California Department of Fish and Wildlife
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534

California Endangered Species Act
Incidental Take Permit No. 2081-2025-059-03

State Route 37 Sears Point to Mare Island Improvement Project: Package 1, SR 37/SR 121 Intersection and Tolay Creek Bridge Replacement (04-1Q76U)

I. Authority:

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take[1] of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.[2] CDFW may authorize the take of any such species by permit if the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) are met. (See Cal. Code Regs., tit. 14, § 783.4). CDFW also issued this ITP pursuant to Fish and Game Code section 2081.13 with respect to salt-marsh harvest mouse (*Reithrodontomys raviventris*), California Ridgway's rail (*Rallus obsoletus obsoletus*), and California black rail (*Laterallus jamaicensis coturniculus*). Fish and Game Code sections 3511 and 4700 prohibit the take of fully protected birds and mammals, respectively, except as provided by the Fish and Game Code. However, CDFW may authorize the incidental take of salt-march harvest mouse, California Ridgway's rail, and California Black Rail resulting from impacts attributable to, or otherwise related to, the State Route (SR) 37 Sears Point to Mare Island Improvement Project: Package 1, SR37/SR 121 Intersection and Tolay Creek Bridge Replacement Project (Project), if the conditions set forth in Fish and Game Code sections 2081.13, subdivisions (a)-(d) and 2081, subdivisions (b) and (c) are met (See Assembly Bill No. 697 (stats. 2025).)

Permittee:	**California Department of Transportation, District 4**
Principal Officer:	**Thiri Yu, Project Manager**
Contact Person:	**David Weber, (510) 715-9016, David.Weber@dot.ca.gov**
Mailing Address:	**111 Grand Avenue, Oakland, CA 94612**

[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.

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, 2031**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 7.7 of this ITP.

III. Project Location:

The Project is located on SR 37 from postmile(PM) 2.9 to PM 4.9 and on SR 121 from PM 0.0 to 0.2. Project activities span Tolay Creek in Sonoma County. Tolay Creek is an ephemeral drainage/tributary to San Pablo Bay (Attachment 1). The Project site is located within southwest quadrant, Township 4N, Range 5W (GPS Coordinates 38.152549; -122.44165).

IV. Project Description:

The California Department of Transportation (Caltrans) (Permittee) proposes to replace the existing two-lane bridge with a wider five-lane bridge. Improvements at the SR 37/SR 121 intersection will cause the location of the SR 37 eastbound lane drop (from two lanes to one lane) to be relocated from its current location directly east of the SR 37/SR 121 intersection to approximately one mile east at Station 254. The SR 37/SR 121 intersection will be reconfigured to accommodate widening the SR 121 left-turn-only lanes from two lanes to three lanes, which will require adding a third eastbound auxiliary lane to SR 37 through the intersection. Eastbound SR 37 will be widened to accommodate three lanes of travel that taper over the one-mile lane drop to one lane. Tolay Creek Bridge will be replaced to accommodate three eastbound travel lanes and two westbound travel lanes. Westbound SR 37 will be widened from one travel lane to two starting 1,500 feet east of Tolay Creek Bridge to accommodate the second lane of travel. Additionally, the project will replace the existing median concrete barrier, cold plane and resurface the existing pavement, construct maintenance vehicle pullouts (MVP), install new roadside and/or overhead signs along SR 37 in each direction, install outside barriers to meet current traffic safety requirements, install drainage and culverts, reconstruct railroad crossing signals and arms, install guardrail (median and outside safety barriers), construct retaining walls, install traffic monitoring stations (TMSs) and changeable message signs, and

install additional permanent lighting along the corridor in advance of bridges, at intersections and along curves. Wildlife crossing features in the form of wildlife benches will be constructed under bridge to improve connectivity for terrestrial species.

The Project will widen its span from 60 feet 7 inches to approximately 375-feet to create new tidal waters and estuarine habitat that would serve special-status species with potential to occur in the Project area once construction is completed. Additionally, the Tolay Creek Bridge replacement would improve drainages flowing across SR 37 and SR121. To allow for continued flow of traffic during construction, night work and a temporary road and bridge crossing will be constructed adjacent to the existing SR 37 roadway and the Tolay Creek Bridge. A temporary creek diversion system will be in place two seasons of work during the Tolay Creek in-water work window. Staging areas are planned east of Tolay Creek Bridge and north of SR 37; and south of SR 37/121 intersection directly west of the railroad track.

Retaining walls will be constructed to support the roadway prism at various locations in the project area. Retaining wall construction would involve excavating material outside the existing roadway, installing retaining walls on footings or on footings with piles beyond the new roadway edge followed by backfilling with rock and soil.

An embankment confinement system will also be constructed consisting of a lightweight aggregate filled wire mesh form constructed at a 45-degree slope and faced with staggered rows of soil filled coir bags, typically 6–9 courses high, which will provide both structural confinement and a plantable surface. The front face will dissipate wave energy and provide ecological function through shading and habitat structure. The design integrates hydroseeded tidal marsh seed mix up to 8.3 feet (maximum tidal extent) and marsh/upland ecotone plantings above that, creating a stable, vegetated transition zone.

A temporary containment system (dewatered sheet pile cofferdams) will be used to install retaining wall and embankment confinement system and will remain in place for up to two construction seasons year-round.

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

This ITP covers the following species:

Name	CESA Status[3]
1. Longfin smelt (*Spirinchus thaleichthys*)	Threatened[4]
2. California Ridgway's rail (*Rallus obsoletus obsoletus)*	Endangered[5] Fully Protected[6]
3. California black rail (*Laterallus jamaicensis coturniculus)*	Threatened[7] Fully Protected[8]
4. Salt marsh harvest mouse (*Reithrodontomys raviventris)*	Endangered[9] Fully Protected[10]

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

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include initial site preparation and equipment staging; operation of vehicles and heavy equipment; grading, excavation, trenching and backfilling; installation and/or removal of structures and equipment; import and export of materials; vehicle and foot traffic; access road construction, repair and resurfacing; construction and demolition of structures and equipment, including utility infrastructure; construction of roads and walkways; operation and maintenance of sediment and bioretention basins; cofferdams, water diversions, and/or embankment confinement system, handling of stockpiles and stored materials; soil compaction; vegetation clearing and

[3] Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species. All other species are "unlisted."
[4] See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(2)(E).
[5] See Cal. Code Regs. tit. 14 § 670.5, subd. (a)(5)(C).
[6] See Fish & G. Code § 3511, subd. (b)(2). Unlike species listed under CESA, the Legislature designated fully protected species through legislation.
[7] See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(5)(B).
[8] See Fish & G. Code § 3511, subd. (b)(1).
[9] See Cal. Code Regs. tit. 14 § 670.5, subd. (a)(6)(F).
[10] See Fish & G. Code § 4700, subd. (b)(7).

maintenance (grading, mowing, disking, grubbing, recontouring, and compaction of soil); revegetation requiring disking and excavation; as well as other development and CDFW-approved mitigation land management and Covered Species monitoring activities related to the Project (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 vehicle/equipment strikes, materials placement, and/or grazing (crushing); burrow collapse associated with earthwork, vegetation removal and/or vehicle passage (entombment, crushing, and/or suffocation); pedestrian traffic, equipment laydown, trenching, other excavations, grading, pile driving (impact or vibratory), entrainment due to cofferdams, water diversions, and/or embankment confinement system, laying of foundations, and landscaping installation (direct contact with sharp objects and/or blunt-force trauma); placement of spoils and/or fill materials (entombment, crushing, and/or suffocation); detention basin design, operation, and maintenance (desiccation of eggs, entrapment, direct contact with maintenance equipment, and/or chemical poisoning); exposure to contaminated water or soils from dust control, irrigation activities, or other point source pollution resulting from construction (chemical poisoning); exposure to additional temporary and/or permanent light pollution; and entanglement in erosion control materials and/or exclusion fencing (strangulation and/or immobility). Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursuit, catch, capture, or attempt to do so when individuals of the Covered Species are salvaged and/or relocated out of harm's way as required by this ITP. Covered Activities could also cause loss of individual Covered Species during habitat enhancement, maintenance, and monitoring on the Project's mitigation property (Attachments 1 and 2). The areas where authorized take of the Covered Species is expected to occur include the entire Project site (collectively, the Project Area).

The Project is expected to cause the permanent loss of 0.85 acres of habitat for the Covered Species, and cause the temporary loss of 1.85 acres of habitat for the Covered Species, for a total of 2.7 acres of impacts of habitat to the Covered Species (Attachments 4 and 5). For all Covered Species, there is an overlap of 0.77 acres of permanent impacts and 1.41 acres of temporary impacts between species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include potential Covered Species mortality due to displacement from preferred habitat, entrainment through uptake of sediment, stress resulting from noise and vibrations from equipment used to install the barriers, capture

and relocation, and short-term effects due to displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation. Potential effects to California Ridgway's rail, California black rail, and salt marsh harvest mouse include nest abandonment due to noise and vibrations from equipment use and/or human presence.

The replacement of Tolay Creek Bridge will result in the creation of 1.13 acres of tidal waters (e.g., in-water and accreted marsh habitat) in the Tolay Creek channel by removing the existing 320-foot-wide embankment and constructing a new bridge spanning the entire increased channel width. The removal of existing earth fill in the historic Tolay Creek channel will reclaim tidal marshland from existing uplands, improving wildlife connectivity between Tolay Creek Lagoon and Tolay Creek. Bench features will be incorporated under the new bridge to accommodate terrestrial wildlife crossing areas that will function even at high tide.

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 as authorized in this ITP.

VIII. Conditions of Approval:

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

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.

2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of

the State Route (SR) 37 Sears Point to Mare Island Improvement Project EIR (SCH No.: 2020070226) adopted by the California Department of Transportation on July 11, 2023 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (Notification No. EPIMS-SON-57477-R3) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.

4. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the U.S. Fish and Wildlife Service Formal Consultation on the Biological Opinion for the proposed Tolay Creek Bridge Replacement 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 overlap with the conditions of approval in this ITP, and the conditions in the federal authorization are less protective of the Covered Species, the more protective conditions of approval set forth in this ITP shall control.

5. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 3 to this ITP.

6. **General Provisions:**

6.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing 15 days prior to starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.

6.2. CDFW Designated Biologist(s). Permittee shall submit to CDFW the name and resumes with, qualifications, business address, and contact information of up to five CDFW Designated Biologist(s) at least 30 days before starting Covered

Activities. Resumes shall include years of experience working directly with the species and any relevant training associated with the species and any species listed in person's current scientific collecting permit. Permittee shall ensure that the CDFW Designated Biologists are knowledgeable and experienced in the biology, natural history collecting and handling of the Covered Species. A CDFW 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.

6.3. Designated Biologist(s) Orientation. Prior to any work on the project site, the CDFW Designated Biologist shall be required to schedule and attend a mandatory orientation led by CDFW staff to familiarize the CDFW Designated Biologist (as well as any additional Designated Biologists and Biological Monitors) with Permit requirements, CDFW's expectations, their role and responsibilities for the Project, and for CDFW to answer any questions. Caltrans staff and U.S. Fish and Wildlife Service staff are recommended but not required to attend.

6.4. Biological Monitor(s) and Designated Biologist(s). An approved CDFW Designated Biologist may approve individuals as Biological Monitors or Designated Biologists. A CDFW Designated Biologist shall submit to CDFW a list of **approved** Biological Monitors and Designated Biologists and any supporting documentation of qualifications. It will be the responsibility of a CDFW Designated Biologist to review and vet all Biological Monitors and Designated Biologists,. A CDFW Designated Biologist shall maintain a project list of approved Biological Monitors and Designated Biologists, which specifies their biological specialty as it pertains to the Project. All updates to the list shall be sent to CDFW.

- A Designated Biologist is an individual who holds a bachelor's degree from an accredited university and: 1) is knowledgeable in relevant species' life histories and ecology, 2) can correctly identify relevant species, 3) has conducted field surveys for relevant species (and has observed species in the field via sight, sound, handling, etc.), 4) is familiar with relevant survey protocols, 5) is knowledgeable of state and federal laws regarding the protection of sensitive species and, 6) has previous experience on a transportation/infrastructure Project coordinating with a Resident Engineer and equipment operators.

- A Biological Monitor is an individual who has academic and/or professional training and experience in biological sciences and related resource management activities as it pertains to this Project, experience with construction-level Biological Monitoring, be able to recognize species that may be present within the Project Area and be familiar with the habitats and behavior of those species.

6.5. Designated Biologist Stop Work Authority. To ensure compliance with the Conditions of Approval of this ITP, a Designated Biologist, Biological Monitor or resident engineer shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate a Designated Biologist in the performance of his/her duties. If a Designated Biologist is unable to comply with the ITP, then a Designated Biologist shall notify the Designated Representative and 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 a Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.

6.6. Training Session for Personnel. Permittee shall ensure that a CDFW-approved Designated Biologist conducts an education program for all persons employed on the Project prior to performing Covered Activities. Instruction shall consist of a presentation by a Designated Biologist that includes a discussion of the biology and general behavior of any sensitive species which may be in the area, how they may be encountered within the work area, and procedures to follow when they are encountered. Training shall also include outlining methods to reduce wildlife/plant impacts to marsh habitat (Attachment 6). The status of Covered Species pursuant to CESA and/or sections 3511 or 4700 of the Fish and Game Code as applicable, including legal protection, penalties for violations and Project-specific protective management measures provided in this Agreement shall be discussed. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to on-site Project

activity. Copies of the Agreement for this Project shall be maintained at the worksite with the Project supervisor. Permittee or Designated Biologist shall prepare and distribute wallet-sized cards or a factsheet handout containing this information for workers to carry on-site. Upon completion of the program, employees shall sign an attendance form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area. The forms and education pamphlet shall be filed at the Permittee's office and submitted to CDFW prior to the completion of construction.

6.7. Construction Schedule. Permittee shall submit a final construction schedule to CDFW within 15 calendar days prior to the start of Project construction activities. The construction schedule shall identify the approximate beginning and completion date of Project activities. During the Project construction period, Permittee shall notify CDFW of any major changes in the construction schedule at least seven days prior to the change being implemented.

6.8. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs. Plastic water bottles and plastic bags shall be picked up and removed daily.

6.9. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by a Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.

6.10. Erosion Control. 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. Tightly woven silt fencing material or woven organic materials such as coir logs (without mono-filament netting) shall be permitted. Following completion of the Project, Permittee shall implement erosion control measures for all disturbed areas, which may include reseeding using a noxious weed-free locally native seed mix, hydroseeding, jute matting, or tackifying agents to stabilize soils, dust control, and prevent erosion.

6.11. 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. All fenced, staked, or flagged markers shall be removed upon completion of the Project. If placing markers is not feasible, sensitive areas shall be discussed in the Training Session for Personnel by CDFW (Condition of Approval 6.6).

6.12. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. If placing of markers is not feasible sensitive areas shall be discussed in the Designated Biologist(s) Orientation by CDFW (Condition of Approval 6.3). All fenced, staked, or flagged markers shall be removed upon completion of the Project.

6.13. 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. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of a Project modification.

6.14. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the off-site staging areas outside of sensitive habitat and covered species habitat. All staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the river channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the creek shall be positioned over drip pans. Any equipment or vehicles driven and/or operated within or adjacent to the stream must be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic

life. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area.

6.15. No Dumping. Permittee and all contractors, subcontractors, and employees shall not dump any litter or construction debris within the river, or where it may pass into the river.

6.16. Wash Water. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.

6.17. Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.

6.18. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

6.19. 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.

6.20. Equipment Maintenance and Fueling. All equipment operated within the channel shall be checked and maintained daily to prevent leaks of materials that if introduced to the water could be deleterious to Covered Species. 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. When exchanging tanks over water or filling the vibratory extractor rig, drip pans shall be used. Fuel and other material stored on the barge shall be stored in a plastic tub to contain

leaks or spills. Spill equipment such as booms, drip pans, and absorbent pads shall be on-site and be ready to deploy in case of spill.

6.21. Cleaning Equipment Prior to Entering Channel. All equipment that will be entering the active channel shall be cleaned of materials deleterious to aquatic life including oil, grease, hydraulic fluid, soil and other debris. Wash water containing mud or silt from washing or other operations shall not be allowed to enter the channel.

6.22. Prevention of Spread of Invasive Species. Permittee shall conduct Project 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. Prevention BMPs and guidelines for invasive plants can be found on the Cal-IPC'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/. Additional resources can be found on the California Invasive Species List from the Invasive Species Council of California.

6.23. Spill Prevention. A spill response plan shall be submitted to CDFW for approval in writing at least 30 days prior to the initiation of construction. A designated inspector familiar with the utilized construction equipment shall be on-site during all Project activities in order to monitor equipment operations, prevent waterway contamination and respond to equipment malfunctions. The barge, boat, heavy equipment shall be regularly inspected for wear, leaks, and/or malfunction. Hazardous material leaks and spills shall be attended to immediately as outlined in the Spill Prevention and Response Plan. Prior to entering the work site, all field personnel shall know the location of spill kits and trained in their appropriate use.

6.24. Spill Containment. All activities performed in or near a river, stream, or lake shall have absorbent materials designated for spill containment and cleanup activities on-site for use in an accidental spill. The Permittee shall immediately notify the California Emergency Management Agency at 1-800-852-7550 and immediately initiate the cleanup activities. CDFW shall be notified by the Permittee and consulted regarding clean-up procedures.

7. Monitoring, Notification and Reporting Provisions:

7.1. Notification Before Commencement. The Designated Representative shall notify CDFW at least five calendar days before starting Covered Activities for each construction season and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.

7.2. Notification of Non-Compliance. The Designated Representative and Designated Biologist shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative and Designated Biologist shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.

7.3. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities that have the potential for take occur. **The Permittee shall ensure compliance inspections are conducted at a minimum weekly 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;

(6) assess the adequacy of the mitigation and conservation strategies resulting from the measures of this ITP to provide information to direct the adaptive management of Covered Activities.

The Permittee shall submit for CDFW approval a list of Covered Activities that do not have the potential to cause take and do not require a Designated Biologist to be on-site daily. If a Covered Activity is not listed, the Designated Biologist shall be on-site daily. The Designated Representative or Designated Biologist shall prepare written observation and inspection records summarizing: oversight activities and compliance inspections, observations of

Covered Species and their sign, survey results, and monitoring activities required by this ITP.

7.4. Monthly Compliance Reports. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall detail approximate Project impacts in acres, separated into permanent, and temporary impacts. The reports shall: (1) identify and describe the temporary and permanent impacts to date; and (2) include all monitoring information required by the terms of this ITP. Monthly Compliance Reports shall be submitted within 30 days 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 Karen Taylor (Karen.Taylor@wildlife.ca.gov) and Region 3 CESA Program email is R3CESA@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.

7.5. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.

7.6. CNDDB Observations. A Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within 60 calendar days of the observation and a Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.

7.7. Final Mitigation Report. No later than 60 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. A Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.

7.8. Notification of Take or Injury. Permittee shall immediately notify a 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. A Designated Biologist or Designated Representative shall provide initial notification to the CDFW Representative, Karen Taylor, Senior Environmental Scientist (Specialist) (Karen.Taylor@wildlife.ca.gov), and Region 3 CESA email, R3CESA@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 (2081-2025-059-03). Following initial notification, Permittee shall send CDFW a written report within two business 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.

8. Take Minimization Measures

The following requirements are intended to ensure the minimization of incidental take of Covered Species during Covered Activities. Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:

8.1. Night Work Restrictions. Night work (defined as 30 minutes before sunset to 30 minutes after sunrise) shall occur no more than five consecutive days and there shall be a minimum of two consecutive days of no night work in a seven-day period. Night work shall adhere to Condition of Approval 8.4, and every effort shall be made to decrease consecutive days of night work to the greatest extent possible. An amendment may be required if less than two days of no night work is requested.

8.2. Work Period in Dry Weather Only. Permittee shall conduct all work as described in the Project Description, and within the Project Area during periods of dry weather. The Permittee shall monitor forecasted precipitation. When ¼ inch or more of precipitation is forecasted to occur, the Permittee shall stop work before precipitation commences. No Project activities may be started if its associated erosion control measures cannot be completed prior to the onset of precipitation. Seventy-two-hour weather forecasts from National Weather Service shall be consulted and work shall not start back up until runoff ceases and there is less than a 40 percent forecast for precipitation for the following 24-hour period.

8.3. King Tide and Storm Events. After any King Tide (perigean spring tides which occur 3-4 times per year) and/or storm event, the Permittee shall inspect all sites currently under construction and all sites scheduled to begin construction within the next 72 hours for erosion, sediment problems, and damage to exclusion fencing and take corrective action as needed.

8.4. Temporary and Permanent Artificial Light at Night (ALAN) Emission Restrictions. All permanent lighting shall be used only where necessary for safety and signage. All permanent ALAN designs shall meet the recommendations of the lighting resources described in the Dark Sky Society Guidelines (2020) (https://www.darkskysociety.org/handouts/LightingPlanGuidelines.pdf) and incorporate fully shielded (full-cutoff) or zero uplight as defined in Dark Sky Guidelines to ensure light is directed downward onto the roadway, preventing upward light pollution and reducing stray light and shall not be directed into natural areas outside of the road surface to prevent additional light pollution and disruption of nocturnal wildlife activity. All permanent Project lighting shall use amber or orange, low-wavelength lights (typically 560nm–610nm), which are less visible to many animals and insects, including the Covered Species.

All temporary lighting associated with construction staging areas, access routes, and construction sites shall use the lowest brightness needed for safety, with warm or amber tones to minimize disturbance to wildlife. Lights should be fully shielded and aimed downward to prevent spilling into habitat and skyglow. Use timers or motion sensors so lighting operates only when necessary and keep fixtures away from sensitive areas such as riparian zones, nesting sites, and known movement corridors. Temporary lighting shall be shut down upon the completion of work each day and not used as security lighting overnight.

8.5. Disposal of Debris. To prevent wildlife from utilizing piles of vegetation, vegetation removed under project activities shall be placed directly into a disposal vehicle and removed from the Project site. Vegetation shall not be piled directly on the ground unless it is later transferred for disposal, by hand, under the direct supervision of a Designated Biologist or Biological Monitor.

8.6. Pile/Pier Removal. Any pile or pier or any sediment or attached debris on a pile or pier set for demolition shall be removed in a manner to prevent any pile, pier or associated mud or debris from entering the active channel. Upon removal the pile, pier or associated mud or debris must be stored in a containment system located outside of Covered Species habitat that is designed so runoff cannot enter the active channel.

8.7. Vibratory. Vibratory driving shall be used for sheet pile installation and to the greatest extent practicable for other non-CIDH piles. If not practicable, soft start methods shall be implemented as described in measure 8.8.

8.8. Pile Driving and Soft Start Pile Driving. When impact pile driving is needed, the initial strikes (impact start and restart) of ALL pile activities and piles that occur within a distance (as described in Condition of Approval 8.8.2) in which injurious sound levels to aquatic species could reach the water shall occur at less than full impact force, at minimum, a soft-start of at least three strikes at 40 percent energy would be implemented, followed by five minutes at less than or equal to 60 percent before proceeding to operating energy. This action shall be repeated one additional time and impact shall be gradually brought up to full force blows to reduce the initial sound levels and provide warning blows to allow aquatic species to have adequate time to leave the Project action area.

8.8.1. Daytime Pile Driving. No impact pile driving is permitted at night under this ITP and shall be limited to occur from 30 minutes after sunrise and up to 30 minutes before sunset. Additional seasonal night work restrictions for pile driving during Covered Species nesting season are outlined in Conditions of Approval 8.21.

8.8.2. Pile Driving Hydro-Acoustic Limits. Sound pressure levels generated by attenuated impact pile driving activities, including pile proofing, in the water, or within 200 linear feet of the water's edge in the active channel, that produce injurious sound to Covered Species shall be kept below the interim thresholds, 206 decibel (dB) peak Sound Pressure Level (SPL) at 33 feet from the pile, and 187 dB cumulative Sound Exposure Level (SEL) at 118 feet from the pile. If the 206 dB SPL or 187 cumulative SEL thresholds are exceeded for impact pile driving, or pile-proofing activities, the Permittee shall stop all impact pile driving activities and consult with CDFW before initiating subsequent pile driving activities. Any exceedance in the threshold distances for impact pile driving may require an Amendment to this ITP. The Permittee shall monitor sound levels for all in-water impact pile install activities, including pile-proofing, as well as for piles installed within 200 linear feet of the water's edge in the active channel, as specified in Condition of Approval 8.9. Monitoring shall only be required during impact pile driving activities occurring within the river channel, as well as for piles within a reasonable distance of the water on dry land (within 200 feet of the water's edge of the active channel) where sound levels may be injurious to Covered Species.

8.9. Turbidity, Noise and Vibration Reduction. The Permittee will furnish, install, operate and maintain a sound attenuation system for all piles installed in water by impact hammer to reduce noise generated into the water. If the sound attenuation system fails, pile driving shall immediately stop and may not resume at the location until the system is put back into operation. Piles installed by vibratory hammer shall not require sound attenuation. A design of the sound attenuation system shall be submitted to CDFW for written approval no less than 14 days prior to the initiation of construction. The following sound attenuation systems may be employed including but not limited to:

a. Confined bubble curtain

b. An unconfined bubble curtain

c. Isolation casings

d. Wooden pile cushions

e. Dewatered cofferdams

8.10. Hydroacoustic Monitoring Plan. A minimum of 14 days prior to the initiation of construction a hydroacoustic monitoring plan to evaluate sound levels during pile driving activities shall be prepared by the Designated Biologist specializing in hydroacoustic monitoring . The acoustic monitoring plan shall follow the "*Agreement in Principle for Interim Criteria for Injury to Fish from Pile Driving Activities*" memorandum from the Fisheries Hydroacoustic Working Group, Dated June 12, 2008) and must be approved in writing by CDFW before pile driving activities can proceed (https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/ser/bio-fhwg-criteria-agree-a11y.pdf). The Hydroacoustic Monitoring Plan may be combined and submitted as one document with the Noise Monitoring Plan and must be implemented during all in-water impact pile driving activities including pile-proofing, as well as near water piles within 200 feet of the edge of water in the active channel. At minimum, the plan will include the following:

- Daily acoustical monitoring by the designated hydro-acoustic monitoring specialist.
- A description of the methods necessary to continuously assess underwater noise on a real-time basis, including details on the number, location, distance and depth of hydrophones and associated monitoring equipment.
- A means of recording the time, number of pile strikes, peak sound energy per strike and interval between strikes.
- A minimum of two hydrophone underwater sound monitoring systems (hydrophone, signal amplifier and calibrator) that utilize current National Institute of Standards and Technology traceable calibration method.
- A hydrophone positioned at the proposed limits of peak and cumulative strikes to ensure threshold distances are not surpassed or provide specific analysis on how the proposed limits shall be measured and monitored.

- Specific inputs and calculations for cumulative sound exposure limits in the monitoring reports.

The results of hydroacoustic monitoring shall be submitted in the appropriate Monthly Report (See Condition of Approval 7.4), Annual Report (See Condition of Approval 7.5), and the Final Mitigation Report (See Condition of Approval 7.7).

8.11. Noise Monitoring Plan. The Permittee shall prepare and submit a terrestrial species Noise Monitoring Plan for CDFW approval a minimum of 14 days prior to initiation of construction that identifies monitoring objectives and noise-sensitive receptors; specifies applicable noise thresholds; specific time of year plan shall be in effect to best protect Covered Species; defines monitoring locations and equipment specifications; describes measurement parameters and environmental conditions to be recorded; outlines the monitoring schedule based on breeding season of California Ridgway's rail and California black rail; identifies required noise mitigation measures; establishes exceedance verification and notification procedures; and provides reporting requirements including data summaries, field logs, and calibration documentation. The Noise Monitoring Plan may be combined and submitted as one document with the Hydroacoustic Monitoring Plan.

8.12. Daily Covered Species Checks. For Covered Activities that may cause take (See Condition of Approval 7.3), before the start of work each day and throughout the course of the day as determined by a Designated Biologist, the Project Area shall be inspected for Covered Species. Covered Species shall be relocated by a Designated Biologist to a safe location (See Condition of Approvals 8.16 and 8.31).

8.13. Fish Salvage. A Designated Biologist shall stop work if any fish are stunned or otherwise directly impacted by noise and vibration from pile driving. Work shall not resume until the fish clears the construction area or fish rescue is performed as specified in Condition of Approval 8.16.

Longfin Smelt (LFS) Specific Measures

8.14. LFS Entrainment. Permittee shall minimize the potential for LFS to be entrained in any equipment intakes, pipes, etc. Pump intakes shall be placed away from complex vegetated banks that may contain habitat for LFS. 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, and slotted openings shall not exceed 0.069 inches in width. Approach velocity shall not exceed 0.33 feet per second. Alternatively, the Permittee may provide a plan for CDFW review and approval to relocate LFS.

8.15. LFS Species Mortality. If LFS is found recently deceased, the carcass shall be immediately bagged, labeled, and preserved in a freezer. The label shall include time and date, GPS location, circumstances surrounding death (if known), and ITP tracking number. The specimen shall be delivered to the CDFW Wildlife Investigations Lab, 1701 Nimbus Road, Suite D, Rancho Cordova, CA 95670 within two calendar days of the discovery.

8.16. Handling and Release of LFS. Any LFS caught in the course of Project activities shall be immediately released. Species, approximate size, date, time, location of capture, and condition shall be noted prior to release. This documentation shall be included in the Monthly Compliance Report as required by Condition of Approval 7.4. Appropriate handling techniques shall be used to minimize potential effects to fish, such as keeping fish in water as much as possible and handling when hands are wet. Capture of LFS shall be reported to CDFW per Condition of Approval 7.8.

8.16.1. Wet Hands and Nets. Handling of LFS shall be minimized. However, when handling is necessary, a Designated Biologist shall always use wet, clean hands (i.e., free of lotions, creams, sunscreen, oils, ointment, insect repellent or any other harmful materials) or nets prior to touching LFS.

8.16.2. Proper LFS Holding Technique. Holding containers shall be sized such that individual LFS fit without touching the sides. A Designated Biologist shall temporarily hold individuals in cool, shaded, aerated water in a flow-through live car (a specialized fish-holding container). A Designated Biologist shall protect LFS from jostling and noise and shall not remove LFS from this container until time of release.

8.16.3. Water Temperature and Water Changes. A Designated Biologist shall measure air and water temperatures periodically. A thermometer shall be placed in holding containers and, if necessary, periodically conduct partial water changes to maintain a stable water temperature consist with pre-Project habitat conditions.

8.16.4. No Overcrowding. Overcrowding in containers shall be avoided by having at least two containers and segregating individuals from larger age-classes to avoid predation. If fish are abundant, the captures shall cease periodically, and captured fish shall be released at predetermined locations before resuming capture to avoid being held for too long.

Fully Protected Covered Species-Specific Measures

California Ridgway's Rail (CRRA), California Black Rail (BLRA), Salt Marsh Harvest Mouse (SMHM)

8.17. Adaptive Management Plan. The Permittee shall prepare and submit an Adaptive Management Plan for CDFW approval a minimum of 30 days prior to initiation of construction. Adaptive Management Plan shall include mortality reduction actions for the duration of this ITP unless updated by CDFW to reflect best available science, in which case CDFW will contact the Permittee to discuss needed updates. As provided in Fish and Game Code section 2081.13, subdivisions (a)(3) and (d), this ITP's Conditions of Approval may be amended when necessary to minimize and fully mitigate the impacts of the authorized take of CRRA, BLRA, and SMHM. A Designated Biologist may also propose updates to the CDFW-approved Adaptive Management Plan as a result of new information gathered through compliance monitoring. Components of the Adaptive Management Plan shall include pathways for regular monitoring of species, habitats, take levels, and conservation actions; determine effectiveness of Conditions of Approval; (if needed) adjust for mitigation strategies based on evidence to consistently meet the conservation requirements of Fish and Game Code section 2805(d); and develop collaboratively with CDFW oversight and approval.

8.18. CRRA/BLRA/SMHM High Tide Restrictions. No project activities shall occur within 400 feet of potential high tide refugia near tidal marsh habitat for CRRA/BLRA/SMHM during a projected high tide or a storm surge level high tide event (6.53 feet MLLW or higher measured at the Sonoma Creek Entrance) **or** when adjacent, accreted marsh starts to become inundated/flooded unless work area is dewatered and fully enclosed by cofferdams.

California Ridgway's Rail/California Black Rail Specific Measures

8.19. CRRA/BLRA Annual Surveys. The Designated Biologist shall conduct surveys using the *USFWS Site-Specific Protocol for Monitoring Marsh Birds* (2017 protocol) between January 15 and April 15 prior to the commencement (including mobilization) of construction and annually thereafter, where suitable or potentially suitable habitat for CRRA/BLRA occurs and could be disturbed by construction activities in the project area (USFWS Site-Specific Protocol for Monitoring Marsh Birds (Wood et al. 2017) (https://data.pointblue.org/cadc2/uploads/Articles/Rails/SF_Bay_Marsh_Bird_Protocol_FINAL_20170208.pdf). Suitable habitat shall include (but is not limited to): seasonal wetlands, brackish marsh, accreted marsh, adjacent vegetated ponds, transitional habitat to upland, and adjacent upland habitat to the habitats mentioned. Per protocol, a minimum of three surveys shall be required at least seven days apart. A Designated Biologist shall submit results to CDFW for review at least twenty-one days prior to initiation of construction. If ambient roadway noise prevents surveyors from reasonably detecting calls, arrangements shall be made to move survey location further from roadway to adequately hear/detect CRRA/BLRA in/near the Project area. Autonomous recording units may be used to supplement the protocol-level surveys in detection but may not fully replace protocol-level surveys in the terms of this ITP.

8.20. CRRA/BLRA Pile Driving Restrictions. During the CRRA/BLRA nesting season (January 15 through August 31), impact pile driving shall be conducted only between 30 minutes after sunrise and 30 minutes before sunset to minimize noise, visual, and vibration impacts on nesting birds. Impact pile driving shall not begin unless the Permittee can complete driving of the pile no later than 30 minutes prior to sunset.

8.21. CRRA/BLRA Avoidance. Between January 15 and August 31 Project activities occurring within 700 feet of a CRRA/BLRA detection shall not proceed until visual/sound barriers approved by CDFW have been installed to reduce the potential for visual disturbance to the species. Barriers shall include anti-perch features to discourage use as a predator perch and shall remain in place until the completion of work, or until September 1 if work is not yet completed. If a visual/sound barrier is not present or is unable to be installed, work within 700 feet of a CRRA/BLRA detection may only proceed via an amendment to this ITP.

8.22. CRRA/BLRA Handling, Care, and Rehabilitation Plan. The Designated Biologist shall prepare a CRRA/BLRA Handling, Care, and Rehabilitation Plan (Care

Plan) for CDFW approval a minimum of 30 days prior to initiation of construction. The Care Plan shall include, but is not limited to: Procedures to capture and handle an injured CRRA/BLRA or abandoned eggs or nestlings; the name and contact information of a CDFW-approved wildlife rehabilitation center or veterinary facility; methodology for transport CRRA/BLRA. Permittee is responsible for funding the rehabilitation, recovery, and release of rehabilitated CRRA/BLRA and/or nestlings. The Care Plan shall be submitted to CDFW for approval prior to the beginning of Covered Activities. Covered Activities anywhere within the Project Area may not proceed until the Care Plan is approved in writing by CDFW. Only approved Designated Biologist(s) shall be authorized to capture and handle CRRA/BLRA. Once approved in writing by CDFW, the Care Plan shall be used as applicable for the duration of this ITP unless updated by CDFW as part of the Adaptive Management Plan (Condition of Approval 8.17) and to reflect best available science, in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the CDFW-approved Care Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Care Plan modifications.

Salt Marsh Harvest Mouse Specific Measures

8.23. SMHM Pre-Construction Habitat Assessment Surveys. A Designated Biologist shall conduct pre-construction surveys within the Project Area at least seven days prior to the commencement (including mobilization) of construction, where suitable or potentially suitable habitat for SMHM occurs and could be disturbed by Covered Activities. The pre-construction surveys shall focus on establishing baseline conditions for the species in the Project Area using the *Bay Delta Conservation Plan SMHM Vegetation Preference list* (Attachment 7).

8.24. SMHM Vegetation Removal and Monitoring. A Designated Biologist shall supervise and monitor all vegetation removal in potential SMHM habitat and/or high tide refugia and shall have immediate stop work authority per Condition of Approval 6.5 to direct the removal process (e.g., rate, timing, tools, sequence, and temporary delays) to facilitate SMHM dispersal to habitat outside the impact area. Vegetation removal shall be conducted during an outgoing tide when the dispersal habitat is not inundated by tide water.

8.24.1. Vegetation and debris that have the potential to provide cover for SMHM shall be removed using hand tools and/or hand-operated equipment (e.g., string trimmers, high brush mowers, rakes) at least one

week prior to the commencement of construction activities. Initial vegetation removal may continue until topsoil is visible (vegetation no higher than three inches). After initial removal is complete and topsoil is visible, mowing with a string trimmer or mower may proceed (if necessary). The project biologist shall walk in front of the mower and stop work as needed to allow mice to relocate.

8.24.2. SMHM shall be encouraged toward undisturbed habitat with hand tools and/or hand-operated equipment (e.g., string trimmers, high brush mowers, rakes) as soon as possible (but no more than 30 minutes) prior to the removal of vegetation, placement of fill, or excavation. This activity shall be conducted systematically in the Project Area to ensure SMHM move toward remaining vegetation outside the area of disturbance. Only the minimum amount of marsh vegetation necessary to implement effective SMHM exclusion shall be removed.

8.24.3. Suitable escape routes or temporary shelters consisting of dead vegetation shall be positioned to provide escape routes to suitable habitat. Escape routes shall be installed for borrow ditches or other entrainment features created during project activities. A Designated Biologist shall check temporary shelters daily prior to start of construction and relocate located SMHM per Conditions of Approval 8.12 and 8.30.

8.24.4. Cut vegetation shall be immediately removed from the cleared area as it is being cut, so that no standing or cut vegetation remains in the cleared area.

8.24.5. When placing mats in potential SMHM habitat, clearance of a vegetated area followed by immediate placement of gravel over vegetation is permitted.

8.24.6. During construction, a Designated Biologist shall check underneath vehicles and equipment for SMHM before such equipment is moved, unless the equipment is surrounded by SMHM exclusion fencing (Condition of Approval 8.27).

8.25. SMHM Avoidance. If a SMHM is discovered in the Project Area, work in the immediate area shall cease. A Designated Biologist shall be present to monitor the mouse while construction is active until it leaves on its own volition or the Designated Biologist relocates the individual(s) out of harm's way. Work

may proceed only after the Designated Biologist has confirmed that all SMHM have left within the work area in accordance with the SMHM Relocation Plan (Condition of Approval 8.30).

The Designated Biologist shall use hand-capture methods or live-traps to relocate any SMHM to suitable vegetation outside the disturbance area in accordance with the CDFW-approved SMHM Relocation Plan (see Condition of Approval 8.30) unless otherwise approved by CDFW in writing. A Designated Biologist shall photograph and document the capture and relocation locations using GPS coordinates (including horizontal error, in fee, and datum), photograph the captured mouse, identify the mouse to genus based on presence/absence of grooved upper incisors (see Attachment 8), and submit all documentation to CDFW within 24 hours of SMHM relocation.

8.26. Active SMHM Nests. If a small mammal nest with young is found, it shall be treated as a SMHM nest since young of the species cannot be reliably identified unless an adult small mammal is present and can be identified. Under the direction of the Designated Biologist, the nest shall be restored to its pre-disturbed condition as safely as possible, CDFW shall be immediately contacted and consulted, and all Project Activities within a 100-foot buffer shall halt pending consultation with CDFW and shall not resume until CDFW has determined and authorized an appropriate course of action.

8.27. SMHM Exclusion Fencing. No less than 48 hours after vegetation removal, Permittee shall place a mouse-proof barrier along the edge of the area to further reduce the likelihood of SMHM returning to the area prior to construction. The fence shall be made of silt fence material and MUST include two strips of duct tape, placed side-by-side and placed approximately 2/3 of the way up from the bottom of fence on the outside of the work area to prevent SMHM from passing through or climbing. The duct tape shall only slightly overlap with top strip over bottom strip to prevent SMHM from grabbing seam for leverage. Other fencing material options may be proposed but must be reviewed and accepted by CDFW prior to installation. The bottom of the fence shall be buried to a depth of 4 inches so SMHM cannot crawl under the fence. Fence height shall be at least 12 inches higher than the highest adjacent vegetation with a maximum height of 4 feet. All supports for the exclusion fencing shall be placed on the inside of the work area. An approximately 2-foot-wide de-vegetated buffer shall be created along the habitat side of the exclusion fence. Installed cofferdams may be tied into exclusion fence system if meeting or exceeding the height

requirement. The final design and proposed location of the fencing shall be submitted to and approved by CDFW prior to placement.

8.28. SMHM Exclusion Fencing Inspections. The SMHM exclusion fencing shall remain in operational condition throughout the duration of all Project activities in potential SMHM habitat. When Covered Activities that may cause take are occurring, Permittee shall be responsible for daily inspections of the exclusion fencing to ensure there are no gaps, tears, or damage. Maintenance of the fencing shall be conducted as needed. Any necessary repairs to the fencing shall be completed within 24 hours of the initial observance of the damage. If daily inspections of SMHM exclusion fencing are not occurring and a gap, tear, or damage is observed, daily monitoring shall resume in accordance with the SMHM Relocation Plan (Condition of Approval 8.3).

8.29. SMHM Genetic Verification. Permittee shall obtain genetically-verified occupancy data from any deceased mouse discovered in project area with grooved upper incisors (indicating it is a harvest mouse species) to genetically verify species is a SMHM. If traps are used for relocation, fecal-DNA samples shall be collected in distinct trapping efforts following "*A Novel Noninvasive Genetic Survey Technique for Small Mammals*" (Journal of Mammalogy, 2022, https://academic.oup.com/jmammal/article/103/6/1441/6695130). Collected samples shall be genetically identified to species at the Veterinary Genetics Laboratory, Mammalian Ecology and Conservation Unit at University of California, Davis (Dr. Mark Statham, Statham@ucd.edu) or other similar institutions and results shall be submitted to CDFW. If SMHM is confirmed, the distinct trapping area no longer will require fecal-DNA testing.

8.30. SMHM Relocation Plan. The Designated Biologist shall prepare a SMHM Relocation Plan for CDFW approval that shall include but is not limited to; the survey technique; capture, handling, and relocation methods; contingency plan for injured or stressed individuals, and location of specific sites in the relocation areas where the captured SMHM will be relocated. The relocation site identified in the SMHM Relocation Plan shall be based on the best suitable habitat available, time of year, and proper tide cycle. The Relocation Plan shall be submitted to CDFW 60 days prior to the beginning of Covered Activities for CDFW approval. Covered Activities may not proceed until the SMHM Relocation Plan is approved in writing by CDFW. Only the approved Designated Biologist(s), and Biological Monitor(s) under direct supervision of a

Designated Biologist(s) are authorized to capture and handle SMHM. The SMHM Relocation Plan shall also include:

8.30.1. Live Traps. When live-traps are used, a Designated Biologist shall use Sherman, Tomahawk, or similar box-type traps and shall be of sufficient length or modified to eliminate or substantially reduce the risk of tail or other injuries to incidentally captured mammals. All traps shall be sufficiently cleaned and sanitized prior to placement at each site in order to allow for an uncontaminated fecal-DNA sample for genetic identification (at Permittees expense).

Live traps shall be closed or closely monitored (e.g. every hour) during daylight hours. In areas with tidal fluctuations, traps shall be placed high enough on the vegetation to avoid inundation and prevent mice from drowning. Unless special precautions (e.g., protective trap housings and thermal insulation) are taken to protect SMHM from inclement weather, traps shall be closed during extreme warm weather (above 80 degrees Fahrenheit when traps are in direct sunlight) and when the ambient night temperatures are expected to fall below 50 degrees Fahrenheit.

8.30.2. SMHM Nests. If an active SMHM nest is discovered in a trap with an adult, the trap shall be relocated to the relocation site and left in place overnight and secured open to allow the SMHM adult to relocate young. If an active SMHM nest is discovered without an adult present, the trap shall be secured open and remain in place for 24 hours to allow the SMHM adult to return and relocate young. Trail cameras shall be strategically placed in an unintrusive way to document success or failure of the passive relocation. A Designated Biologist shall check the trap the next morning to ensure it is empty before Project Activities are permitted to resume within the 100-foot buffer. If nest is still active after 24 hours, consultation with CDFW shall be required for further action.

8.30.3. Data Collection. The following data shall be collected by the Designated Biologist for all captured individuals: presence/absence of grooved front incisors; condition of the animal (e.g., in torpor, injured, behavior (active, feisty, lethargic, calm), etc.); photographs of the animal (e.g., clear depictions of front, back, side, belly, any unique markings, etc.); and uncontaminated fecal-DNA sample if opportunity presents during handling (to obtain laboratory results at Permittee's

expense) and report data collection and results to CDFW In monthly and annual reporting requirements (Conditions of Approval 7.4 and 7.5).

8.30.4. Handling of SMHM. A Designated Biologist shall process SMHM as quickly as possible to reduce stress. SMHM shall be released immediately without processing if circumstances suggest they may be at risk (e.g., excessive heat or cold and/or rain). Processing SMHM may be paused during periods of intermittent rain; however, if rain persists then processing should continue under portable rain cover. A captured SMHM may be held longer in order to allow the individual to recover if it is determined to be chilled, overheated, wet, disoriented, in torpor, or injured. No SMHM shall be sacrificed except in the circumstance in which a debilitating injury requires humane euthanasia.

If an incidentally captured banded/tagged/marked species (e.g. mammal, avian, etc.) is found, a Designated Biologist may handle it to the extent necessary to identify features of the marking (e.g., numbers and colors) and document on data form to confirm as a recapture.

8.30.5. Required Protocols. A protocol for determining when a site is considered cleared of SMHM: a) After initial SMHM exclusion fencing installation; b) When daily monitoring is not occurring and a gap, tear, or damage is observed in SMHM exclusion fencing; c) Prior to Covered Activities resuming after a work stoppage of 4 weeks or more in a work area.

8.31. SMHM Unique Identification. The SMHM or potential SMHM (i.e., western harvest mouse) shall be treated as a SMHM and be marked (unique identification number using hair clip method, ear tag or other method, as permitted) to aid in identification in the event of recapture (Attachment 9). Incidentally captured Species of Special Concern (SSC) may be handled to process in same data collection and marking methods.

8.32. SMHM Salvage. Inadvertent casualties and salvaged specimens of SMHM shall be retained and refrigerated/frozen to obtain genetic identification (at Permittees expense) in consultation with CDFW. A Designated Biologist shall securely label each salvaged specimen with the following information: (a) date of salvage and location of the specimen (GPS coordinates and datum); (b) unique identification number; (c) name and affiliation of the person who salvaged the specimen; (d) the permit number(s) and expiration date(s)

under which the specimen was salvaged; and (e) the permit compliant institution willing to receive and genetic test specimen.

9. **Habitat Management Land Acquisition and Restoration:** CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result 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 creation of 1.13 acres of tidal waters and improved terrestrial connectivity, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation.

   To meet this requirement the Permittee shall either purchase 2.012 acres of Combined Covered Species credits (CRRA, BLRA, SMHM and LFS) from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 9.2 below OR shall provide for both the permanent protection and management of 2.012 acres of Combined Covered Species Habitat Management (HM) lands pursuant to Condition of Approval 9.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 below. If Combined Covered Species credits or HM lands are not available then 1.601 acres of credits or HM lands for CRRA, BLRA, SMHM and 1.679 acres of credits or HM lands for LFS shall be provided. Purchase of Covered Species credits OR permanent protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. The Permittee shall also restore on-site 1.85 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 9.6 below.

   Although the purchase of 2.012 acres of Combined Covered Species Credits or the permanent protection and perpetual management of 2.012 acres of compensatory habitat along with compliance with this ITP's conditions of approval would be sufficient to fully mitigate Project-related impacts of the taking on SMHM, CRRA, and BLRA, CDFW determined that additional measures are required to satisfy the conditions in subdivisions (a)(1) and (a)(2) of Fish and Game Code section 2081.13 related to the conservation standard of subdivision (d) of Fish and Game Code section 2805 with respect to SMHM, CRRA, and BLRA. To that end, CDFW determined that purchasing 0.79 additional credits or the permanent protection and perpetual management of 0.79 acres of

additional compensatory habitat would satisfy the aforementioned conditions for a total of 2.802 of Combined Covered Species credits (CRRA, BLRA, SMHM and LFS). If Combined Covered Species credits or HM lands are not available, then 2.391 acres of credits or HM lands for CRRA, BLRA, SMHM and 1.679 acres of credits or HM lands for LFS shall be provided.

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

9.1.1. Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at $500,000.00 per acre; for 4.07 acres: **$2,035,000.00**. For the purpose of this security, 1.679 acres are attributed to LFS and 2.391 acres are attributed to SMHM,CRRA, and BLRA. Land acquisition costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements.

9.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Condition of Approval 9.3.1 below: **$20,00.00**.

9.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.3.5 below, estimated at **$162,800.00**.

9.1.4. Interim management period funding as described in Condition of Approval 9.3.6 below, estimated at **$40,000.00**.

9.1.5. Long-term management funding as described in Condition of Approval 9.4 below, estimated at $100,000.00 per acre; for 4.07 acres: **$407,000.00.** Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.

9.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 9.5, estimated at **$3,000.00**.

9.1.7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition,

protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work **$40,000.00**.

9.1.8. All cost associated with restoring temporarily impacted habitat as described in Condition of Approval 9.6, estimated at $20,000.00 per acre for 1.85 acres: $**37,000.00**.

9.2. Covered Species Credits. Permittee shall purchase 4.07 acres of Covered Species suitable habitat credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP, if Security is provided pursuant to Condition of Approval 10 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.

OR

9.3. Habitat Acquisition and Protection. To provide for the acquisition, permanent protection, and perpetual management of the HM lands, the Permittee shall:

9.3.1. Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party

beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.);

9.3.2. HM Lands Approval. Permittee shall obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least six months before acquisition and/or transfer of the HM lands, all Stage 1 documents from the Checklist of Documents for Permittee Responsible Habitat Mitigation Land Property Analysis and Protection (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=233169&inline) identifying the land proposed to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species. All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.

9.3.3. Land Manager. Permittee shall designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.

9.3.4. Start-Up Activities. Permittee shall provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736); (2) conducting a baseline biological assessment and land survey report

within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage.

9.3.5. Interim Management (Initial and Capital). Permittee shall provide for the interim management of the HM lands. The Permittee shall provide funding to the interim land manager for interim management actions separate from the long-term endowment and ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, vegetation and invasive species management, annual protocol-level Covered Species surveys, and rangeland monitoring.

9.4. Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 9.3, the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan(s) required by Condition of Approval 9.3.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

9.4.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within 30 days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the 30-day period, the proposal shall be deemed consistent with Section 2081(b)(3).

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

9.4.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in

calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.

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

9.4.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

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

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

9.4.3. Transfer Long-Term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.

9.4.4. Management of the Endowment. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

Notwithstanding Probate Code sections 18501-18510, the Endowment Manager shall not make any disbursement from the Endowment that will result in expenditure of any portion of the principal of the endowment without the prior written approval of CDFW in its sole discretion. Permittee shall ensure that this requirement is included in any agreement of any

kind governing the holding, investment, management, and/or disbursement of the Endowment funds.

Notwithstanding Probate Code sections 18501-18510, if CDFW determines in its sole discretion that an expenditure needs to be made from the Endowment to preserve the conservation values of the HM lands, the Endowment Manager shall process that expenditure in accordance with directions from CDFW. The Endowment Manager shall not be liable for any shortfall in the Endowment resulting from CDFW's decision to make such an expenditure.

9.5. 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.

9.6. Habitat Restoration. Permittee shall restore on-site the 1.85 acres of Covered Species habitats that will be temporarily disturbed during construction to pre-project or better conditions. Within six months of issuance of this ITP, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of the 1.85 acres of temporary construction disturbance on-site and shall ensure that the Plan is successfully implemented. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The plan shall also indicate the best time of year for seeding to occur. Plantings shall include regular watering to ensure adequate growth. Described below are the minimum avoidance, minimization, restoration measures and success criteria that must be included in the Vegetation Restoration Plan (based on vegetation cover, species composition, hydrologic function, and availability of high tide refugia. Adaptive management shall be included in the Plan as required by Condition of Approval 8.17.

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

10.1. Master Funding Agreement. Security for this ITP shall be governed by the Master Funding Agreement between the California Department of Fish and Wildlife and the California Department of Transportation, dated September 3, 2021.

10.2. Funding Memorandum. Permittee has prepared and CDFW has approved, the project-specific Funding Memorandum required by the Master Funding Agreement and attached to this ITP as Attachment 10.

10.3. Security Amount. The Security shall be in the amount of **$2,744,800.00**. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, and the Funding Memorandum.

10.4. Funding of the Child Expenditure Authorization (EA). Permittee shall create and fund the Child EA with funds equivalent to the Security Amount.

10.5. Compliance with the Master Funding Agreement. Permittee shall complete all requirements set forth in the Master Funding Agreement and shall at all times comply with the terms and conditions of that Agreement.

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this ITP. 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:

With respect to the Covered Species listed under CESA, this ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. With respect to the fully protected Covered Species, this ITP may be amended as provided by Fish and Game Code section 2081.13, subdivisions (a)(3) and (c), and other applicable law. This ITP may also 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 or fully protected species designated in the Fish and Game Code, 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 and is included in this ITP by reference. 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 (2081-2025-059-03) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Erin Chappell, Regional Manager
California Department of Fish and Wildlife – Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
R3CESA@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:

Karen Taylor, Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife – Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
Karen.Taylor@wildlife.ca.gov

XIII. Compliance with CEQA:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, California Department of Transportation. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in State Route (SR) 37 Sears Point to Mare Island Improvement Project EIR (SCH No.: 2020070226) dated February 13, 2023 that the California Department of Transportation certified on July 11, 2023 and the Supplemental EIR certified July 1, 2025. 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 CEQA findings for this ITP and Project, 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, as well as 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 and Game Code § 2081, subs. (b)-(c); Cal. Code Regs., tit. 14, §§ 783.4, subds. (a)-(b), 783.5, subd. (c)(2)], and Fish & G. Code § 2081.13, subds. (a)-(d).

CDFW finds based on substantial evidence in the ITP application, the EIR, consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

(1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;

(2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) seasonal restrictions; (3) worker education; (4) monitoring; and (5) compliance reporting. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 2.802 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, 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) 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;

(7) 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.

(8) As stated in findings (1) – (8) above, the requirements of subdivisions (b) and (c) of Section 2081 are satisfied as to salt-marsh harvest mouse, California Ridgway's rail, and California black rail;

(9) As stated in finding (2) above, the impacts of the taking on salt-marsh harvest mouse, California Ridgway's rail, and California black rail will be minimized and fully mitigated through the implementation of measures required by this ITP such as the protection and management of compensatory habitat. Nevertheless, CDFW determined that additional measures are required to satisfy the conservation standard of subdivision (d) of Fish and Game Code section 2805 with respect to salt-marsh harvest mouse, California Ridgway's rail, and California black rail. To that end, CDFW determined that purchasing 0.79 additional credits or the permanent protection and perpetual management of 0.79 acres of additional compensatory habitat not only ensures that the impacts of the taking on salt-marsh harvest mouse, California

Ridgway's rail, and California black rail caused by the Project will be fully mitigated, but in combination with the other measures required by this ITP, satisfies the conservation standard of subdivision (d) of Fish and Game Code section 2805;

(10) This ITP provides for the development and implementation of a monitoring program and adaptive management plan for monitoring the effectiveness of, and amending, as necessary, the measures to minimize and fully mitigate the impacts of the authorized take salt-marsh harvest mouse, California Ridgway's rail, and California black rail.

XV. Attachments:

ATTACHMENT 1	Project Location Map
ATTACHMENT 2	Project Components Map
ATTACHMENT 3	Mitigation Monitoring and Reporting Program (MMRP)
ATTACHMENT 4	Impacts to Longfin Smelt Habitat
ATTACHMENT 5	Impacts to CRRA/BLRA/SMHM Habitat
ATTACHMENT 6	Walking in the Marsh
ATTACHMENT 7	SMHM Habitat Vegetation List
ATTACHMENT 8	SMHM Upper Incisors Figure
ATTACHMENT 9	SMHM Hair Clip Guide
ATTACHMENT 10	Master Funding Agreement Funding Memorandum

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 6/19/2026.

DocuSigned by:
Erin Chappell
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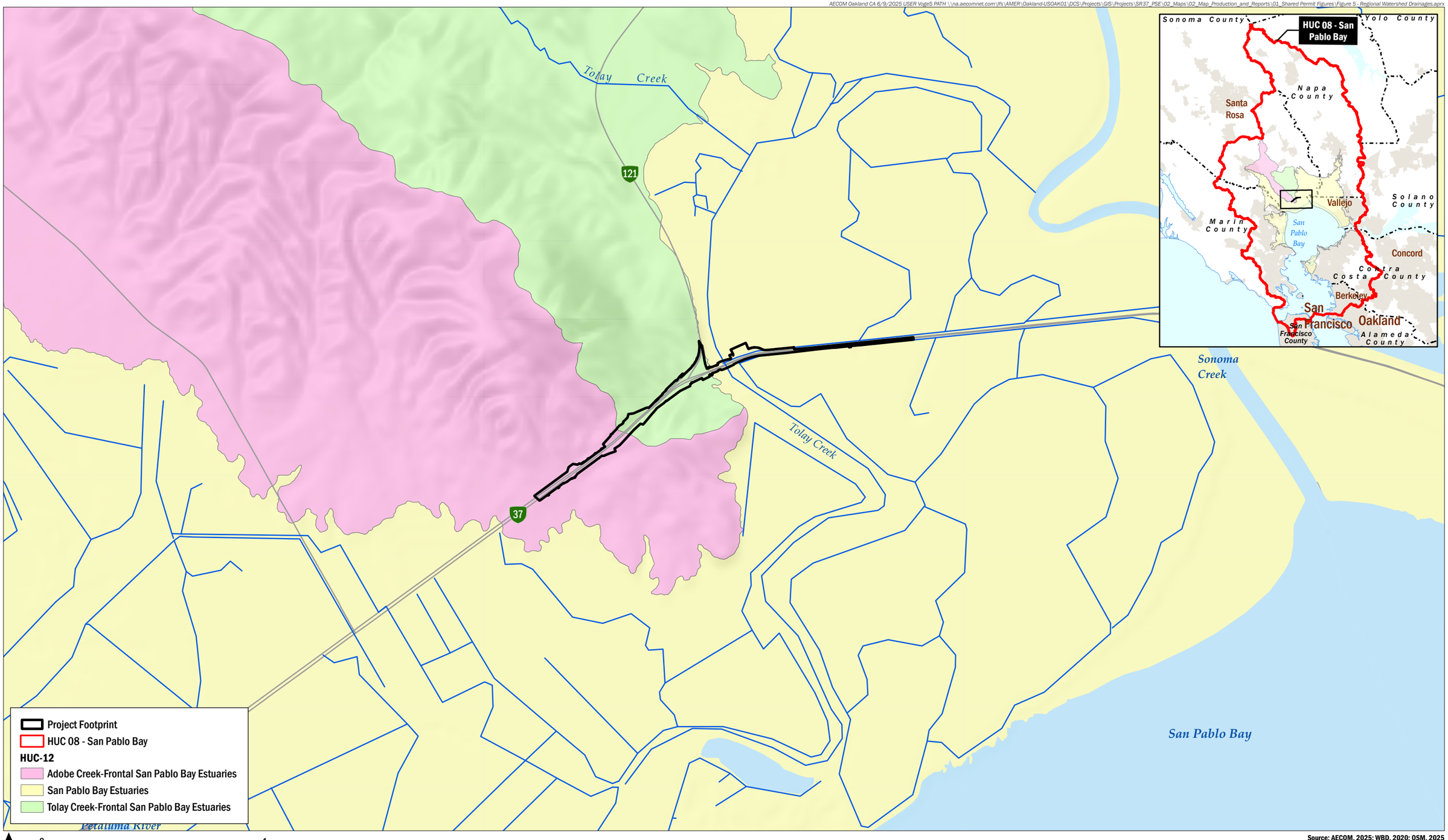
Erin Chappell, Regional Manager
Bay Delta Region



N

0 1

Miles

Source: AECOM, 2025; WBD, 2020; OSM, 2025

AECOM

SR 37 Sears Point to Mare Island
Improvement Project: Package 1
EA – 04-1Q76U; EFIS – 0424000414
SONOMA COUNTY, CA

Exhibit A

Regional Watersheds and Drainages

MVP-2

MVP-1

Retaining Wall 2A

Retaining Wall 1

Tolay Creek Rd

N

0 500

Feet

AECOM, 2025; ESRI, 2025

Project Footprint

Cut and Fill

Retaining Wall

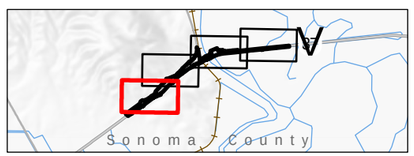
Maintenance Vehicle Pullout

Cattle Crossing Extension

RSP

Construction Access

Roadway Widening



AECOM

SR 37 Sears Point to Mare Island Improvement Project: Package 1

EA – 04-1Q76U; EFIS – 0424000414

SONOMA COUNTY, CA

Attachment 2

Project Location and Layout

(Page 1 of 4)

SMART Rail Crossing

SR 37 / 121 Intersection

MVP-3

Retaining Wall 3

Retaining Wall 2B

Retaining Wall 2A

MVP-2

Arnold Dr

Tolay Creek Rd

121

N

0 500

Feet

AECOM, 2025; ESRI, 2025

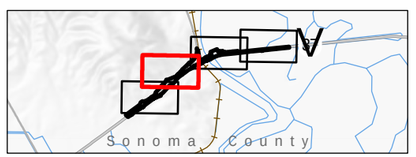
Project Footprint
New Lighting Pole
Cofferdam
Cut and Fill
Retaining Wall
Bridge Abutment Pile
Bridge Pile
Conversion of Uplands to Waters
Maintenance Vehicle Pullout
RSP
Construction Access
Roadway Widening

AECOM

SR 37 Sears Point to Mare Island Improvement Project: Package 1

EA – 04-1Q76U; EFIS – 0424000414

SONOMA COUNTY, CA



Attachment 2

Project Location and Layout

(Page 2 of 4)

Tubbs Island

Tolay Creek Bridge Replacement

Retaining Wall 6

Tolay Creek

SMART Rail Crossing

MVP-3

SR 37 / 121 Intersection

Retaining Wall 4

Temporary Containment System (wall at Tolay Lagoon)

Retaining Wall 5

Temporary Creek Dewatering System

Tolay Creek Rd

Retaining Wall 3

Upper Tolay Lagoon

Arnold Dr

121

37

0 500

Feet

AECOM, 2025; ESRI, 2025

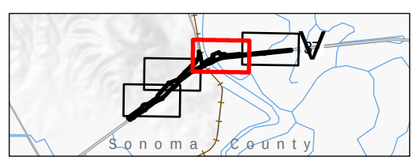
AECOM

SR 37 Sears Point to Mare Island Improvement Project: Package 1

EA – 04-1Q76U; EFIS – 0424000414

SONOMA COUNTY, CA

- Project Footprint
- Cofferdam
- Cut and Fill
- Retaining Wall
- Bridge Abutment Pile
- Bridge Pile
- New Lighting Pole
- Conversion of Uplands to Waters
- Maintenance Vehicle Pullout
- Staging Area
- RSP
- Construction Access
- Roadway Widening



Attachment 2

Project Location and Layout

(Page 3 of 4)

AECOM, 2025; ESRI, 2025

N

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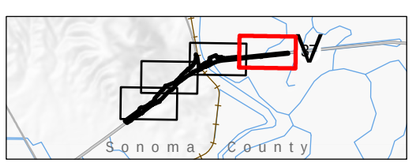
Feet

Project Footprint
Cofferdam
Cut and Fill
Retaining Wall
RSP
Roadway Widening



AECOM

SR 37 Sears Point to Mare Island Improvement Project: Package 1

EA – 04-1Q76U; EFIS – 0424000414

SONOMA COUNTY, CA

Attachment 2

Project Location and Layout

(Page 4 of 4)

Attachment 3

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
CALIFORNIA ENDANGERED SPECIES ACT
INCIDENTAL TAKE PERMIT NO. 2081-2025-059-03

PERMITTEE: **California Department of Transportation, District 4**

PROJECT: **State Route (SR) 37 Sears Point to Mare Island Improvement Project: Package 1, SR37/SR 121 Intersection and Tolay Creek 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 California 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	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 15 days prior to starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.	ITP Condition # 6.1	At least 15 days before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	CDFW Designated Biologist(s). Permittee shall submit to CDFW the name and resumes with, qualifications, business address, and contact information of up to five CDFW Designated Biologist(s) at least 30 days before starting Covered Activities. Resumes shall include years of experience working directly with the species and any relevant training associated with the species and any species listed in person's current scientific collecting permit. Permittee shall ensure that the CDFW Designated Biologists are knowledgeable and experienced in the biology, natural history collecting and handling of the Covered Species. A CDFW 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.	ITP Condition # 6.2	At least 15 days before commencing ground- or vegetation-disturbing activities	Permittee	
3	Designated Biologist(s) Orientation. Prior to any work on the project site, the CDFW Designated Biologist shall be required to schedule and attend a mandatory orientation led by CDFW staff to familiarize the CDFW Designated Biologist (as well as any additional Designated Biologists and Biological Monitors) with Permit requirements, CDFW's expectations, their role and responsibilities for the Project, and for CDFW to answer any questions. Caltrans staff and U.S. Fish and Wildlife Service staff are recommended but not required to attend.	ITP Condition # 6.3	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
4	Biological Monitor(s) and Designated Biologist(s). An approved CDFW Designated Biologist may approve individuals as Biological Monitors or Designated Biologists. A CDFW Designated Biologist shall submit to CDFW a list of approved Biological Monitors and Designated Biologists and any supporting documentation of qualifications. It will be the responsibility of a CDFW Designated Biologist to review and vet all Biological Monitors and Designated Biologists,. A CDFW Designated Biologist shall maintain a project list of approved Biological Monitors and Designated Biologists, which specifies their biological specialty as it pertains to the Project. All updates to the list shall be sent to CDFW. • A Designated Biologist is an individual who holds a bachelor's degree from an accredited university and: 1) is knowledgeable in relevant species' life histories and ecology, 2) can correctly identify relevant species, 3) has conducted field surveys for relevant species (and has observed species in the field via sight, sound, handling, etc.), 4) is familiar with relevant survey protocols, 5) is knowledgeable of state and federal laws regarding the protection of sensitive species and, 6) has previous experience on a transportation/infrastructure Project coordinating with a Resident Engineer and equipment operators. • A Biological Monitor is an individual who has academic and/or professional training and experience in biological sciences and related resource management activities as it pertains to this Project, experience with construction-level Biological Monitoring, be able to recognize species that may be present within the Project Area and be familiar with the habitats and behavior of those species.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	Training Session for Personnel. Permittee shall ensure that a CDFW-approved Designated Biologist conducts an education program for all persons employed on the Project prior to performing Covered Activities. Instruction shall consist of a presentation by a Designated Biologist that includes a discussion of the biology and general behavior of any sensitive species which may be in the area, how they may be encountered within the work area, and procedures to follow when they are encountered. Training shall also include outlining methods to reduce wildlife/plant impacts to marsh habitat (Attachment 6). The status of Covered Species pursuant to CESA and/or sections 3511 or 4700 of the Fish and Game Code as applicable, including legal protection, penalties for violations and Project-specific protective management measures provided in this Agreement shall be discussed. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to on-site Project activity. Copies of the Agreement for this Project shall be maintained at the worksite with the Project supervisor. Permittee or Designated Biologist shall prepare and distribute wallet-sized cards or a factsheet handout containing this information for workers to carry on-site. Upon completion of the program, employees shall sign an attendance form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area. The forms and education pamphlet shall be filed at the Permittee's office and submitted to CDFW prior to the completion of construction.	ITP Condition # 6.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	Construction Schedule. Permittee shall submit a final construction schedule to CDFW within 15 calendar days prior to the start of Project construction activities. The construction schedule shall identify the approximate beginning and completion date of Project activities. During the Project construction period, Permittee shall notify CDFW of any major changes in the construction schedule at least seven days prior to the change being implemented.	ITP Condition # 6.7	At least 15 days before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
7	Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs. Plastic water bottles and plastic bags shall be picked up and removed daily.	ITP Condition # 6.8	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
8	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. All fenced, staked, or flagged markers shall be removed upon completion of the Project. If placing markers is not feasible, sensitive areas shall be discussed in the Training Session for Personnel by CDFW (Condition of Approval 6.6).	ITP Condition # 6.11	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	Spill Prevention. A spill response plan shall be submitted to CDFW for approval in writing at least 30 days prior to the initiation of construction. A designated inspector familiar with the utilized construction equipment shall be on-site during all Project activities in order to monitor equipment operations, prevent waterway contamination and respond to equipment malfunctions. The barge, boat, heavy equipment shall be regularly inspected for wear, leaks, and/or malfunction. Hazardous material leaks and spills shall be attended to immediately as outlined in the Spill Prevention and Response Plan. Prior to entering the work site, all field personnel shall know the location of spill kits and trained in their appropriate use.	ITP Condition # 6.23	At least 30 days before commencing ground- or vegetation-disturbing activities	Permittee	
10	Notification Before Commencement. The Designated Representative shall notify CDFW at least five calendar days before starting Covered Activities for each construction season and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 7.1	At least 14 days before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	Hydroacoustic Monitoring Plan. A minimum of 14 days prior to the initiation of construction a hydroacoustic monitoring plan to evaluate sound levels during pile driving activities shall be prepared by the Designated Biologist specializing in hydroacoustic monitoring . The acoustic monitoring plan shall follow the "Agreement in Principle for Interim Criteria for Injury to Fish from Pile Driving Activities" memorandum from the Fisheries Hydroacoustic Working Group, Dated June 12, 2008) and must be approved in writing by CDFW before pile driving activities can proceed (https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/ser/bio-fhwg-criteria-agree-a11y.pdf). The Hydroacoustic Monitoring Plan may be combined and submitted as one document with the Noise Monitoring Plan and must be implemented during all in-water impact pile driving activities including pile-proofing, as well as near water piles within 200 feet of the edge of water in the active channel. At minimum, the plan will include the following: • Daily acoustical monitoring by the designated hydro-acoustic monitoring specialist. • A description of the methods necessary to continuously assess underwater noise on a real-time basis, including details on the number, location, distance and depth of hydrophones and associated monitoring equipment. • A means of recording the time, number of pile strikes, peak sound energy per strike and interval between strikes. • A minimum of two hydrophone underwater sound monitoring systems (hydrophone, signal amplifier and calibrator) that utilize current National Institute of Standards and Technology traceable calibration method. • A hydrophone positioned at the proposed limits of peak and cumulative strikes to ensure threshold distances are not surpassed or provide specific analysis on how the proposed limits shall be measured and monitored. • Specific inputs and calculations for cumulative sound exposure limits in the monitoring reports. The results of hydroacoustic monitoring shall be submitted in the appropriate Monthly Report (See Condition of Approval 7.4), Annual Report (See Condition of Approval 7.5), and the Final Mitigation Report (See Condition of Approval 7.7).	ITP Condition # 8.10	At least 14 days before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
12	Noise Monitoring Plan. The Permittee shall prepare and submit a terrestrial species Noise Monitoring Plan for CDFW approval a minimum of 14 days prior to initiation of construction that identifies monitoring objectives and noise-sensitive receptors; specifies applicable noise thresholds; specific time of year plan shall be in effect to best protect Covered Species; defines monitoring locations and equipment specifications; describes measurement parameters and environmental conditions to be recorded; outlines the monitoring schedule based on breeding season of California Ridgway's rail and California black rail; identifies required noise mitigation measures; establishes exceedance verification and notification procedures; and provides reporting requirements including data summaries, field logs, and calibration documentation. The Noise Monitoring Plan may be combined and submitted as one document with the Hydroacoustic Monitoring Plan.	ITP Condition # 8.11	At least 14 days before commencing ground- or vegetation-disturbing activities	Permittee	
13	Adaptive Management Plan. The Permittee shall prepare and submit an Adaptive Management Plan for CDFW approval a minimum of 30 days prior to initiation of construction. Adaptive Management Plan shall include mortality reduction actions for the duration of this ITP unless updated by CDFW to reflect best available science, in which case CDFW will contact the Permittee to discuss needed updates. As provided in Fish and Game Code section 2081.13, subdivisions (a)(3) and (d), this ITP's Conditions of Approval may be amended when necessary to minimize and fully mitigate the impacts of the authorized take of CRRA, BLRA, and SMHM. A Designated Biologist may also propose updates to the CDFW-approved Adaptive Management Plan as a result of new information gathered through compliance monitoring. Components of the Adaptive Management Plan shall include pathways for regular monitoring of species, habitats, take levels, and conservation actions; determine effectiveness of Conditions of Approval; (if needed) adjust for mitigation strategies based on evidence to consistently meet the conservation requirements of Fish and Game Code section 2805(d); and develop collaboratively with CDFW oversight and approval.	ITP Condition # 8.17	At least 30 days before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
14	CRRA/BLRA Handling, Care, and Rehabilitation Plan. The Designated Biologist shall prepare a CRRA/BLRA Handling, Care, and Rehabilitation Plan (Care Plan) for CDFW approval a minimum of 30 days prior to initiation of construction. The Care Plan shall include, but is not limited to: Procedures to capture and handle an injured CRRA/BLRA or abandoned eggs or nestlings; the name and contact information of a CDFW-approved wildlife rehabilitation center or veterinary facility; methodology for transport CRRA/BLRA. Permittee is responsible for funding the rehabilitation, recovery, and release of rehabilitated CRRA/BLRA and/or nestlings. The Care Plan shall be submitted to CDFW for approval prior to the beginning of Covered Activities. Covered Activities anywhere within the Project Area may not proceed until the Care Plan is approved in writing by CDFW. Only approved Designated Biologist(s) shall be authorized to capture and handle CRRA/BLRA. Once approved in writing by CDFW, the Care Plan shall be used as applicable for the duration of this ITP unless updated by CDFW as part of the Adaptive Management Plan (Condition of Approval 8.17) and to reflect best available science, in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the CDFW-approved Care Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Care Plan modifications.	ITP Condition # 8.22	At least 30 days before commencing ground- or vegetation-disturbing activities	Permittee	
15	SMHM Pre-Construction Habitat Assessment Surveys. A Designated Biologist shall conduct pre-construction surveys within the Project Area at least seven days prior to the commencement (including mobilization) of construction, where suitable or potentially suitable habitat for SMHM occurs and could be disturbed by Covered Activities. The pre-construction surveys shall focus on establishing baseline conditions for the species in the Project Area using the Bay Delta Conservation Plan SMHM Vegetation Preference list (Attachment 7).	ITP Condition # 8.23	At least 7 days before commencing ground- or vegetation-disturbing activities	Permittee	

16	SMHM Relocation Plan. The Designated Biologist shall prepare a SMHM Relocation Plan for CDFW approval that shall include but is not limited to; the survey technique; capture, handling, and relocation methods; contingency plan for injured or stressed individuals, and location of specific sites in the relocation areas where the captured SMHM will be relocated. The relocation site identified in the SMHM Relocation Plan shall be based on the best suitable habitat available, time of year, and proper tide cycle. The Relocation Plan shall be submitted to CDFW 60 days prior to the beginning of Covered Activities for CDFW approval. Covered Activities may not proceed until the SMHM Relocation Plan is approved in writing by CDFW. Only the approved Designated Biologist(s), and Biological Monitor(s) under direct supervision of a Designated Biologist(s) are authorized to capture and handle SMHM. The SMHM Relocation Plan shall also include: Live Traps. When live-traps are used, a Designated Biologist shall use Sherman, Tomahawk, or similar box-type traps and shall be of sufficient length or modified to eliminate or substantially reduce the risk of tail or other injuries to incidentally captured mammals. All traps shall be sufficiently cleaned and sanitized prior to placement at each site in order to allow for an uncontaminated fecal-DNA sample for genetic identification (at Permittees expense). Live traps shall be closed or closely monitored (e.g. every hour) during daylight hours. In areas with tidal fluctuations, traps shall be placed high enough on the vegetation to avoid inundation and prevent mice from drowning. Unless special precautions (e.g., protective trap housings and thermal insulation) are taken to protect SMHM from inclement weather, traps shall be closed during extreme warm weather (above 80 degrees Fahrenheit when traps are in direct sunlight) and when the ambient night temperatures are expected to fall below 50 degrees Fahrenheit. SMHM Nests. If an active SMHM nest is discovered in a trap with an adult, the trap shall be relocated to the relocation site and left in place overnight and secured open to allow the SMHM adult to relocate young. If an active SMHM nest is discovered without an adult present, the trap shall be secured open and remain in place for 24 hours to allow the SMHM adult to return and relocate young. Trail cameras shall be strategically placed in an unintrusive way to document success or failure of the passive relocation. A Designated Biologist shall check the trap the next morning to ensure it is empty before Project Activities are permitted to resume within the 100-foot buffer. If nest is still active after 24 hours, consultation with CDFW shall be required for further action. Data Collection. The following data shall be collected by the Designated Biologist for all captured individuals: presence/absence of grooved front incisors; condition of the animal (e.g., in torpor, injured, behavior (active, feisty, lethargic, calm), etc.); photographs of the animal (e.g., clear depictions of front, back, side, belly, any unique markings, etc.); and uncontaminated fecal-DNA sample if opportunity presents during handling (to obtain laboratory results at Permittee's expense) and	ITP Condition # 8.30	At least 60 days before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	report data collection and results to CDFW In monthly and annual reporting requirements (Conditions of Approval 7.4 and 7.5). Handling of SMHM. A Designated Biologist shall process SMHM as quickly as possible to reduce stress. SMHM shall be released immediately without processing if circumstances suggest they may be at risk (e.g., excessive heat or cold and/or rain). Processing SMHM may be paused during periods of intermittent rain; however, if rain persists then processing should continue under portable rain cover. A captured SMHM may be held longer in order to allow the individual to recover if it is determined to be chilled, overheated, wet, disoriented, in torpor, or injured. No SMHM shall be sacrificed except in the circumstance in which a debilitating injury requires humane euthanasia. If an incidentally captured banded/tagged/marked species (e.g. mammal, avian, etc.) is found, a Designated Biologist may handle it to the extent necessary to identify features of the marking (e.g., numbers and colors) and document on data form to confirm as a recapture. Required Protocols. A protocol for determining when a site is considered cleared of SMHM: a) After initial SMHM exclusion fencing installation; b) When daily monitoring is not occurring and a gap, tear, or damage is observed in SMHM exclusion fencing; c) Prior to Covered Activities resuming after a work stoppage of 4 weeks or more in a work area.				

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
17	Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows: Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at $500,000.00 per acre; for 4.07 acres: $2,035,000.00. For the purpose of this security, 1.679 acres are attributed to LFS and 2.391 acres are attributed to SMHM,CRRA, and BLRA. Land acquisition costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Condition of Approval 9.3.1 below: $20,00.00. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.3.5 below, estimated at $162,800.00. Interim management period funding as described in Condition of Approval 9.3.6 below, estimated at $40,000.00. Long-term management funding as described in Condition of Approval 9.4 below, estimated at $100,000.00 per acre; for 4.07 acres: $407,000.00. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 9.5, estimated at $3,000.00. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work $40,000.00. All cost associated with restoring temporarily impacted habitat as described in Condition of Approval 9.6, estimated at $20,000.00 per acre for 1.85 acres: $37,000.00.	ITP Condition # 9.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
18	Covered Species Credits. Permittee shall purchase 4.07 acres of Covered Species suitable habitat credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP, if Security is provided pursuant to Condition of Approval 10 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.	ITP Condition # 9.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
19	Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.);	ITP Condition # 9.3.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
20	HM Lands Approval. Permittee shall obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least six months before acquisition and/or transfer of the HM lands, all Stage 1 documents from the Checklist of Documents for Permittee Responsible Habitat Mitigation Land Property Analysis and Protection (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=233169&inline) identifying the land proposed to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species. All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.	ITP Condition # 9.3.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
21	Land Manager. Permittee shall designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.	ITP Condition # 9.3.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
22	Start-Up Activities. Permittee shall provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage.	ITP Condition # 9.3.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
23	Interim Management (Initial and Capital). Permittee shall provide for the interim management of the HM lands. The Permittee shall provide funding to the interim land manager for interim management actions separate from the long-term endowment and ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, vegetation and invasive species management, annual protocol-level Covered Species surveys, and rangeland monitoring.	ITP Condition # 9.3.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
24	Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 9.3, the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan(s) required by Condition of Approval 9.3.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended. After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.	ITP Condition # 9.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
25	Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within 30 days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the 30-day period, the proposal shall be deemed consistent with Section 2081(b)(3).	ITP Condition # 9.4.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
26	Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.	ITP Condition # 9.4.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
27	Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.	ITP Condition # 9.4.2.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
28	Endowment Buffers/Assumptions. Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment: 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding. Non-Annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.	ITP Condition # 9.4.2.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
29	Transfer Long-Term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.	ITP Condition # 9.4.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
30	Management of the Endowment. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended. Notwithstanding Probate Code sections 18501-18510, the Endowment Manager shall not make any disbursement from the Endowment that will result in expenditure of any portion of the principal of the endowment without the prior written approval of CDFW in its sole discretion. Permittee shall ensure that this requirement is included in any agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds. Notwithstanding Probate Code sections 18501-18510, if CDFW determines in its sole discretion that an expenditure needs to be made from the Endowment to preserve the conservation values of the HM lands, the Endowment Manager shall process that expenditure in accordance with directions from CDFW. The Endowment Manager shall not be liable for any shortfall in the Endowment resulting from CDFW's decision to make such an expenditure.	ITP Condition # 9.4.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
31	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.	ITP Condition # 9.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
32	Habitat Restoration. Permittee shall restore on-site the 1.85 acres of Covered Species habitats that will be temporarily disturbed during construction to pre-project or better conditions. Within six months of issuance of this ITP, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of the 1.85 acres of temporary construction disturbance on-site and shall ensure that the Plan is successfully implemented. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The plan shall also indicate the best time of year for seeding to occur. Plantings shall include regular watering to ensure adequate growth. Described below are the minimum avoidance, minimization, restoration measures and success criteria that must be included in the Vegetation Restoration Plan (based on vegetation cover, species composition, hydrologic function, and availability of high tide refugia. Adaptive management shall be included in the Plan as required by Condition of Approval 8.17.	ITP Condition # 9.6	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
33	Security: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows: Master Funding Agreement. Security for this ITP shall be governed by the Master Funding Agreement between the California Department of Fish and Wildlife and the California Department of Transportation, dated September 3, 2021. Funding Memorandum. Permittee has prepared and CDFW has approved, the project-specific Funding Memorandum required by the Master Funding Agreement and attached to this ITP as Attachment 10. Security Amount. The Security shall be in the amount of $2,744,800.00. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, and the Funding Memorandum. Funding of the Child Expenditure Authorization (EA). Permittee shall create and fund the Child EA with funds equivalent to the Security Amount. Compliance with the Master Funding Agreement. Permittee shall complete all requirements set forth in the Master Funding Agreement and shall at all times comply with the terms and conditions of that Agreement. Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this ITP. 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.	ITP Condition # 10	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	DURING CONSTRUCTION				
34	Designated Biologist Stop Work Authority. To ensure compliance with the Conditions of Approval of this ITP, a Designated Biologist, Biological Monitor or resident engineer shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate a Designated Biologist in the performance of his/her duties. If a Designated Biologist is unable to comply with the ITP, then a Designated Biologist shall notify the Designated Representative and 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 a 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 # 6.5	Entire Project	Permittee	
35	Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by a Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 6.9	Entire Project	Permittee	
36	Erosion Control. 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. Tightly woven silt fencing material or woven organic materials such as coir logs (without mono-filament netting) shall be permitted. Following completion of the Project, Permittee shall implement erosion control measures for all disturbed areas, which may include reseeding using a noxious weed-free locally native seed mix, hydroseeding, jute matting, or tackifying agents to stabilize soils, dust control, and prevent erosion.	ITP Condition # 6.10	Entire Project	Permittee	
37	Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. If placing of markers is not feasible sensitive areas shall be discussed in the Designated Biologist(s) Orientation by CDFW (Condition of Approval 6.3). All fenced, staked, or flagged markers shall be removed upon completion of the Project.	ITP Condition # 6.12	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
38	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. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of a Project modification.	ITP Condition # 6.13	Entire Project	Permittee	
39	Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the off-site staging areas outside of sensitive habitat and covered species habitat. All staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the river channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the creek shall be positioned over drip pans. Any equipment or vehicles driven and/or operated within or adjacent to the stream must be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area.	ITP Condition # 6.14	Entire Project	Permittee	
40	No Dumping. Permittee and all contractors, subcontractors, and employees shall not dump any litter or construction debris within the river, or where it may pass into the river.	ITP Condition # 6.15	Entire Project	Permittee	
41	Wash Water. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.	ITP Condition # 6.16	Entire Project	Permittee	
42	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.	ITP Condition # 6.17	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
43	CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	ITP Condition # 6.18	Entire Project	Permittee	
44	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.	ITP Condition # 6.19	Entire Project	Permittee	
45	Equipment Maintenance and Fueling. All equipment operated within the channel shall be checked and maintained daily to prevent leaks of materials that if introduced to the water could be deleterious to Covered Species. 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. When exchanging tanks over water or filling the vibratory extractor rig, drip pans shall be used. Fuel and other material stored on the barge shall be stored in a plastic tub to contain leaks or spills. Spill equipment such as booms, drip pans, and absorbent pads shall be on-site and be ready to deploy in case of spill.	ITP Condition # 6.20	Entire Project	Permittee	
46	Cleaning Equipment Prior to Entering Channel. All equipment that will be entering the active channel shall be cleaned of materials deleterious to aquatic life including oil, grease, hydraulic fluid, soil and other debris. Wash water containing mud or silt from washing or other operations shall not be allowed to enter the channel.	ITP Condition # 6.21	Entire Project	Permittee	
47	Prevention of Spread of Invasive Species. Permittee shall conduct Project 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. Prevention BMPs and guidelines for invasive plants can be found on the Cal-IPC'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/. Additional resources can be found on the California Invasive Species List from the Invasive Species Council of California.	ITP Condition # 6.22	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
48	Spill Containment. All activities performed in or near a river, stream, or lake shall have absorbent materials designated for spill containment and cleanup activities on-site for use in an accidental spill. The Permittee shall immediately notify the California Emergency Management Agency at 1-800-852-7550 and immediately initiate the cleanup activities. CDFW shall be notified by the Permittee and consulted regarding clean-up procedures.	ITP Condition # 6.24	Entire Project	Permittee	
49	Notification of Non-Compliance. The Designated Representative and Designated Biologist shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative and Designated Biologist shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.	ITP Condition # 7.2	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
50	Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities that have the potential for take occur. The Permittee shall ensure compliance inspections are conducted at a minimum weekly 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; (6) assess the adequacy of the mitigation and conservation strategies resulting from the measures of this ITP to provide information to direct the adaptive management of Covered Activities. The Permittee shall submit for CDFW approval a list of Covered Activities that do not have the potential to cause take and do not require a Designated Biologist to be on-site daily. If a Covered Activity is not listed, the Designated Biologist shall be on-site daily. The Designated Representative or Designated Biologist shall prepare 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.	ITP Condition # 7.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
51	Monthly Compliance Reports. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall detail approximate Project impacts in acres, separated into permanent, and temporary impacts. The reports shall: (1) identify and describe the temporary and permanent impacts to date; and (2) include all monitoring information required by the terms of this ITP. Monthly Compliance Reports shall be submitted within 30 days 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 Karen Taylor (Karen.Taylor@wildlife.ca.gov) and Region 3 CESA Program email is R3CESA@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.	ITP Condition # 7.4	Entire Project	Permittee	
52	Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.	ITP Condition # 7.5	Entire Project	Permittee	
53	CNDDB Observations. A Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within 60 calendar days of the observation and a Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 7.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
54	Notification of Take or Injury. Permittee shall immediately notify a 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. A Designated Biologist or Designated Representative shall provide initial notification to the CDFW Representative, Karen Taylor, Senior Environmental Scientist (Specialist) (Karen.Taylor@wildlife.ca.gov), and Region 3 CESA email, R3CESA@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 (2081-2025-059-03). Following initial notification, Permittee shall send CDFW a written report within two business 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 # 7.8	Entire Project	Permittee	
55	Night Work Restrictions. Night work (defined as 30 minutes before sunset to 30 minutes after sunrise) shall occur no more than five consecutive days and there shall be a minimum of two consecutive days of no night work in a seven-day period. Night work shall adhere to Condition of Approval 8.4, and every effort shall be made to decrease consecutive days of night work to the greatest extent possible. An amendment may be required if less than two days of no night work is requested.	ITP Condition # 8.1	Entire Project	Permittee	
56	Work Period in Dry Weather Only. Permittee shall conduct all work as described in the Project Description, and within the Project Area during periods of dry weather. The Permittee shall monitor forecasted precipitation. When ¼ inch or more of precipitation is forecasted to occur, the Permittee shall stop work before precipitation commences. No Project activities may be started if its associated erosion control measures cannot be completed prior to the onset of precipitation. Seventy-two-hour weather forecasts from National Weather Service shall be consulted and work shall not start back up until runoff ceases and there is less than a 40 percent forecast for precipitation for the following 24-hour period.	ITP Condition # 8.2	Entire Project	Permittee	
57	King Tide and Storm Events. After any King Tide (perigean spring tides which occur 3-4 times per year) and/or storm event, the Permittee shall inspect all sites currently under construction and all sites scheduled to begin construction within the next 72 hours for erosion, sediment problems, and damage to exclusion fencing and take corrective action as needed.	ITP Condition # 8.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
58	Temporary and Permanent Artificial Light at Night (ALAN) Emission Restrictions. All permanent lighting shall be used only where necessary for safety and signage. All permanent ALAN designs shall meet the recommendations of the lighting resources described in the Dark Sky Society Guidelines (2020) (https://www.darkskysociety.org/handouts/LightingPlanGuidelines.pdf) and incorporate fully shielded (full-cutoff) or zero uplight as defined in Dark Sky Guidelines to ensure light is directed downward onto the roadway, preventing upward light pollution and reducing stray light and shall not be directed into natural areas outside of the road surface to prevent additional light pollution and disruption of nocturnal wildlife activity. All permanent Project lighting shall use amber or orange, low-wavelength lights (typically 560nm–610nm), which are less visible to many animals and insects, including the Covered Species. All temporary lighting associated with construction staging areas, access routes, and construction sites shall use the lowest brightness needed for safety, with warm or amber tones to minimize disturbance to wildlife. Lights should be fully shielded and aimed downward to prevent spilling into habitat and skyglow. Use timers or motion sensors so lighting operates only when necessary and keep fixtures away from sensitive areas such as riparian zones, nesting sites, and known movement corridors. Temporary lighting shall be shut down upon the completion of work each day and not used as security lighting overnight.	ITP Condition # 8.4	Entire Project	Permittee	
59	Disposal of Debris. To prevent wildlife from utilizing piles of vegetation, vegetation removed under project activities shall be placed directly into a disposal vehicle and removed from the Project site. Vegetation shall not be piled directly on the ground unless it is later transferred for disposal, by hand, under the direct supervision of a Designated Biologist or Biological Monitor.	ITP Condition # 8.5	Entire Project	Permittee	
60	Pile/Pier Removal. Any pile or pier or any sediment or attached debris on a pile or pier set for demolition shall be removed in a manner to prevent any pile, pier or associated mud or debris from entering the active channel. Upon removal the pile, pier or associated mud or debris must be stored in a containment system located outside of Covered Species habitat that is designed so runoff cannot enter the active channel.	ITP Condition # 8.6	Entire Project	Permittee	
61	Vibratory. Vibratory driving shall be used for sheet pile installation and to the greatest extent practicable for other non-CIDH piles. If not practicable, soft start methods shall be implemented as described in measure 8.8.	ITP Condition # 8.7	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
62	Pile Driving and Soft Start Pile Driving. When impact pile driving is needed, the initial strikes (impact start and restart) of ALL pile activities and piles that occur within a distance (as described in Condition of Approval 8.8.2) in which injurious sound levels to aquatic species could reach the water shall occur at less than full impact force, at minimum, a soft-start of at least three strikes at 40 percent energy would be implemented, followed by five minutes at less than or equal to 60 percent before proceeding to operating energy. This action shall be repeated one additional time and impact shall be gradually brought up to full force blows to reduce the initial sound levels and provide warning blows to allow aquatic species to have adequate time to leave the Project action area. Daytime Pile Driving. No impact pile driving is permitted at night under this ITP and shall be limited to occur from 30 minutes after sunrise and up to 30 minutes before sunset. Additional seasonal night work restrictions for pile driving during Covered Species nesting season are outlined in Conditions of Approval 8.21. Pile Driving Hydro-Acoustic Limits. Sound pressure levels generated by attenuated impact pile driving activities, including pile proofing, in the water, or within 200 linear feet of the water's edge in the active channel, that produce injurious sound to Covered Species shall be kept below the interim thresholds, 206 decibel (dB) peak Sound Pressure Level (SPL) at 33 feet from the pile, and 187 dB cumulative Sound Exposure Level (SEL) at 118 feet from the pile. If the 206 dB SPL or 187 cumulative SEL thresholds are exceeded for impact pile driving, or pile-proofing activities, the Permittee shall stop all impact pile driving activities and consult with CDFW before initiating subsequent pile driving activities. Any exceedance in the threshold distances for impact pile driving may require an Amendment to this ITP. The Permittee shall monitor sound levels for all in-water impact pile install activities, including pile-proofing, as well as for piles installed within 200 linear feet of the water's edge in the active channel, as specified in Condition of Approval 8.9. Monitoring shall only be required during impact pile driving activities occurring within the river channel, as well as for piles within a reasonable distance of the water on dry land (within 200 feet of the water's edge of the active channel) where sound levels may be injurious to Covered Species.	ITP Condition # 8.8	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
63	Turbidity, Noise and Vibration Reduction. The Permittee will furnish, install, operate and maintain a sound attenuation system for all piles installed in water by impact hammer to reduce noise generated into the water. If the sound attenuation system fails, pile driving shall immediately stop and may not resume at the location until the system is put back into operation. Piles installed by vibratory hammer shall not require sound attenuation. A design of the sound attenuation system shall be submitted to CDFW for written approval no less than 14 days prior to the initiation of construction. The following sound attenuation systems may be employed including but not limited to: a. Confined bubble curtain b. An unconfined bubble curtain c. Isolation casings d. Wooden pile cushions e. Dewatered cofferdams	ITP Condition # 8.9	Entire Project	Permittee	
64	Daily Covered Species Checks. For Covered Activities that may cause take (See Condition of Approval 7.3), before the start of work each day and throughout the course of the day as determined by a Designated Biologist, the Project Area shall be inspected for Covered Species. Covered Species shall be relocated by a Designated Biologist to a safe location (See Condition of Approvals 8.16 and 8.31).	ITP Condition # 8.12	Entire Project	Permittee	
65	Fish Salvage. A Designated Biologist shall stop work if any fish are stunned or otherwise directly impacted by noise and vibration from pile driving. Work shall not resume until the fish clears the construction area or fish rescue is performed as specified in Condition of Approval 8.16.	ITP Condition # 8.13	Entire Project	Permittee	
66	LFS Entrainment. Permittee shall minimize the potential for LFS to be entrained in any equipment intakes, pipes, etc. Pump intakes shall be placed away from complex vegetated banks that may contain habitat for LFS. 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, and slotted openings shall not exceed 0.069 inches in width. Approach velocity shall not exceed 0.33 feet per second. Alternatively, the Permittee may provide a plan for CDFW review and approval to relocate LFS.	ITP Condition # 8.14	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
67	LFS Species Mortality. If LFS is found recently deceased, the carcass shall be immediately bagged, labeled, and preserved in a freezer. The label shall include time and date, GPS location, circumstances surrounding death (if known), and ITP tracking number. The specimen shall be delivered to the CDFW Wildlife Investigations Lab, 1701 Nimbus Road, Suite D, Rancho Cordova, CA 95670 within two calendar days of the discovery.	ITP Condition # 8.15	Entire Project	Permittee	
68	Handling and Release of LFS. Any LFS caught in the course of Project activities shall be immediately released. Species, approximate size, date, time, location of capture, and condition shall be noted prior to release. This documentation shall be included in the Monthly Compliance Report as required by Condition of Approval 7.4. Appropriate handling techniques shall be used to minimize potential effects to fish, such as keeping fish in water as much as possible and handling when hands are wet. Capture of LFS shall be reported to CDFW per Condition of Approval 7.8. Wet Hands and Nets. Handling of LFS shall be minimized. However, when handling is necessary, a Designated Biologist shall always use wet, clean hands (i.e., free of lotions, creams, sunscreen, oils, ointment, insect repellent or any other harmful materials) or nets prior to touching LFS. Proper LFS Holding Technique. Holding containers shall be sized such that individual LFS fit without touching the sides. A Designated Biologist shall temporarily hold individuals in cool, shaded, aerated water in a flow-through live car (a specialized fish-holding container). A Designated Biologist shall protect LFS from jostling and noise and shall not remove LFS from this container until time of release. Water Temperature and Water Changes. A Designated Biologist shall measure air and water temperatures periodically. A thermometer shall be placed in holding containers and, if necessary, periodically conduct partial water changes to maintain a stable water temperature consist with pre-Project habitat conditions. No Overcrowding. Overcrowding in containers shall be avoided by having at least two containers and segregating individuals from larger age-classes to avoid predation. If fish are abundant, the captures shall cease periodically, and captured fish shall be released at predetermined locations before resuming capture to avoid being held for too long.	ITP Condition # 8.16	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
69	CRRA/BLRA/SMHM High Tide Restrictions. No project activities shall occur within 400 feet of potential high tide refugia near tidal marsh habitat for CRRA/BLRA/SMHM during a projected high tide or a storm surge level high tide event (6.53 feet MLLW or higher measured at the Sonoma Creek Entrance) or when adjacent, accreted marsh starts to become inundated/flooded unless work area is dewatered and fully enclosed by cofferdams.	ITP Condition # 8.18	Entire Project	Permittee	
70	CRRA/BLRA Annual Surveys. The Designated Biologist shall conduct surveys using the USFWS Site-Specific Protocol for Monitoring Marsh Birds (2017 protocol) between January 15 and April 15 prior to the commencement (including mobilization) of construction and annually thereafter, where suitable or potentially suitable habitat for CRRA/BLRA occurs and could be disturbed by construction activities in the project area (USFWS Site-Specific Protocol for Monitoring Marsh Birds (Wood et al. 2017) (https://data.pointblue.org/cadc2/uploads/Articles/Rails/SF_Bay_Marsh_Bird_Protocol_FINAL_20170208.pdf). Suitable habitat shall include (but is not limited to): seasonal wetlands, brackish marsh, accreted marsh, adjacent vegetated ponds, transitional habitat to upland, and adjacent upland habitat to the habitats mentioned. Per protocol, a minimum of three surveys shall be required at least seven days apart. A Designated Biologist shall submit results to CDFW for review at least twenty-one days prior to initiation of construction. If ambient roadway noise prevents surveyors from reasonably detecting calls, arrangements shall be made to move survey location further from roadway to adequately hear/detect CRRA/BLRA in/near the Project area. Autonomous recording units may be used to supplement the protocol-level surveys in detection but may not fully replace protocol-level surveys in the terms of this ITP.	ITP Condition # 8.19	Entire Project	Permittee	
71	CRRA/BLRA Pile Driving Restrictions. During the CRRA/BLRA nesting season (January 15 through August 31), impact pile driving shall be conducted only between 30 minutes after sunrise and 30 minutes before sunset to minimize noise, visual, and vibration impacts on nesting birds. Impact pile driving shall not begin unless the Permittee can complete driving of the pile no later than 30 minutes prior to sunset.	ITP Condition # 8.20	Entire Project	Permittee	
72	CRRA/BLRA Avoidance. Between January 15 and August 31 Project activities occurring within 700 feet of a CRRA/BLRA detection shall not proceed until visual/sound barriers approved by CDFW have been installed to reduce the potential for visual disturbance to the species. Barriers shall include anti-perch features to discourage use as a predator perch and shall remain in place until the completion of work, or until September 1 if work is not yet completed. If a visual/sound barrier is not present or is unable to be installed, work within 700 feet of a CRRA/BLRA detection may only proceed via an amendment to this ITP.	ITP Condition # 8.21	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
73	SMHM Vegetation Removal and Monitoring. A Designated Biologist shall supervise and monitor all vegetation removal in potential SMHM habitat and/or high tide refugia and shall have immediate stop work authority per Condition of Approval 6.5 to direct the removal process (e.g., rate, timing, tools, sequence, and temporary delays) to facilitate SMHM dispersal to habitat outside the impact area. Vegetation removal shall be conducted during an outgoing tide when the dispersal habitat is not inundated by tide water. Vegetation and debris that have the potential to provide cover for SMHM shall be removed using hand tools and/or hand-operated equipment (e.g., string trimmers, high brush mowers, rakes) at least one week prior to the commencement of construction activities. Initial vegetation removal may continue until topsoil is visible (vegetation no higher than three inches). After initial removal is complete and topsoil is visible, mowing with a string trimmer or mower may proceed (if necessary). The project biologist shall walk in front of the mower and stop work as needed to allow mice to relocate. SMHM shall be encouraged toward undisturbed habitat with hand tools and/or hand-operated equipment (e.g., string trimmers, high brush mowers, rakes) as soon as possible (but no more than 30 minutes) prior to the removal of vegetation, placement of fill, or excavation. This activity shall be conducted systematically in the Project Area to ensure SMHM move toward remaining vegetation outside the area of disturbance. Only the minimum amount of marsh vegetation necessary to implement effective SMHM exclusion shall be removed. Suitable escape routes or temporary shelters consisting of dead vegetation shall be positioned to provide escape routes to suitable habitat. Escape routes shall be installed for borrow ditches or other entrainment features created during project activities. A Designated Biologist shall check temporary shelters daily prior to start of construction and relocate located SMHM per Conditions of Approval 8.12 and 8.30. Cut vegetation shall be immediately removed from the cleared area as it is being cut, so that no standing or cut vegetation remains in the cleared area. When placing mats in potential SMHM habitat, clearance of a vegetated area followed by immediate placement of gravel over vegetation is permitted. During construction, a Designated Biologist shall check underneath vehicles and equipment for SMHM before such equipment is moved, unless the equipment is surrounded by SMHM exclusion fencing (Condition of Approval 8.27).	ITP Condition # 8.24	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
74	SMHM Avoidance. If a SMHM is discovered in the Project Area, work in the immediate area shall cease. A Designated Biologist shall be present to monitor the mouse while construction is active until it leaves on its own volition or the Designated Biologist relocates the individual(s) out of harm's way. Work may proceed only after the Designated Biologist has confirmed that all SMHM have left within the work area in accordance with the SMHM Relocation Plan (Condition of Approval 8.30). The Designated Biologist shall use hand-capture methods or live-traps to relocate any SMHM to suitable vegetation outside the disturbance area in accordance with the CDFW-approved SMHM Relocation Plan (see Condition of Approval 8.30) unless otherwise approved by CDFW in writing. A Designated Biologist shall photograph and document the capture and relocation locations using GPS coordinates (including horizontal error, in fee, and datum), photograph the captured mouse, identify the mouse to genus based on presence/absence of grooved upper incisors (see Attachment 8), and submit all documentation to CDFW within 24 hours of SMHM relocation.	ITP Condition # 8.25	Entire Project	Permittee	
75	Active SMHM Nests. If a small mammal nest with young is found, it shall be treated as a SMHM nest since young of the species cannot be reliably identified unless an adult small mammal is present and can be identified. Under the direction of the Designated Biologist, the nest shall be restored to its pre-disturbed condition as safely as possible, CDFW shall be immediately contacted and consulted, and all Project Activities within a 100-foot buffer shall halt pending consultation with CDFW and shall not resume until CDFW has determined and authorized an appropriate course of action.	ITP Condition # 8.26	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
76	SMHM Exclusion Fencing. No less than 48 hours after vegetation removal, Permittee shall place a mouse-proof barrier along the edge of the area to further reduce the likelihood of SMHM returning to the area prior to construction. The fence shall be made of silt fence material and MUST include two strips of duct tape, placed side-by-side and placed approximately 2/3 of the way up from the bottom of fence on the outside of the work area to prevent SMHM from passing through or climbing. The duct tape shall only slightly overlap with top strip over bottom strip to prevent SMHM from grabbing seam for leverage. Other fencing material options may be proposed but must be reviewed and accepted by CDFW prior to installation. The bottom of the fence shall be buried to a depth of 4 inches so SMHM cannot crawl under the fence. Fence height shall be at least 12 inches higher than the highest adjacent vegetation with a maximum height of 4 feet. All supports for the exclusion fencing shall be placed on the inside of the work area. An approximately 2-foot-wide de-vegetated buffer shall be created along the habitat side of the exclusion fence. Installed cofferdams may be tied into exclusion fence system if meeting or exceeding the height requirement. The final design and proposed location of the fencing shall be submitted to and approved by CDFW prior to placement.	ITP Condition # 8.27	Entire Project	Permittee	
77	SMHM Exclusion Fencing Inspections. The SMHM exclusion fencing shall remain in operational condition throughout the duration of all Project activities in potential SMHM habitat. When Covered Activities that may cause take are occurring, Permittee shall be responsible for daily inspections of the exclusion fencing to ensure there are no gaps, tears, or damage. Maintenance of the fencing shall be conducted as needed. Any necessary repairs to the fencing shall be completed within 24 hours of the initial observance of the damage. If daily inspections of SMHM exclusion fencing are not occurring and a gap, tear, or damage is observed, daily monitoring shall resume in accordance with the SMHM Relocation Plan (Condition of Approval 8.3).	ITP Condition # 8.28	Entire Project	Permittee	
78	SMHM Genetic Verification. Permittee shall obtain genetically-verified occupancy data from any deceased mouse discovered in project area with grooved upper incisors (indicating it is a harvest mouse species) to genetically verify species is a SMHM. If traps are used for relocation, fecal-DNA samples shall be collected in distinct trapping efforts following "A Novel Noninvasive Genetic Survey Technique for Small Mammals" (Journal of Mammalogy, 2022, https://academic.oup.com/jmammal/article/103/6/1441/6695130). Collected samples shall be genetically identified to species at the Veterinary Genetics Laboratory, Mammalian Ecology and Conservation Unit at University of California, Davis (Dr. Mark Statham, Statham@ucd.edu) or other similar institutions and results shall be submitted to CDFW. If SMHM is confirmed, the distinct trapping area no longer will require fecal-DNA testing.	ITP Condition # 8.29	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
79	SMHM Unique Identification. The SMHM or potential SMHM (i.e., western harvest mouse) shall be treated as a SMHM and be marked (unique identification number using hair clip method, ear tag or other method, as permitted) to aid in identification in the event of recapture (Attachment 9). Incidentally captured Species of Special Concern (SSC) may be handled to process in same data collection and marking methods.	ITP Condition # 8.31	Entire Project	Permittee	
80	SMHM Salvage. Inadvertent casualties and salvaged specimens of SMHM shall be retained and refrigerated/frozen to obtain genetic identification (at Permittees expense) in consultation with CDFW. A Designated Biologist shall securely label each salvaged specimen with the following information: (a) date of salvage and location of the specimen (GPS coordinates and datum); (b) unique identification number; (c) name and affiliation of the person who salvaged the specimen; (d) the permit number(s) and expiration date(s) under which the specimen was salvaged; and (e) the permit compliant institution willing to receive and genetic test specimen.	ITP Condition # 8.32	Entire Project	Permittee	
	POST-CONSTRUCTION				
81	Final Mitigation Report. No later than 60 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. A Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 7.7	Post-construction and after completion of mitigation	Permittee	

Tolay Creek

Tolay Creek Bridge Replacement

Permanent Bents

Tolay Lagoon

Arnold Dr

Tolay Creek Rd

121

37

201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217

N

0 100 Feet

AECOM

SR 37 Sears Point to Mare Island Improvement Project: Package 1

EA – 04-1Q76U; EFIS – 0424000414

SONOMA COUNTY, CA

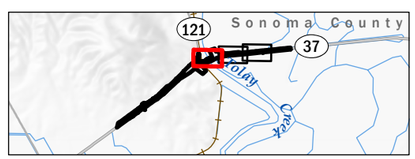
- Project Footprint
- Existing Bridge
- Conversion of Uplands to Waters
- Mean Higher-High Water
- High Tide Line

Project Impacts

- Permanent Impact
- Permanent Shadow Impact
- Temporary Impact
- Dewatering Area (Temporary Impact)
- Temporary Shadow Impact
- Temporary Excavation Impact

Longfin Smelt Potential Habitat

- Foraging
- Prey Production
- High Tide Foraging (Low Suitability)



Sources: AECOM, 2026; ESRI Imagery, 2026; OSM, 2026

Attachment 4

Potential Impacts to Longfin Smelt Habitat

(Page 1 of 3)

N

0 100

Feet

Project Footprint

Mean Higher-High Water

High Tide Line

Project Impacts

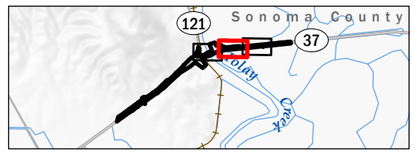
Permanent Impact

Temporary Impact

Dewatering Area (Temporary Impact)

Longfin Smelt Potential Habitat

High Tide Foraging (Low Suitability)



Sources: AECOM, 2026; ESRI Imagery, 2026; OSM, 2026

AECOM

SR 37 Sears Point to Mare Island Improvement Project: Package 1

EA – 04-1Q76U; EFIS – 0424000414

SONOMA COUNTY, CA

Attachment 4

Potential Impacts to Longfin Smelt Habitat

(Page 2 of 3)

N

0 100
Feet

Project Footprint
Mean Higher-High Water
High Tide Line

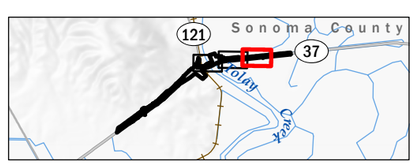
Project Impacts
Permanent Impact
Temporary Impact
Dewatering Area (Temporary Impact)

Longfin Smelt Potential Habitat
High Tide Foraging (Low Suitability)

Sources: AECOM, 2026; ESRI Imagery, 2026; OSM, 2026

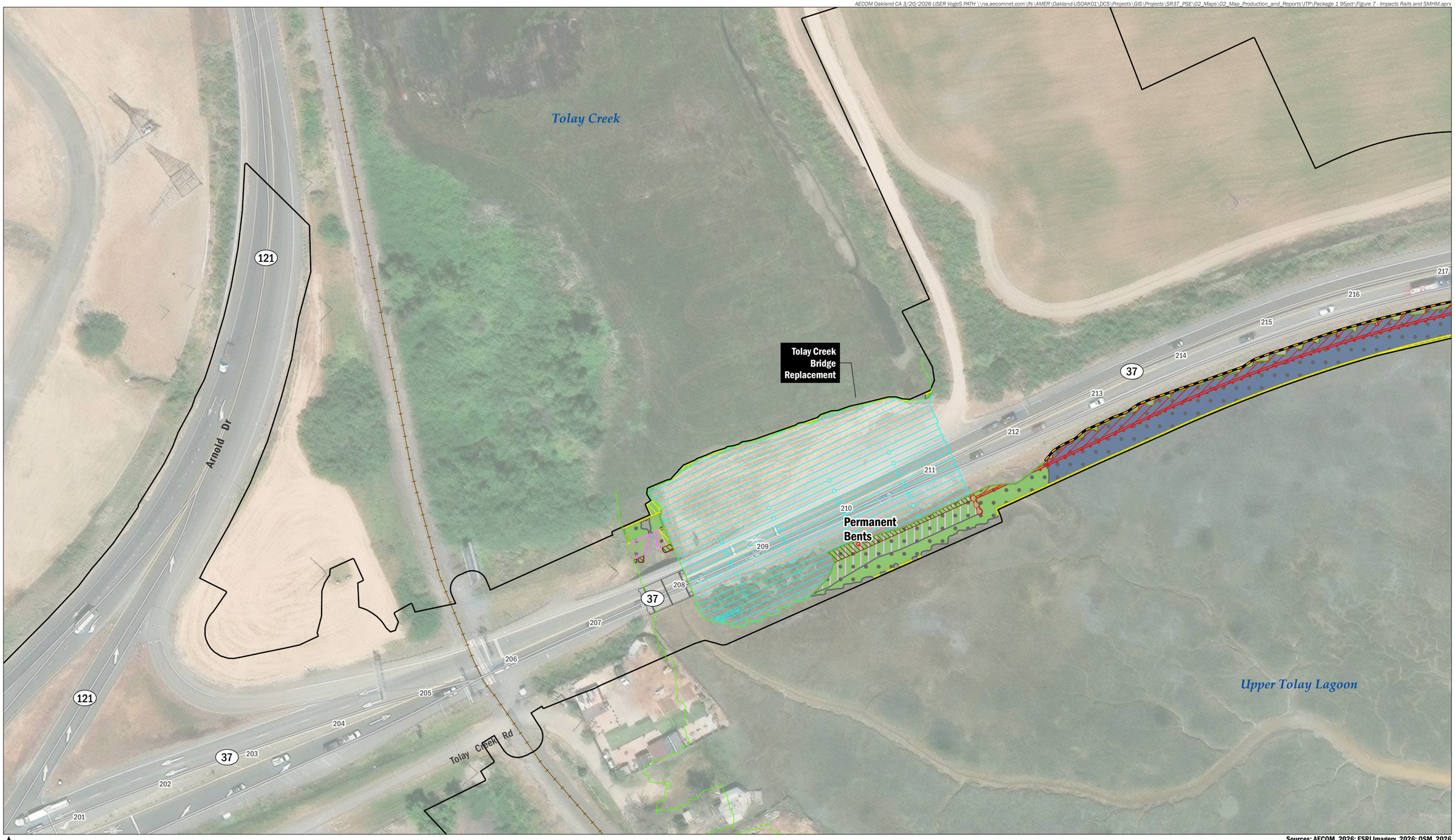
AECOM

SR 37 Sears Point to Mare Island Improvement Project: Package 1
EA – 04-1Q76U; EFIS – 0424000414
SONOMA COUNTY, CA



Attachment 4

Potential Impacts to Longfin Smelt Habitat
(Page 3 of 3)



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0 100 Feet

AECOM

SR 37 Sears Point to Mare Island Improvement Project: Package 1

EA – 04-1Q76U; EFIS – 0424000414

SONOMA COUNTY, CA

- Project Footprint
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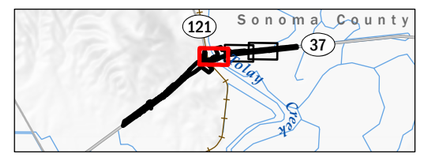
Project Impacts

- Permanent Impact
- Permanent Shadow Impact
- Temporary Impact
- Dewatering Area (Temporary Impact)
- Temporary Shadow Impact
- Temporary Excavation Impact

Terrestrial Listed Wildlife Habitat

- High Tide Refugia Salt Marsh Harvest Mouse (Low Suitability)
- Foraging/dispersal CA Ridgway's Rail, CA Black Rail, Salt Marsh Harvest Mouse
- Foraging/Dispersal for rails (Low Suitability)
  Low Tide Foraging/Dispersal for Salt Marsh Harvest Mouse (Low Suitability)



Sources: AECOM, 2026; ESRI Imagery, 2026; OSM, 2026

Attachment 5

Impacts to Rails and Salt Marsh Harvest Mouse

N

0 100

Feet

Project Footprint

High Tide Line

Project Impacts

Permanent Impact

Temporary Impact

Dewatering Area (Temporary Impact)

Terrestrial Listed Wildlife Habitat

High Tide Refugia Salt Marsh Harvest Mouse (Low Suitability)

Foraging/Dispersal for rails (Low Suitability)
Low Tide Foraging/Dispersal for Salt Marsh Harvest Mouse (Low Suitability)

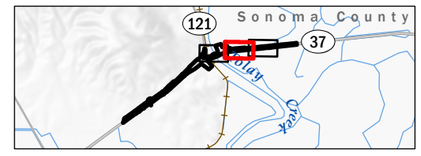
Sources: AECOM, 2026; ESRI Imagery, 2026; OSM, 2026

AECOM

SR 37 Sears Point to Mare Island Improvement Project: Package 1

EA – 04-1Q76U; EFIS – 0424000414

SONOMA COUNTY, CA



Attachment 5

Impacts to Rails and Salt Marsh Harvest Mouse

N

0 100
Feet

Project Footprint
High Tide Line

Project Impacts
Permanent Impact
Temporary Impact
Dewatering Area (Temporary Impact)

Terrestrial Listed Wildlife Habitat
High Tide Refugia Salt Marsh Harvest Mouse (Low Suitability)
Foraging/Dispersal for rails (Low Suitability)
Low Tide Foraging/Dispersal for Salt Marsh Harvest Mouse (Low Suitability)

Sources: AECOM, 2026; ESRI Imagery, 2026; OSM, 2026

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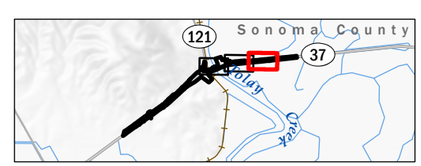
SONOMA COUNTY, CA



Attachment 5

Impacts to Rails and Salt Marsh Harvest Mouse

Walking In the Marsh:
Methods to Increase Safety and Reduce Impacts to Wildlife/Plants

I. Safety

A. *Before heading out into the marsh check the tides*: tides can affect your ability to move through the marsh. Be aware of how long you plan to be in the marsh, what channels you may have to cross, and how the tides will change while you are in the field.

B. *Plan your route through the marsh*: use existing aerial imagery and maps to identify channels and sloughs that may impede access. When available, use high points such as boardwalks or levees to scope out a route. Scoping a route can be especially important in scenarios where visibility across the marsh is low (e.g., South Bay, Suisun). It may be necessary to flag stations and/or access corridors through the marsh prior to surveys. If more than one person is accessing the marsh, travel together along major access routes to avoid the development of multiple paths. At the end of the sampling period, persons furthest out should walk out first, meeting up with others along the major access route…this minimizes the potential of people getting lost and ensures that anyone who is injured will be found in a timely manner (before everyone else has left the marsh). The goal should be to plan a safe route into and out of the marsh while minimizing travel and pathways.

C. *Channels and sloughs*: Avoid jumping channels in locations where you cannot see through vegetation on the opposite bank. Thick vegetation (e.g., pickleweed, gumplant) can obscure the edge of the bank. Considerations before jumping: depth of water/channel, steepness of the channel edges, tide levels. If you are not confident that you can make the jump and the edges have high dense vegetation that you cannot see through…..DO NOT JUMP.

D. *Getting stuck in the mud*: If you are sinking into mud, try to keep moving to avoid getting stuck further. If a leg gets stuck, try to twist your leg to break the suction while leaning your weight on your other leg or knee. Use whatever material you have available (e.g., clipboard, backpack) for leverage (e.g., lean on those items).

E. *Other*: Besides general items such as water and food, it's a good idea to bring a flashlight and a phone (+GPS) in cases of an emergency. Let someone know what marsh area you will be in and when you plan to complete work for the day. Designate an end time and final meeting place when more than one person is out in the marsh at the same time.

II. Avoiding Impacts to Wildlife and Plants

A. *Movement through the Marsh*. While walking through the marsh, keep noise to a minimum. Avoid using multiple pathways through the marsh. Use trails if they exist. Plan and map your route to minimize environmental impacts and decrease running into hazards/barriers such as large channels. When looking for a suitable place to jump a channel, do not walk along the edge of the channel/slough because these areas provide nesting habitat for many species including the endangered CA clapper rail. To find an alternate jump site, walk parallel to the channel at a distance where vegetation is lower in height and where visibility of the ground surface is greater. At all times, observe the environment you are walking through to avoid disturbance. Choose channel jump sites where vegetation is lower or you can clearly discern what you are jumping onto. In general, avoid walking adjacent and parallel to channels/sloughs.

B. *Avoiding nests and nest substrates*. Tidal marsh species have nests that are well concealed and therefore easy to disturb when walking through the marsh. To avoid stepping on a nest, do not walk through thick vegetation or areas where you cannot see through to the ground. Avoid walking on vegetation whenever possible since plants serve as nesting substrate for many species in the marsh. In general, be aware of the area you are walking through. See Tables 1 for nest characteristics of common tidal marsh birds.

C. *Bird Behavior*. If a bird vocalizes or flushes within close range of where you are standing or walking (e.g., < 10-m), it is possible that a nest or young are nearby. When these circumstances arise, stop whatever you are doing and leave the immediate area (be sure to watch where and what you are walking on). Choose an alternate route through the marsh, identify the new route and location of the sighting/occurrence on a map, and record coordinates of the location if possible. Be sure to pass this information on to others that may use the same route or are conducting surveys in the same area. Be very observant of where you walk as you leave the area. There exists the possibility that you could step on a nest or young, both of which can be

concealed by vegetation and are cryptic. When alarmed, individuals may freeze in place (especially juveniles).

D. *Tidal lagoons/ponds*. Avoid walking along tidal lagoons and ponds in marsh interiors that support foraging, roosting, or nesting shorebirds and waterfowl. Be observant of the distance at which birds flush or become alarmed.

E. *Tides*. Avoid conducting surveys during high tides as much as possible. These are periods when many wildlife species are at greatest risk (e.g., predation). If your surveys require a high tide, be aware of the increased risk you may cause for wildlife and take all precautions to reduce that risk (e.g., avoiding areas where sensitive species are known to occur).

Table 1. Nest characteristics and breeding season of common tidal marsh birds.

Nest characteristics	Clapper Rails	Black Rail	Song Sparrow	Common Yellowthroat	Marsh Wren
Size and shape (approximate)	Platform, 21-cm (8.3")	Small cup or bowl w/ canopy, 10-cm (4-5")	Small cup Approx 4 inches (10cm)	Small cup Approx 3 to 4 inches (10cm)	Spherical/ Football shape
Concealment	High concealment	High concealment	High concealment	High concealment	Fairly obvious
Height	Ground or slight rise	Below 30 cm	Below 30 cm	Commonly below 30 cm	Above 30 cm
Nest substrate					
Salicornia (pickleweed)	X*	X*	X*	X	X
Grindelia (gumplant)	X*	X	X*	X*	X
Distichlis spicata (saltgrass)	X				
Scirpus maritimus		X*	X*	X*	X*
Scirpus americanus		X*	X*	X*	X*
Scirpus acutus/californicus		X	X	X	X*
Scirpus robustus	X				
Spartina foliosa	X	X	X	X	X*
Typha (cattails)		X	X*	X*	X*
Wrack	X				
Breeding season	March-July	April-July	March to June	March to July	

*common nest substrate
Sources: PRBO (IRWM training document, 2004), Goals Project (2000), The Birds of North America (No.'s 340, 448, 704).

Like birds, the endangered salt marsh harvest mouse (SMHM) also constructs a nest. The nest is commonly a ball of vegetation that is on the ground or up in pickleweed (Fisler 1965). The reproductive season for SMHM peaks during summer and fall (Fisler 1965, Bias 1993).

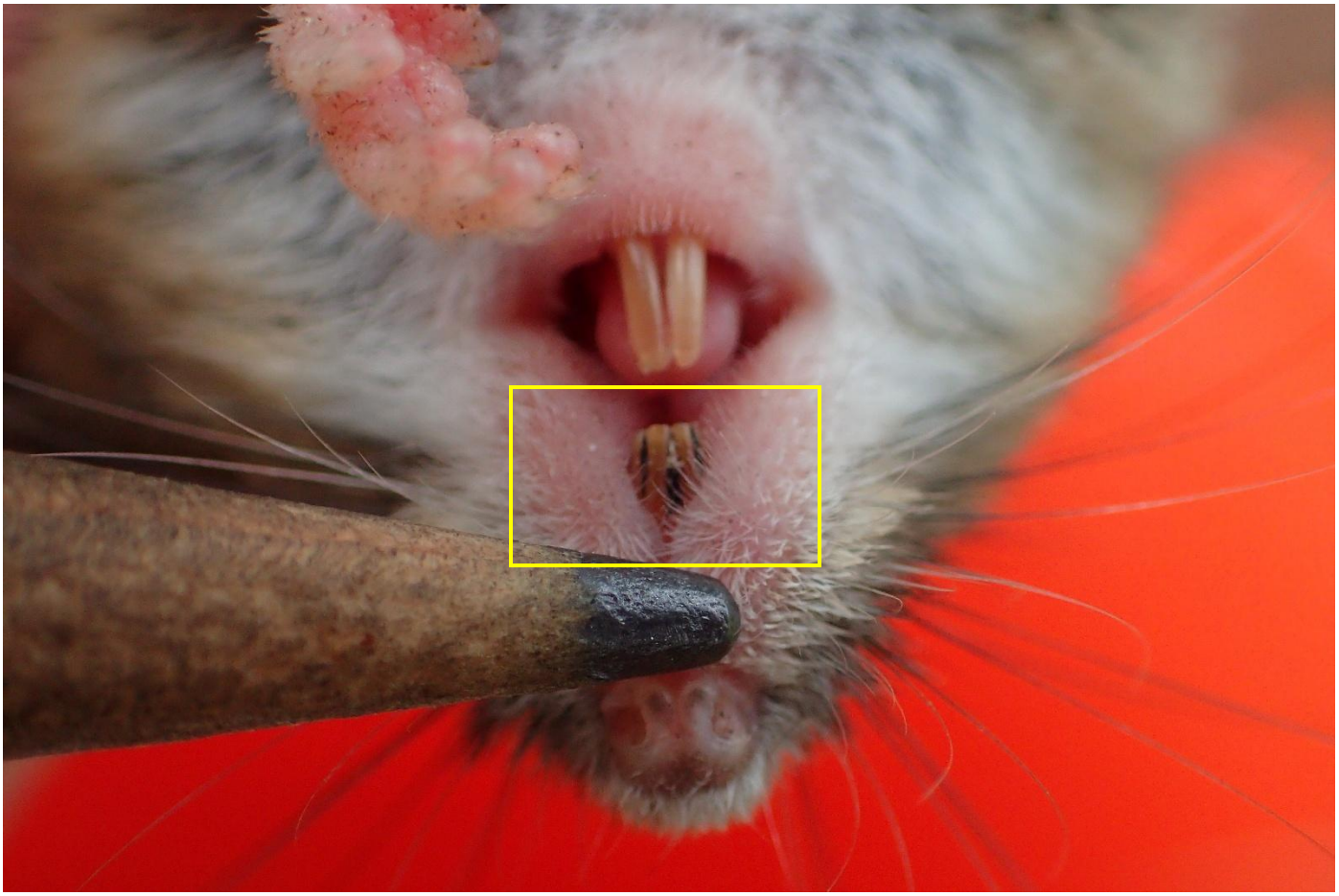
Attachment 7. Bay Delta Conservation Plan SMHM Vegetation Preference List.

Mapping	Mapping types_2012	SMHM Habitat
1	Bare Ground mu	No
2	Fallow Disced Field mu	No
3	Parking Lot mu	No
4	Road mu	No
5	Structure mu	No
6	Slough mu	No
7	Tidal Mudflat mu	No
8	Railroad Track mu	No
9	Ditch mu	No
10	Trail mu	No
11	Open Water mu	No
12	Freshwater Drainage mu	No
13	Water Treatment Pond mu	No
14	Urban Area mu	No
101	Tall Wetland Graminoids mu	Primary
102	Arundo donax Association	No
103	Phragmites australis Association	Secondary
104	Phragmites australis-Schoenoplectus (acutus, californicus) Association	Primary
105	Phragmites australis-Xanthium strumarium Association	No
111	Schoenoplectus americanus Alliance	Primary
112	Schoenoplectus americanus-Potentilla anserina Association	Primary
113	Schoenoplectus americanus-Schoenoplectus (acutus, californicus)	Primary
114	Schoenoplectus americanus Association	Primary
116	Schoenoplectus (acutus, californicus) mu	Secondary
120	Typha (angustifolia, latifolia, domingensis)-Polygonum sp.-Xanthium	Secondary
121	Typha (angustifolia, latifolia, domingensis)-Schoenoplectus	Primary
122	Typha (angustifolia, latifolia, domingensis) Alliance	No
123	Typha (angustifolia, latifolia, domingensis) Association	No
125	Typha (angustifolia, latifolia, domingensis) (dead stalks) mu	No
126	Typha (angustifolia, latifolia, domingensis)-Distichlis spicata	No
127	Schoenoplectus americanus-Lepidium latifolium Association	Primary
129	Typha (angustifolia, latifolia, domingensis)-Phragmites australis	Secondary
130	Medium Wetland Graminoids mu	Secondary
132	Juncus balticus Association	Primary
133	Juncus balticus-Conium maculatum Association	Primary
134	Juncus balticus-Lepidium latifolium Association	Primary
135	Juncus balticus-Potentilla anserina Association	Primary
139	Bolboschoenus maritimus Alliance	Primary
137	Bolboschoenus maritimus Association	Primary
138	Bolboschoenus maritimus-Salicornia pacifica Association	Primary
139	Bolboschoenus maritimus-Sesuvium verrucosum	Primary
140	Short Wetland Graminoids mu	Primary
141	Distichlis spicata Association	Primary
142	Distichlis spicata-Annual grasses Association	Secondary
145	Distichlis spicata-Juncus balticus Association	Primary
147	Distichlis spicata-Lotus corniculatus Association	Secondary

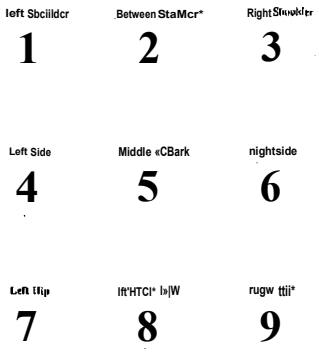
148	Distichlis spicata-Salicornia pacifica Association	Primary
149	Distichlis spicata-Schoenoplectus americanus Association	Primary
153	Distichlis spicata-Cotula coronopifolia Association	Secondary
154	Distichlis spicata-Bolboschoenus maritimus Association	Primary
155	Crypsis schoenoides Association	Secondary
156	Distichlis spicata Alliance	Primary
157	Schoenoplectus (acutus, californicus)-Typha (angustifolia, latifolia,	Secondary
158	Schoenoplectus (acutus, californicus)-Wetland herbs Association	Primary
160	Distichlis spicata-Juncus balticus-Triglochin sp.-Glaux maritima	Primary
161	Cynodon dactylon Association	No
162	Schoenoplectus (acutus, californicus)-Rosa californica Association	Secondary
202	Cortaderia selloana Association	No
210	Medium Upland Graminoids mu	Secondary
211	Elytrigia pontica Association	Secondary
215	Leymus triticoides Alliance	Secondary
218	Lolium multiflorum Allaince	Secondary
220	Lolium multiflorum-Lepidium latifolium Association	Secondary
222	Lolium multiflorum-Rumex sp. Association	Secondary
223	Phalaris aquatica Association	Secondary
225	Cultivated Annual Graminoid mu	Secondary
226	Perennial Grass mu	Secondary
227	Mediterranean CA naturalized annual and perennial grassland Group	Secondary
228	Agrostis avenacea	Secondary
230	Short Upland Graminoids mu	Secondary
231	Annual Grasses generic mu	Secondary
232	Bromus sp.-Hordeum sp. Association	Secondary
234	Hordeum sp.-Lolium multifloum	Secondary
235	Vulpia/Euthamia	Secondary
238	Polypogon monspeliensis Alliance	Secondary
300	Wetland Herbs mu	Primary
301	Tall Wetland Herbs mu	Primary
310	Medium Wetland Herbs mu	Primary
311	Atriplex prostrata Association	Primary
312	Atriplex prostrata-Distichlis spicata Association	Primary
315	Atriplex prostrata-Bolboschoenus maritimus Association	Primary
316	Atriplex prostrata-Sesuvium verrucosum Association	Primary
317	Frankenia salina-Agrostis Association	Primary
318	Frankenia salina-Distichlis spicata Association	Primary
320	Frankenia salina Alliance	Primary
321	Grindelia stricta Association	Primary
323	Lepidium latifolium-Distichlis spicata Association	Primary
324	Lepidium latifolium Alliance	Primary
328	Persicaria lapathifolia-Xanthium strumarium Alliance	Primary
329	Polygonum spp.-Xanthium strumarium-Echinochloa crus-galli	Primary
330	Calystegia sepium-Euthamia occidentalis Association	No
336	Rumex spp. Provisonal Alliance	Primary
337	Atriplex prostrata-Annual Grasses Association	Primary

338	Potentilla anserina Alliance	Primary
339	Atriplex prostrata Alliance	Primary
340	Short Wetland Herbs mu	Primary
342	Cotula coronopifolia Association	Secondary
344	Lotus corniculatus Association	Secondary
346	Salicornia pacifica Association	Primary
347	Salicornia pacifica-Annual Grasses Association	Primary
348	Salicornia pacifica-Atriplex prostrata Association	Primary
350	Salicornia pacifica-Crypsis schoenoides Association	Primary
356	Salicornia pacifica-Sesuvium verrucosum Association	Primary
357	Sesuvium verrucosum Association	Primary
358	Sesuvium verrucosum-Distichlis spicata Association	Primary
359	Sesuvium verrucosum-Lolium multiflorum Association	Primary
360	Spergularia-Cotula coronopifolia Association	No
361	Salicornia pacifica Alliance	Primary
364	Salicornia pacifica-Polygonum spp.-Xanthium strumarium-	Primary
365	Salicornia virginca-Cotula coronopifolia Association	Primary
366	Salsola soda Provisional Alliance	Primary
371	Stuckenia pectinata Association	No
401	Upland Herbs mu	No
402	Conium maculatum Association	No
403	Foeniculum vulgare Association	No
405	Raphanus sativus Association	No
406	Brassica nigra Association	No
410	Medium Upland Herbs mu	Secondary
413	Centaurea spp. Association	No
421	Carpobrotus edulis Association	No
502	Salix exigua Association	No
514	Atriplex lentiformis Alliance	Secondary
601	Medium Upland Shrubs mu	No
602	Baccharis pilularis Alliance	Secondary
603	Baccharis pilularis /Annual Grasses Association	Secondary
604	Rosa californica Association	Secondary
605	Rosa californica-Baccharis pilularis Association	Secondary
606	Rubus discolor Association	Secondary
700	Willow Trees	No
702	Salix laevigata/Salix lasiolepis Association	No
705	Salix lasiolepis/Quercus agrifolia Association	No
800	Eucalyptus sp. mu	No
801	Eucalyptus globulus Association	No
900	Oaks mu	No
901	Quercus agrifolia Association	No
903	Quercus lobata Association	No
910	Landscape Trees mu	No
911	Ailanthus altissima Alliance	No
912	Fraxinus latifolia Association	No

Attachment 8. SMHM grooved upper incisors (highlighted in yellow box).



Small Mammal Hair-Clipping Guide



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MASTER FUNDING AGREEMENT

This MASTER FUNDING AGREEMENT (AGREEMENT) is made by and between the California Department of Transportation (CALTRANS) and California Department of Fish and Wildlife (CDFW). CALTRANS and CDFW shall be collectively referred to herein as the "PARTIES" and individually as a "PARTY."

RECITALS

1. CALTRANS intends to construct future transportation projects for the State Highway System (individually a "PROJECT" and collectively "PROJECTS"). Pursuant to California Fish and Game Code sections 2080.1 and 2081, CDFW can issue CALTRANS, respectively, a Consistency Determination or an Incidental Take Permit for CALTRANS PROJECTS. The Incidental Take Permit and/or Consistency Determination are hereinafter referred to individually as a "TAKE AUTHORIZATION" and collectively as "TAKE AUTHORIZATIONS."

2. CDFW's issuance of TAKE AUTHORIZATIONS for CALTRANS PROJECTS is conditioned on CALTRANS implementing certain mitigation and monitoring measures and requirements hereinafter referred to collectively as "MITIGATION REQUIREMENTS."

3. Unless CALTRANS satisfies the MITIGATION REQUIREMENTS prior to incurring impacts from a PROJECT, the TAKE AUTHORIZATIONS require that CALTRANS set aside funds to satisfy the cost CDFW has determined will be necessary to satisfy the MITIGATION REQUIREMENTS for the PROJECT, in the event of a default by CALTRANS. These funds shall be referred to herein as "SECURITY FUNDS."

4. As set forth in applicable TAKE AUTHORIZATIONS condition(s), CALTRANS is required to establish and maintain the SECURITY FUNDS in an amount, form, and manner acceptable to CDFW.

5. The PARTIES desire to enter into this AGREEMENT to establish the manner in which CALTRANS will maintain SECURITY FUNDS for the proper implementation and completion of MITIGATION REQUIREMENTS for CALTRANS PROJECTS. The specific purpose of and background for this AGREEMENT are included in the summary of CALTRANS' project programming and funding procedures set forth in Exhibit "A," attached hereto and incorporated herein by reference.

OPERATIVE PROVISIONS

NOW THEREFORE, in consideration of the covenants and conditions set forth herein, the PARTIES agree as follows:

1. Effective Date.

This AGREEMENT is effective as of the date CALTRANS and CDFW have executed this AGREEMENT.

2. Funding Memorandum

As a condition to CDFW's issuance of a final TAKE AUTHORIZATION, CALTRANS will provide a completed Funding Memorandum to CDFW in the form of Exhibit "B," attached hereto and incorporated herein by reference, to document the manner in which CALTRANS will provide SECURITY FUNDS (the "FUNDING MEMORANDUM"). The FUNDING MEMORANDUM will include the following:

A. The name of the project;

B. A brief project description;

C. The incidental take permit number or consistency determination number;

D. The CALTRANS parent project expense authorization (EA) number;

E. The CALTRANS child project EA (Child EA) number;

F. The estimated costs of the MITIGATION REQUIREMENTS; and

G. The total amount required for the SECURITY FUNDS

H. Subject to the Budget Act provisions of this AGREEMENT, a statement that the funds have been budgeted, as well as allocated, and will not be re-allocated to another element of the PROJECTS, or to other PROJECTS, or for any other purpose.

3. Process for CALTRANS SECURITY FUNDS.

A. In order to meet the SECURITY FUNDS requirement of the TAKE AUTHORIZATIONS, CALTRANS shall create and program a separate and unique project expense authorization identified as a "Child EA" which is more fully described in Exhibit "A." After the Child EA is established, CALTRANS will transfer the SECURITY FUNDS, once allocated for PROJECTS, to the Child EA.

B. CALTRANS agrees to use the SECURITY FUNDS in the Child EA exclusively to satisfy MITIGATION REQUIREMENTS required by TAKE AUTHORIZATIONS.

C. In the event CDFW determines that CALTRANS is not satisfying MITIGATION REQUIREMENTS, the PARTIES will resolve any issues through the internal dispute resolution process described in Exhibit "C," attached hereto and incorporated herein by reference.

D. CDFW acknowledges and agrees that the provisions of this AGREEMENT constitute advance written approval of a security form by CDFW's Office of the General Counsel for all CALTRANS TAKE AUTHORIZATIONS statewide.

E. If after exhausting the internal resolution process described in Exhibit "C." the PARTIES fail to resolve issues relating to MITIGATION REQUIREMENTS and SECURITY FUNDING, CDFW will notify CALTRANS, in writing, of its intent to obtain the unused remaining

SECURITY FUNDS, and CALTRANS shall take all necessary actions to transfer all remaining, unencumbered SECURITY FUNDS to CDFW within 45 days.

F. CDFW and CALTRANS will work together in good faith until MITIGATION REQUIREMENTS are completed. CALTRANS will follow processes described in Exhibit "A" to program additional funds, if needed, to complete MITIGATION REQUIREMENTS. In the event CDFW obtains the remaining unencumbered SECURITY FUNDS, pursuant to subsection E above, CALTRANS will work in good faith to provide CDFW with access to any mitigation lands within a CALTRANS right of way or otherwise under the control of CALTRANS, and to facilitate the timely completion of the MITIGATION REQUIREMENTS, and CDFW will work in good faith to obtain all necessary approvals from CALTRANS to access the mitigation lands and complete the MITIGATION REQUIREMENTS in accordance with CALTRANS policies and practices for its lands.

G. If CDFW obtains the remaining unencumbered SECURITY FUNDS, pursuant to subsection E above, and those funds are insufficient to complete the MITIGATION REQUIREMENTS, CALTRANS agrees to replenish the Child EA, and CDFW and CALTRANS agree to meet to identify appropriate sources of funding to replenish the Child EA for the timely completion of the MITIGATION REQUIREMENTS.

4. Budget Contingency Clause

The PARTIES mutually agree that if the Budget Act of the current year and/or any subsequent years covered under this AGREEMENT does not appropriate sufficient funds for the funding required under this AGREEMENT, this AGREEMENT shall be of no further force and effect. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of the FUNDING SECURITY, CALTRANS shall have the option to either terminate this AGREEMENT without liability or offer an AGREEMENT amendment to reflect the reduced amount. In addition, CALTRANS' obligations under this AGREEMENT are subject to Legislative appropriation and allocation by the California Transportation Commission (CTC).

In the event this AGREEMENT is terminated due to the Legislature's failure to appropriate sufficient funds or CALTRANS exercises its option to terminate this AGREEMENT after a reduction or deletion of funds, CALTRANS shall remain responsible for funding and completing the MITIGATION REQUIREMENTS, and CALTRANS and CDFW shall agree to meet and to work in good faith to identify appropriate sources of funding to complete the MITIGATION REQUIREMENTS.

5. Termination

Either PARTY may terminate this AGREEMENT upon sixty (60) days' prior written notice to the other PARTY. The PARTIES agree that, if this AGREEMENT is terminated for any reason, prior to the effective date of the termination CALTRANS shall provide alternative performance security to CDFW, in a form to be approved in advance in writing by CDFW's Office of General Counsel, for all PROJECTS for which the MITIGATION REQUIREMENTS have not been completed.

6. Retention of Records/Audits

The PARTIES shall maintain as public records all books, documents, papers, accounting records and other evidence pertaining to the performance of this AGREEMENT, including but not limited to, the costs of administering this AGREEMENT. The PARTIES shall make such materials available at their respective offices at all reasonable times and for three years from the date CALTRANS has satisfied its MITIGATION REQUIREMENTS and obligations under this AGREEMENT. The PARTIES, State Auditor, Federal Highway Administration, or any duly authorized representative of the Federal government having jurisdiction under Federal laws or regulations (including the basis of Federal funding in whole or in part), shall have access to any party's books, records, and documents that are pertinent for audits and examinations. Excerpts, transactions, and copies thereof shall be furnished upon request.

7. Applicable laws.

All applicable laws and regulations relating to the use of federal or state funds shall apply notwithstanding other provisions of this AGREEMENT.

8. Amendments

Except as provided in Section 14 regarding Notices, this AGREEMENT may only be amended by written agreement, executed by all PARTIES.

9. Severability

In case any part, term, portion, or provision of this AGREEMENT is or shall be invalid, illegal, or unenforceable, the remaining parts, terms, portions, and provisions shall remain in full force and effect.

10. Miscellaneous

Nothing within the provisions of this AGREEMENT is intended to create duties, or obligations to, or rights in third parties not a party to this AGREEMENT, or to affect the legal liability of either party to the AGREEMENT by imposing any standard of care different from the standard of care imposed by law.

11. Entire Agreement

This AGREEMENT reflects the entire AGREEMENT of the PARTIES with respect to the subject matter hereof and supersedes all prior or contemporaneous oral or written understandings, statements, representations, and promises.

12. Authority

Each of the PARTIES represents and warrants that each of the persons executing this AGREEMENT on its behalf has full and complete legal authority to do so and thereby binds the party to this AGREEMENT.

13. Counterparts

This AGREEMENT may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. CDFW and CALTRANS agree that digital signatures are acceptable for execution of this AGREEMENT.

14. Notices

Notices made or required under this AGREEMENT shall be directed to the CALTRANS and CDFW representative as follows:

CDFW:

Chad Dibble, Deputy Director
Ecosystem Conservation Division
Department of Fish and Wildlife
P.O. Box 944209
Sacramento, CA 94244-2090
916-653-6956
chad.dibble@wildlife.ca.gov

CALTRANS:

Philip J. Stolarski, Chief
Division of Environmental Analysis
Department of Transportation
1120 N St, MS 27
Sacramento, CA 95814
916-206-7254
phil.stolarski@dot.ca.gov

The CALTRANS and CDFW representatives during the term of this AGREEMENT may be changed by advance written notice without the necessity of an amendment to this AGREEMENT.

15. Electronic Signatures.

Electronic signatures of the PARTIES, whether digital or encrypted, are intended to authenticate this AGREEMENT and shall have the same force and effect as manual signatures for this AGREEMENT.

"CALTRANS"

STATE OF CALIFORNIA

Department of Transportation

By: _____

Director

"CDFW"

STATE OF CALIFORNIA

Department of Fish and Wildlife

By: See following page

Director

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"CALTRANS"

STATE OF CALIFORNIA

Department of Transportation

By: See prior page

Toks Omishakin, Director

"CDFW"

STATE OF CALIFORNIA

Department of Fish and Wildlife

By: 9/3/21

Charlton H. Bonham, Director

EXHIBIT A TO MASTER FUNDING AGREEMENT

CALTRANS PROJECT PROGRAMMING AND FUNDING PROCEDURES

All PROJECTS begin by CALTRANS preparing a Project Initiation Document (PID) that contains a purpose and need statement, defined project scope, capital and support cost estimate for each alternative, and project work-schedule. The cost estimate includes the projected costs of environmental studies, mitigation, and monitoring to meet anticipated MITIGATION REQUIREMENTS. The California Transportation Commission (CTC) then allocates project environmental analysis and preliminary project design funds based upon the project scope and cost estimates in the PID, including costs for anticipated MITIGATION REQUIREMENTS. CALTRANS can then allocate the CTC-approved funds into a programmed Expense Authorization (EA). MITIGATION REQUIREMENTS cost estimates in the PID are preliminary and subject to change, as a project's impacts and required mitigation are not definite until completion of subsequent engineered designs, environmental studies, and consultation with CDFW and other state and federal resource agencies.

The next phase of PROJECTS is the Project Approval and Environmental Document (PA&ED) component in which a Final Project Report and Final Environmental Document are completed. During this phase, CALTRANS studies each alternative and develops appropriate mitigation in consultation with both federal and state resource agencies, including CDFW, to maximize avoidance and minimization and identify effective mitigation. This process and its results are documented in the Final Environmental Document and incorporated into the Project Report. By signing the Final Project Report, the CALTRANS District Director establishes the full project description which integrates the mitigation measures as a commitment of the overall project and verifies that the resources necessary to complete the project and MITIGATION REQUIREMENTS are included in the estimated project costs. The CTC then allocates the appropriate funding for the final design and construction of the project based on the Final Environmental Document and the Final Project Report. Before allocating the funds, however, the CTC determines that the project meets its stated purpose and need and that the funds are sufficient to complete the project, including all commitments for avoidance, minimization, mitigation, and monitoring. These funds are then allocated for the anticipated programming/construction year.

The next phase for PROJECTS in the CALTRANS project development process is the preparation of plans, specifications and estimates (PS&E) necessary for the bidding process. The PS&E package is premised on the decisions and commitments in the Final Environmental Document and Final Project Report. At the completion of the PS&E phase, and prior to listing the contract for bid, the CALTRANS District Environmental Division Chief certifies that the PS&E package incorporates all environmental commitments. At that time, an Environmental Commitment Tracking Record is created to verify compliance with the environmental commitments throughout the life of the project.

As PROJECTS develop and are further evaluated during the PA&ED and PS&E phases, a decision is made regarding whether PROJECTS will result in the take of CESA-listed or candidate species. Plans to avoid, minimize, mitigate, and monitor the CESA-listed species impacts are made through early coordination with CDFW. CALTRANS and CDFW staff determine the preferred mitigation and CALTRANS may include this as a proposal to CDFW in its TAKE AUTHORIZATIONS applications or within the federal ESA consultation for take authorization to be used with TAKE AUTHORIZATIONS. The final project avoidance, minimization, and MITIGATION REQUIREMENTS and SECURITY FUNDS requirements are then delivered in the TAKE AUTHORIZATIONS by CDFW or within the federal ESA take authorization to be used for TAKE AUTHORIZATIONS.

CALTRANS is committed to fulfilling environmental commitments for PROJECTS. This includes programming sufficient resources to meet MITIGATION REQUIREMENTS. MITIGATION REQUIREMENTS may be encountered prior to impacts of CESA-listed species, concurrently with, or beyond project construction within the State's right-of-way or located outside the State's right-of-way.

With approval from the CTC, CALTRANS can apportion funding from a parent project EA and program into a new EA, referred to for accounting purposes as a "Child EA." The Child EA is used for mitigation efforts that require work after CALTRANS has accepted the contract and construction work. The Child EA is programmed to maintain adequate funding for all mitigation acquisition, construction, monitoring, maintenance, and adaptive management activities under TAKE AUTHORIZATIONS issued for the parent project. The unique Child EA establishes a dedicated fund to cover the cost of MITIGATION REQUIREMENTS that extend beyond project completion and acceptance and until CDFW has determined CALTRANS has satisfied the MITIGATION REQUIREMENTS.

When programming and/or funding adjustments are necessary during the life of PROJECTS, the project change control process must be followed by CALTRANS. A request for change is reviewed by CALTRANS Headquarters Management, including the Environmental Division Chief, for consistency with environmental commitments. If the proposed change request includes changing environmental commitments, it must be documented with the consultation and concurrence of the applicable resource agencies, and, if necessary, additional environmental studies and documentation. The changes to project budgets created by the project change control process and the creation and programming of a Child EA must be approved by the CTC.

At the construction phase of PROJECTS, the Resident Engineer monitors the progress of the project including compliance with environmental commitments. Prior to the closure of PROJECTS, the Project Manager with assistance from the district Environmental Construction Liaison reviews all aspects of the PROJECTS for compliance with MITIGATION REQUIREMENTS for TAKE AUTHORIZATIONS. After closure of the primary construction phase of PROJECTS, funding within a Child EA

ensures additional work to complete MITIGATION REQUIREMENTS exists beyond the life of the primary construction contract.

If CDFW has determined that CALTRANS has not met its MITIGATION REQUIREMENTS for TAKE AUTHORIZATIONS, the PARTIES shall use the internal resolution process described in Exhibit "C."

EXHIBIT B TO MASTER FUNDING AGREEMENT

FUNDING MEMORANDUM

1. Name of Project:
2. Brief Description of the Project:
3. Incidental Take Permit Number or Consistency Determination Number:
4. CALTRANS parent project EA and program funding source:
5. CALTRANS Child EA and program funding source:
6. Estimated costs of Mitigation (including monitoring):
7. Total amount for security (combined total of estimated costs of Mitigation and Monitoring):

The funds for this project have been currently budgeted and allocated, for the project as described above. The funds that have been allocated for mitigation and monitoring will not be re-allocated to another element of the project or expended for any purpose other than completing the mitigation and monitoring requirements.

Signature_____ Date _____

Instruction: This form is to be transmitted by CALTRANS to CDFW with each application for an incidental take permit under Fish and Game Code section 2081, and with each request for a Consistency Determination under Fish and Game Code section 2080.1. CALTRANS personnel who signs permit shall also sign this form.

EXHIBIT C TO MASTER FUNDING AGREEMENT

INTERNAL DISPUTE RESOLUTION PROCESS

If at any time CDFW determines that Caltrans is not meeting its MITIGATION REQUIREMENTS for TAKE AUTHORIZATIONS, the PARTIES shall use the following process for resolution.

Stage	Caltrans Staff Title	DFW Staff Title	Duration of stage
1	District Assoc./Environmental Planner (NS)	Senior Environmental Scientist	10 working days
2	District Senior Environmental Planer	Senior ES (Supervisory)	10 working days
3	District Supervisory EP	Environmental Program Manager	10 working days
4	District Principal TP/Deputy Env. Planner	Regional Manager	10 working days
5	District Director/ HQ Environmental Division Chief	HQ Deputy Director for Ecosystem Conservation	10 working days
6	Director	Director	10 working days

At each stage, if the PARTIES reach an impasse and cannot resolve the disputed issue, they will document the issue(s) needing resolution and the reasons for the impasse and notify the group in the next stage of ladder. At each stage of the resolution process, all PARTIES will seek to reach agreement within 10 working days or prepare information for the next stage of resolution until the matter is resolved.