



**California Department of Fish and Wildlife
South Coast Region
3883 RUFFIN ROAD
SAN DIEGO, CA, 92123**

California Endangered Species Act
Incidental Take Permit No. 2081-2025-071-05

DE LA VINA ST. BRIDGE REPLACEMENT

I. Authority:

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

Permittee:	City of Santa Barbara
Principal Officer:	Brian D'Amour
Contact Person:	Beth Anna Cornett
Mailing Address:	630 Garden Street Santa Barbara, CA 93102

II. Effective Date and Expiration Date of this ITP:

This ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on May 31, 2026.

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 [5.6] of this ITP.

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

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

III. Project Location:

The De La Vina Street Bridge Replacement (Project) is located over Mission Creek, on the 2700 block of De La Vina Street between Vernon Road and Alamar Avenue within the City of Santa Barbara (See Figure 1). The Project is located at approximately 34.436429, -119.726075. The Project site is bounded by Vernon Street to the west and West Alamar Avenue to the east.



Figure 1. Map of Project Location

IV. Project Description:

The De La Vina Street Bridge Replacement Project (Project) includes replacement of the De La Vina Street Bridge over Mission Creek. The existing De La Vina bridge is a 110-foot wide, single span concrete bridge supported by sandstone abutments, with a distance of 30-feet from abutment to abutment. The existing bridge will be replaced by a new concrete bridge, measuring 74-feet wide, 67-feet 8-inches long, and 57-feet between abutments.

The Project activities include demolition of an existing bridge and buildings; utility relocation; temporary creek diversion and dewatering; temporary construction of diversion dams; installation of

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the new bridge, associated abutments, concrete wingwalls, rock slope protection, and downstream soldier pile walls; use of temporary work areas within the creek; temporary installation of approximately 625 cubic yards of fill in the channel to act as a platform for a Drill Rig; and other activities. The covered activities under this Incidental Take Permit only include portions of Stage I of the Project which will be constructed from the issuance of this permit. Stage I of the Project entails the construction of the downstream portion of the bridge, abutments and channel walls, placement of rock slope protection to reconstruct the creek banks, creek grading, and temporary creek diversion. The activities described above expected to result in incidental take of individuals of the Covered Species include dewatering Project work areas, installation and removal of temporary creek diversion systems, sediment mobilization, contaminants, and installation of rock slope protection (Covered Activities). The estimated timeline for each Project activity's start and end date is provided in Figure 2.



Figure 2. Project Timeline

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

This ITP covers the following species:

Name	CESA Status ³
1. Southern California steelhead (<i>Oncorhynchus mykiss</i>)	Endangered ⁴

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

⁴See *Cal. Code Regs., tit. 14, § 670.5, subd. (a)(2)(Q)*.

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

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The Covered Activities described above expected to result in incidental take of individuals of the Covered Species include dewatering Project work areas, installation and removal of temporary creek diversion systems, sediment mobilization, contaminants, and installation of rock slope protection.

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as exposure to suspended sediments; exposure to contaminants released during demolition and construction of bridge; exposure to contaminants released from machinery; stranding during dewatering; relocation; and entrapment in temporary dewatering systems. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from exposure to suspended sediments, stranding, relocation, and entrapment in temporary dewatering systems. The areas where authorized take of the Covered Species is expected to occur include: the bed, bank, channel, and riparian habitat areas of Mission Creek (collectively, the Project Area) within approximately 120 feet downstream of De La Vina Street and the De La Vina Street bridge (See Figure 3).

The Project is expected to cause the permanent loss of 0.01 acres of habitat for the Covered Species due to alteration of the creek bank, and temporary loss of 0.15 acres of habitat for the Covered Species. Indirect impacts resulting in 7,275 linear feet will occur between the Project site and the bridge over Mission Creek on California State Route 192. 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: capture and relocation; inadvertent construction related spills and turbidity; increased competition for food and space due to relocation; temporary decreases in food source due to dewatering and riparian vegetation removal; delay in migration due to diversion structure; barrier to migration due to diversion structure; loss of migration habitat due to diversion structure; and stress resulting from noise and vibrations from installation of bridge structures.

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Figure 3. Project Area

VII. Incidental Take Authorization of Covered Species:

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

CDFW cannot quantify the precise number of Covered Species that may be taken as a result of the proposed action but can estimate a range of take that would reasonably occur based on Covered Activities and current knowledge of steelhead populations within the watershed. CDFW must provide an initial limit for all forms of take because if significant amounts of Covered Species are encountered, it indicates that the assumptions about risk were not accurate. Therefore, if four (4) Covered Species are captured and relocated, the extent of take authorized would be met. No lethal take is authorized by this Incidental Take Permit. If this occurs, Permittee shall contact and consult with CDFW immediately to ensure that no additional take could occur related to the Project. Covered Activities that may result in take shall cease during this consultation because additional take cannot

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be authorized without amendment of this ITP.

VIII. Conditions of Approval:

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. 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) Agreement No. EPIMS-SBA-30063-R5 for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
- 3. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

4. General Provisions:

- 4.1. 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.
- 4.2. Designated Biologist(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) must be changed.
- 4.3. Designated Biologist Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply

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with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.

- 4.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.
- 4.5. Construction Monitoring Documentation.** The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.
- 4.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 4.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist.

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

- 4.8. 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.
- 4.9. Delineation of Property Boundaries.** Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 4.10. Project Access.** Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 4.11. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.11 of this ITP.
- 4.12. 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.
- 4.13. 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.
- 4.14. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including,

but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

5. Monitoring, Notification and Reporting Provisions:

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

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

- 5.4. Weekly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 5.3 into a Weekly Compliance Report when the stream is **not** actively flowing through the Project site and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. A Daily Compliance report shall be required when the stream **is** actively flowing through the Project Site. Daily and/or Weekly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Cooper Wall (Cooper.Wall@wildlife.ca.gov) and Headquarters CESA Program email is

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CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

5.5. CNDDDB Observations. 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 Weekly Compliance Report.

5.6. 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 Weekly Compliance Reports; (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.

5.7. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by emailing Cooper Wall, Cooper.Wall@wildlife.ca.gov, and CC R5CESA, R5CESA@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two 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.

6. Take Minimization Measures: The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Area during Covered Activities. Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:

6.1. Work in Wetted Stream. No work shall occur in wetted portions of the creek channel, including but not limited to ponded, flowing or wetland areas. Water shall be diverted

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around work area and/or dewatered in accordance with an approved diversion/dewatering plan prior to initiating work.

- 6.2. Erosion Control.** All erosion and sediment control measures shall be installed prior to Covered Activities. Permittee shall utilize erosion control measures throughout all Stages of the Project where sediment runoff from exposed slopes could leave the Project Area and/or enter a drainage, stream, or ponded area. Permittee shall consult 72-hour weather forecasts from the National Weather Service to avoid starting any Stage of the Project that may result in sediment runoff to a drainage, stream, or ponded area. The Designated Biologist shall monitor erosion control measures before, during, and after each storm event and Permittee shall repair and/or replace ineffective measures immediately. Following completion of the Project, Permittee shall implement erosion control measures for all disturbed areas.
- 6.3. Hours of Operation and Lighting.** Construction activities shall take place during daylight hours (30 minutes before sunrise to 30 minutes after sunset). If night work is necessary, it shall be limited and light shall be shielded from adjacent habitat.
- 6.4. Weather Limitations.** Permittee shall restrict work to periods of dry weather. The Permittee shall monitor the National Weather Service 72-hour forecast daily for the Project area. When $\frac{1}{4}$ inch or more of precipitation is forecasted to occur, the Permittee shall stop work before precipitation commences. Work shall not restart until runoff ceases and there is less than 40 percent chance of rain forecasted for the following 24-hour period.
- 6.5. Post Storm Inspection.** After any storm event, Permittee shall inspect all sites within 72 hours. Permittee shall repair or correct any insufficient erosion control measures.
- 6.6. Covered Species Relocation.** If Covered Species are encountered within the Project Area during Covered Species Pre Activity Surveys, Permittee shall relocate the Covered Species and provide a post relocation report including at minimum the following:
 - 6.6.1.** The name(s) of Designated Biologist(s) supervising the relocation. The CDFW-approved Designated Biologist shall be present during capture and relocation efforts as required by Condition of Approval 6.2.
 - 6.6.2.** Prior to installation of the temporary creek diversion, the Designated Biologist shall capture and relocate Covered Species to the nearest predetermined release location, approved in advance by CDFW. Release locations shall provide suitable habitat for Covered Species.
 - 6.6.3.** All dip nets used to capture Covered Species shall be made of a soft braided nylon material that is non-abrasive. Mesh sizing shall be matched to life stages likely encountered.

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- 6.6.4. Relocation activities shall be conducted in the morning if maximum daytime air temperatures are expected to exceed 23 degrees Celsius (75 degrees Fahrenheit).
- 6.6.5. Capture Covered Species must be kept in a closable container in an adequate amount of cool, clean, well-oxygenated water (e.g., a cooler with lid containing stream water and a battery-operated air stone). Water temperature shall be monitored and kept below 60 degrees Fahrenheit. If necessary, water shall be cooled with ice without introducing ice-borne chemical contaminants. Transport containers shall have a water volume of no less than 5 gallons. Covered Species density in the transport container shall not exceed 10 Covered Species (40-80mm in length) per gallon of water. Collected Covered Species shall not be anesthetized at any point during relocation.
- 6.6.6. The Designated Biologist shall reduce stress on the Covered Species to the maximum extent possible. This includes reducing the time that live Covered Species are being captured, handled, and transported.
- 6.6.7. The Designated Biologist shall record the species name, length, date, time, location, gear type, water temperature, and any other pertinent observations to be included in the Monthly Compliance Report.
- 6.6.8. Permittee shall preserve dead individuals by freezing or placing in sealed container with 10 percent formalin solution. Information on time and exact location of any incidental take, method of take, length of time from death to preservation, water temperature, and any other relevant information will be recorded in writing. Permittee shall contact the CDFW regional representative for instructions on transmitting the preserved individuals. Any take of non-covered species shall be documented and included in the Daily or Weekly Compliance Report.
- 6.6.9. After completing the relocation, the Designated Biologist shall prepare a relocation documentation report. The report shall include information on the personnel conducting the relocation; methods used in capture and relocation; numbers and length data of each species collected and relocated; coordinates and habitat description of release location(s); and estimate of the survival immediately after release. Photographs of the site and relocation operations shall be included. The report shall be provided by the Permittee to CDFW in the next Weekly Compliance Report.
- 6.7. Dewatering Plan.** If flowing water is present or reasonably anticipated, the Permittee shall submit to CDFW for written approval a detailed dewatering plan prior to commencing Covered Activities. The Permittee may not commence dewatering activities without written approval from CDFW. During all dewatering activities, the Designated Biologist shall monitor dewatering at all times within the dewatering area and upstream and downstream

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of the Project site to ensure no Covered Species are stranded or in distress during reduction of flows.

6.8. Water Pumps Screening. All water pumping or withdrawal at the Project site shall comply with 1997 NMFS Fish Screening Criteria for Anadromous Salmonids, where applicable, to avoid entrainment of fish. The criteria include but are not limited to the following:

- Screen design must provide for uniform flow distribution over the surface of the screen;
- Screen material openings shall not exceed 3/32 inches for fry sized salmonids and shall not exceed 1/4 inches for fingerling sized salmonids;
- The screen shall be constructed at the diversion entrance. The screen face shall be generally parallel to river flow and aligned with the adjacent riverbank;
- The design approach velocity shall not exceed 0.33 feet per second for fry sized salmonids or 0.8 feet per second for fingerling sized salmonids.

6.9. Diversion Plan. Permittee shall submit for approval a water diversion plan to CDFW prior to initiation of Covered Activities. The diversion plan shall include the following:

- 6.9.1. Permittee shall describe location of diversion points including detailed drawings and geographic coordinates. Plans should include protection at the outlet if scour is possible.
- 6.9.2. Permittee shall describe the step-by-step installation and removal method.
- 6.9.3. Permittee shall describe materials to be used in the temporary diversion system. The Permittee shall construct temporary dams to redirect flows using non-erodible materials.
- 6.9.4. When the cofferdam or temporary creek diversion is being constructed, maintained, or placed in operation, sufficient water shall be allowed to pass downstream of the excavation to maintain aquatic life downstream. Flow shall be of sufficient quality, quantity and temperature to support fish and other aquatic species both above and below the diversion.
- 6.9.5. If pumps are necessary for dewatering, appropriate fish screening shall be implemented to avoid entrainment. Screen material may be constructed of any rigid woven, perforated, or slotted material that provides water passage while physically excluding fish. Round openings in the screen shall not exceed 3/32-inch diameter, square openings shall not exceed 3/32-inch measured diagonally. Approach velocity shall not exceed 0.33 feet per second.

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- 6.9.6. Permittee shall inspect temporary diversion system daily and immediately repair any insufficiencies.
- 6.9.7. Turbidity levels in the stream, resulting from project related activities, shall not exceed 20 percent over background turbidity if background is 0-50 Nephelometric Turbidity Unit (NTU) or 10 percent over natural turbidity levels if turbidity levels are over 50 NTU as measured 200 feet upstream of the project site. Turbidity levels shall be routinely monitored and evaluated. If turbidity exceeds the above turbidity thresholds, Covered Activities shall be halted until effective measures have been implemented in coordination with CDFW.
- 6.9.8. The Designated Biologist shall monitor the installation of diversion system and daily while installed. The Designated Biologist shall look for entrainment or stranding of Covered Species through the project reach as well as up and downstream.
- 6.9.9. Temporary creek diversion systems shall remain in place and functional throughout the construction period. If the diversion fails, Permittee shall repair it immediately. Permittee shall remove the diversion and restore natural flows immediately upon completion of work at that location.
- 6.9.10. Reintroduction of stream flows shall be gradual to the isolated work area to prevent stranding, channel instability, and scour. The Designated Biologist shall monitor upstream and downstream to ensure no Covered Species are stranded or in distress during reintroduction of flows
- 6.10. Concrete Curing.** All concrete used shall be excluded from the wetted channel or areas where it may come into contact with water for a period of 15 days after it is poured/sprayed. Commercial sealants may be applied to the poured concrete surface where difficulty in excluding flow for a long period may occur. If sealant is used, the proponent shall follow the instructions as noted on the product label. As an alternative, water quality testing and analysis may be conducted in coordination with CDFW. Results shall be submitted and accepted by CDFW prior to removal of the temporary diversion system that will re-introduce flows to new concrete.
- 6.11. Invasive Species.** Permittee shall conduct Covered activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one Project site and/or waterbody to another. If decontamination is not done on site, Permittee shall transport contaminated equipment in sealed plastic bags and keep separate from clean gear. When practical, in flowing water Permittee shall begin work upstream and work downstream. This avoids transporting aquatic invasive species to non-infested upstream areas. For locations known to be infested with invasive species, Permittee shall use dedicated

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equipment that is only used in infested waters. Permittee shall store this equipment separately. Prevention BMPs and guidelines for invasive plants can be found on the California Invasive Plant Council's website at: <http://www.cal-ipc.org/ip/prevention/index.php> and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: <http://www.protectyourwaters.net/>. Any bullfrog sightings shall also be reported to the American Bullfrog Observation Report Database located at: <https://survey123.arcgis.com/share/a9ffc04db86e41a19e550f8be00a23ab>. Any aquatic invasive species encountered shall be removed from the waterway and disposed of in a manner where they cannot re-enter the stream system.

- 6.12. Decontamination of Project Equipment.** Permittee shall decontaminate all tools, waders and boots, and other equipment that will enter the water prior to entering and exiting the Project site and/or between each use in different waterbodies to avoid the introduction and transfer of organisms between waterbodies. Permittee shall decontaminate Project gear and equipment utilizing one of three methods: drying, using a hot water soak, or freezing, as appropriate to the type of gear or equipment. For all methods, Permittee shall begin the decontamination process by thoroughly scrubbing equipment, paying close attention to small crevices such as boot laces, seams, net corners, etc., with a stiff-bristled brush to remove all organisms. To decontaminate by drying, Permittee shall allow equipment to dry thoroughly (i.e., until there is a complete absence of water), preferably in the sun, and keep dry for a minimum of 48 hours. To decontaminate using a hot water soak, Permittee shall immerse equipment in 140°F or hotter water and soak, completely submerged, for a minimum of 5 minutes. To decontaminate by freezing, Permittee shall place equipment in a freezer 32°F or colder for a minimum of 8 hours. Repeat decontamination is required only if the equipment/clothing is removed from the site, used within a different waterbody, and returned to the Project site or different waterbody.
- 6.13. Decontamination of Vehicles and Heavy Equipment.** Permittee shall decontaminate vehicles, watercraft, and other Project-related equipment too large to immerse in a hot water bath by pressure washing with hot water a minimum of 140°F at the point of contact or 155°F at the nozzle. Additionally, Permittee shall flush equipment engines and all areas that could contain standing water (e.g., live wells, bilges, etc.) for a minimum of 10 minutes. Following the hot water wash, Permittee shall drain water and dry all vehicles, heavy equipment, watercraft, and other large equipment as thoroughly as possible.
- 6.14. Decontamination Sites.** Permittee shall perform decontamination of vehicles, watercraft, heavy equipment, and other Project gear and equipment in a designated location where runoff can be contained and not allowed to runoff the site areas into streams and other

sensitive habitat areas. Rinse water shall be disposed of at least 1000 feet from any surface water.

- 6.15. Inspection of Project Equipment.** Permittee shall inspect all vehicles, watercraft, tools, waders and boots, and other Project-related equipment and remove all visible soil/mud, plant materials, and animal remnants, and drain all water, prior to entering and exiting the Project site and/or between each use in different waterbodies.
- 6.16. Pollutants.** Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream channel shall be positioned over drip pans. Any equipment or vehicles driven and/or operated within or adjacent to the stream channel must be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. No equipment maintenance or fueling shall be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter these areas unless the appropriate spill prevention measures are in place such as catch basins or drip pans, lined with an impermeable layer that has been placed under the equipment. Building materials and/or construction equipment shall not be stockpiled or stored where they may be washed into the water or cover aquatic or riparian vegetation. Stockpiles shall be covered when measurable rain is forecasted. All removed spoils and construction debris shall be moved to areas where it may not permit to pass into, or place where it can pass into waters of the State in accordance with Fish and Game Code Section 5652.
- 6.17. Notification of Invasive Species.** Permittee shall notify CDFW immediately if an invasive species not previously known to occur within the Project site is discovered during Covered Activities by submitting photos and a completed Suspect Invasive Species Report (available online at: <https://www.wildlife.ca.gov/Conservation/Invasives/Report>) or emailing the Invasive Species Program at: invasives@wildlife.ca.gov. Notification may also be provided by calling (866) 440-9530. Upon receiving notification, CDFW will provide Permittee with guidance for further action as appropriate to the species.

7. Habitat Enhancement Funding: CDFW has determined that funding for fish passage barrier removal within Mission Creek is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation.

- 7.1. Cost Estimates.** The Permittee shall provide **\$443,229.38** for the removal of the Santa Barbara Botanic Gardens Historic Dam.

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7.2. Alternative Options. Funding any alternative enhancement project for the Covered Species requires CDFW approval in writing.

7.3. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.

8. 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 7 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

8.1. Security Amount. The Security shall provide no less than **\$493,229.38**. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 7.1 and 7.3 above, sufficient for CDFW or its contractors to complete habitat enhancement for the Covered Species.

8.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3).

8.3. Security Timeline. The Security shall be provided to CDFW within 30 days after the effective date of this ITP.

8.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.

8.5. Security Transmittal. Permittee shall transmit security to CDFW by way of a letter of credit.

8.6. 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.

8.7. 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:

- Copy of payment receipt for the payment of the dam removal project; and
- Timely submission of all required reports.

Even if Security is provided, the Permittee must provide copy of payment receipt no later than 30 days from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully

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

IX. Amendment:

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

X. Stop-Work Order:

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

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

XI. Compliance with Other Laws:

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

XII. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2025-071-05) in a cover letter and on any other associated documents.

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Original cover with attachment(s) to:

Erinn Wilson-Olgin, Regional Manager
California Department of Fish and Wildlife
3883 Ruffin Road
San Diego, CA 92123
(562) 900-8138
Erinn.Wilson-Olgin@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, CA 94244-2090
CESA@wildlife.ca.gov

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

Cooper Wall, Environmental Scientist
South Coast Region California Department of Fish and Wildlife
3030 Old Ranch Parkway, Ste. 400
Seal Beach, CA 90740
(562) 619-0433
Cooper.Wall@wildlife.ca.gov

XIII. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, City of Santa Barbara. (See generally Pub. Resources Code, §§ 21067, 21069.) On March 8, 2021, the City of Santa Barbara, acting as the lead Agency, determined the Project is categorically exempt pursuant to California Code of Regulations, title 14, section 15302 (Class 2). Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. Pursuant to Public Resources Code section 21080.1, the determination by the lead agency is "final and conclusive," and, as a responsible agency, CDFW is bound by the determination of the lead agency that the Class 2 categorical exemption applies to this Project. (Cal. Pub. Res. Code, § 21080.1.)

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XIV. Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, Lake and Streambed Alteration Agreement, 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) delineation of project boundaries; (2) establishment of avoidance zones; (3) worker education; and (4) Weekly 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 enhancement of aquatic habitat with funding towards fish passage at Botanic Gardens Historic Dam, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of

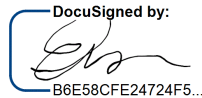
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the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on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

XV. Attachments:

FIGURE 1	Map of Project Location
FIGURE 2	Project Timeline
FIGURE 3	Project Area
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 12/19/2025

DocuSigned by:

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Erinn Wilson-Olgin, Regional Manager
South Coast Region

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Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2025-071-05

PERMITTEE: Brian D'Amour

PROJECT: De La Vina Street Bridge Replacement Project

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition #4.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) must be changed.	ITP Condition #4.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.	ITP Condition #4.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.	ITP Condition #4.9	Before commencing ground- or vegetation-disturbing activities	Permittee	
5	The Designated Representative shall notify CDFW immediately before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition #5.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
DURING CONSTRUCTION					

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
6	To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.	ITP Condition #4.3	Entire Project	Permittee	
7	The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.	ITP Condition #4.5	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
8	Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition #4.6	Entire Project	Permittee	
9	Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition #4.7	Entire Project	Permittee	
10	Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition #4.8	Entire Project	Permittee	
11	Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition #4.10	Entire Project	Permittee	
12	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	ITP Condition #4.11	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.11 of this ITP.				
13	Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition #4.12	Entire Project	Permittee	
14	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.	ITP Condition #4.13	Entire Project	Permittee	
15	The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.	ITP Condition #5.2	Entire Project	Permittee	
16	<p>The Designated Biologist shall be on site daily. The Designated Biologist shall conduct compliance inspections to:</p> <ul style="list-style-type: none"> (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of 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. <p>The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.</p>	ITP Condition #5.3	Entire Project	Permittee	
17	The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 5.3 into a Weekly Compliance Report when the stream is not actively flowing through the Project site and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. A Daily Compliance report shall be required when the stream is actively flowing through the Project Site. Daily and/or Weekly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW	ITP Condition #5.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	Regional Representative is Cooper Wall (Cooper.Wall@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov . CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.				
18	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 Weekly Compliance Report.	ITP Condition #5.5	Entire Project	Permittee	
19	Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by emailing Cooper Wall, Cooper.Wall@wildlife.ca.gov , and CC R5CESA, R5CESA@wildlife.ca.gov . The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition #5.7	Entire Project	Permittee	
20	No work shall occur in wetted portions of the creek channel, including but not limited to ponded, flowing or wetland areas. Water shall be diverted around work area and/or dewatered in accordance with an approved diversion/dewatering plan prior to initiating work.	ITP Condition # 6.1	Entire Project	Permittee	
21	All erosion and sediment control measures shall be installed prior to Covered Activities. Permittee shall utilize erosion control measures throughout all phases of the Project where sediment runoff from exposed slopes could leave the Project Area and/or enter a drainage, stream, or ponded area. Permittee shall consult 72-hour weather forecasts from the National Weather Service to avoid starting any phase of the Project that may result in sediment runoff to a drainage, stream, or ponded area. The Designated Biologist shall monitor erosion control measures before, during, and after each storm event and Permittee shall repair and/or replace ineffective measures immediately. Following completion of the Project, Permittee shall implement erosion control measures for all disturbed areas.	ITP Condition #6.2	Entire Project	Permittee	
22	Construction activities shall take place during daylight hours (30 minutes before sunrise to 30 minutes after sunset). If night work is necessary, it shall be limited and light shall be shielded from adjacent habitat.	ITP Condition # 6.3	Entire Project	Permittee	
23	Permittee shall restrict work to periods of dry weather. The Permittee shall monitor the National Weather Service 72-hour forecast daily for the Project area. When ¼ inch or more of precipitation is forecasted to occur, the Permittee shall stop work before precipitation commences. Work shall not restart until runoff ceases and there is less than 40 percent chance of rain forecasted for the following 24-hour period.	ITP Condition # 6.4	Entire Project	Permittee	
24	After any storm event, Permittee shall inspect all sites within 72 hours. Permittee shall repair or correct any insufficient erosion control measures.	ITP Condition # 6.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
25	<p>If Covered Species are encountered within the Project Area during Covered Species Pre Activity Surveys, Permittee shall relocate the Covered Species and provide a post relocation report including at minimum the following:</p> <ol style="list-style-type: none"> (1) The name(s) of Designated Biologist(s) supervising the relocation. The CDFW-approved Designated Biologist shall be present during capture and relocation efforts as required by Condition of Approval 6.2. (2) Prior to installation of the temporary creek diversion, the Designated Biologist shall capture and relocate Covered Species to the nearest predetermined release location, approved in advance by CDFW. Release locations shall provide suitable habitat for Covered Species. (3) All dip nets used to capture Covered Species shall be made of a soft braided nylon material that is non-abrasive. Mesh sizing shall be matched to life stages likely encountered. (4) Relocation activities shall be conducted in the morning if maximum daytime air temperatures are expected to exceed 23 degrees Celsius (75 degrees Fahrenheit). (5) Capture Covered Species must be kept in a closable container in an adequate amount of cool, clean, well-oxygenated water (e.g., a cooler with lid containing stream water and a battery-operated air stone). Water temperature shall be monitored and kept below 60 degrees Fahrenheit. If necessary, water shall be cooled with ice without introducing ice-borne chemical contaminants. Transport containers shall have a water volume of no less than 5 gallons. Covered Species density in the transport container shall not exceed 10 Covered Species (40-80mm in length) per gallon of water. Collected Covered Species shall not be anesthetized at any point during relocation. (6) The Designated Biologist shall reduce stress on the Covered Species to the maximum extent possible. This includes reducing the time that live Covered Species are being captured, handled, and transported. (7) The Designated Biologist shall record the species name, length, date, time, location, gear type, water temperature, and any other pertinent observations to be included in the Monthly Compliance Report. (8) Permittee shall preserve dead individuals by freezing or placing in sealed container with 10 percent formalin solution. Information on time and exact location of any incidental take, method of take, length of time from death to preservation, water temperature, and any other relevant information will be recorded in writing. Permittee shall contact the CDFW regional representative for instructions on transmitting the preserved individuals. Any take 	ITP Condition # 6.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>of non-covered species shall be documented and included in the Daily or Weekly Compliance Report.</p> <p>(9) After completing the relocation, the Designated Biologist shall prepare a relocation documentation report. The report shall include information on the personnel conducting the relocation; methods used in capture and relocation; numbers and length data of each species collected and relocated; coordinates and habitat description of release location(s); and estimate of the survival immediately after release. Photographs of the site and relocation operations shall be included. The report shall be provided by the Permittee to CDFW in the next Weekly Compliance Report.</p>				
26	<p>If flowing water is present or reasonably anticipated, the Permittee shall submit to CDFW for written approval a detailed dewatering plan prior to commencing Covered Activities. The Permittee may not commence dewatering activities without written approval from CDFW. During all dewatering activities, the Designated Biologist shall monitor dewatering at all times within the dewatering area and upstream and downstream of the Project site to ensure no Covered Species are stranded or in distress during reduction of flows.</p>	ITP Condition # 6.7	Entire Project	Permittee	
27	<p>All water pumping or withdrawal at the Project site shall comply with 1997 NMFS Fish Screening Criteria for Anadromous Salmonids, where applicable, to avoid entrainment of fish. The criteria include but are not limited to the following:</p> <ul style="list-style-type: none"> • Screen design must provide for uniform flow distribution over the surface of the screen; • Screen material openings shall not exceed 3/32 inches for fry sized salmonids and shall not exceed 1/4 inches for fingerling sized salmonids; • The screen shall be constructed at the diversion entrance. The screen face shall be generally parallel to river flow and aligned with the adjacent riverbank; • The design approach velocity shall not exceed 0.33 feet per second for fry sized salmonids or 0.8 feet per second for fingerling sized salmonids. 	ITP Condition # 6.8	Entire Project	Permittee	
	<p>Permittee shall submit for approval a water diversion plan to CDFW prior to initiation of Covered Activities. The diversion plan shall include the following:</p> <p>(1) Permittee shall describe location of diversion points including detailed drawings and geographic coordinates. Plans should include protection at the outlet if scour is possible.</p> <p>(2) Permittee shall describe the step-by-step installation and removal method.</p> <p>(3) Permittee shall describe materials to be used in the temporary diversion system. The Permittee shall construct temporary dams to redirect flows using non-erodible materials.</p>				

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>(4) When the cofferdam or temporary creek diversion is being constructed, maintained, or placed in operation, sufficient water shall be allowed to pass downstream of the excavation to maintain aquatic life downstream. Flow shall be of sufficient quality, quantity and temperature to support fish and other aquatic species both above and below the diversion.</p> <p>(5) If pumps are necessary for dewatering, appropriate fish screening shall be implemented to avoid entrainment. Screen material may be constructed of any rigid woven, perforated, or slotted material that provides water passage while physically excluding fish. Round openings in the screen shall not exceed 3/32-inch diameter, square openings shall not exceed 3/32-inch measured diagonally. Approach velocity shall not exceed 0.33 feet per second.</p> <p>(6) Permittee shall inspect temporary diversion system daily and immediately repair any insufficiencies.</p> <p>(7) Turbidity levels in the stream, resulting from project related activities, shall not exceed 20 percent over background turbidity if background is 0-50 Nephelometric Turbidity Unit (NTU) or 10 percent over natural turbidity levels if turbidity levels are over 50 NTU as measured 200 feet upstream of the project site. Turbidity levels shall be routinely monitored and evaluated. If turbidity exceeds the above turbidity thresholds, Covered Activities shall be halted until effective measures have been implemented in coordination with CDFW.</p> <p>(8) The Designated Biologist shall monitor the installation of diversion system and daily while installed. The Designated Biologist shall look for entrainment or stranding of Covered Species through the project reach as well as up and downstream.</p> <p>(9) Temporary creek diversion systems shall remain in place and functional throughout the construction period. If the diversion fails, Permittee shall repair it immediately. Permittee shall remove the diversion and restore natural flows immediately upon completion of work at that location.</p> <p>(10) Reintroduction of stream flows shall be gradual to the isolated work area to prevent stranding, channel instability, and scour. The Designated Biologist shall monitor upstream and downstream to ensure no Covered Species are stranded or in distress during reintroduction of flows</p>				
28	All concrete used shall be excluded from the wetted channel or areas where it may come into contact with water for a period of 15 days after it is poured/sprayed. Commercial sealants may be applied to the poured concrete surface where difficulty in excluding flow for a long period may occur. If sealant is used, the proponent shall follow the instructions as noted on the product	ITP Condition # 6.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	label. As an alternative, water quality testing and analysis may be conducted in coordination with CDFW. Results shall be submitted and accepted by CDFW prior to removal of the temporary diversion system that will re-introduce flows to new concrete.				
29	Permittee shall conduct Covered activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one Project site and/or waterbody to another. If decontamination is not done on site, Permittee shall transport contaminated equipment in sealed plastic bags and keep separate from clean gear. When practical, in flowing water Permittee shall begin work upstream and work downstream. This avoids transporting aquatic invasive species to non-infested upstream areas. For locations known to be infested with invasive species, Permittee shall use dedicated equipment that is only used in infested waters. Permittee shall store this equipment separately. Prevention BMPs and guidelines for invasive plants can be found on the California Invasive Plant Council's website at: http://www.cal-ipc.org/ip/prevention/index.php and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: http://www.protectyourwaters.net/ . Any bullfrog sightings shall also be reported to the American Bullfrog Observation Report Database located at: https://survey123.arcgis.com/share/a9ffc04db86e41a19e550f8be00a23ab . Any aquatic invasive species encountered shall be removed from the waterway and disposed of in a manner where they cannot re-enter the stream system.	ITP Condition # 6.10	Entire Project	Permittee	
30	Permittee shall decontaminate all tools, waders and boots, and other equipment that will enter the water prior to entering and exiting the Project site and/or between each use in different waterbodies to avoid the introduction and transfer of organisms between waterbodies. Permittee shall decontaminate Project gear and equipment utilizing one of three methods: drying, using a hot water soak, or freezing, as appropriate to the type of gear or equipment. For all methods, Permittee shall begin the decontamination process by thoroughly scrubbing equipment, paying close attention to small crevices such as boot laces, seams, net corners, etc., with a stiff-bristled brush to remove all organisms. To decontaminate by drying, Permittee shall allow equipment to dry thoroughly (i.e., until there is a complete absence of water), preferably in the sun, and keep dry for a minimum of 48 hours. To decontaminate using a hot water soak, Permittee shall immerse equipment in 140°F or hotter water and soak, completely submerged, for a minimum of 5 minutes. To decontaminate by freezing, Permittee shall place equipment in a freezer 32°F or colder for a minimum of 8 hours. Repeat decontamination is required only if the equipment/clothing is removed from the site, used within a different waterbody, and returned to the Project site or different waterbody.	ITP Condition # 6.11	Entire Project	Permittee	
31	Permittee shall decontaminate all tools, waders and boots, and other equipment that will enter the water prior to entering and exiting the Project site and/or between each use in different waterbodies to avoid the introduction and transfer of organisms between waterbodies. Permittee shall decontaminate Project gear and equipment utilizing one of three methods: drying, using a hot water soak, or freezing, as appropriate to the type of gear or equipment. For all methods, Permittee shall begin the decontamination process by thoroughly scrubbing equipment, paying close attention to small crevices such as boot laces, seams, net corners, etc., with a stiff-bristled brush to remove all organisms. To decontaminate by drying, Permittee shall allow equipment to dry thoroughly (i.e., until there is a complete absence of water), preferably in the sun, and keep	ITP Condition # 6.12	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	dry for a minimum of 48 hours. To decontaminate using a hot water soak, Permittee shall immerse equipment in 140°F or hotter water and soak, completely submerged, for a minimum of 5 minutes. To decontaminate by freezing, Permittee shall place equipment in a freezer 32°F or colder for a minimum of 8 hours. Repeat decontamination is required only if the equipment/clothing is removed from the site, used within a different waterbody, and returned to the Project site or different waterbody.				
32	Permittee shall decontaminate vehicles, watercraft, and other Project-related equipment too large to immerse in a hot water bath by pressure washing with hot water a minimum of 140°F at the point of contact or 155°F at the nozzle. Additionally, Permittee shall flush equipment engines and all areas that could contain standing water (e.g., live wells, bilges, etc.) for a minimum of 10 minutes. Following the hot water wash, Permittee shall drain water and dry all vehicles, heavy equipment, watercraft, and other large equipment as thoroughly as possible.	ITP Condition # 6.13	Entire Project	Permittee	
33	Permittee shall perform decontamination of vehicles, watercraft, heavy equipment, and other Project gear and equipment in a designated location where runoff can be contained and not allowed to runoff the site areas into streams and other sensitive habitat areas. Rinse water shall be disposed of at least 1000 feet from any surface water.	ITP Condition # 6.14	Entire Project	Permittee	
34	Permittee shall inspect all vehicles, watercraft, tools, waders and boots, and other Project-related equipment and remove all visible soil/mud, plant materials, and animal remnants, and drain all water, prior to entering and exiting the Project site and/or between each use in different waterbodies.	ITP Condition # 6.15	Entire Project	Permittee	
35	Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream channel shall be positioned over drip pans. Any equipment or vehicles driven and/or operated within or adjacent to the stream channel must be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. No equipment maintenance or fueling shall be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter these areas unless the appropriate spill prevention measures are in place such as catch basins or drip pans, lined with an impermeable layer that has been placed under the equipment. Building materials and/or construction equipment shall not be stockpiled or stored where they may be washed into the water or cover aquatic or riparian vegetation. Stockpiles shall be covered when measurable rain is forecasted. All removed spoils and construction debris shall be moved to areas where it may not permit to pass into, or place where it can pass into waters of the State in accordance with Fish and Game Code Section 5652.	ITP Condition # 6.16	Entire Project	Permittee	
36	Permittee shall notify CDFW immediately if an invasive species not previously known to occur within the Project site is discovered during Covered Activities by submitting photos and a completed Suspect Invasive Species Report (available online at: https://www.wildlife.ca.gov/Conservation/Invasives/Report) or emailing the Invasive Species Program at: invasives@wildlife.ca.gov . Notification may also be provided by calling (866) 440-9530. Upon receiving notification, CDFW will provide Permittee with guidance for further action as appropriate to the species.	ITP Condition # 6.17	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
37	The Permittee shall provide \$443,229.38 for the removal of the Santa Barbara Botanic Gardens Historic Dam.	ITP Condition # 7.1	Within 30 days after the effective date of this ITP	Permittee	
38	Funding any alternative enhancement project for the Covered Species requires CDFW approval in writing.	ITP Condition # 7.2	Subject to CDFW in writing	Permittee	
39	Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.	ITP Condition # 7.3	Entire Project	Permittee	
40	The Security shall provide no less than \$493,229.38 . This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 and 9.3 above, sufficient for CDFW or its contractors to complete habitat enhancement for the Covered Species.	ITP Condition # 8.1	Within 30 days after the effective date of this ITP	Permittee	
41	The Security shall be in the form of an irrevocable letter of credit (see Attachment 3).	ITP Condition # 8.2	Within 30 days after the effective date of this ITP	Permittee	
42	The Security shall be provided to CDFW within 30 days after the effective date of this ITP.	ITP Condition # 8.3	Within 30 days after the effective date of this ITP	Permittee	
43	The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.	ITP Condition # 8.4	Within 30 days after the effective date of this ITP	Permittee	
POST-CONSTRUCTION					
44	Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition #4.14	Post Construction	Permittee	
45	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 Weekly Compliance Reports; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition #5.6	Post-construction and after completion of mitigation	Permittee	

**BIOLOGIST RESUME**

Project Name: Click or tap here to enter text.

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

COVER SHEET

SUBMIT EACH RESUME AS A SEPARATE DOCUMENT

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

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

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



BIOLOGIST RESUME

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

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

SECTION I. NAME AND CONTACT INFORMATION

Name:

Title:

Company Name & Address:

Phone:

Email:

SECTION II. EDUCATION

College/University, Degree Name and Type Related to Natural Resource Science (e.g., BS in ecology), and Dates of Attendance:

Other Relevant Workshops & Training:

SECTION III. ROLE(S) AND PERMIT REQUIREMENTS

Requested Role(s):

Relevant LSA Agreement Measures or ITP Conditions²:

SECTION IV. SPECIES AND RESOURCE EXPERIENCE – SUMMARY

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

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

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

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



BIOLOGIST RESUME

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

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

SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS

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

SPECIES OR RESOURCE 1:

Project 1 Name & Location:

Project Start Date:

Project End Date:

LSA Agreement, ITP, or Other Agency Permit Number:

Role(s)⁴:

Survey Type(s)⁵:

Construction Monitoring⁶

Days:

Activities:

Species Life Stages Observed & Handled, Number of Each

Company Name, Professional Reference Name, Phone, Email:

Life Stage:

Number Observed:

Number Handled:

Reported to

CNDDB⁷ (Y/N):

If not reported to CNDDB, why:

CDFW and Other Agency Email:

Project 2 Name & Location:

Project Start Date:

Project End Date:

LSA Agreement, ITP, or Other Agency Permit Number:

Role(s):

Survey Type(s):

Construction Monitoring:

Days:

Activities:

Species Life Stages Observed & Handled, Number of Each

Company Name, Professional Reference Name, Phone, Email:

Life Stage:

Number Observed:

Number Handled:

Reported to

CNDDB (Y/N):

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

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

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

⁷ CNDDB is the abbreviation for California Natural Diversity Database.



BIOLOGIST RESUME

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

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

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

**BIOLOGIST RESUME**

Project Name: Click or tap here to enter text.

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

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

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

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



BIOLOGIST RESUME

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

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

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

[Financial institution letterhead]

IRREVOCABLE STANDBY LETTER OF CREDIT
NO. **[number issued by financial institution]**

Issue Date: **[date]**

Beneficiary:

California Department of Fish and Wildlife
Habitat Conservation Planning Branch
960 Riverside Parkway, Suite 90
West Sacramento, CA 95605
Attn: HCPB Mitigation Funds

Amount: U.S. \$**[dollar number]** **[(dollar amount)]**

Expiry: **[Date]** at our counters

Dear Sirs:

1. At the request and on the instruction of our customer, **[name of applicant]** ("Applicant"), we, **[name of financial institution]** ("Issuer"), hereby establish in favor of the beneficiary, the California Department of Fish and Wildlife ("CDFW"), this irrevocable standby letter of credit ("Credit") in the principal sum of U.S. \$**[dollar number]** **[(dollar amount)]** ("Principal Sum").
2. We are informed this Credit is and has been established for the benefit of CDFW pursuant to the terms of the incidental take permit for the **[name of project]** issued by CDFW to the Applicant on **[date]** (No. **[number]**) ("Permit").
3. We are further informed that pursuant to the Permit, the Applicant has agreed to complete certain mitigation requirements, as set forth in conditions **[numbers]** in the Permit ("Mitigation Requirements").
4. We are finally informed that this Credit is intended by CDFW and the Applicant to serve as a security device for the performance by the Applicant of the Mitigation Requirements.
5. CDFW shall be entitled to draw upon this Credit only by presentation of a duly executed Certificate for Drawing ("Certificate") in the same form as Attachment A, which is attached hereto, at our office located at **[name and address of financial institution]**.

6. The Certificate shall be completed and signed by an Authorized Representative of CDFW as defined in paragraph 12 below. Presentation by CDFW of a completed Certificate may be made in person or by registered mail, return receipt requested, or by overnight courier.
7. Upon presentation of a duly executed Certificate as above provided, payment shall be made to CDFW, or to the account of CDFW, in immediately available funds, as CDFW shall specify.
8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give CDFW prompt notice that the demand for payment was not effected in accordance with the terms and conditions of this Credit, state the reasons therefore, and await further instruction.
9. Upon being notified that the demand for payment was not effected in conformity with the Credit, CDFW may correct any such non-conforming demand for payment under the terms and conditions stated herein.
10. All drawings under this Credit shall be paid with our funds. Each drawing honored by us hereunder shall reduce, *pro tanto*, the Principal Sum. By paying to CDFW an amount demanded in accordance herewith, we make no representations as to the correctness of the amount demanded.
11. This Credit will be cancelled or the Principal Sum will be reduced upon receipt by us of Certificate of Cancellation/Reduction, which: (i) shall be in the form of Attachment B, which is attached hereto, and (ii) shall be completed and signed by an Authorized Representative of CDFW, as defined in paragraph 12 below.
12. An Authorized Representative shall mean the Director of CDFW; the General Counsel of CDFW; a Regional Manager of CDFW; or the Branch Manager of CDFW's Habitat Conservation Planning Branch.
13. This Credit shall be automatically extended without amendment for additional periods of one year from the present or any future expiration date hereof, unless at least sixty (60) days prior to any such date, we notify CDFW in writing by registered mail, return receipt requested, or by overnight courier that we elect not to consider this Credit extended for any such period.
14. Communications with respect to this Credit shall be in writing and addressed to us at [***name and address of financial institution***], specifically referring upon such writing to this credit by number. The address for notices with respect to this Credit shall be: (i) for CDFW: Department of Fish and Wildlife, Habitat Conservation Planning Branch, 960 Riverside Parkway, Suite 90, West Sacramento, CA 95605, Attn: HCPB Mitigation Funds; and (ii) for the Applicant: [***name and address of applicant***].

15. This Credit may not be transferred.

16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the laws of the State of California.

17. This Credit shall, if not canceled, expire on [***expiration date***], or any extended expiration date.

18. We hereby agree with CDFW that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.

19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

[***Name of financial institution***]

By: _____

Name: _____

Title: _____

Telephone: _____

ATTACHMENT A

CERTIFICATE FOR DRAWING

[**CDFW Letterhead**]

[**Date**]

[**Name and address of financial institution**]

Re: Irrevocable Standby Letter of Credit No. [**number issued by financial institution**]

The undersigned, a duly Authorized Representative of the California Department of Fish and Wildlife ("CDFW"), as defined in paragraph 12 of the above-referenced standby letter of credit ("Credit"), hereby certifies to the Issuer that:

1. [**Insert one of the following statements:** "In the opinion of CDFW, the Applicant has failed to complete the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "As set forth in paragraph 13, the Issuer has informed CDFW that the Credit will not be extended and the Applicant has not provided CDFW with an equivalent security approved by CDFW to replace the Credit."]
2. The undersigned is authorized under the terms of the Credit to present this Certificate as the sole means of demanding payment on the Credit.
3. CDFW is therefore making a drawing under the Credit in amount of U.S. \$_____.
4. The amount demanded does not exceed the Principal Sum of the Credit.

Therefore, CDFW has executed and delivered this certificate as of this ____day of [**month**], [**year**].

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

[**Insert one of the following:** "Director" **or** "General Counsel" **or** "Regional Manager, [**Name of Regional Office**]" **or** "Branch Manager, Habitat Conservation Planning Branch"]

ATTACHMENT B

CERTIFICATE FOR CANCELLATION/REDUCTION

[**CDFW Letterhead**]

[**Date**]

[**Name and address of financial institution**]

Re: Irrevocable Standby Letter of Credit No. [**number issued by financial institution**]

The undersigned, a duly Authorized Representative of the California Department of Fish and Wildlife ("CDFW"), as defined in the paragraph 12 in the above-referenced Irrevocable Standby Letter of Credit ("Credit"), hereby certifies to the Issuer that:

1. [**Insert one of the following statements:** "The Applicant has presented documentary evidence of full compliance with the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "The Applicant has presented documentary evidence of compliance with the following Mitigation Requirement[(s)] referenced in paragraph 3 of the Credit: [**insert brief description of requirement(s) or requirement number(s) completed**]." **or** "The Applicant has provided CDFW with an equivalent security approved by CDFW to replace the Credit."]
2. [**Insert one of the following statements:** "CDFW therefore requests the cancellation of the Credit." **or** "CDFW therefore requests a reduction in the Principal Sum in the amount of \$_____, thereby making the new Principal Sum \$_____."]

Therefore, CDFW has executed and delivered this certificate as of this ____ day of [**month**], [**year**].

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

[**Insert one of the following:** "Director" **or** "General Counsel" **or** "Regional Manager, [**Name of Regional Office**]" **or** "Branch Manager, Habitat Conservation Planning Branch"]