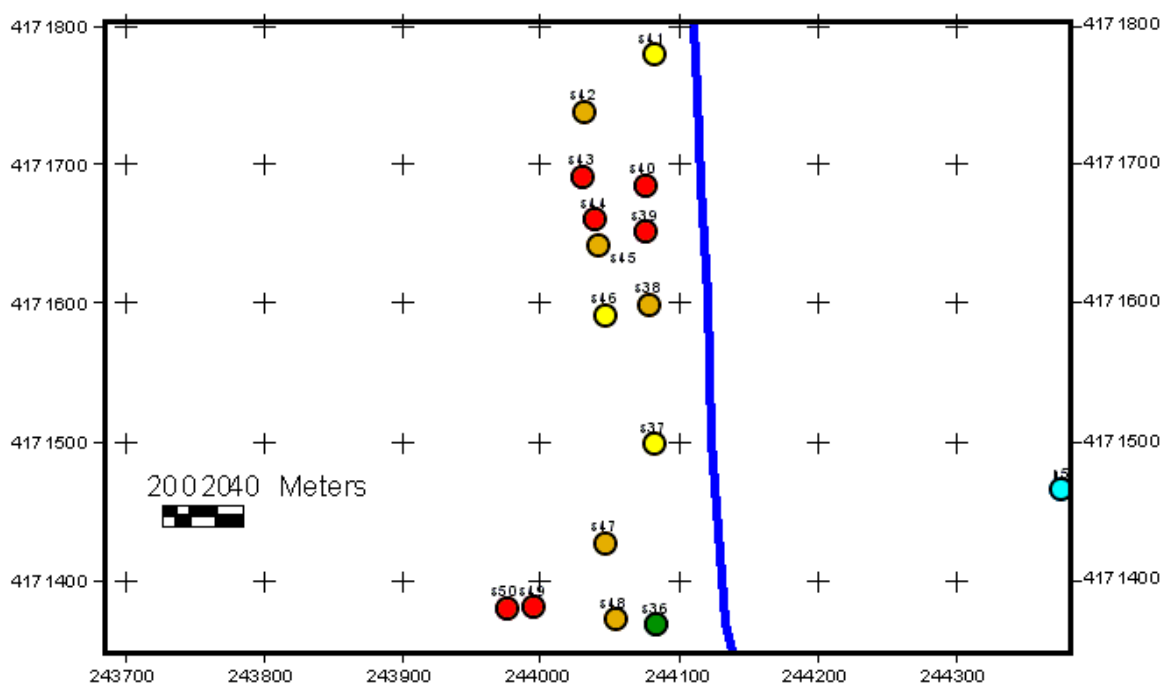
Map 1. Overview of Limestone Salamander localities. Known localities are shown as green dots, with location of Ferguson Slide shown as a green star.

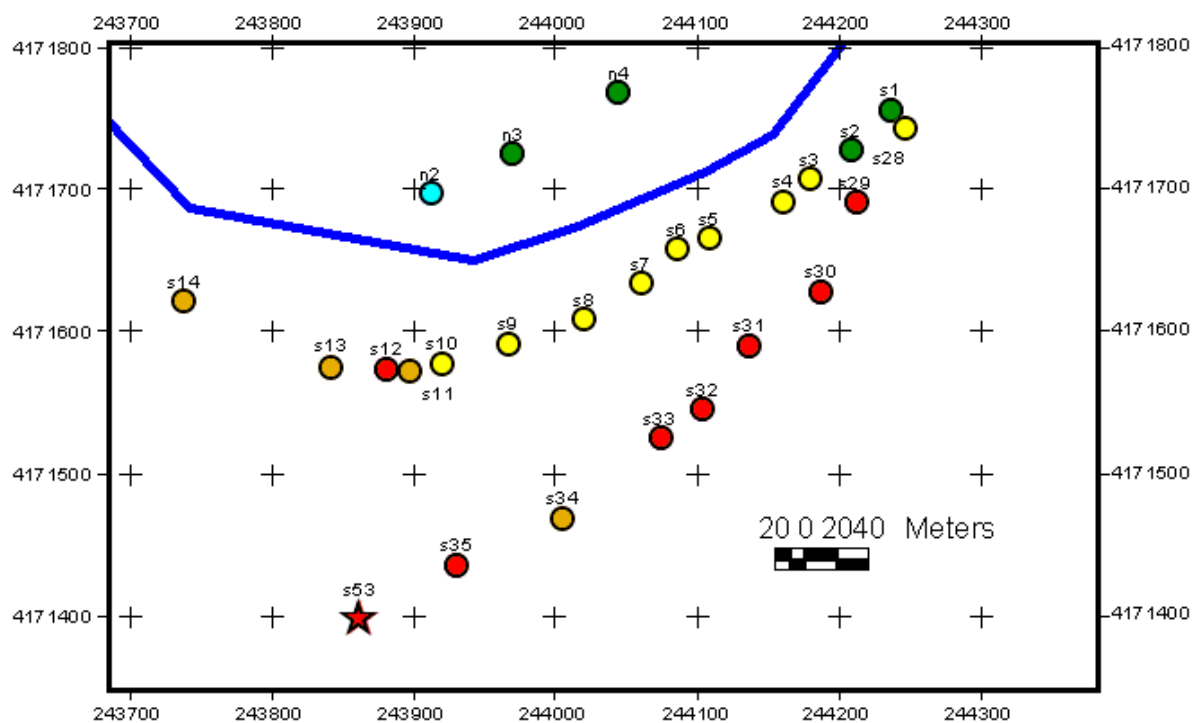


Map 2. GPS points taken during habitat assessment. Red stars represent confirmed Limestone Salamander habitat. Other colors are as follows: Red – excellent; orange – good; yellow – fair; green – poor; blue – unsuitable. Transition points are colored as the more suitable habitat category. Blue line marks the approximate course of the Middle Fork of the Merced River.

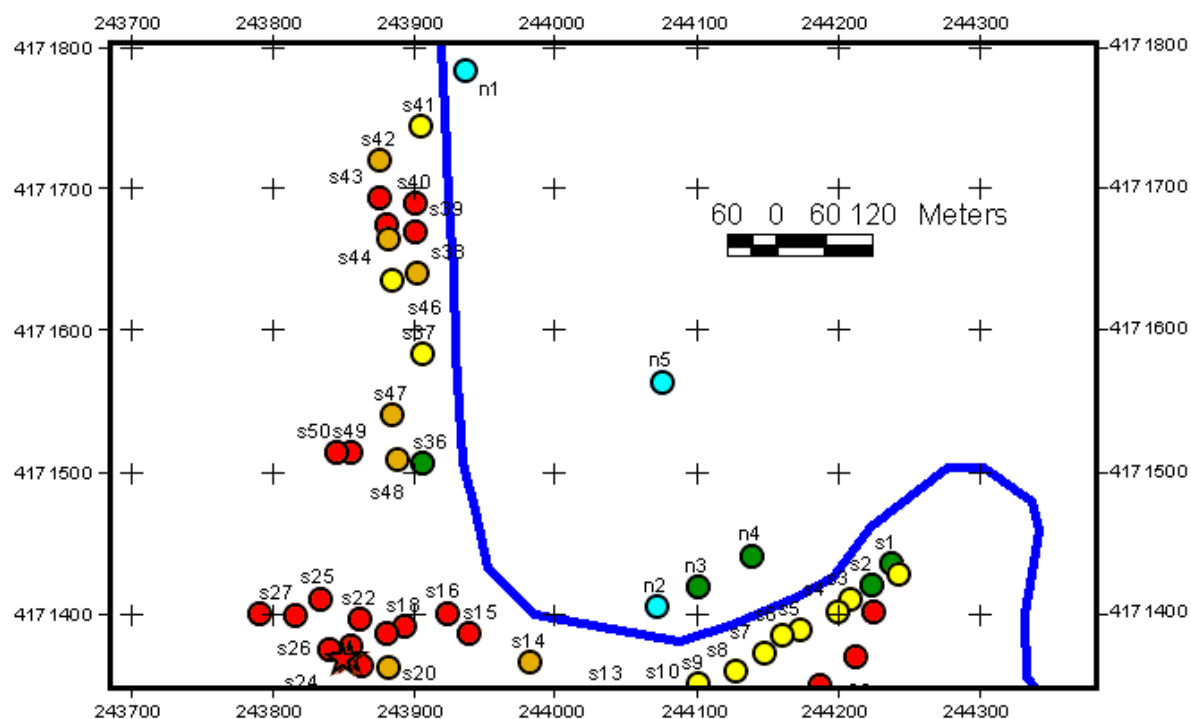


Maps 3 (above) and 4 (below). GPS points taken in area east (**Map 4**) and west (**Map 3**) of slide. Stars (s51 and s52) indicate sites where Limestone Salamanders were found during surveys.





Map 5. Southeastern portion of study area. Red star (s53) indicates site where a Limestone Salamander was found.



Map 6. Unsuitable habitat on north side of Merced River. Small area of poor habitat on north side is delimited by points n3 and n4.

Attachment 2

Attachment 1

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

AMENDED INCIDENTAL TAKE PERMIT NO. 2081-2014-078-04-A3

PERMITTEE: California Department of Transportation

PROJECT: State Route140 Ferguson Slide Rock Shed Project
Caltrans EA 10-0P921

PURPOSE OF THIS MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: ITP COA (Source), Mitigation Measure, Implementation Schedule, and Status/Date/Responsible Party(ies). The Source column identifies the Amended ITP Condition of Approval (COA) number that sets forth the mitigation measure. The Mitigation Measure column describes the mitigation requirements of the Amended ITP. The Implementation Schedule column shows the phase when each mitigation measure will be implemented. The Status/Date/Responsible Party(ies) 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 name of the person determining the status.

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
General Provisions:			
5.1.	<u>Designated Representative</u> . Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with 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.	Before the start of Covered Activities and any time a new Designated Representative is selected	
5.2.	<u>Designated Biologist(s) and Designated Monitor(s)</u> . Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a Designated Biologists and Designated Monitors at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologists are knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologists shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. The Designated Biologist will be onsite during active building to inspect the worksite and all exclusionary fencing. (Fish & G. Code, § 2081.9(a)(2)(C).) The Designated Biologists and/or Designated Monitors shall conduct on site weekly construction inspections when there is no ongoing construction work in/near Covered Species habitat, except when access is unsafe due to inclement weather. Permittee shall obtain CDFW written approval of the Designated Biologists and Designated Monitors before starting Covered Activities, and in advance, if a Designated Biologist must be changed.	Before the start of, and during Covered Activities as needed	
5.3.	<u>Designated Biologist and Designated Monitors Authority</u> . To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologists and Designated Monitors shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.		

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
5.4.	<u>Education Program.</u> Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any ground– or vegetation-disturbing work, including geotechnical drilling activities. 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, on-site communication protocol with the Designated Biologist, and Project-specific protective measures described in this ITP. 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. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry 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 and when new workers, including subcontractors begin Project work.	During Covered Activities	
5.5.	<u>Construction Monitoring Notebook.</u> The Designated Biologists and Designated Monitors shall maintain a construction-monitoring notebook on-site throughout the construction period, including during geotechnical drilling activities, 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 notebook is available for review at the Project site upon request by CDFW.	During Covered Activities	
5.6.	<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 at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	During Covered Activities	
5.7.	<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 Biologists and/or Designated Monitors. Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles.	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
5.8.	<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.	During Covered Activities	
5.9.	<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.	Before the start of, and during Covered Activities	
5.10.	<u>Delineation of Habitat.</u> Permittee shall install 5-foot orange plastic mesh fencing inside the exclusion fencing (Condition of Approval 7.3) to clearly delineate ESA habitat of the Covered Species within the Project Area if Covered Activities will occur adjacent to Covered Species habitat during the Covered Species' active season (Fish & G. Code, § 2081.9 (a)(2)(B)). Permittee shall inspect the fencing weekly and maintain/repair it as necessary. Permittee shall ensure vegetation is trimmed, with monitoring by a Designed Biologist, such that it does not encroach into accessible work areas. Permittee shall remove fencing upon Project completion.	Before the start of, and during Covered Activities as needed	
5.11.	<u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes, and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP if additional take of Covered Species will occur as a result of the Project modification.	During Covered Activities	
5.12.	<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 5.11 of this ITP.	Before the start of, and during Covered Activities	
5.13.	<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	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
	hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.		
5.14.	<u>CDFW Access</u> . Permittee shall provide CDFW staff with reasonable access to the Project, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	Before the start of, and during Covered Activities	
5.15.	<u>Refuse Removal</u> . Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	During Covered Activities	
Monitoring, Notification and Reporting Provisions:			
6.1.	<u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	Before the start of Covered Activities	
6.2.	<u>Notification of Non-compliance</u> . The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.	During Covered Activities	
6.3.	<u>Covered Species Relocation Plan</u> . The Designated Biologist shall prepare a relocation plan (Relocation Plan) for CDFW review and approve prior to starting Covered Activities and an updated Relocation Plan prior to resuming activities associated with Major Amendment No. 3. The Relocation Plan shall include at least one relocation area, in close proximity to the Project Area, identified as excellent habitat in Map 2 of Attachment 1. The Relocation Plan shall also include identification of capture methods, handling methods, and relocation methods. The updated Relocation Plan shall include updates to the monitoring schedule and methods relevant to changes in Major Amendment No. 3. The CDFW-approved wildlife rehabilitation or veterinary facility required for Condition of Approval 7.12 shall also be identified in the Relocation Plan. Covered Activities may not proceed until CDFW approves the Relocation Plan in writing. Only approved Designated Biologist(s) are authorized to capture and handle Covered Species.	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.4.	<u>Pre-construction Survey Report.</u> The Designated Biologist shall submit a report documenting the results of the pre-construction survey to CDFW within five days after performing the survey described in in Condition of Approval 7.1.	Before the start of, and during Covered Activities	
6.5.	<u>Compliance Monitoring.</u> The Designated Biologist shall be on-site at all times when Covered Activities occur in potentially suitable Covered Species habitat, until temporary exclusion fencing has been installed, and thereafter according to the schedule in the updated Relocation Plan (Condition of Approval 6.3). Required frequency and duration of monitoring shall be described in the updated Relocation Plan (Condition of Approval 6.3). The Designated Biologist and Designated Monitor shall maintain close communications with the Construction Liaison to stay current with the construction schedule, locations, and activities. The Designated Biologist and Designated Monitor 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, Designated Biologists, and Designated Monitors 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.	During Covered Activities	
6.6.	<u>Monthly Compliance Report.</u> The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.5 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative. At the time of this ITP's approval, the CDFW Regional Representative is Mindy Trask (Mary.Trask@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	During Covered Activities	
6.7.	<u>Annual Status Report.</u> Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
	ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.6; (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.		
6.8.	<u>CNDDDB Observations.</u> The Designated Biologist shall report any observations of the Covered Species in the worksite to CDFW immediately. (Fish & G. Code § 2081.9(a)(7).) The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation (Fish & G. Code § 2081.9 (a)(7)).	During Covered Activities	
6.9.	<u>Vegetation Restoration Plan.</u> The Permittee shall prepare a Vegetation Restoration Plan twenty-four as described in Condition of Approval 8.5 and submit it to CDFW for review and obtain approval in writing before starting restoration activities.	During Covered Activities	
6.10.	<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. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	During Covered Activities	
6.11.	<u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist if a Covered Species is observed in the worksite or is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
	within the vicinity of the Project (Fish & G. Code § 2081.9 (a)(7)). The resident engineer will halt work immediately. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.		
Take Minimization Measures:			
7.1.	<u>Pre-Construction Surveys.</u> Prior to ground-disturbance activities, the Designated Biologist shall be present to perform pre-construction surveys for the Covered Species, and shall remain on-site until temporary exclusion fencing has been installed and any Covered Species within the exclusion fence have been relocated pursuant to the Relocation Plan required in Condition of Approval 6.3 to minimize take of Covered Species from entering the work area in accordance with Condition of Approval 7.3 below. These surveys shall cover the existing access routes and the proposed construction Project work area(s), with a 50-foot buffer zone. Pre-construction surveys shall be repeated if there has been a break in Covered Activities by more than 30 days.	Before the start of, and during Covered Activities	
7.2.	<u>Initial Work Window.</u> Permittee shall restrict all initial ground-disturbing activities within potential Covered Species habitat to April 1 through November 30 when the Covered Species is less active (Fish & G. Code § 2081.9 (a)(2)(A)).	During Covered Activities	
7.3.	<u>Temporary Exclusion Fencing Installation.</u> Prior to any surface disturbance, Permittee shall install Covered Species exclusion fencing (exclusion fence) constructed in whole or in part of 24 inch sheet metal between the Project Area and potential Covered Species habitat (Fish & G. Code § 2081.9 (a)(2)(B)). The Designated Biologist shall accompany the exclusion fence construction crew to ensure that Covered Species are not killed or injured during fence installation. The method of fence construction and installation shall be submitted to CDFW for written approval in advance of fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the active construction period.	Before the start of, and during Covered Activities	
7.4.	<u>Temporary Exclusion Fencing Monitoring.</u> The Designated Biologist or Designated Monitor shall inspect the exclusion fence at least once weekly April 1 through	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
	November 30 and as needed and maintain/repair the fence as necessary. From December 1 through January 31, the Designated Biologist and/or Designated Monitors shall inspect the exclusion fence at least once daily, except when access is unsafe due to inclement weather. If no Covered Species are found, the frequency may be reduced to once weekly during February 1 through March 31, however if any Covered Species are found the frequency shall either be maintained daily or returned to daily as applicable. The Designated Biologist and/or Designated Monitors shall check the exclusion fencing in the early morning daylight hours (no later than 2.5 hours after local sunrise, but not prior to 30 minutes before sunrise) when temperature and moisture conditions would still be tolerable for the Covered Species. The Designated Biologist and/or Designated Monitors shall also inspect the exclusion fence immediately after a rain event that exceeds 0.5 inches during a 24-hour period, regardless of the time of year, except when access is unsafe due to inclement weather. The Designated Biologists(s) shall relocate any Covered Species found up against the exclusion fencing to prevent desiccation or predation in accordance with the Relocation Plan (Condition of Approval 6.3). Permittee shall remove the exclusion fence immediately upon completion of Covered Activities.		
7.5.	<u>Minimization of Habitat Disturbance.</u> Permittee shall ensure that the impacts to Covered Species habitat are kept to the minimum necessary to complete the Project, specifically during cutting of the Merced Canyon wall for the installation of the 2-foot wide road shoulder within the Project boundary and outside the rock shed.	During Covered Activities	
7.6.	<u>Covered Species in the Project Area.</u> If any Covered Species are found in the Project Area during Covered Activities, all work within 100 feet of the Covered Species shall stop immediately until the Designated Biologist(s) can relocate the Covered Species following the CDFW approved Relocation Plan prepared pursuant to Condition of Approval 6.3 or it leaves the Project Area on its own accord (Fish & G. Code § 2081.9 (a)(2)(D)).	During Covered Activities	
7.7.	<u>Record of Handling.</u> The Designated Representative or Designated Biologist shall document the following information for all Covered Species captures and sightings: the date, time, and location of each occurrence using Global Positioning System (GPS) technology, the name of the party that actually identified the animal, circumstances of the incident, the general condition and health of each individual, any diagnostic markings, sex, age (juvenile or adult), and actions undertaken and habitat description. Permittee shall submit this information to the CNDDDB as per	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
	Condition of Approval 6.8. This information shall also be included in the Monthly Compliance Report.		
7.8.	<u>Precipitation</u> . The Designated Biologist and Permittee shall monitor the National Weather Service forecast for the Project Area. For the purposes of this ITP, a significant rainfall event is defined as 70 percent (or more) chance of 0.5-inch (or more) of rainfall in a 24-hour period. When a significant rainfall event is predicted, the Permittee shall cease all Covered Activities within 50 feet of suitable Covered Species upland habitat (as per Figures 4A and 4B) at least 4 hours before and 12 hours after the duration of the predicted significant rainfall event, and until no further significant rainfall is predicted within the following 24 hours. Permittee shall cease all Covered Activities within 50 feet of where Covered Species may occur (as soon as practicable) if unexpected precipitation of 0.25-inch (or more) occurs within a one-hour period, and Covered Activities in these areas shall not resume until 12 hours after the rainfall event has ended, or as otherwise approved by CDFW. Prior to resuming Covered Activities, the Designated Biologist shall monitor for presence of Covered Species within 50 feet of all locations where Covered Activities were stopped due to either of the previously described rainfall events.	During Covered Activities	
7.9.	<u>Night Work</u> . Permittee shall terminate all Covered Activities 30 minutes before sunset and shall not resume until 30 minutes after sunrise during the Covered Species' active season from December 1 to March 31. Permittee shall use sunrise and sunset times established by the United States Naval Observatory Astronomical Applications Department for the geographic area where the Project is located. If night work cannot be avoided during this time period, a Designated Biologist shall survey the Project Area before construction begins each night. Permittee shall prohibit all night work within the extent of present suitable Covered Species upland habitat, as identified by the Designated Biologist, when a significant rainfall event (as described in Condition of Approval 7.8) is forecast, until no further rain is forecast.	During Covered Activities	
7.10.	<u>Equipment Inspection</u> . Between January 1 and March 31, workers shall inspect for Covered Species under all vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location or the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area in accordance with Condition of Approval 6.3.	During Covered Activities	
7.11.	<u>Daily Entrapment Inspections</u> . With the exception of excavations for CIP pilings, Permittee shall ensure that all trenches, holes or other excavations with sidewalls	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
	steeper than a 1:1 slope are covered when not actively being worked on, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 slope. With the exception of excavations for CIP pilings, the Designated Biologist shall inspect all open trenches, auger holes, and other excavations that may trap Covered Species prior to any work in or around them and immediately prior to being backfilled. For those excavations for CIP pilings that cannot be safely covered or inspected due to sidewall slope, depth, and/or the placement of steel rebar, the Permittee shall install exclusion fencing to prevent access to the CIP excavations by the Covered Species. The method of fence construction and installation shall be submitted to CDFW for written approval in advance of fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the period immediately prior to being backfilled. Only the Designated Biologist(s) is/are authorized to safely remove and relocate any Covered Species found in accordance with Condition of Approval 6.3.		
7.12.	<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 6.11(Fish & G. Code § 2081.9 (a)(7)). Notification shall include the name of the facility where the animal was taken. The Designated Biologist shall notify the resident engineer who will halt work immediately.	During Covered Activities	
7.13.	<u>Geotechnical Drilling Activity Work Window</u>. Permittee shall restrict all Geotechnical Drilling Activities within potential Covered Species habitat to April 1 through November 30 when the Covered Species is less active.	During Covered Activities	
7.14.	<u>Geotechnical Drilling Activity Designated Biologist On-site</u>. The Designated Biologist shall be on-site during all geotechnical drilling activities that may result in take of the Covered Species. The Designated Biologist shall either observe all geotechnical drilling activities from an existing observation platform approximately 600 feet east of the Geotechnical Work Area (facilitated by binoculars and a spotting scope) or from the Geotechnical Work Area if the Designated Biologist has the required climbing-certification. The Permittee's construction inspector and/or resident engineer shall have direct communication with the Designated Biologist via wireless radio (e.g., two	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
	way radios) at a minimum of every half hour in order to provide the Designated Biologist reports and updates during geotechnical drilling activities.		
7.15.	<u>Geotechnical Drilling Activity Minimization of Habitat Disturbance.</u> Before geotechnical drilling activities commence, Permittee shall clearly delineate the Geotechnical Work Area and each work pad location with brightly colored stakes and flagging to minimize the disturbance of Covered Species habitat. Permittee shall ensure that the impacts to Covered Species habitat are kept to the minimum necessary within the Geotechnical Work Area to complete the geotechnical drilling activities. Permittee shall maintain all stakes and flagging until the completion of geotechnical drilling activities.	During Covered Activities	
7.16.	<u>Geotechnical Drilling Activity Precipitation.</u> During geotechnical drilling activities, if precipitation occurs during work pad preparation and rain exceeds 0.5 inch during a 24-hour period, Permittee shall cease work pad preparation until it is no longer raining and no further rain is forecast within 24 hours according to the National Weather Service.	During Covered Activities	
7.17.	<u>Geotechnical Drilling Activity Equipment Inspection.</u> During geotechnical drilling activities, Permittee and/or workers shall inspect for Covered Species under all vehicles and equipment before the vehicles and equipment are moved.	During Covered Activities	
7.18.	<u>Geotechnical Drilling Activity Bore Hole Inspections.</u> During geotechnical drilling activities, Permittee and/or workers shall thoroughly inspect for Covered Species within active drilling areas, including the work pads and the observable zone of the bore hole, before drilling commences each day.	During Covered Activities	
7.19.	<u>Geotechnical Drilling Activity Bore Hole Covers.</u> During geotechnical drilling activities, Permittee and/or workers shall cover the bore holes at the end of each work shift to prevent entrapment of the Covered Species. The method and covers shall be approved in advance in writing by CDFW and shall ensure, whether the drill bit remains or not, that there are no remaining open gaps in the annular bore hole that could permit the Covered Species to enter the bore hole and subsequently lead to entrapment.	During Covered Activities	
7.20.	<u>Covered Species in the Geotechnical Work Area.</u> During geotechnical drilling activities, if any Covered Species are found within the Geotechnical Work Area, Permittee shall halt work immediately and notify and consult with CDFW as described in Condition of Approval 6.11 (Fish & G. Code § 2081.9 (a)(7). Geotechnical drilling activities shall not resume until CDFW has provided written agreement (e mail will suffice) that work can proceed.	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.21.	<u>Geotechnical Drilling Activity Completion</u> . Upon completion of geotechnical drilling activities and commencement of data collection, Permittee and/or workers shall ensure that the bore holes are covered or plugged to prevent entrapment of Covered Species. The design of the bore hole covers, or grouted plugs shall be approved in advance and in writing by CDFW and must be constructed to accommodate the sensors inserted in the bore holes as well as designed to prevent entrapment of the Covered Species during the period of data collection for the slide stability analysis.	During Covered Activities	
Habitat Management Land Acquisition and Restoration:			
8.	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 with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. To meet this requirement, the Permittee purchased a 39.75-acre parcel (Mariposa County Assessor's Parcel Number 008-160-008) (Figure 4, Proposed Mitigation Site) on February 7, 2014, following receipt of a letter from CDFW dated October 4, 2013, which confirmed the parcel had suitable habitat for the Covered Species. The Permittee shall provide for both the permanent protection and management of these Habitat Management (HM) lands pursuant to Condition of Approval 8.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.3 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities or by June 30, 2027, even if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations. The Permittee shall also restore on-site 0.64 acres of temporarily impacted Covered Species habitat (long-term temporary impacts) pursuant to Condition of Approval 8.5 below.	Before the start of, or during Covered Activities	
8.1.	<u>Cost Estimates</u> . CDFW has estimated the cost of protection, perpetual management of the HM lands, and restoration of temporarily disturbed habitat as follows:	Before the start of, or during Covered Activities	
8.1.1.	Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.2.5 below, estimated at \$78,000.00;	Before the start of, or during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.1.2.	Interim management period funding as described in Condition of Approval 8.2.6 below, estimated at \$39,429.00;	Before the start of, or during Covered Activities	
8.1.3.	Long-term management funding as described in Condition of Approval 8.3 below, estimated at \$10,690.40/acre for 39.75 acres: \$424,943.40. Long term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.	Before the start of, or during Covered Activities	
8.1.4.	Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.4, estimated at \$9,000.00.	Before the start of, or during Covered Activities	
8.1.5.	Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 8.5, calculated at \$10,000.00/acre for 1.72 acres: \$17,200.00.	Before the start of, or during Covered Activities	
8.2.	<u>Habitat Acquisition and Protection.</u> To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall:	Before the start of, or during Covered Activities	
8.2.1.	<u>Fee Title/Conservation Easement.</u> Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);	Before the start of, or during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.2.2.	<u>HM Lands Approval</u> . Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 3A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;	Before the start of, or during Covered Activities	
8.2.3.	<u>HM Lands Documentation</u> . Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 3B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;	Before the start of, or during Covered Activities	
8.2.4.	<u>Land Manager</u> . Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.	Before the start of, or during Covered Activities	
8.2.5.	<u>Start-up Activities</u> . Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see http://www.dfg.ca.gov/habcon/conplan/mitbank/); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) conducting litter removal; (5) installing a gate on the access road and sufficient fencing on either side to preclude a vehicle from driving around the gate; (6) removal of the structure on the property which is an attractive nuisance; and (7) installing signage;	Before the start of, or during Covered Activities	
8.2.6.	<u>Interim Management (Initial and Capital)</u> . Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and	Before the start of, or during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
	full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include gate and fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.		
8.3.	<u>Endowment Fund.</u> If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 8.2, the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.2.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.	Before the start of, or during Covered Activities	
8.3.1.	<u>Identify an Endowment Manager.</u> The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section	Before the start of, or during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
	65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within 30 days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4). After the interim management period, Permittee shall ensure that the designated long term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.		
8.3.2.	<u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.	Before the start of, or during Covered Activities	
8.3.2.1.	<u>Capitalization Rate and Fees.</u> Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.	Before the start of, or during Covered Activities	
8.3.2.2.	<u>Endowment Buffers/Assumptions.</u> Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:	Before the start of, or during Covered Activities	
8.3.2.2.1.	<u>10 Percent Contingency.</u> A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.	Before the start of, or during Covered Activities	
8.3.2.2.2.	<u>Three Years Delayed Spending.</u> The endowment shall be established assuming spending will not occur for the first three years after full funding.	Before the start of, or during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.3.2.2.3.	<u>Non-annualized Expenses.</u> For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.	Before the start of, or during Covered Activities	
8.3.3.	<u>Transfer Long-term Endowment Funds.</u> Permittee shall transfer the long term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.	Before the start of, or during Covered Activities	
8.4.	<u>Reimburse CDFW.</u> Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review, and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.	Before the start of, or during Covered Activities	
8.5.	<u>Habitat Restoration.</u> Permittee shall restore 0.64 acres of Covered Species habitat that will be temporarily disturbed during construction to pre Project or better conditions. Before October 31, 2027, Permittee shall prepare a Vegetation Restoration Plan (Plan) to facilitate re-vegetation of the 0.64 acres and submit it to CDFW for review and shall obtain CDFW approval of the Plan in writing before starting restoration activities. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods and planting plans and specifications. The Plan shall also indicate the time of year for seeding and plantings to occur. Permittee shall water plantings regularly to ensure adequate growth.	Before the start of, or during Covered Activities	
9	<u>Performance Security:</u> The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:	Before the start of, or during Covered Activities	
9.2.	<u>Security Form.</u> The Security shall be in a form of an irrevocable letter of credit or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.	Before the start of, or during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
9.3.	<u>Security Timeline</u> . The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.	Before the start of, or during Covered Activities	
9.4.	<u>Security Holder</u> . The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.	Before the start of, or during Covered Activities	
9.5.	<u>Security Transmittal</u> . If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.	Before the start of, or during Covered Activities	
9.6.	<u>Security Drawing</u> . The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.	Before the start of, or during Covered Activities	
9.7.	<u>Security Release</u>. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: • Written documentation of the acquisition of the HM lands; Copies of all executed and recorded conservation easements; • Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and • Timely submission of all required reports. Even if Security is provided, the Permittee must complete the required acquisition, protection, and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this ITP by June 30, 2027. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.	Before the start of, or during Covered Activities	

Attachments 3A & 3B



CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
PROPOSED LANDS FOR ACQUISITION FORM ("PLFAF")

Date: _____

TO: Regional Representative

Facsimile:

FROM: _____

Applicant proposes that the following parcel(s) of land be considered for approval by the California Department of Fish and Wildlife as suitable for purposes of habitat management lands to compensate the adverse environmental impacts of the Project:

<u>Section(s)</u>	<u>Township</u>	<u>Range</u>	<u>County</u>	<u>Acres</u>
_____	_____	_____	_____	_____

Current Legal Owner(s), of the surface and mineral estates, include Assessor's Parcel Number(s):

General Description of Location of Parcel(s):

Land Value: \$

For Region Use Only

APPROVED ____

By: _____
Regional Manager's Signature

DATE: _____

REJECTED ____

Region: _____

Explanation: _____

ATTACHMENT 3B
DEPARTMENT OF FISH AND WILDLIFE
HABITAT MANAGEMENT LAND ACQUISITION PACKAGE CHECKLIST FOR PROJECT APPLICANTS

The following checklist is provided to inform you of what documents are necessary to expedite the Department of Fish and Wildlife (CDFW) processing of your Habitat Management Land acquisition proposal. Any land acquisition processing requests which are incomplete when received, will be returned. The Region contact will review and approve the document package and forward it to the Habitat Conservation Planning Branch Senior Land Agent with a request to process the land acquisition for formal acceptance.

To: _____
Regional Manager, Region Name

From: _____
Project Applicant

Phone: _____

Tracking #: _____
CDFW assigned permit or agreement #

Project Name: _____

Enclosed is the complete package for the ☐ Conservation Easement OR ☐ Grant Deed

Documents in this package include:

☐ Fully executed, approved as to form Conservation Easement Deed or Grant Deed with legal description stamped by a licensed surveyor. Date executed: _____

☐ Proposed Lands for Acquisition Form (PLFAF)

☐ Phase I Environmental Site Assessment Report Date on report: _____
(An existing report may be used, but it must be less than two years old.)

☐ Preliminary Title Report(s) for subject property is enclosed and has been reviewed for Encumbrances, including severed mineral estates, and other easements. The title report must be less than six months old when final processing is conducted.

Included are additional documents:

☐ document(s) to support title exceptions

☐ document(s) to explain title encumbrances

☐ a plot or map of easements/encumbrances on the property

☐ Policy of Title Insurance (an existing title policy is not acceptable)

☐ County Assessor Parcel Map(s) for subject property

☐ Site Location Map (Site location with property boundaries outline on a USGS 1:24,000 scale topo)

☐ Final Permit or Agreement (or other appropriate instrument)

Type of agreement: ☐ Bank Agreement ☐ Mitigation Agreement

☐ Permit _____ Other: _____
(write in type of permit)

☐ Final Management Plan (if required prior to finalizing permit or agreement or if this package is for a Grant Deed)

☐ Biological Resources Report

☐ Draft Summary of Transactions ☐ hard copy ☐ electronic copy (both are required)

Attachment 4

Attachment 4

California Department of Fish and Wildlife

Mitigation Payment Transmittal Form

Project Applicant Instructions: Please fill out and attach this form to payment. For conservation banks, also attach the Bill(s) of Sale for credits sold. One form may be used for multiple transactions, **BUT YOU MUST USE A SEPARATE FORM FOR EACH CHECK YOU TRANSMIT.** Make sure to include Project Name, Project Tracking Number, and FASB Mitigation Tracking Number (if available) on the attached payment type.

(1) **DATE:** _____**TO:** _____

[CDFW Regional Manager]

[CDFW Region Office Address]

(2) **FROM:** _____

Name

Mailing Address

City, State, Zip

Telephone Number/FAX Number

(3) **RE:** _____

[Project Name as appears on permit/agreement]

(4) **AGREEMENT/ACCOUNT INFORMATION:**

(Check the applicable type)

☐ 2081 Permit ☐ Conservation Bank ☐ 1802 Agreement☐ 2835 NCCP ☐ Other _____

XXXX-XXXX-XXX-XX

[Project Tracking Number]

[FASB Mitigation Tracking Number (if available)]

Index _____ PCA _____

(5) **PAYMENT TYPE** (One check per form only): The following funds are being remitted in connection with the above referenced project:Check information:

Total \$ _____

Check No. _____

Account No. _____

Bank Routing No. _____

a. Endowment: for Long-Term Management Subtotal \$ _____

b. Habitat Enhancement Subtotal \$ _____

c. Security:

1. Cash Refundable Security Deposit Subtotal \$ _____

2. Letter of Credit Subtotal \$ _____

1. Financial Institution: _____

2. Letter of Credit Number: _____

3. Date of Expiration: _____

Attachment 5

Attachment 5

Amendment No. 3 with Track Changes Amended Incidental Take Permit No. 2081-2014-078-04

1. The Project name has been updated as follows:

State Route 140 Ferguson Slide Rock Shed Project Caltrans EA 10-0P921

2. The Authority section has been amended as follows:

* * *

Permittee: California Department of Transportation (Caltrans)
Principal Officer: ~~Dena Gonzalez Biology~~ Jeffrey L. Holt, Branch Chief, Unit 4718
Contact Person: ~~Dane Detloff, (559) 445-6460~~ Nicole Kith, (209) 693-3738
Mailing Address: ~~855 M Street, Suite 200, Fresno, California 93721~~ 1976 East Dr. Martin Luther King Jr. Boulevard, Stockton, California 95205

3. An Amended ITP Background section has been inserted preceding the Effective Date and Expiration section as follows:

Amended ITP³ Background:

On December 18, 2015, CDFW issued the original ITP No. 2081-2014-078-04 to Caltrans (Permittee), authorizing the take of limestone salamander (Covered Species) associated with and incidental to the State Route 140 Ferguson Slide Rock Shed Project in Mariposa County, California (Project). The Project, as described in the ITP and as originally issued by CDFW, included the construction of a 700-foot-long rock shed along the existing alignment of State Route (SR) 140 to reestablish two-lane traffic in an area previously impacted by a major rockslide.

On August 24, 2016, CDFW issued Major Amendment No. 1 which updated the Project description to include geotechnical drilling activities, increased the amount of permanent impacts to habitat for Covered Species from 1.28 to 1.32 acres, and changed the submittal date for the Vegetation Restoration Plan from within six months to within 24 months of ITP issuance. The addition of geotechnical drilling activities resulted in edits and additions to the Conditions of Approval.

On August 1, 2018, CDFW issued Minor Amendment No. 2 to change the expiration date of the ITP, as previously amended, from November 1, 2019, to November 1, 2034. This amendment also included the postponement of the required preparation and

³ When this incidental take permit and attachments refer to the "ITP", it means the "Amended ITP" (Amendment Nos. 1 through 3 unless the context dictates otherwise).

submittal of the Vegetation Restoration Plan from within 24 months of issuance of the ITP to two months prior to commencement of the construction phase of the Project.

On December 19, 2024, CDFW received a request from the Permittee for a third, major amendment to the ITP, as amended, and the corresponding fee payment. The Permittee requested to amend the ITP, as previously amended, to update the Project description due to considerable changes in the construction means and methods since the issuance of the original ITP in December of 2015. These changes resulted in the need to update the extent of project-related impacts to Covered Species habitat and included requested changes to the original monitoring methodology to better reflect worksite conditions.

Issuance of this Amendment will increase the total area of impacts to Covered Species habitat as compared to the Project as originally approved; however, by implementing compliance monitoring, pre-activity surveys, and other take minimization measures added herein by Amendment, it is not expected that this Amendment will increase Project impacts on the Covered Species included in the original ITP (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)). Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c) and Fish and Game Code section 2081.9 with respect to the Covered Species included in the original ITP.

CDFW now amends and reissues the ITP. This Amended ITP includes all of the operative provisions as of the effective date of this Amended ITP. Attachment 5 to this Amended ITP show the specific red-line changes made to the ITP resulting from this Major Amendment No. 3.

4. The Effective Date and Expiration Date section of this ITP has been amended, as follows:

~~This ITP shall be~~ The original ITP was executed in duplicate form and ~~shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP.~~ became effective on December 21, 2015. This Amended ITP shall become effective upon execution by the Regional Manager for CDFW's Central Region. Permittee will begin construction on or before January 1, 2016. (Fish & G. Code § 2081.9(a)(1).) Unless renewed by CDFW, this Amended ITP's authorization to take the Covered Species shall expire on **November 1, 2034.**

* * *

5. The Project Description of this ITP has been amended as follows:

* * *

~~The Project will repair and realign SR 140 through the construction of a 700-foot long rock shed open “tunnel,” a reinforced concrete box girder roof supported on concrete piles and tieback anchors into the south Merced Canyon wall. The Project will repair SR 140 on either side of the rock shed extending past the location of the existing temporary bridges. The Project will also establish two 12-foot traffic lanes, create 8-foot shoulders, and a 4-foot maintenance walkway on the bank of the Merced River within the length of the rock shed. The rock shed will be supported on the river side by concrete columns and will be open between columns. Retaining walls will be required on the approach ends of the structure to retain cuts and embankments that will be necessary for construction as well as to retain backfill material that will be placed on top of the structure to provide protection from future slides and rock falls. Project construction of the rock shed is expected to take approximately 36 months to complete. The overall Ferguson Slide Restoration Project is anticipated to take approximately 5 years to complete spanning the years 2015 through 2019.~~

The geotechnical investigation data collection systems described below, talus slide removal, and installation of cable netting over the slide area were completed between 2016 and 2021, under the original ITP and ITP Major Amendment No. 1. Since that time, the Permittee has collected data from the sensors, evaluated the data, and updated the design plans. Additional rockslides during that period resulted in delays in completing the design. Project construction activities will recommence in 2025, for the construction a 673-foot-long rock shed open “tunnel”, which will be a reinforced concrete box girder roof supported on concrete piles and tieback anchors into the canyon wall on the uphill side of SR 140. The Project will also repair and conform SR 140 on either end of the rock shed extending just past the locations of the existing temporary bridges and remove the existing temporary traffic detour. This will include removal of both temporary bridges, associated concrete abutments, column supports, and slope-stabilizing gabions.

Continuation of Covered Activities

The following is a step-by-step description of the proposed continuation of the construction process:

1. Construction of the rock shed tunnel will begin with the removal of approximately 33,000 cubic yards of remaining talus above the SR 140 roadway elevation. Approximately 28,400 cubic yards of this native talus will be repurposed to construct a temporary access road and temporary work platforms. The temporary access road will be constructed at the elevation of the existing roadway, which will be adjacent to the river channel. A platform, referred to as a casting bed, will be constructed at each end of the rock shed, and these casting beds will be where the rock shed segments will be cast in place. The access road will span the entire length of the rock shed tunnel and

casting bed platforms and will be wide enough (approximately 20 feet) to accommodate heavy equipment and provide adequate space for the casting beds at each end. Construction of the reinforced concrete casting bed platforms will require excavating areas within the existing road surface and pouring and forming concrete. The new roadway surface will eventually cover these casting beds and platforms.

2. A temporary work platform will be constructed at each end of the rock shed tunnel. The platform at the upstream end of the tunnel will be approximately 240 feet long and 50 feet wide, and the platform at the downstream end will be approximately 160 feet long and 50 feet wide.
3. A reinforced concrete retaining wall will be constructed on the slope on the uphill side of the existing roadway, which will be held in place by rock anchors. A cast-in-place reinforced concrete foundation will be constructed along the existing roadway alignment, just below the roadway elevation. This foundation will be held in place by micro-piles driven by track-mounted drill rigs vertically approximately 20 to 35 feet deep into the bedrock, as this foundation will support the rock shed segments as they are moved into place.
4. A total of 11 concrete rock shed tunnel segments will be cast-in-place at the casting beds on the ends of the rock shed foundation. One segment at a time will be slowly jacked into place along steel rails on the foundation toward the center of the slide area, then adding segments working outward (upstream and downstream).
5. After the rock shed tunnel structure is in place and anchored, the hillside slope above the roadway will be cut back 15 feet above the top of the rock shed tunnel roof. Permanent rock anchors will be installed to secure the segments to the hillside, and micro-piles will be drilled vertically to secure the segments into the foundation.
6. Following the completion of the rock shed tunnel construction, a layer of clean imported sand will be placed on the roof of the structure to provide a cushioning effect from any large boulders that may roll down onto it. The sand will be placed by means of a conveyor system or hydraulic crane, which would transport the sand from trucks located on SR 140 to the roof of the shed. Approximately 23,000 cubic yards of the native talus fill material will be relocated and placed on top of the sand layer to provide additional protection from falling rock. The remaining 5,400 cubic yards of the fill material will be hauled off site to the Mariposa County landfill.
7. Following the removal of all fill material, the riverbanks will be restored as close to pre-construction contours as possible. Aesthetic treatments will be added to the tunnel structure and pre-cast concrete aesthetic pergolas will be added to each end of the tunnel. The roadway of SR 140 will be restored

(paved) at either end of the tunnel to conform to the new elevation of the rock shed tunnel structure and existing highway. Installation of guardrail, road signs, final aesthetic treatments, and lane striping will be the last phase of the rock shed tunnel construction, followed by installation of final erosion controls, seeding, and landscaping. Once the adjacent SR 140 segments are repaired, the detour traffic will be moved back to the restored SR 140. All previously disturbed areas will be restored including removal of the temporary bridges, abutments, and supports.

~~The proposed method of construction for the rock shed is that of cast-in-place (CIP) concrete construction. This method of construction consists of pouring wet concrete into pre-constructed forms of a desired shape. Once~~ For all cast-in-place concrete, once concrete trucks have delivered concrete to the forms they will need to be cleaned of residue concrete before leaving the site. Wash out basins for this purpose will be located in the staging areas on the existing pavement of SR 140 between the rock shed and the current traffic diversion (Figure 2). This area will also be used for staging or storage of construction and building materials. If additional staging areas are needed, the already disturbed and paved section of Incline Road, between the initial temporary bridge abutments and the realigned temporary bridges constructed to allow crossing by vehicles (such as buses) with a long wheel base, will be utilized.

~~As part of the restoration of SR 140 on either side of the rock shed, five culverts will be installed by removing the overlying pavement and digging a trench 5.5—7 feet wide depending on culvert diameter. At four locations the old culverts will be removed, and at three of those locations the headwall will also be removed. Three of the culverts will have drainage inlets (DI) that consist of a 3-foot 11 3/8 inch long by 3-foot wide by 3-foot high concrete box with a type 24-12 grate drain at the top. The grate has 12 cross bars and measures 2-foot 11 3/8 inch long by 2-foot wide by 3.5 inches thick. The process to install a DI entails excavating a hole, pouring a CIP DI box, connecting the culvert to the box, and backfilling around the box. Each DI will require approximately 1.0 cubic yard of concrete and 239 pounds of steel to construct. Two of the culverts will have a new CIP headwall installed. New reinforced concrete pipe culverts will be installed and the excavated material will be replaced and compacted.~~

~~Once construction of the rock shed is complete, the existing SR 140 pavement will be replaced on the highway segments adjacent to the rock shed to repair damage caused by the initial slide, talus removal, and Project activities. Road shoulders will be 2 feet wide throughout the Project except for at the rock shed where road shoulders will be 8 feet in width. Road shoulders on either side of the rock shed will be tapered on either side of the rock shed to create a smooth transition from 8-foot shoulders down to 2-foot shoulders. The Permittee will install the 2-foot shoulders without cutting into the hillside except for one location where rock extends to the very edge of the current SR 140 eastbound lane, (stations 105+50 to 107+00 (Figure 3A)) near the northern temporary bridge. "Stations" will be surveyed and marked in the field. The northern cut will be 200 feet long, and a maximum of 44 feet wide and a maximum of 55 feet high. The cut material at the northern location will not exceed 9,000 cubic yards.~~

~~Once the adjacent SR 140 segments are repaired, the detour traffic will be moved back to the restored SR 140. All previously disturbed areas will be restored including removal of the temporary bridges, abutments, and supports. The bank of the Merced River will be re-contoured to match the pre-construction river bank contours. The paved detour, currently on Incline Road, will be removed along with all highway appurtenances (i.e., metal beam guard railing, cable net drapery, ESA fencing, signals and electrical equipment).~~

~~Components of the rock shed construction including the hillside wall excavation, hillside wall footing, hillside wall, wall anchors, portal walls, river side columns, river side walls (within limits of rock shed), river side walls (outside limits of rock shed), roadway slab, beam on top of columns, roof, and the sand and talus backfill on top of the structure are described in detail below.~~

Hillside Wall Excavation

The existing slope of the hill, after removal of the talus, will be roughly one vertical foot to one horizontal foot. A horizontal cut of roughly 15 feet deep will be made into the hillside for the full length of the rock shed to accommodate the hillside wall as well as the 12-foot lanes, ~~8 foot shoulders, 4 foot maintenance walkway, 4 foot shoulders, 4 foot base for the guardrail~~, and the outer rock shed wall thickness. Due to the 1:1 slope, the vertical face of the completed excavation will be roughly 15 feet tall. Since the cut will be made into solid rock, the need for shoring is not anticipated. Standard excavators and excavators with large jack hammer attachments will be used for the excavation of the hillside working in a top down manner. Controlled blasting, small charges covered by protective shields to fully contain the blasted material, may be used in addition to the excavating equipment if necessary.

Hillside Wall Footing

Once the excavation for the wall is complete the excavation for the footing will take place using the same equipment and working from the unearthed SR 140 roadbed. The reinforced concrete footing will be constructed in a trench approximately 10 feet deep and 3 feet wide running continuously for the entire length of the rock shed. Forms will be placed in the trench or, where possible, the concrete will be poured against the face of the excavation. Rebar reinforcement will be placed and then concrete will be poured into the forms or excavation. Concrete trucks will supply a concrete pump, which will deliver the concrete to the forms. The trucks and pump will work from the existing roadbed. Back fill will be placed and compacted as needed between voids between excavated areas and the concrete footing.

Hillside Wall

This wall will be constructed of reinforced concrete with ground anchors extending behind the back face of the wall into the existing rock slope. The wall will extend for the full length of the rock shed and will provide continuous support for the roof. The back face of the wall will be formed by the excavated hillside or the forms extending up from the limit of the excavation. Forms will be constructed to shape the front and ends of the

wall, rebar reinforcement will be placed, and then concrete poured within the forms. Concrete trucks will again work from the existing roadbed.

Wall Anchors

One of the structural purposes of the wall is to provide lateral support for the entire rock shed. In order to do this, anchors will be required within the wall, which will prevent it from moving laterally towards the river. The anchors will be composed of steel rods or tendons placed inside of holes drilled into the rock slope. The holes will be larger than the steel so that grout can be placed in the space between the steel anchor and the hole. Anchor installation will use Rotary Percussion Drilling, a method of air drilling which uses compressed air to drive a hammer to pound a hole into the rock. Noise levels will not exceed 130 decibels and vibration will be minimal. Dust will be controlled with water as needed. The equipment needed will be small (about the size of a pick-up truck) and mounted on crawler tracts. The equipment will work from the face of the cut with a horizontal arm that will guide the drill hammer into the rock slope. The depth of the hole will be roughly 30-60 feet depending on the thickness of the strata being drilled as determined during the drilling process. Once the hole is cut, the steel anchor will be placed into the hole, and grout will be pumped into the hole to create a bond between the steel and the rock. A small grout mixer and grout pump will be required to fully grout each hole. After the tendons are grouted in the hole, they will be stressed with a hydraulic jack, which is about the size of a garbage can and is lifted into place with a small crane or lift truck. Access will be from the existing SR 140 roadbed.

Portal Walls

~~The rock shed will be wider than the existing roadbed and some of the rock slope will need to be removed to allow for the transition from the existing highway into and out of the rock shed at both portals. This will be accomplished by building a reinforced concrete wall laterally supported by steel anchors placed in holes drilled into the rock slope along the hillside. This would be similar to the hillside wall with the exception that it is not supporting the roof or the rock shed laterally. The construction method for portal walls will be the same as that for the hillside wall; however, the scale will be smaller. The excavation will be less since the walls will transition from the wider limits of the rock shed to the narrower limits of the existing highway. The trench footing required will be smaller since there is not a roof load. The same anchoring system described for the hillside wall will be used for these walls but fewer anchor points will be required.~~

River Side Columns

~~The river side columns will be roughly 5-foot square columns spaced at 40 feet and will support the river side of the rock shed roof. The columns will extend from the roof line down below ground level after the talus has been removed to expose the river bank to its pre-slide contour. Any remaining loose material along the bank will be removed with an excavator and then 6-foot diameter holes will be cut into the sloping bank using a drill rig mounted on an excavator with a steel drill bit. When the column holes are close enough to the hinge point between the sloped channel and the flat shoulder, the excavator will drill the hole from the shoulder. At locations where the column holes are farther away from the hinge point, an access road or berm will be constructed for the~~

excavator to work from. The hole will be drilled using a 6-foot diameter steel pipe with rock-cutting teeth. Water from the river will most likely seep into the holes and will require pumping out into holding tanks to be disposed of prior to placing concrete for each column. Once the holes are cut a reinforcing steel cage will be placed in the hole and will extend up out of the hole to a height equal to the bottom of the rock shed roof. Concrete will be placed in the hole and around the reinforcement up to ground level with a concrete pump truck situated on the existing roadway. The portion of the column above ground will be constructed by placing a form around the steel reinforcement cage extending from the below-ground portion and pumping concrete into the form.

River Side Walls (within limits of Rock Shed)

These walls will be located in between the river side columns for the full length of the rock shed and contain back fill placed in the void between the existing roadway and the wider rock shed. The walls will be made of reinforced concrete and will be supported at the top by a reinforced concrete beam running between the river side columns. The bottom of the walls will be supported by narrow footings about 2.5 feet wide constructed in excavations in the river bank roughly 2 feet deep. Forms for the footings will be placed or, if possible, the sides of the excavation will be used as the forms then the reinforcement will be placed in the footing form and the wall reinforcement will be extended up out of the footing. The concrete will be placed by the same truck and pump system used for the columns.

River Side Walls (outside limits of Rock Shed)

These walls will be constructed outside the limits of the rock shed and will transition the roadway from the wider rock shed to the existing route. The walls will be shaped like an "L" with the horizontal leg extending towards the road. Rock anchors will be installed to keep the wall from leaning towards the river from pressure from the backfill. In order to construct the footings, portions of the river bank will need to be removed to the level of the bottom of the footing. In addition, a strip of the existing road will need to be excavated at both ends of the rock shed to construct the footing. The excavations will be done utilizing the same excavation equipment used for the hillside wall excavations working from the existing Route 140. The deepest part of the excavations will be adjacent to the rock shed and will decrease as they move away from the rock shed. The drilling of the holes for the rock anchors will be performed by air drilling. The drilling equipment will be lowered in the excavation to drill the holes. Once the excavations are complete and the rock anchor holes have been drilled, the form work for the footing and the wall will be constructed. Rebar will be placed in the footing and the concrete poured into the forms. The concrete will be poured from a pump truck located on the existing SR 140.

Roadway Slab

The roadway slab will be a reinforced concrete slab and will provide the surface for the roadway and walkway. The existing roadway surface will be removed as well as some of the material beneath. The concrete will be poured against the undisturbed native material. In the location at the river side edge of the rock shed, the slab will be constructed on compacted back fill placed behind the river side walls. An excavator will

~~be used to remove the surface of the existing highway as well as additional material beneath the roadway surface. After excavation is complete and the back fill compacted, rebar will be placed in the forms followed by concrete. After the concrete placement is finished, curing compound will be sprayed on the concrete with a hand held sprayer.~~

Beam on Top of Columns

~~This beam will support the east end of the roof and will be continuous for the entire length of the rock shed supported by the river side columns. The beam will be constructed by placing rebar and concrete in forms. The forms will be supported by vertical columns that will rest on 3-foot square concrete pads for stability. The concrete will be pumped into the forms from the concrete trucks. Once the concrete has set, the forms will be removed by small cranes or lift trucks and by hand.~~

Roof of the Rock Shed

~~The roof of the rock shed will be a reinforced and pre-stressed concrete section approximately 6 feet thick. A temporary platform will be constructed which will act as the form for the bottom of the section. The forms required to construct the remainder of the rock shed roof will be supported by the platform. Vertical columns supported by the ground will support the platform. Reinforcing steel and pre-stressing steel will be placed in the forms and then the concrete poured. The concrete will be pumped into the forms from the concrete trucks located on the roadway. After placement of the concrete, a curing compound will be sprayed on the surface by hand.~~

Sand and Talus Backfill on the Top of the Rock Shed

~~Once the rock shed has been constructed a layer of clean imported sand will be placed on the roof to provide a cushioning effect from a large boulder rolling onto it. The sand will be placed by means of a conveyor system, which would transport the sand from trucks located on SR 140 to the roof of the shed. A relatively small amount of talus from the slide would then be backfilled to armor the top of the rock shed and provide a slope so that any future rocks from above will roll off.~~

Construction Schedule

Continuation of the construction is anticipated to take approximately 46 months and is scheduled to begin in the Summer of 2025 and is anticipated to be completed in November 2030. Work may be paused by inclement weather, particularly in the winter.

Night work is proposed for large concrete continuous-pouring operations, averaging one day per week over a five-year period (excluding winter shut-downs) for a total of approximately 275 nights. These will be required at various stages of the Project and will only occur in previously disturbed (no soil or vegetation disturbance) work areas. These areas will be constrained by wooden concrete forms and networks of re-bar reinforcement. During the summer months these continuous-pouring operations will likely begin at or after sunset, due to high daytime temperatures not allowing for proper concrete cure rates. During cooler weather concrete pours will likely extend only beyond sunset into the early evening hours. Artificial lighting sources will have directional

lighting and shields to minimize spill-over of light into areas outside the active work area.

Geotechnical Drilling Activities

In order to complete a slide stability analysis, geotechnical drilling activities are warranted within the upper slide mass (Geotechnical Work Area) (Figure 53). Geotechnical drilling activities will include preparation of four work pads, drilling four bore holes, and installation of electronic data collectors and transmitters. All heavy equipment will be transported to the Geotechnical Work Area by a heavy vertical-lift helicopter via long-line system.

Before work pads are established for equipment placement, loose rocks that pose a safety hazard in areas above the work pad locations will be removed by hand and allowed to fall through a practice known as hand scaling. Hand scaling will take approximately one to two days to complete and will require the use of picks, pry bars, shovels, and hand-held jack hammers if necessary. All workers will utilize climbing gear for safety including, ropes, harnesses, and rigging secured to suitable trees, rocks, and existing anchors previously installed.

After hand scaling is completed, establishment of the work pads will commence which will require minor earth work including clearing and grubbing of four 12- by 20-foot (0.005 acre) areas. The work pad locations were selected in areas that have natural “bench” topography within the Geotechnical Work Area. A 1.5 ton “spider” excavator that has the ability to traverse along the steep slope will be utilized primarily for the earth work activities, although, if it is unable to fully complete the establishment of the work pads due to excessively large boulders or difficult ground conditions, a D6 caterpillar bulldozer may be needed to complete the grubbing activities. Due to the unstable nature of the Geotechnical Work Area, unexpected circumstances such as subterranean voids or highly unstable loose substrate may require work pads to be relocated up to a maximum distance of 40 feet from the preferred bore locations (Figure 3). No more than one distance shift per work pad location would occur.

Once the work pads are established, an immobile drill rig will be delivered via helicopter and placed upon a work pad and set up to begin drilling. Upon completion of a bore hole, the drill rig will be air lifted via helicopter to the next work pad in order to drill the next site and repeated until all four bore holes are completed. It is anticipated that one drill rig will be required to complete all four bore holes; although, if unexpected delays put the geotechnical drilling activities timeline at risk of going outside of the required work window, the contractor may employ an additional drill rig in order to simultaneously drill two bore holes at once. The bore holes will be approximately four inches in diameter and drilled a maximum total depth of 250 feet or until solid rock is encountered. When solid rock is encountered, drilling will continue to a maximum depth of 20 feet into the bedrock to ensure adequate data collection. Approximately ten crew members will be on site during drilling activities and each bore hole will require approximately five days of drilling. In total, the geotechnical drilling activities will take approximately 25 work days to complete.

In order to collect data on the slide, a tubular array of sensors will be inserted into the bore holes which will automatically measure and electronically transmit data from a small antenna array supported by a tripod base mounted on the surface of the slide. Data collection is anticipated to last for up to six months or until the sensors break. The sensors will not be recovered but left in place once data collection is completed.

Construction Equipment

The following equipment will be used to construct the Project:

- ~~Lifting Cranes (general lifting and setting girders)~~
- ~~Truck crane (for barrier rails)~~
- ~~Drill Rigs (tiebacks and percussion)~~
- ~~Pile Drivers and Hammers (tentative – if any pile driving required)~~
- ~~Loaders, backhoes, excavators~~
- ~~Manlifts~~
- ~~Self-cleaning Concrete trucks~~
- ~~Dump trucks~~
- ~~Trailers (delivering precast elements and rebar)~~
- ~~Paving machines (concrete and AC pavement overlay)~~
- ~~On-site batch plant (not really an equipment but a significant presence)~~
- ~~Portable Changeable Message Sign Boards~~
- ~~Pickup trucks~~
- Heavy vertical lift helicopter
- 1.5 ton “spider” excavator
- D6 bulldozer
- Air compressor
- Water storage tank
- Safety rigging (ropes, climbing harnesses, tie-offs to trees and stable boulders)
- Handheld tools such as a jack hammer, pry bar, shovels, pick axes
- Concrete mixers and delivery trucks
- Concrete pump trucks
- Concrete grout pumps
- Cranes
- 60-ton RT crane
- Forklifts
- Loaders
- Soil Compactors
- Street Sweepers
- Skid Steer – Tracked
- Excavators
- Bull Dozers
- Graders
- Highway paving equipment

- Conveyor system to place aggregate on top of structure
- Various sized flatbeds, pickup trucks, and trailers
- Deep foundation drilling equipment
- Small batch plant for deep foundation and rock anchor concrete/grout

6. The Impacts of the Taking on Covered Species section of this ITP has been amended as follows:

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 ground disturbance associated with habitat clearing, grubbing, the installation and removal of exclusion fence; installation and removal of environmentally sensitive area (ESA) designation fences; cutting, drilling and explosive removal of rock; removal of the existing road surface; grading; excavation and stockpiling of material; deposition of new fill or back-fill; compaction from heavy equipment operations; rock shed construction including: hillside wall excavation, hillside wall footing installation, hillside wall installation, wall anchor installation, portal wall installation, river side column installation, river side wall installation, roadway slab installation, beam installation on top of columns, roof installation; culvert and headwall removal, culvert, ~~D~~drainage inlet, and headwall installation, road and shoulder construction and paving; installation of erosion control materials including fiber rolls, silt fence, hydro-seeding, and other blown fiber soil stabilizing products; use of equipment staging and storage areas; and ground disturbance associated with the oak tree revegetation effort and follow-up revegetation maintenance; geotechnical drilling activities including: loose rock and boulder removal, clearing and grubbing, vibration from equipment transport via helicopter, compaction from heavy equipment operations, and drilling (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 earth-moving equipment removing mossy talus and rock outcrops that results in crushed or entombed individuals; vehicle strikes on access roads and staging areas from Project-related traffic including hauling of materials to the site and spoils away from the site; entombment of individuals during excavation of potential habitat on either side of the slide during vegetation removal and during clearing and grubbing of potential habitat within the Geotechnical Work Area, crushing during cut/fill, grading, rock falls, and compaction; and entrapment and burial when back filling excavations and by falling into bore holes. 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 in the event that an individual is found in the Project Area and needs to be moved out of harm’s way. The areas where authorized take of the Covered Species is expected to occur include: the rock shed and the portions of SR 140 on either side of the rock shed and extending out past the temporary bridges from Station 100+00 on the downstream side to Station 136+00 on the upstream side and within the Geotechnical Work Area (collectively, the Project Area, Figure 2 and Figure ~~53~~).

The Project is expected to result in a total of approximately 2.33 acres of short-term temporary impacts, 0.64 acre of long-term temporary impacts, and 1.06 acres of permanent impacts to the Covered Species and habitat for the Covered Species (Table 1 and Figures 4A and 4B). Short-term temporary impacts include proximal effects that may directly or indirectly impact the Covered Species and habitat for Covered Species and include noise, vibration, and dust resulting from construction activities, but will not involve soil disturbance or vegetation removal. Long-term temporary impacts will occur in areas with anticipated soil disturbance and vegetation removal and/or trimming and may take more than a year after initial impact to restore to pre-project conditions for the Covered Species. Permanent impacts represent permanent habitat loss where the habitat is permanently replaced by structural elements and no longer useable as habitat by the Covered Species. Habitat quality as referenced in Table 1 and Figures 4A and 4B are described below.

Table 1. Project Impacts to Limestone Salamander Habitat.

<u>Habitat Type</u>	<u>Short-term Temporary Impacts¹</u>	<u>Long-term Temporary Impacts¹</u>	<u>Permanent Impact¹</u>	<u>Total Long-Term and Perm Impacts</u>
<u>Good Quality</u>	<u>0.95</u>	<u>0.41</u>	<u>0.42</u>	<u>0.83</u>
<u>Low Quality</u>	<u>1.38</u>	<u>0.23</u>	<u>0.64</u>	<u>0.87</u>
<u>All Habitat</u>	<u>2.33</u>	<u>0.64</u>	<u>1.06</u>	<u>1.7</u>

1. Short-term temporary impacts are due to noise/vibration/dust; long-term temporary impacts are due to ground and vegetation disturbance; permanent impacts are where habitat is permanently lost due to structural elements.

~~The Project is expected to cause the permanent loss of a maximum of 1.32 acres of habitat for the Covered Species and temporary loss of a maximum of 1.72 acres of habitat for the Covered Species.~~ Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from rock excavation, rock falling and cutting, vehicular and equipment transport by helicopter, and other construction work; stress resulting from capture and relocation in the event that an individual is found in the Project Area; and possible long-term effects if Project construction causes a change in the hillside hydrology resulting in displacement from currently occupied habitat, increased competition for food and space, and increased vulnerability to predation.

Covered Species habitat within the Project Area has been classified as "low quality" and "good quality" based upon suitability criteria that includes the facing of the slope; degree of shading canopy cover; presence of deep leaf, duff, and moss layers; and cracked/fissured bedrock outcrops or talus necessary to support persistent limestone salamander populations (see Attachment 1, although "low quality" described here is akin to "poor" quality in that report). The area for the detoured traffic route is ~~considered poor quality habitat unsuitable~~ for the Covered Species and take from restoration activities

associated with removal of the detoured traffic route is ~~considered unlikely not expected~~. During surveys conducted for the Habitat Assessment in the Limestone Salamander Biological Report (Attachment 1) five individual Covered Species were identified in excellent habitat adjacent to the Project (Map 2 of Attachment 1). Two pairs of these individuals were located south of the slide as indicated on Figure ~~3-4B~~, at approximately Latitude 37.653080N Longitude -119.902878W, and the fifth was found south of the upstream temporary bridge in an area beyond the ~~extent of Figure 3-Project Area~~. Based on the Habitat Assessment, the area of the Project most likely to impact good to excellent Covered Species habitat include the retaining wall and culvert work just south of the rock shed (“good quality” habitat in Table 1 and Figure 4B). In addition, the Geotechnical Work Area was previously identified as containing excellent to good quality habitat for the Covered Species in the above referenced Habitat Assessment. However, since the November 2015 slide, the habitat areas within the Geotechnical Work Area have been altered due to the impacts from the Ferguson Fire in 2018, such that the habitat suitability for the Covered Species has deteriorated due to die off of trees and brush which has led to the loss of vegetation cover, increased soil dryness, and loss of moss-covered talus (“low quality” habitat in Table 1 and Figure 4A). The low-quality areas are expected to recover over time as the vegetation regrows, however this may take decades.

7. Condition of Approval 2 has been amended as follows:

2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (EIR) (SCH No.: 2008011118) certified by California Department of Transportation on January 31, 2014 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). An Addendum to the EIR was approved by the lead agency on May 19, 2015, and also on March 24, 2025 (see also Cal. Code Regs., tit. 14, § 15164).

8. Conditions of Approval 5.2 through 5.5 have been amended as follows:

- 5.2. **Designated Biologist(s) and Designated Monitor(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of ~~a biological monitor~~ (Designated Biologist(s) and Designated Monitors) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologists is/are knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologists shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. The Designated Biologist will be onsite during active building to inspect the worksite and all exclusionary fencing. (Fish & G. Code, § 2081.9(a)(2)(C).) The Designated Biologists and/or Designated Monitors shall conduct on site weekly construction inspections when there is no ongoing construction work in/near

Covered Species habitat, except when access is unsafe due to inclement weather. Permittee shall obtain CDFW written approval of the Designated Biologists s and Designated Monitors before starting Covered Activities, and in advance, if the Designated Biologist or Designated Monitor must be changed.

5.3 Designated Biologists s and Designated Monitor Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologists s and Designated Monitors shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.

5.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any ground- or vegetation-disturbing work, including geotechnical drilling activities. 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, on-site communication protocol with the Designated Biologist, and Project-specific protective measures described in this ITP. 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. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry 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 and when new workers, including subcontractors begin Project work.

5.5. Construction Monitoring Notebook. The Designated Biologists s and Designated Monitors shall maintain a construction-monitoring notebook on-site throughout the construction period, including during geotechnical drilling activities, 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 notebook is available for review at the Project site upon request by CDFW.

9. Condition of Approval 5.7 has been amended as follows:

5.7 Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologists s and/or Designated Monitors. Permittee shall keep the

amount of water used to the minimum amount needed, and shall not allow water to form puddles.

10. Condition of Approval 5.10 has been amended as follows:

5.10. Delineation of Habitat. Permittee shall install 5-foot orange plastic mesh fencing inside the exclusion fencing (Condition of Approval 7.3) to clearly delineate ESA habitat of the Covered Species within the Project Area if Covered Activities will occur adjacent to Covered Species habitat during the Covered Species' active season (Fish & G. Code, § 2081.9 (a)(2)(B)). Permittee shall inspect the fencing weekly and maintain/repair it as necessary. Permittee shall ensure vegetation is trimmed, with monitoring by a Designed Biologist, such that it does not encroach into accessible work areas. Permittee shall remove fencing upon Project completion.

11. Condition of Approval 6.3 has been amended as follows:

6.3. Covered Species Relocation Plan. The Designated Biologist shall prepare a relocation plan (Relocation Plan) for CDFW review and approve prior to starting Covered Activities and an updated Relocation Plan prior to resuming activities associated with Major Amendment No. 3. The Relocation Plan shall include at least one relocation area, in close proximity to the Project Area, identified as excellent habitat in Map 2 of Attachment 1. The Relocation Plan shall also include identification of capture methods, handling methods, and relocation methods. The updated Relocation Plan shall include updates to the monitoring schedule and methods relevant to changes in Major Amendment No. 3. The CDFW-approved wildlife rehabilitation or veterinary facility required for Condition of Approval 7.12 shall also be identified in the Relocation Plan. Covered Activities may not proceed until CDFW approves the Relocation Plan in writing. Only approved Designated Biologist(s) are authorized to capture and handle Covered Species.

12. Conditions of Approval 6.5 and 6.6 have been amended as follows:

6.5. Compliance Monitoring. The Designated Biologist shall be on-site at all times when Covered Activities occur in potentially suitable Covered Species habitat, until temporary exclusion fencing has been installed, and thereafter according to the schedule in the updated Relocation Plan (Condition of Approval 6.3). Required frequency and duration of monitoring shall be described in the updated Relocation Plan (Condition of Approval 6.3). The Designated Biologist and Designated Monitor shall maintain close communications with the Construction Liaison to stay current with the construction schedule, locations, and activities. The Designated Biologist and Designated Monitor 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 Biologists, and Designated Monitors 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.

6.6. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.5 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative. At the time of this ITP's approval, the CDFW Regional Representative is ~~Laura Peterson-Diaz~~ (~~laura.peterson-diaz@wildlife.ca.gov~~) Mindy Trask (Mary.Trask@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

13. Condition of Approval 7.1 has been amended as follows:

7.1. Pre-Construction Surveys. Prior to ground-disturbance activities, the Designated Biologist shall be present to perform pre-construction surveys for the Covered Species, and shall remain on-site until temporary exclusion fencing has been installed and any Covered Species within the exclusion fence have been relocated pursuant to the Relocation Plan required in Condition of Approval 6.3 to minimize take of Covered Species from entering the work area in accordance with Condition of Approval 7.3 below. These surveys shall cover the existing access routes and the proposed construction Project work area(s), with a 50-foot buffer zone. Pre-construction surveys shall be repeated if there has been a break in Covered Activities by more than 30 days.

14. Condition of Approval 7.4 has been amended as follows:

7.4. Temporary Exclusion Fencing Monitoring. The Designated Biologist or Designated Monitor shall inspect the exclusion fence at least once weekly April 1 through November 30 and as needed and maintain/repair the fence as necessary. From December 1 through January 31, the Designated Biologist and/or Designated Monitor shall inspect the exclusion fence at least once daily, except when access is unsafe due to inclement weather. If no Covered Species are found, the frequency may be reduced to once weekly during February 1 through March 31, however if any Covered Species are found the frequency shall either be maintained daily or returned to daily as applicable. The

Designated Biologist and/or Designated Monitor shall check the exclusion fencing in the early morning daylight hours (no later than 2.5 hours after local sunrise, but not prior to 30 minutes before sunrise) when temperature and moisture conditions would still be tolerable for the Covered Species. The Designated Biologist and/or Designated Monitor shall also inspect the exclusion fence immediately after a rain event that exceeds 0.5 inches during a 24-hour period, regardless of the time of year, except when access is unsafe due to inclement weather. The Designated Biologist(s) shall relocate any Covered Species found up against the exclusion fencing to prevent desiccation or predation in accordance with the Relocation Plan (Condition of Approval 6.3). Permittee shall remove the exclusion fence immediately upon completion of Covered Activities.

15. Conditions of Approval 7.8 through 7.10 have been amended as follows:

7.8. Precipitation. ~~If precipitation occurs during Covered Activities, an additional Designated Biologist shall be at the Project Area to assist with monitoring for the duration of the rain event in order for work to continue. If rain exceeds 0.5 inch during a 24-hour period, Permittee shall cease all Covered Activities until it is no longer raining and no further rain is forecast within 24 hours according to the National Weather Service. The Designated Biologist and Permittee shall monitor the National Weather Service forecast for the Project Area. For the purposes of this ITP, a significant rainfall event is defined as 70 percent (or more) chance of 0.5-inch (or more) of rainfall in a 24-hour period. When a significant rainfall event is predicted, the Permittee shall cease all Covered Activities within 50 feet of suitable Covered Species upland habitat (as per Figures 4A and 4B) at least 4 hours before and 12 hours after the duration of the predicted significant rainfall event, and until no further significant rainfall is predicted within the following 24 hours. Permittee shall cease all Covered Activities within 50 feet of where Covered Species may occur (as soon as practicable) if unexpected precipitation of 0.25-inch (or more) occurs within a one-hour period, and Covered Activities in these areas shall not resume until 12 hours after the rainfall event has ended, or as otherwise approved by CDFW. Prior to resuming Covered Activities, the Designated Biologist shall monitor for presence of Covered Species within 50 feet of all locations where Covered Activities were stopped due to either of the previously described rainfall events.~~

7.9. Night Work. Permittee shall terminate all Covered Activities 30 minutes before sunset and shall not resume until 30 minutes after sunrise during the Covered Species' active season from December 1 to March 31. Permittee shall use sunrise and sunset times established by the United States Naval Observatory Astronomical Applications Department for the geographic area where the Project is located. If night work cannot be avoided during this time period, a Designated Biologist shall survey the Project Area before construction begins each night. Permittee shall prohibit all night work within potential the extent of present suitable Covered Species upland habitat, as identified by the

Designated Biologist, when a 70 percent or greater chance of rainfall significant rainfall event (as described in Condition of Approval 7.8) is forecast-is-predicted within 24 hours of Covered Activities, until no further rain is forecast.

7.10. Equipment Inspection. Between January 1 and March 31, Workers shall inspect for Covered Species under all vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location or the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area in accordance with Condition of Approval 6.3.

16. Condition of Approval 8 (Habitat Management Land Acquisition and Restoration) has been amended as follows:

* * *

To meet this requirement, the Permittee purchased a 39.75-acre parcel (Mariposa County Assessor's Parcel Number 008-160-008) (Figure 4, Proposed Mitigation Site) on February 7, 2014, following receipt of a letter from CDFW dated October 4, 2013, which confirmed the parcel had suitable habitat for the Covered Species. The Permittee shall provide for both the permanent protection and management of these Habitat Management (HM) lands pursuant to Condition of Approval 8.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.3 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities or by June 30, 2027, even within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations. The Permittee shall also restore on-site 1.72 0.64 acres of temporarily impacted Covered Species habitat (long-term temporary impacts) pursuant to Condition of Approval 8.5 below.

17. Condition of Approval 8.5 has been amended as follows:

8.5. Habitat Restoration. Permittee shall restore the 1.72 0.64 acres of Covered Species habitat that will be temporarily disturbed during construction to pre Project or better conditions. Within 24 months of issuance of this ITP, the Before October 31, 2027, Permittee shall prepare a Vegetation Restoration Plan (Plan) to facilitate re-vegetation of the 1.72 0.64 acres and submit it to CDFW for review and shall obtain CDFW approval of the Plan in writing before starting restoration activities. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods and planting plans and specifications. The Plan shall also indicate the best time of year for seeding and plantings to occur. Permittee shall water plantings regularly to ensure adequate growth.

18. Condition of Approval 9.7 has been amended as follows:

* * *

Even if Security is provided, the Permittee must complete the required acquisition, protection, and transfer of all HM lands and record any required conservation easements ~~no later than 18 months from the effective date of this ITP~~ by June 30, 2027. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

19. The Notices section of this ITP has been amended as follows:

~~The Permittee shall deliver a fully executed duplicate original ITP by 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
1416 Ninth Street, Suite 1266
Sacramento, California 95814~~

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by 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 (2081-2014-078-04-A3) 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
~~Region 4 - Central Region~~
1234 East Shaw Avenue
Fresno, California 93710
Phone: (559) 243-4005
RRR.R4@wildlife.ca.gov
Fax: (559) 243-4022

and a copy to:

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
~~1416 Ninth Street, Suite 1266~~ Post Office Box 944209
Sacramento, California ~~94244-5814~~ 94244-20909

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:

~~Laura Peterson-Diaz~~ [Mindy Trask](#)

California Department of Fish and Wildlife
~~Region 4—Central Region~~
1234 East Shaw Avenue
Fresno, California 93710
Phone: ~~(559) 243-4017, extension 225~~ [\(559\) 939-0282](#)
Fax: ~~(559) 243-4020~~
~~Laura.Peterson-Diaz@wildlife.ca.gov~~ [Mary.Trask@wildlife.ca.gov](#)

20. The Compliance with CEQA section of this ITP has been amended as follows:

CDFW’s issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, California Department of Transportation (Caltrans). (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency’s prior environmental review of the Project is set forth in the EIR, (SCH No.: 2008011118) dated July 15, 2013, that Caltrans certified for Ferguson Slide Permanent Restoration Project on January 31, 2014. At the time the lead agency certified the EIR and approved the Project, it also adopted various mitigation measures for the Covered Species as conditions of Project approval. ~~An Addendum~~ s was were also prepared by Caltrans and approved on May 19, 2015 and March 24, 2025.

* * *

21. The Attachments section of this ITP has been amended as follows:

FIGURE 1	Map of Project Location
FIGURE 2	Map of Project Area
FIGURE 3	Map of Geotechnical Work Area
FIGURES 3A-C <u>4A-4B</u>	Map of Project Impact Area
FIGURE 4 <u>5</u>	Aerial Map of Proposed Mitigation Site
FIGURE 5	Map of Geotechnical Work Area
ATTACHMENT 1	Limestone Salamander Biological Report for Ferguson Slide Area
ATTACHMENT 2	<u>Amended</u> Mitigation Monitoring and Reporting Program
ATTACHMENT 3A, 3B	Proposed Lands for Acquisition Form; Habitat Management Lands Checklist
ATTACHMENT 4	Mitigation Payment Transmittal Form
<u>ATTACHMENT 5</u>	<u>Amendment No. 3 with Track Changes</u>

22. The Acknowledgment section of this ITP has been amended as follows:

ACKNOWLEDGMENT

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

~~By: _____ Date: _____~~

~~Printed Name: _____ Title: _____~~