



**California Department of Fish and Wildlife
North Central Region
1701 NIMBUS ROAD
RANCHO CORDOVA, CALIFORNIA 95670**

California Endangered Species Act
Incidental Take Permit No. 2081-2023-025-02

**SACRAMENTO MUNICIPAL UTILITY DISTRICT OPERATIONS,
MAINTENANCE, AND NEW CONSTRUCTION HABITAT CONSERVATION
PLAN**

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:	Sacramento Municipal Utility District (SMUD)
Principal Officer:	Ammon Rice, Environmental Services Supervisor
Contact Person:	Kim Crawford, Environmental Services Specialist, (916) 732-5063
Mailing Address:	P.O. Box 15830 Sacramento, CA 95852-0830

II. Effective Date and Expiration Date of this ITP:

This ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **December 31, 2055**.

Notwithstanding the expiration date on the take authorization provided by this ITP, the Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.8 of this ITP.

III. Project Location:

The SMUD Operations, Maintenance, and New Construction Habitat Conservation Plan (Project; HCP) locations consist of the Permittee's gas transmission and electrical facilities and their right-of-way areas. The Permit Area (HCP section 1.3.2 and Figure 1) is approximately 577,554 acres within Sacramento, Placer, Yolo, Amador, El Dorado, and San Joaquin Counties and includes the following: 1) All of Sacramento County (approximately

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

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

566,547 acres), except for the area south of U.S. Highway 160 and Walnut Grove, which extends into the Delta; 2) Portions of southwestern Placer County (approximately 4,000 acres), to which SMUD provides electricity, and a transmission line outside of the area SMUD serves, approximately 17.5 miles long; 3) A portion of Yolo County (approximately 4,495 acres) that encompasses the natural gas pipeline between Winters and cogeneration power plants in Sacramento County; 4) Small portions of Amador County (approximately 17 acres), El Dorado County (approximately 516 acres), and San Joaquin County (approximately 302 acres) located adjacent to Sacramento County (Figure 1).

IV. Project Description:

The Project consists of long-term operations and maintenance (O&M) of the Permittee's facilities within the Permit Area, as well as minor new construction activities and habitat conservation and enhancement activities. The Permittee obtained federal take authorization under an HCP, which was finalized in June 2024. Covered Activities consist of O&M and construction activities that are described under six main sections: electrical facilities, natural gas transmission facilities, vegetation management, telecommunications, and miscellaneous activities. The Permittee's electrical system consists of approximately 158 miles of transmission line easement and 8,792 miles of subtransmission and distribution line easement. Additionally, the Permittee owns and operates 76 miles of natural gas pipelines designed to move approximately 190 million cubic feet of gas per day from Winters, in Yolo County, to four gas-fired cogeneration power plants in Sacramento County. Finally, the Permittee owns and operates a telecommunication system that includes fiber optics, microwave radio, two-way radio, power line carrier, infrared transmission, metallic cables, and leased services/circuits.

The Permittee will conduct the following electrical system O&M and minor construction Covered Activities:

- Overhead Facilities Inspection (E1)
- Underground Facilities Inspection (E2)
- Substation Insulator Washing (E3)
- Substation Inspection, Maintenance, and Minor Upgrades (E4)
- Emergency Outage Inspection and Minor Repair (E5)
- Wood Pole Testing and Treatment (E6)
- Overhead Component Repair and Replacement (E7)
- Pole Replacement (E8)
- Underground Component Repair and Replacement (E9)
- Steel Lattice Tower Repair and Replacement (E10)
- Overhead Reconstruction and Reconductoring (E11)
- New and Relocated Overhead Subtransmission and Distribution Line Construction (E13)
- New Underground Subtransmission and Distribution Line Construction (E14)
- Existing Distribution Substation Expansion (E15)

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- New Substation Construction (E16)

The Permittee will conduct the following natural gas transmission O&M and minor construction Covered Activities:

- Pipeline Inspections (G1)
- Pipeline Valve Station Inspections (G2)
- Pipeline Cathodic Protection Test Station Inspection (G3)
- Internal Pipeline Inspection (G4)
- Pipeline Maintenance and Repair (G5)
- Pipeline Cathodic Protection Test Station Installation (G6)
- Pipeline Anode Bed Replacement (G7)
- Pipeline Valve Repair or Replacement (G8)
- New Construction for Valve Stations and Pressure-Limiting Stations (G9)
- New Construction for Realigned Pipelines (G10)

The Permittee will perform the following vegetation management Covered Activities:

- Electrical Subtransmission and Distribution Easement Vegetation Management Inspections (V1)
- Electrical Subtransmission and Distribution Easement Vegetation Management (V2)
- Transmission Easement Vegetation Management (V3)
- Tree Removal Projects (V4)
- Elderberry Shrub Trimming and Removal (V5)
- Pole Vegetation Clearing (V6)
- Vegetation Management on Pipeline Easement (V7)

The Permittee will conduct the following telecommunications Covered Activities:

- Telecommunication Tower Maintenance (T1)
- New Construction of Telecommunication Towers (T2)
- Electrical Telecommunications Overhead Fiber-optic Replacement and New Installation (T3)
- Electrical Telecommunications Underground Fiber-optic Replacement and New Installation (T4)

The Permittee will conduct the following miscellaneous Covered Activities:

- Operation of the Cosumnes Power Plant (CPP) (M1)
- CPP Water Pipeline Management (M2)
- Rancho Seco Property O&M (M3)

O&M activities include inspecting, monitoring, testing, operating, repairing, and replacing facilities (i.e., electrical transmission, sub-transmission, and distribution conductors with associated poles and towers and other components; and gas transmission pipelines, valve

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stations, and ancillary components). They also include emergency repairs and replacement of facilities, and vegetation management, including tree trimming.

New Construction Activities include installing new structures to upgrade existing facilities, reconstruction and relocation of electrical and natural gas facilities, installation of new electrical and natural gas facilities, and expansion or construction of new electrical substations.

The Covered Activities listed above are described in detail in Attachment 2. The incidental take from more or slightly different activities than those described in Attachment 2 may be covered by this ITP as long as such activities and the effects of such activities are similar to these Covered Activities and fall within the descriptions and take limits described below in Section VI and the Permittee has met and conferred with CDFW to obtain concurrence prior to beginning the activities. Activities not specifically covered under this ITP include management and monitoring activities for the SMUD Nature Preserve Mitigation Bank and operations and maintenance activities currently covered under the Rancho Seco Solar II Project ITP (No. 2081-2018-057-02).

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ³
1. California Tiger Salamander (CTS) (<i>Ambystoma californiense</i>)	Threatened ⁴

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

VI. Impacts of the Taking on Covered Species:

Covered 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 grading; boring; vegetation management such as clearing and grubbing, mowing, and discing; materials and spoils storage; equipment storage; equipment and personnel mobilization; excavation; fill placement; dewatering; and establishment of temporary access routes (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as hazardous material exposure; crushing during excavation; trenching; movement or placement of vehicles, equipment, and materials; entombment in underground burrows during maintenance and operations activities; and desiccation via entrapment and blocking of movement corridors or dewatering. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form

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

⁴ See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(3)(G).

of pursue, catch, capture, or attempt to do so of the Covered Species from capture and relocation. The areas where authorized take of the Covered Species is expected to occur include: Aquatic Modeled Habitat (e.g., open water/fringe, depressional wetland, vernal pool, seasonal wetland, and swale) and Upland Grassland and Refugia Modeled Habitat (e.g., pasture, grassland, blue oak woodland, and valley oak woodland) within the 577,554 acre Permit Area for the HCP where operations and maintenance activities will occur (collectively, the Permit Area). Aquatic and Upland Grassland and Refugia Modeled Habitats are collectively referred to as Modeled Habitat throughout this ITP.

The estimated extent of the impacts from Covered Activities within the Permit Area is dependent on where Covered Species and the habitats on which they depend occur. Given the large geographic scope of the Permit Area and Covered Activities, the Permittee has developed spatial models to map Covered Species habitats to quantify impacts for individual Covered Activities. There are 72,004 acres of aquatic Modeled Habitat and 95,327 acres of upland Modeled Habitat for the Covered Species within the Permit Area (Figure 2).

The Project is expected to cause the permanent loss of 5 acres of aquatic Modeled Habitat and 24.6 acres of upland Modeled Habitat for the Covered Species, and temporary loss of 0.5 acres of modeled aquatic habitat and 109.5 acres of upland Modeled Habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts totaling 3.2 acres). These impacts include: stress resulting from noise and vibrations from tunneling and capture and relocation, and long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

VII. Incidental Take Authorization of Covered Species:

This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes the Permittee, its employees, contractors, and agents to take Covered Species incidentally in carrying out the Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. Permittee may meet and confer with CDFW to request approval for more or slightly different activities than those described in Attachment 2 within the Permit Area and current take limits. 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 Permit Area, take of Covered Species resulting from violation of this ITP, or intentional take of Covered Species except for capture and relocation of Covered Species as authorized by this ITP.

VIII. Conditions of Approval:

Unless specified otherwise, the following measures apply to all Covered Activities within the Permit Area, including areas used for vehicular ingress and egress, staging and parking, and

noise and vibration generating activities that may/will cause take. CDFW's issuance of this ITP and the Permittee's authorization to take the Covered Species are subject to the Permittee's compliance with and implementation of the following Conditions of Approval:

- 1. Legal Compliance:** The Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** The Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (SCH No.: 2018092030) certified by the Sacramento Municipal Utility District on June 16, 2022, and addended on November 7, 2024, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. ESA Compliance:** The Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Sacramento Municipal Utility District Habitat Conservation Plan (Biological Opinion No. 2022-0022625-S7-001) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species than this ITP, the conditions of approval set forth in this ITP shall control.
- 4. ITP Time Frame Compliance:** The 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.
- 5. General Provisions:** The following general provisions apply to all Covered Activities. Conditions of Approval that only apply to specific Covered Activities are provided in Section 7 below and included in Attachment 3.
 - 5.1. Designated Representative.** Before starting Covered Activities, the Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. The Permittee shall notify CDFW in writing before starting Covered Activities (at the start of the term of this ITP) of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
 - 5.2. Designated Biologist(s), Biological Monitor(s).** The Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and/or Biological Monitor(s) using the Biologist Resume Form (Attachment 3) or another format containing the same

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information at least 30 days before starting Covered Activities. The Permittee shall provide a list prior to January 31 every year thereafter seeking annual re-approval of Designated Biologists and Biologist Resume Forms for proposed, and/or submit Biologist Resume Forms for new Designated Biologist approval requests. The Permittee shall ensure that the Designated Biologist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Permittee shall obtain CDFW approval of the Designated Biologist(s) and Biological Monitor(s) in writing at the start of the term of this ITP, before starting Covered Activities, and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Biological Monitor(s) must be changed.

5.3. Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. The Permittee shall provide unfettered access to each work area 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. The 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.

5.4. Annual Environmental Training. Employees and contractors performing Covered Activities shall receive annual environmental training on the Permittee's HCP and this ITP. This training shall include a review of permit requirements, avoidance and minimization measures, and other relevant environmental laws and guidelines that must be followed by all personnel to avoid or minimize take of Covered Species during Covered Activities. Crews shall be informed on the implementation of the HCP, ITP, and conditions in the take permits, including use of the Permittee's job packet (or equally effective documentation) and their responsibilities to ensure compliance. Training shall include the importance of the Covered Species and the purpose and necessity of protecting them, handouts or cards containing Covered Species or Modeled Habitat information, as well as penalties for noncompliance. Information shall also be presented to inform personnel of methods to minimize the spread of invasive or nonnative plants during Covered Activities. New employees shall receive the training prior to the start of work on Covered Activities.

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- 5.5. Minimize Impacts of Work Area.** To the extent possible, the Permittee shall reduce the work area footprint and the duration of work at a work area to reduce the potential for take of Covered Species.
- 5.6. Work Area Access.** The Permittee shall use existing paved and unpaved roads to access the work area where available. Vehicles and equipment shall be parked on pavement, existing roads, or previously disturbed areas to the maximum extent feasible. When this is not feasible, Permittee will implement Conditions of Approval 5.8 Off Road Speed Limit, 5.13 Avoid Driving through Vernal Pools, and 7.10 Minimize Vehicle Impacts on Vernal Pools.
- 5.7. 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 during monitoring activities, which shall include a copy of this ITP with attachments. The Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the work areas upon request by CDFW.
- 5.8. Off Road Speed Limit.** When driving off of paved roads in Covered Species habitat, the Permittee shall ensure vehicles will not exceed a speed limit of 15 miles per hour.
- 5.9. Trash Abatement.** The Permittee shall ensure that trash dumping, littering, open fires (such as barbecues), hunting, and pets will be prohibited in Covered Activity work areas. All garbage will be removed from the work areas at the end of each workday.
- 5.10. Dust Control.** For Covered Activities 0.1-acre or larger, the Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. The Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 5.11. Temporary Vehicle Access to Work Areas.** The Permittee shall minimize clearing vegetation and grading for temporary vehicle access to the maximum extent feasible. Any temporary road will be returned to pre-project contours and the soil compacted for stabilization, or qualified stormwater personnel will prescribe Best Management Practices (BMP) to reduce or eliminate pollutants in stormwater discharges and authorized non-stormwater discharges from the site during construction.
- 5.12. Unanticipated Covered or CESA - Listed Species.** The Permittee shall stop work if a species listed under CESA or a Covered Species is found within the

work area or within 100 feet of a work area. The Permittee and its Designated Biologist shall have authority to stop activities, and will do so, until appropriate corrective measures have been completed or it is determined that the individual CESA-listed or Covered Species will not be taken. If the Covered Species is in immediate danger, only the Designated Biologist can capture and relocate the Covered Species in accordance with condition of approval of 5.14.

5.13. Avoid Driving through Vernal Pools. The Permittee shall avoid driving through vernal pool, seasonal wetland, and swale land cover to the maximum extent feasible. When this is not feasible, the Permittee will follow Condition of Approval 7.10 Minimize Vehicle Impacts on Vernal Pools.

5.14. California Tiger Salamander Handling. California tiger salamanders found at Rancho Seco facilities will be relocated in accordance with a CDFW-approved relocation plan developed for Rancho Seco, and individuals will be relocated to sites identified in the SMUD HCP CTS Relocation Plan (Attachment 4). For activities greater than 0.1-acre that occur in CTS Modeled Habitat, a CTS relocation plan shall be prepared and submitted to CDFW for approval within 30 days. If CDFW does not respond within 30 days of the relocation plan submittal, the Permittee may carry out activities within the relocation plan for that Covered Activity. The relocation plan shall follow the format of the SMUD HCP CTS Relocation Plan. Only the Designated Biologist may capture or handle CTS. Bare hands will be used to capture CTS. The Designated Biologists will not use soaps, oils, creams, lotions, repellents, or solvents of any sort on their hands within 2 hours before and during periods when they are capturing and relocating individuals. To avoid transferring disease or pathogens of handling of the amphibians, the Designated Biologists shall follow the [Declining Amphibian Populations Task Force's Code of Practice](#) or currently accepted protocols. If CTS cannot be avoided and are in danger of disturbance, injury, or death, the Designated Biologist will immediately relocate any CTS found to suitable habitat a minimum of 300 feet outside of the work area but within the same habitat patch affected if feasible, at a location predetermined prior to commencement of construction. If no suitable location can be identified at least 300 feet from the Covered Activity and within the same habitat patch affected, Permittee will coordinate with CDFW prior to the activity to identify an alternative site for relocating CTS and develop a CTS site-specific relocation plan.

5.15. Equipment Refueling. The Permittee shall not refuel or conduct equipment maintenance activities within 250 feet of vernal pool, seasonal wetland, or swale, and not within 100 feet of any riverine, open water/fringe, or other depressional wetlands land cover types. If refueling must be conducted closer to wetlands, the Permittee shall construct a secondary containment area subject to review by an environmental specialist and/or biologist. The Permittee shall maintain spill

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prevention and cleanup equipment in refueling areas.

5.16. Hazardous Material Clean Up. The Permittee shall clean up any spilled oil, fuel, or other automotive fluids. Permittee shall ensure that all construction areas have proper spill clean-up materials (absorbent pads, sealed containers, booms, etc.) to contain the movement of any spilled substances.

5.17. CDFW Access. The Permittee shall provide CDFW staff with reasonable access to the work areas and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

6. Monitoring, Notification and Reporting Provisions:

6.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting any of the Covered Activities that are 0.1-acre in size or larger and shall document compliance with all pre-Project Conditions of Approval before starting any of the Covered Activities.

6.2. Notification of Incidental Take or Injury. The Permittee shall immediately notify the Designated Biologist if a Covered Species is taken (in the form of kill) or injured by a Covered Activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project or work area. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (916) 358-2900. Within two calendar days, the Designated Biologist or Designated Representative shall provide written notification to CDFW which includes the ITP number, and detailed information regarding the date, time, and circumstances of the incident, location, species, and number of animals taken or injured, the location of the animal or carcass, and if possible a photograph of the individual, an explanation as to cause of take or injury, and any other pertinent information.

6.2.1. The annual status report submitted to CDFW shall describe, in detail, descriptions of all such instances of incidental take or injury. The report shall also include any non-compliance issues which may have resulted in or contributed to the incidental take of a Covered Species, and suggested remediation measures.

6.3. Compliance Monitoring. The Designated Biologist or Biological Monitor will be onsite during Covered Activities in CTS Modeled Habitat when the activities is on Conservation Lands, or other locations if the activities are greater than 0.1 acre within Modeled Habitat, and will have the authority to stop work if Permittee is out of compliance with the Conditions of Approval until corrective actions are taken to be in compliance. If a Covered Species is observed in the work area

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and there is a risk that injury or mortality may occur, the Designated Biologist shall halt work and implement relocation protocols described in Condition of Approval 5.14 of this ITP. Prior to the start of work each day the monitor will perform a preconstruction survey of the work area.

As part of required compliance monitoring, Permittee shall monitor, track, and report Covered Activities that are implemented every year. Permittee shall verify this ITP is being implemented as required by collecting the following information:

- a. Number of times each type of Covered Activity was implemented each year.
- b. Number of times Permittee implemented each Condition of Approval each year, including Condition of Approval 5.4 Annual Environmental Training, and the location of where the following Conditions of Approval are implemented: 5.12 Unanticipated Covered and CESA -Listed Species, 5.14 California Tiger Salamander Handling, 5.15 Hazardous Material Clean Up, 7.3 HDD Drilling Fluids Management, 7.6 Revegetation of work areas, 7.12 Vernal Pool Biological Monitor.
- c. Documentation of all biological surveys and monitoring conducted.
- d. Number of acres of impacts on each land cover type and acres of each Covered Species Modeled Habitat impacted each year.
- e. Number of acres of mitigation obtained or credited, by land cover type and by each Covered Species Modeled Habitat.

6.4. Effectiveness Monitoring. The Permittee shall monitor Conditions of Approval to assess their effectiveness in avoiding and minimizing effects on Covered Species. Based on documentation of the effects and the Conditions of Approval implemented, the Permittee shall identify instances where Conditions of Approval were not feasible or could only be partially implemented. The Permittee and/or its Designated Biologist will identify instances where Conditions of Approval did not avoid or minimize effects on Covered Species. The results of the effectiveness monitoring program may be used to identify the need for modification or additional Conditions of Approval throughout the Permit Term. If the Permittee identifies changes to the Conditions of Approval that would improve effectiveness, and CDFW concurs in writing with these changes, Permittee shall modify Conditions of Approval accordingly. If a Condition of Approval cannot be adjusted to improve its effectiveness, and if the ineffectiveness of the Condition results in greater Modeled Habitat permanent or temporary impacts than anticipated, Permittee shall track any increased habitat impacts per Covered Activity. If Permittee cannot adjust the Conditions of Approval to effectively reduce effects on Covered Species, Permittee shall apply

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for an amendment to this ITP to account for higher levels of take and adjust the mitigation accordingly. If CDFW deems a Condition of Approval ineffective upon review of the Annual Report, then CDFW will coordinate with the Permittee to adjust the Condition of Approval, adjust the actions to be covered, or amend the Incidental Take Permit.

6.5. Annual Status Report. The Permittee shall provide CDFW with an Annual Status Report (ASR) no later than September 30 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. The annual report will present the acreage of that year's impacts to each land cover type; number of individuals of Covered Species observed to be injured or killed, if any; and a running total of acres of permanent and temporary impacts, acres of conservation mitigation completed, and acres of mitigation available for debit. The Permittee will use the annual report process to compile effectiveness monitoring data, and then to verify whether it is meeting its commitment to achieve or exceed the biological goals and objectives, management plan performance standards, and compliance commitments of the HCP and this ITP. Each ASR shall include at minimum, the following information:

- a. The number of each type of Covered Activity implemented during the reporting period, the acres of each land cover type lost and disturbed by each type of Covered Activity, and the Conditions of Approval that were implemented for individual Covered Activities.
- b. Total acres of Modeled Habitat permanently and temporarily impacted for each Covered Species for the reporting period as well as the cumulative totals for the Permit Term.
- c. The amount of mitigation needed to compensate for total acres of Modeled Habitat permanently and temporarily impacted for the Covered Species for the reporting period as well as the cumulative totals for the Permit Term.
- d. Acres of mitigation procured or dedicated in that calendar year, including details of mitigation acres, and copies of deeds for all land purchases and contracts for mitigation transactions.
- e. An accounting of mitigation procured or dedicated relative to the 5-year stay-ahead provision.
- f. An accounting of mitigation acres acquired in previous years and how many acres are still available at CDFW-approved banks.

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- g. Summarized Condition of Approval monitoring results, and a discussion on adaptive management changes that may improve the effectiveness of Conditions of Approval or the mitigation lands.
- h. Success or any problems with implementation of each Condition of Approval and each mitigation measure.
- i. Number of sites revegetated annually and the status of the revegetation efforts.

6.6. 5-Year Compliance Report. The Permittee shall prepare and submit to CDFW a cumulative 5-year compliance report by September 30, each 5-year anniversary of the effective date of this ITP, which compiles and includes the information required in the Annual Status Report (Condition of Approval 6.5). The Permittee shall meet and confer with CDFW within 60 days after the 5-year compliance report submittal to discuss the report, potential ITP compliance issues, and potential ITP amendments. If CDFW determines that there are any outstanding compliance issues, CDFW shall provide a letter describing the outstanding compliance issues and what actions are necessary for the Permittee to remain in or come into compliance with the ITP. The Permittee shall provide CDFW with a written response listing actions taken or proposed to resolve compliance issues. The Permittee shall work with CDFW to confirm the proposed actions meet the compliance needs. If the Permittee fails to provide the required written response or fails to complete the necessary actions to remain in or come into compliance, CDFW may revoke or suspend the permit as provided under California Code of Regulations, Title 14, section 783.7.

The 5-year compliance report shall validate impact data with the impact estimates by reviewing Covered Activities every 5 years (years 5, 10, 15, 20, and 25) for the Permit Term. To confirm that the estimates for Covered Activities are accurately portrayed and have not changed over time, the Permittee shall evaluate 10 percent of every Covered Activity that causes more than 0.1 acre of disturbance for the preceding 5-year period, as well as 10 percent of every Covered Activity that occurs in Modeled Habitat more than 100 times per year. This analysis will assess small activities to verify that impacts are equal to or smaller than those predicted in this ITP and will also verify that several key large activities' temporary impacts have not become permanent. A combination of GIS-based desktop and in-the-field measurements shall be used to evaluate the disturbance area estimates from Covered Activities during implementation. The Permittee shall compare these results with the habitat loss or disturbance estimates provided in Section VI. Impacts of the Taking on Covered Species, of this ITP, to ensure the habitat loss and disturbances are accounted for correctly. If the Permittee determines, and USFWS and CDFW concur, that these validation efforts are not valuable (i.e., the surveys continue to demonstrate the

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activities are small and unchanging, or the Permittee is unable to detect impacts), the Permittee may focus on other areas of effects monitoring.

If during the 5-year compliance review process, CDFW determines that 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, the Permittee shall submit a request for an amendment pursuant to Title 14, Section 783.6 of the California Code of Regulations and associated fee based on the fee schedule at time of submittal.

6.7. 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 within the ASR.

6.8. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, the 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 Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how Conditions of Approval might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.

7. Take Minimization Measures: The following requirements are Conditions of Approval that only apply to applicable Covered Activities. Conditions of Approval that apply to all Covered Activities are listed above in Section 5 (General Provisions). Covered Activity numbers as listed in the HCP, which are listed below and in the ITP Condition of Approval/HCP Avoidance and Minimization Measures Cross Reference Table (Attachment 3), are defined in Section 2 of this ITP (Project Description) and in the Complete Description of Covered Activities (Attachment 2).

7.1. Erosion Control Measures. The Permittee shall utilize standard erosion and sediment control BMPs (pursuant to the most current version of the [California Stormwater Best Management Practices Handbook](#) to prevent construction site runoff into riverine; open water/fringe; other depressional wetland; and vernal pool, seasonal wetland, and swale land cover types when Covered Activities are the source of potential erosion. Soil shall be stockpiled within established work area boundaries, and stockpiles shall be located so as not to enter water bodies,

stormwater inlets, or other standing bodies of water. Stockpiled soil shall be covered prior to precipitation events. Erosion control materials shall be removed once the site has been stabilized. (Covered Activity E8, E9, E10, E11, E13, E14, E15, E16, G5, G6, G7, G8, G9, G10, M2, M4, T2, T3, T4, C1).

7.2. Stabilization of Disturbed Areas. The Permittee shall remove any temporary fill or construction debris and will backfill all excavation sites with native soil, and with crushed gravel around the bases of poles for compaction, following completion of Covered Activities. Disturbed areas will be stabilized by compacting soils and returning to pre-project contours so that the areas are commensurate with the topography of the surrounding soil, or qualified stormwater personnel will prescribe BMPs to reduce or eliminate pollutants in stormwater discharges and authorized non-stormwater discharges from the site during construction. The Permittee shall not move weed-infested gravel, rock, and other fill materials to undisturbed areas that are relatively free of weeds but shall focus fill in areas that have previously been disturbed. (Covered Activity E6, E8, E9, E10, E11, E13, E14, E15, E16, G5, G6, G7, G8, G9, G10, M1, M2, M4, T2, T3, T4, C1).

7.3. HDD Drilling Fluids Management. For Covered Activities that require horizontal directional drilling (HDD) located in or within 50 feet of aquatic Modeled Habitats, the Permittee shall install preventative measures such as secondary containment and follow a frac-out contingency plan to avoid the runoff or intrusion of any drilling fluids (i.e., bentonite or polymer material) into water ways. Following the completion of Covered Activities that involve HDD, the Permittee shall remove and properly dispose of all drilling fluids and related materials from the launching and receiving pits. Open pits will be filled with soils, and disturbed areas will be stabilized by compacting soils and returning to pre-project contours so that they are commensurate with the topography of the surrounding soil. (Covered Activity E9d, E14b, G10b).

7.4. Excess Soil. When excess soil is spread out following an excavation activity, the Permittee shall not place soil in riverine; open water/fringe; other depressional wetlands; or vernal pool, seasonal wetland, and swale land cover types or in Covered Species Modeled Habitat that contains burrows. (Covered Activity E6, E8, E9, E10, E11, E13, E14, E15, E16, G5, G6, G7, G8, G9, G10, M1, M2, M4, T2, T3, T4, C1).

7.5. Soil Management. The Permittee will stockpile soil within established work area boundaries and position stockpiles so as not to enter riverine; open water/fringe; other depressional wetlands; or vernal pool, seasonal wetland, and swale land cover types or in Modeled Habitat with burrows. The Permittee shall cover stockpiled soil with visqueen or tarps prior to precipitation events. (Covered

Activity E6, E8, E9, E10, E11, E13, E14, E15, E16, G5, G6, G7, G8, G9, G10, M1, M2, M4, T2, T3, T4, C1).

- 7.6. Revegetation of Work Areas.** If a Covered Activity temporarily disturbs 0.1 acre or more of Modeled Habitat for a Covered Species that contains herbaceous vegetation, the Permittee shall revegetate the area with a native weed free seed mix within 6 months of disturbance in accordance with Condition of Approval 8.2 of this ITP. (Covered Activity E6, E8, E9, E10, E11, E13, E14, E15, E16, G5, G6, G7, G8, G9, G10, M1, M2, M4, T2, T3, T4, C1).
- 7.7. Chipped Plant Material Management.** The Permittee shall either remove chipped plant matter created during vegetation management activities from the work area or leave it in place at the request of the landowner. If left in place, the Permittee shall not place it in or within 100 feet of riverine; open water/fringe; other depressional wetland; or vernal pool, seasonal wetland, and swale land cover types (dry or inundated). (Covered Activity V2, V3, V4, V5, V6, V7).
- 7.8. Night Lighting.** For Covered Activities that occur at night, the Permittee shall position any temporary lights needed away from any Covered Species habitat. For lighting at permanent facilities, such as substations, all lighting shall be oriented downward towards major equipment to minimize glare onto surrounding property. (Covered Activity E5, E7, E8, E9d, E14b, E15, E16, G5b, G10b, G10d).
- 7.9. Discharge of Hydrostatic Test Water.** Following a hydrostatic testing event, the Permittee shall not allow the discharge of water into vernal pool, seasonal wetland, or swale land cover type. For discharge of hydrostatic test water within 250 feet of vernal pool, seasonal wetland, or swale land cover type, a Designated Biologist or Biological Monitor shall be present to ensure that the hydrostatic test water discharged does not enter into any vernal pool, seasonal wetland, or swale land cover type. (Covered Activity G10d).
- 7.10. Minimize Vehicle Impacts on Vernal Pools.** If a Covered Activity work area or access to the work area is located on vernal pool, seasonal wetland, and swale land cover, Permittee shall evaluate site conditions and determine if soil moisture is present. If soil moisture is present, the Permittee shall identify alternative measures to minimize disturbance of Covered Species Modeled Habitat. Alternative measures may include laying down rubber matting, creating temporary bridges over swales, or using alternate access routes to minimize impacts. If it is not feasible for Permittee to avoid driving through vernal pool, seasonal wetland, and swale land cover while moisture is present, the Permittee shall track the acres of disturbance, and those acres shall count toward take limits provided in Section VI. Impacts of the Taking of Covered Species and mitigated consistently with Condition of Approval 8 of this ITP. (Covered Activity

E5, E6, E7, E8, E9, E10, E11, E13, E14, E15, E16, G5, G6, G7, G8, G9, G10, T3, T4, V2, V3, V4, V5, V6, V7).

- 7.11. Avoid Vernal Pools during Trenching.** The Permittee shall review design plans to ensure that no trenching occurs in vernal pool, seasonal wetland, and swale land cover. The Permittee shall avoid trenching through vernal pool, seasonal wetland, and swale land cover. (Covered Activity E9c, E14a, G10a).
- 7.12. Vernal Pool Biological Monitor.** If Covered Activities will directly impact vernal pool, seasonal wetland, and swale land cover, the Designated Biologist shall be present onsite and monitor the Covered Activity to ensure that all applicable Conditions of Approval are implemented correctly and that no unnecessary ground disturbance or take of Covered Species occurs. The Designated Biologist shall have the authority to stop all activities that could result in such take or destruction, and will do so, until appropriate corrective measures have been completed. The Permittee will report any unauthorized take to USFWS and CDFW within 24 hours. (Covered Activity E8, E9, E10, E11, E13, E14, E15, E16, G5, G6, G7, G8, G9, G10, M1, M2, T3, T4, C1).
- 7.13. Daily California Tiger Salamander Avoidance Measures.** If construction activities must occur within suitable CTS habitat during the wet season (generally November 1 - April 30), such construction shall avoid all suitable aquatic habitat. No construction activities shall be conducted in modeled upland habitat areas where CTS may occur regardless of the month if there is a greater than 70 percent chance of rain based on the National Oceanic and Atmospheric Administration's National Weather Service forecast or within 48 hours following a rain event greater than 0.25 inches, unless approved by the Designated Biologist or Biological Monitor. Earthmoving and construction activities shall cease no less than 30 minutes before sunset and will not begin again until no less than 30 minutes after sunrise. Except when necessary for driver or pedestrian safety, artificial lighting at a worksite shall be prohibited during the hours of darkness. Where lighting is necessary, lighting shall be directed inwards towards the construction footprint and shall not be cast on CTS habitat outside of the construction area. (Covered Activity E8, E9, E10, E11, E13, E14, E15, E16, G5, G6, G7, G8, G9, G10, M2, T3, T4, C1).
- 7.14. Pre-Work Clearance Survey.** When a Covered Activity occurs between October 15 and July 15 in CTS Modeled Habitat for activities greater than 0.1 acre with potential upland refugia such as crevices or burrows as determined by the Designated Biologist, the Designated Biologist shall conduct a pre-work clearance survey for CTS. The clearance survey shall be conducted 24 hours prior to the start of the Covered Activity. Any CTS found in the work area shall be relocated, in accordance with Condition of Approval 5.14 of this ITP. (Covered

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Activity E8, E9, E10, E11, E13, E14, E15, E16, G5, G6, G7, G8, G9, G10, M1, M2, M4, T3, T4, C1).

- 7.15. California Tiger Salamander Biological Monitoring.** A Designated Biologist or Biological Monitor shall be onsite during Covered Activities in CTS Modeled Habitat, if the activities are greater than 0.1 acre, and shall have the authority to stop work if personnel are out of compliance with the Conditions of Approval in this ITP until corrective actions are taken to be compliance. If a CTS is observed in the work area and there is a risk that injury or mortality may occur, the Designated Biologist or Biological Monitor shall halt work and implement relocation protocols described in Condition of Approval 5.14 of this ITP. Prior to the start of work each day the Designated Biologist or Biological Monitor shall perform a preconstruction survey of the work area. (Covered Activity E8, E9, E10, E11, E13, E14, E15, E16, G5, G6, G7, G8, G9, G10, M2, T3, T4, C1).
- 7.16. Avoid Inundated California Tiger Salamander Habitat.** The Permittee shall not perform Covered Activities within CTS aquatic Modeled Habitat when water is present. (Covered Activity E8, E9, E10, E11, E13, E14, E15, E16, G5, G6, G7, G8, G9, G10, M2, T3, T4, C1).
- 7.17. California Tiger Salamander Exclusion Fencing.** California tiger salamanders are most likely to be dispersing between October 15 and July 15 on nights that are wet (either from rainfall or fog). If the Permittee must perform Covered Activities during this period in upland Modeled Habitat and the Covered Activity is going to take more than 1 week, amphibian exclusion fencing must be installed around the work area to minimize the potential for CTS to enter the work area. (Covered Activity E9, E10, E14, E15, E16, G5, G8, G9, G10, M1, M2, M4).
- 7.18. Avoid Usage of Plastic Mono-filament Erosion Control Materials in California Tiger Salamander Modeled Habitat.** The Permittee shall not use erosion control materials that contain plastic monofilament in CTS Modeled Habitat. The Permittee will use tightly woven fiber netting (with a mesh size less than 0.25 inch) or similar material for erosion control or other purposes in CTS Modeled Habitat to ensure that CTS do not get trapped. Coconut coir matting/rolls are an acceptable erosion control material. (Covered Activity E8, E9, E10, E11, E13, E14, E15, E16, G5, G6, G7, G8, G9, G10, M2, T3, T4, C1).
- 7.19. Cosumnes Power Plant Exclusion Fencing.** The Permittee shall install and maintain a permanent CTS exclusion fence around the perimeter of the Cosumnes Power Plant to avoid impacting CTS during operation and maintenance of Cosumnes Power Plant (CPP). The fencing shall be metal flashing at least 2 feet tall above the soil surface and buried to a minimum depth of 4 inches below the soil surface, unless otherwise approved by CDFW. The

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barrier would be designed to prevent CTS from climbing over it or under it through burrows or cracks. The Permittee shall monitor the exclusion fencing and maintain it for the life of CPP, checking it annually prior to each rainy season. If the metal flashing does not perform as expected, the Permittee shall use adaptive management to implement a more effective barrier such as a concrete curb. Cover board shall be placed on the outside of the CPP fence and in areas most frequented by CTS to provide refuge to migrating CTS that have been redirected by the fencing. (Covered Activity M1).

7.20. Cover holes, trenches, and perform inspections. All excavated steep-walled holes and trenches (more than 6 inches deep) shall be covered with plywood (or similar material) and/or provided with one or more escape ramps at an angle of ≤ 30 degrees, constructed of earth fill or wooden planks at the end of each workday or 30 minutes prior to sunset, whichever occurs first. All steep-walled holes and trenches will be inspected by the Designated Biologist each morning (including non-workdays) that the trench or hole is open to ensure that no wildlife has become entrapped. All construction pipes, culverts, similar structures, construction equipment, and construction debris left overnight within CTS Modeled Habitat shall be inspected for CTS by the Designated Biologist prior to being moved. If necessary, an approved biologist will relocate any trapped individuals. (Covered Activity E6, E8, E9, E10, E11, E13, E14, E15, E16, G5, G6, G7, G8, G9, G10, M1, M2, M4, T2, T3, T4, C1).

8. Compensatory Mitigation and Restoration: CDFW has determined that compensatory mitigation 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. Compensatory mitigation shall be in the form of mitigation or conservation bank credits and on-site restoration of Covered Species habitat. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall purchase Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 8.1 below. The Permittee shall also restore temporary impacts for each Covered Activity that is over 0.1-acre in size of Covered Species habitat pursuant to Condition of Approval 8.2 below.

8.1. Covered Species Credits. To complete compensatory mitigation obligations, the Permittee shall provide Covered Species credits in advance of temporary and permanent impacts in 5-year increments from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities. The Permittee shall fulfill

at least 5 years' worth of all Covered Species credits in advance of any impacts prior to the beginning of each "Stay Ahead"⁵ period. Starting in Year 1 of the permit term and every 5 years thereafter, the Permittee will provide compensatory mitigation in amounts that will meet or exceed the forecasted amounts needed to fully mitigate the impacts on Covered Species Modeled Habitat by predicted Covered Activities in the next 5-year period. Starting with the second 5-year period (in year 6 of the permit term), the Permittee will also annually assess the actual impacts in the field of the previous year. Compensatory mitigation provided during the previous 5-year period in excess of what was needed will be deducted from the forecast for the next 5-year period. If, during any 5-year period, or during the permit term, the amount of temporary or permanent impacts for any Covered Species exceeds the amount of advance mitigation available to offset habitat disturbance or loss for that Covered Species, Covered Activities will not be implemented within Modeled Habitat for that species until the Permittee provides mitigation for that species. Prior to purchasing Covered Species credits, the Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. The Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt(s) or updated credit ledger (if using credits from SMUD Nature Preserve Mitigation Bank) prior to initiating Covered Activities. Twelve (12) months prior to the last 5-year period of the permit term, the Permittee may meet and confer with CDFW over the total mitigation credits secured and the actual take of Covered Species Modeled Habitat at that time, and the anticipated take for the last 5 years in the permit term. If it is determined the mitigation secured to date exceeds the estimated impacts for the remaining five years, the Permittee may submit a request for an amendment pursuant to Title 14, Section 783.6 of the California Code of Regulations and associated fee based on the fee schedule at time of submittal.

8.1.1. Covered Species Credit for Aquatic Impacts. Over the life of the permit term, the Permittee shall purchase 13.7⁶ acres of preserved and 5⁷ acres of restored/created Covered Species aquatic habitat (0.5 acre for temporary impacts, 15 acres for permanent impacts, and 3.2 acres for indirect impacts) from a CDFW-approved mitigation or conservation bank over the life of this ITP.

⁵ "Stay Ahead" is defined as the proportion of each CTS habitat type that needs to be conserved to meet compensatory mitigation requirements in advance of five-years' worth of impacts as a proportion of the total impact expected under the ITP term for each habitat type.

⁶ Total required aquatic preserved habitat subject to change based on annual impacts assessments and meet and confer associated with 5-year Stay Ahead increments.

⁷ Total required aquatic restored/created habitat subject to change based on annual impacts assessments and meet and confer associated with 5-year Stay Ahead increments.

8.1.2. Covered Species Credit for Upland Impacts. Over the life of the permit term, the Permittee shall purchase 128.55⁸ acres of preserved Covered Species upland habitat (54.75 acres for temporary impacts and 73.8 acres for permanent impacts) from a CDFW-approved mitigation or conservation bank over the life of this ITP.

8.2. Habitat Restoration. In addition to the Covered Species credits required in Condition of Approval 8.1, the Permittee shall restore on-site areas of 0.1-acre or more of modeled Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions. Within 6 months of issuance of this ITP, the Permittee shall prepare a standardized Vegetation Restoration Plan (VRP) to facilitate revegetation of temporary construction disturbance on-site and submit to CDFW for review and approval. The Permittee shall ensure that the VRP is successfully implemented. The VRP shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods and shall indicate the best time of year for seeding to occur. The Plan shall include the following: 1) Plantings undertaken between April 1 and October 15 shall include regular watering to ensure adequate growth; 2) Areas that have become either barren of vegetation or where ground disturbance has occurred shall be revegetated with native plant species consistent with the vegetative composition immediately surrounding the Work Area; 3) Revegetation shall occur by October 31, prior to the onset of winter rains, within the year initial impacts take place; 4) native species shall be included in seed mixes and have at least one perennial grass, one annual grass, one perennial forb, and one pollinator friendly forb, and; 5) meet the following success criteria:

- a. Vegetation cover shall consist of no new invasive plant species rated as “high” by the Cal-IPC and the remediated areas shall meet baseline conditions at the end of one year. Vegetation cover of extant invasive species on-site shall not be greater than 20 percent above baseline conditions.
- b. Restored areas shall be monitored for 1 year after planting and/or hydroseeding. Monitoring shall occur in May of the year following initial impacts and at the end of the 12-month period following initial impacts.
- c. Restored areas must be returned to baseline conditions within 12 months after impacts initially took place.

⁸ Total required upland habitat subject to change based on annual impacts assessments and meet and confer associated with 5-year Stay Ahead increments.

9. Security: In place of providing a Security, the Permittee shall provide Covered Species credits for temporary and permanent impacts prior to initiating Covered Activities in 5-year increments for the length of the permit term as described in Condition of Approval 8.1.

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

If the 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. The 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 at the contact information below. Email submittal is preferred. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2023-025-02) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Morgan Kilgour, Regional Manager
c/o CESA Desk
California Department of Fish and Wildlife
North Central Region
1701 Nimbus Road
Rancho Cordova, California 95670
(916) 358-2900
R2CESA@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 the Permittee is notified otherwise, CDFW's Regional Representative for purposes of addressing issues that arise during implementation of this ITP is:

North Central Region CESA Desk
1701 Nimbus Road
Rancho Cordova, California 95670
(916) 358-2900
R2CESA@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, SMUD (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the EIR, (SCH No.: 2018092030) dated May 2022 that SMUD certified for SMUD Operations, Maintenance, and New Construction Habitat Conservation Plan on June 16, 2022. At the time the lead agency certified the EIR and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's EIR for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the

severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

XIV. Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, SMUD Operations, Maintenance, and New Construction Habitat Conservation Plan, 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) establishment of avoidance zones; (2) worker education; (3) permanent protection of Covered Species habitat; (4) Annual Compliance Reports; and (5) 5-year Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW’s estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the purchase of 147.25 acres of Covered Species habitat credits from a CDFW-approved mitigation or conservation bank, habitat restoration, 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 the 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

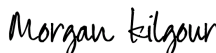
sections 2112 and 2114;

- (7) The Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

XV. Attachments:

FIGURE 1	Map of Permit Area
FIGURE 2	Modeled Habitat for the Covered Species
FIGURE 3	Rancho Seco Property Covered Activity Areas
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Complete Description of Covered Activities
ATTACHMENT 3	ITP Condition of Approval / HCP Avoidance and Minimization Measure Cross Reference Table
ATTACHMENT 4	SMUD HCP CTS Relocation Plan
ATTACHMENT 5	Biologist Resume Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON: 4/15/2026

DocuSigned by:

 C3A86764C0AD4F6...

Morgan Kilgour, Regional Manager
 North Central Region

Incidental Take Permit
 No. 2081-2023-025-02
SACRAMENTO MUNICIPAL UTILITY DISTRICT
SMUD OPERATIONS, MAINTENANCE, AND NEW CONSTRUCTION HABITAT CONSERVATION PLAN

Figure 1

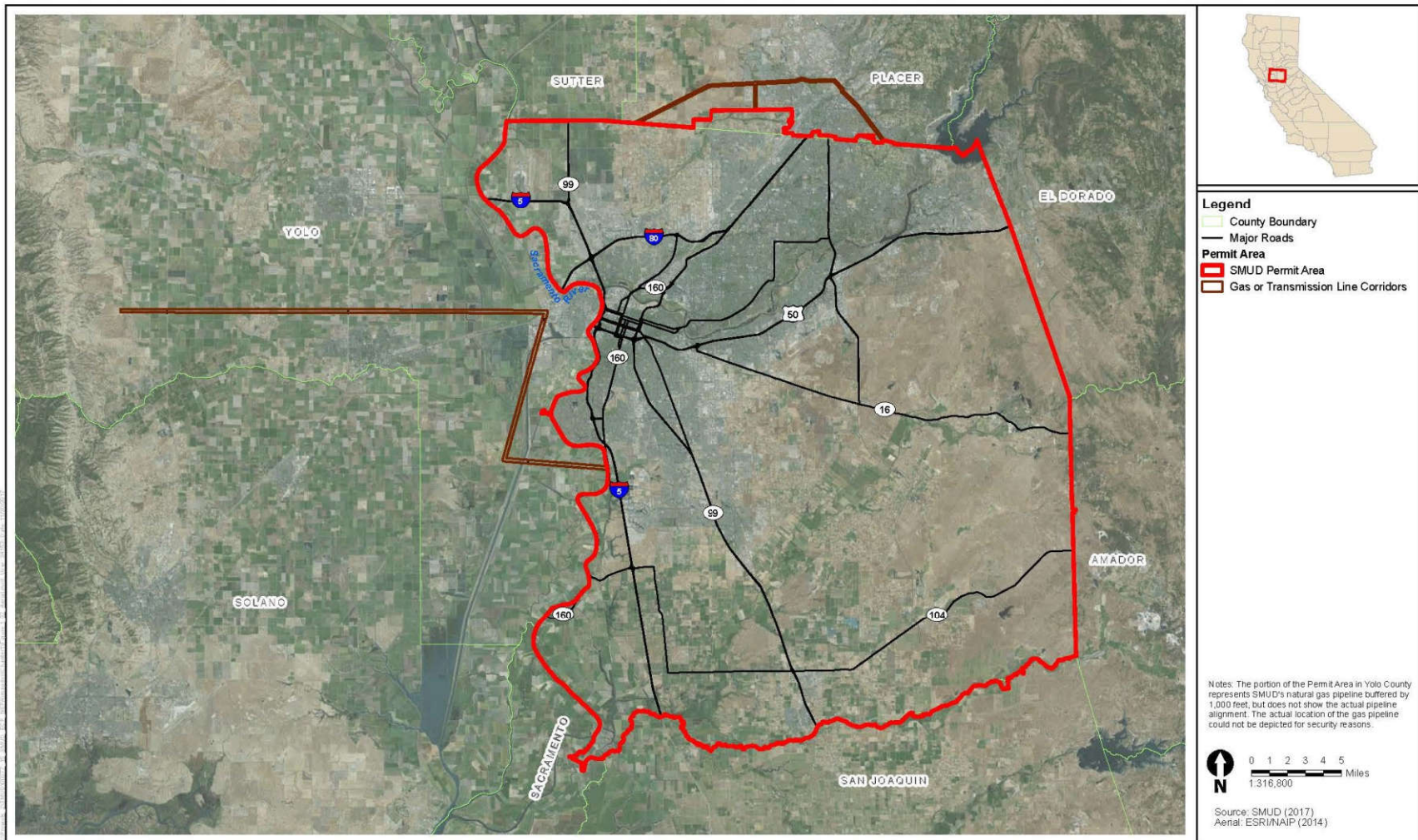
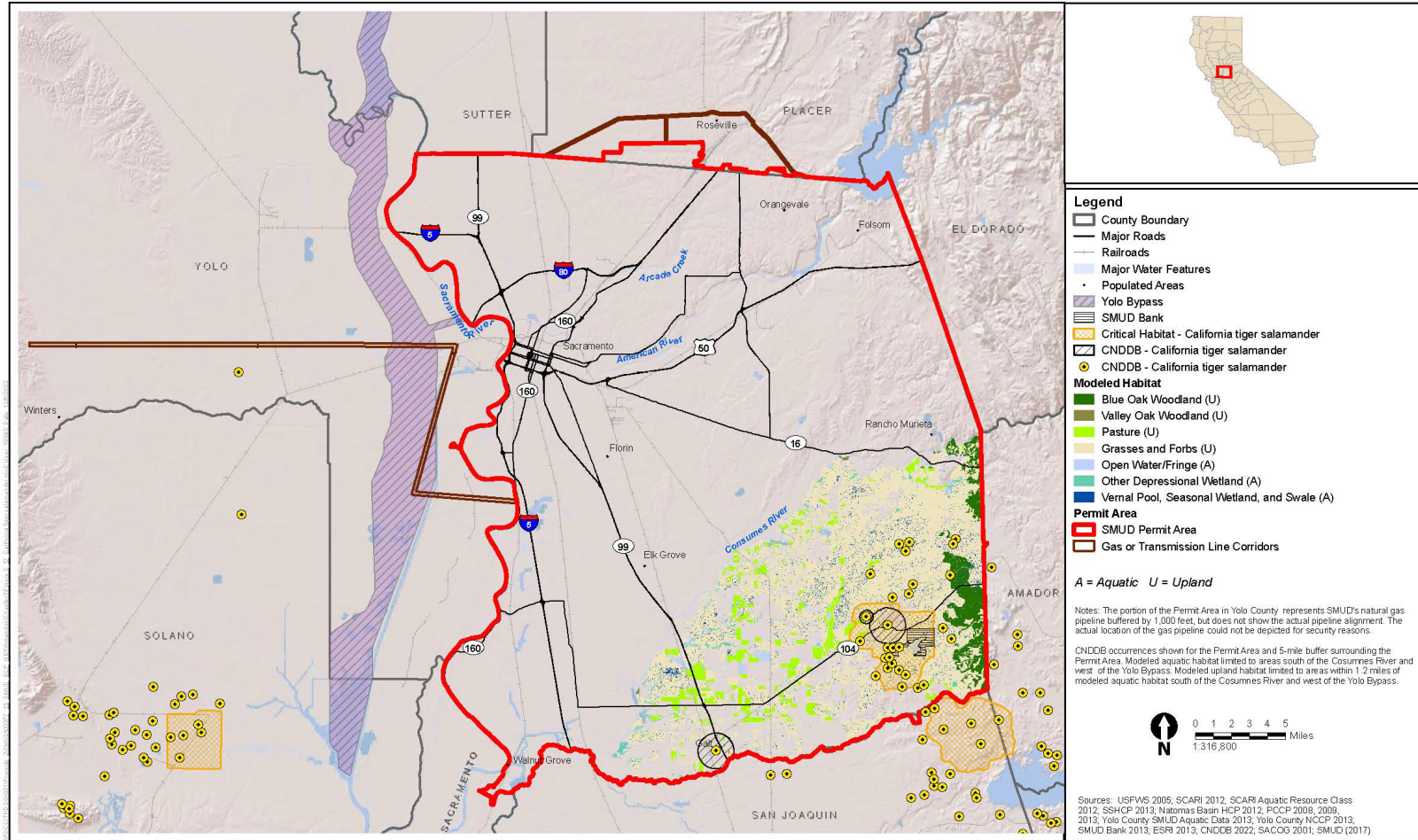
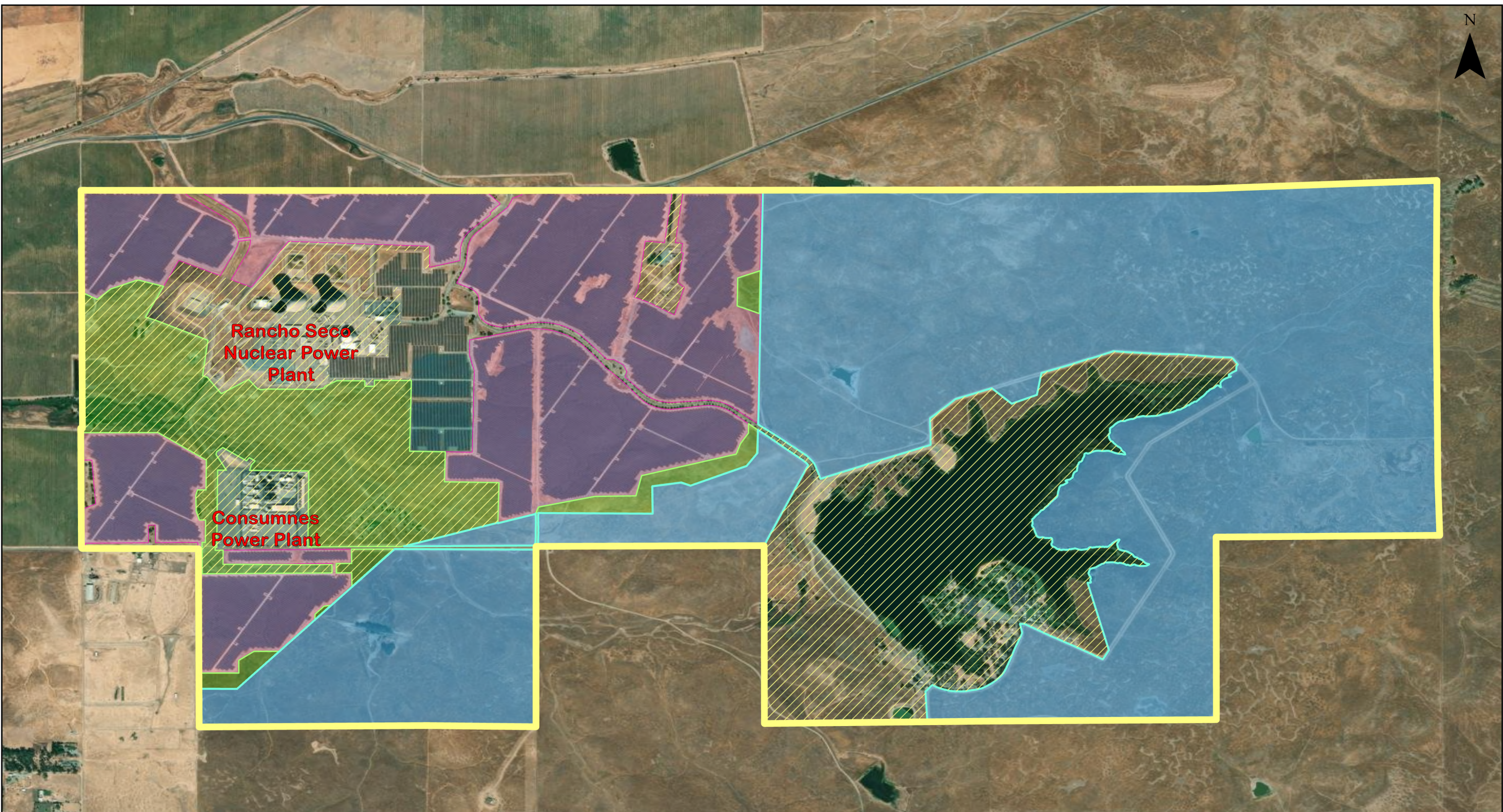






Figure 4-2. Modeled Habitat, California Tiger Salamander





SMUD Rancho Seco Property CDFW ITP & MOU Coverage Areas

-  HCP ITP Covered Activity Areas
-  SMUD Rancho Seco Mitigation Bank
-  RSSII (ITP 2081-2018-057-02)
-  SMUD-Owned Parcels
-  RSSII Conservation Easement

