



California Department of Fish and Wildlife  
Bay Delta Region  
2528 Cordelia Road, Suite 100  
Fairfield, CA 94534

California Endangered Species Act  
Incidental Take Permit No. 2081-2025-017-03

## WETA Vallejo Ferry Terminal Reconfiguration Project

### I. Authority:

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, title 14, section 783.0 et seq. CESA prohibits the take<sup>1</sup> of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.<sup>2</sup> However, CDFW may authorize the take of any such species by permit pursuant to the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) are met. (See Cal. Code Regs., tit. 14, § 783.4.)

**Permittee:** Water Emergency Transportation Authority (WETA)

**Principal Officer:** Chad Mason, Capital Planning Manager

**Contact Person:** Bernhard Warzecha, 510-296-5024,  
[Bernhard.Warzecha@wra-ca.com](mailto:Bernhard.Warzecha@wra-ca.com)

**Mailing Address:** Pier 9, Suite 111  
San Francisco, CA 94111

### 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, 2030.**

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.9 of this ITP.

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

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

### III. Project Location:

The WETA Vallejo Ferry Terminal Reconfiguration Project (Project) is located in the Mare Island Strait section of the Napa River within the City of Vallejo, County of Solano (See FIGURES 1-2). The Project is located approximately 0.95 miles south of the Mare Island Causeway at Latitude 38.10012°N, Longitude -122.26263°W. The Project site is bounded by Water Front Memorial Park to the north, Independence Park to the south, Mare Island Strait to the west, and Mare Island Way to the east.

### IV. Project Description:

The Project includes removal and replacement of an existing gangway, passenger float, and associated piles of the existing ferry terminal to extend the terminal 200 feet further into the Napa River. The purpose of reconfiguring WETA's Vallejo Ferry Terminal is to reduce the need to perform maintenance dredging activities which are necessary to maintain safe operation of the ferry service. The reconfiguration is expected to reduce dredging maintenance activities from every 4 years to every 20 years. The Project will occur in one construction season with in-water work occurring August 1 to November 30. Ferry service will continue through construction via placement of a temporary ferry terminal (passenger float) in the same location it is placed for dredging maintenance activities covered under Lake and Streambed Alteration (LSA) Agreement No. 1600-2021-0007-R3. Project activities include placement of the temporary passenger float, removal of the existing ferry terminal structures, and construction of the new ferry terminal structures. All work will be conducted from two barges, one for materials storage and one equipped with a crane and pile driver, as further described below.

*Temporary structure placement:* Gangway and passenger float including temporary placement of six 24-inch diameter steel piles and two 16-inch diameter steel piles. Piles will be installed via vibratory hammer method and impact hammer pile driving as needed. All structures associated with the temporary ferry terminal will be removed once the permanent terminal is in place and within the work period for all in-water work (August 1 to November 30). The passenger float will result in 6,144 square feet of overwater structures and 19 square feet of in-water structures, totaling 6,163 square feet (0.141 acres).

*Existing structure removal:* One fixed gangway, two support piles, one concrete pad and four associated piles, two steel dolphins each composed of two steel 16-inch diameter piles and one 18-inch diameter pile, one passenger float (88-foot by 50-foot), and four anchor piles, resulting in 16 piles removed. Existing piles will be removed by pulling using the vibratory setting only on the impact pile driver. If a pile breaks during removal, it will be cut off below the mud line. This will result in the demolition and removal of 5,277 square feet of overwater structures and 62 square feet of in-water structures, totaling 5,339 square feet (0.123 acres) of removed structures.

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*New structure construction:* Fixed gangway system comprised of four concrete pads, and associated steel piles including ten 36-inch diameter piles; a new passenger float (134.5-foot by 42-foot) comprised of various materials including donut fenders and associated steel piles including eight 36-inch diameter piles and four 12-inch diameter piles, resulting in 22 piles installed. New piles will be installed via vibratory hammer method and impact hammer pile driving as needed. This will result in 9,361 square feet of overwater structures and 168 square feet of in-water structures, totaling 9,529 square feet (0.219 acres). Due to 0.123 acres of existing structure removal described above, overwater and in-water structures will result in a net increase of 4,190 square feet (0.0962 acres).

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

This ITP covers the following species:

| <u>Name</u>                                      | <u>CESA Status</u> <sup>3</sup> |
|--------------------------------------------------|---------------------------------|
| Longfin smelt ( <i>Spirinchus thaleichthys</i> ) | Threatened <sup>4</sup>         |

This species and only this species is 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 pile installation; existing ferry structure demolition and removal; temporary ferry terminal installation and removal; permanent ferry terminal installation; contaminants and suspended sediments released during demolition and construction; installation of sound attenuation systems; and capturing and handling the Covered Species (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 barometric trauma (hydroacoustic impacts) due to pile driving, crushing by project equipment and materials, habitat loss and degradation due to in water structures and overwater shading, and exposure to suspended sediments and contaminants released during demolition and construction. Pile driving hydroacoustic impacts would result in short-term but repeated impacts during in-water construction. Impact pile driving of steel piles could result in significant injury or mortality to the Covered Species by meeting or exceeding hydroacoustic thresholds of 206 decibel (dB) peak sound pressure level (SPL) and 187 dB accumulated sound exposure level (SEL) for fish over 2 grams,

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

<sup>4</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(2)(e).

determined by the multi-agency Fisheries Hydroacoustic Working Group. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species during capturing and handling them. The areas where authorized take of the Covered Species is expected to occur include: 0.282 acres within the 10.06-acre Project site as shown on Figures 1 and 2 (collectively, the Project Area).

The Project is expected to cause the permanent loss of 0.0962 acres of habitat for the Covered Species, and temporary loss of 0.141 acres of habitat for the Covered Species. The Project is also expected to cause 0.045 acres of hydroacoustic impacts in the peak SPL zone for mortality sound levels and 8.86 acres of hydroacoustic impacts in the cumulative SEL zone for injurious sound levels. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal habitat losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: mortality and stress resulting from underwater noise and vibration from pile driving, general in-water construction, potential impacts from spills of pollutants (oils, gasoline, diesel, lubricants, etc.), increased sedimentation and turbidity, long-term effects due to permanent habitat loss, increased general pollution, increased aquatic vessel traffic, and increased vulnerability to predation.

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

This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes the Permittee, its employees, contractors, and agents to take Covered Species incidentally in carrying out the Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. 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 apply to all Covered Activities within the Project Area, including areas used for equipment 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.

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- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration (SCH No.: 2024051079) adopted by the Water Emergency Transportation Authority on July 12, 2024, 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 LSA Agreement (Notification No. EPIMS-SOL-57090-R3) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
- 4. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

**5. General Provisions:**

- 5.1. Designated Representative.** Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 5.2. Designated Biologist.** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) using the Biologist Resume Form (available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=202869>) or another format containing the same information at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology, natural history, collecting, and handling of the Covered Species. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) must be changed.
- 5.3. Designated Biologist Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP, and/or order any reasonable

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

- 5.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area, unless otherwise approved in writing by CDFW. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.
- 5.5. Construction Monitoring Documentation.** The Permittee and Designated Biologist shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.
- 5.6. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

- 5.7. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid polluting the waterway and attracting opportunistic predators such as ravens and sea gulls. Plastic water bottles and plastic bags shall be picked up and removed daily. Trash and other debris shall be retrieved immediately and shall not be allowed to drift away from the worksite.
- 5.8. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. In uplands, any disturbed soils shall be managed to prevent dust or silt laden runoff from becoming airborne or otherwise introduced to the aquatic environment.
- 5.9. Delineation of Property Boundaries.** Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with appropriate aquatic stakes, flags, or buoys. 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.
- 5.10. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with appropriate aquatic signs, posting stakes, flags, rope or cord, and/or buoys to minimize the disturbance of Covered Species' habitat.
- 5.11. Project Access.** Project-related personnel shall access the Project Area using existing routes and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 5.12. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat

outside of the marked Project Area unless provided for as described in Condition of Approval 5.11 of this ITP.

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

**5.14. Concrete and Cement-Based Products.**

- All cement-based products (concrete, mortar, etc.) poured or applied wet on-site shall be excluded from the wetted channel or areas where they may come into contact with water for a period of 30 days after application. During that time the product shall be kept moist and runoff from the product shall not be allowed to enter the stream. Commercial sealants may be applied to the product surface or mixture where difficulty in excluding flow for a long period may occur. If sealant is used, water shall be excluded from the site until the sealant is cured.
- The Permittee shall install the necessary containment structures to control the placement of wet concrete and to prevent it from entering the channel outside of those structures. No concrete shall be poured if the 15-day weather forecast indicates any day with a greater than 20 percent chance of rain.

Where cast-in-place concrete is required in over-water areas, the Permittee shall use water-tight forms and catchments preventing concrete from falling into the water. Cast-in-place forms shall remain in place until concrete has completely cured and shall be removed using means that minimize dust and prevent freshly cured concrete from falling into the water.

- At all times when the Permittee is pouring or working with wet concrete there shall be a designated monitor to inspect the containment structures and ensure that no concrete or other debris enters into the channel outside of those structures.

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



- 5.16. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 5.17. 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.
- 5.18. 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.
- 5.19. 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 Best Management Practices (BMPs) and guidelines for invasive plants can be found on the California Invasive Plant Council's (Cal-IPC) website at: <https://www.cal-ipc.org/solutions/prevention/> and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: <https://stopaquatichitchhikers.org/>.
- 5.20. Spill Prevention.** A Spill Prevention and Response Plan (plan) shall be submitted to CDFW for approval in writing at least seven days prior to the initiation of construction, and the CDFW approved plan shall be implemented. A designated inspector familiar with the utilized construction equipment shall be on-site during all Project activities to monitor equipment operations, prevent waterway contamination and respond to equipment malfunctions. Barges, boats, and heavy equipment shall be regularly inspected for wear, leaks, or malfunction. Hazardous material leaks and spills shall be attended to immediately as outlined in the plan. Prior to entering the

work site, all field personnel shall know the location of spill kits and trained in their appropriate use.

- 5.21. Spill Containment.** All activities performed in or near the Mare Island Strait or any waterway 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.

## **6. Monitoring, Notification and Reporting Provisions:**

- 6.1. Geographic Information Systems Data Files.** Before starting Covered Activities, the Permittee shall provide CDFW with Geographic Information Systems (GIS) data files for permanent and temporary habitat impact areas authorized under this ITP for the Covered Species. The Permittee shall provide any additional GIS data files for the Project or related Covered Species features within 30 days of CDFW's request. All GIS data files shall be provided in a format acceptable to CDFW.
- 6.2. Notification Before Commencement.** The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 6.3. Notification of Non-Compliance.** The Designated Representative shall immediately notify CDFW in writing if it is determined that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 6.4. Reporting of Habitat Impacts.** Permittee shall monitor, calculate, and record in an electronic ledger the total amount of permanent and temporary impacts to Covered Species habitat and shall at a minimum account for these impacts based upon habitat type.
- 6.5. Compliance Monitoring.** The Designated Biologist shall be on-site daily when Covered Activities occur, unless otherwise approved in writing by CDFW. The Designated Biologist shall conduct compliance inspections a minimum of once weekly during periods of inactivity. The Designated Biologist shall conduct compliance inspections to:

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

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

- 6.6. Monthly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 6.3, 6.4, 6.5, and 6.10 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Jordan Beaton, Environmental Scientist ([Jordan.Beaton@wildlife.ca.gov](mailto:Jordan.Beaton@wildlife.ca.gov)) and Headquarters CESA Program email is [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 6.7. Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than **January 31** of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.6; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and

permanent disturbance for the seasonal work, and (7) information about other Project impacts on the Covered Species.

- 6.8. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 6.9. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 6.10. Notification of Take or Injury.** Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (707) 428-2002 and emailing [Jordan.Beaton@wildlife.ca.gov](mailto:Jordan.Beaton@wildlife.ca.gov). The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

If any Covered Species are killed and accessible for collection, the individuals shall be preserved via freezing or placing in a container with 10 percent formalin solution. Information on time and exact location of any incidental take, method of take, length of time from death to preservation, water temperature, and any other relevant information shall be recorded in writing.

Permittee shall contact the CDFW regional representative for instructions on transmitting preserved individuals.

- 7. Take Minimization Measures:** The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Area during Covered Activities. Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:
- 7.1. Work Window.** Permittee shall conduct in-water work between August 1 and November 30 to minimize impacts to larval longfin smelt. In-water work outside of this work window is prohibited.
  - 7.2. Daily Aquatic Species Checks.** Before the start of work each day and throughout the course of the day as determined by the Designated Biologist, the Project Area shall be inspected for any Covered Species or aquatic species. All Covered Species shall be given the chance to leave at their own volition prior to work start.
  - 7.3. Pile Driving.** Only the piles including their diameters described in the Project Description section above shall be installed.
  - 7.4. Vibratory Hammer.** Permittee shall install piles with a vibratory pile driver to the maximum extent feasible.
  - 7.5. Pile Removal.** Permittee shall remove all piles using vibratory methods or by direct pull. Should a pile break or if it cannot be removed using vibratory methods or by direct pull, the Permittee shall cut the pile below the mud line and remove it.
  - 7.6. Impact Hammer.** Permittee shall employ a "soft start" technique (see Condition of Approval 7.7) to give aquatic species an opportunity to move out of the area and pile driving shall only occur during slack tide. Pile driving shall not exceed 450 strikes per pile and no more than four piles per day shall be installed. The Permittee shall obtain an amendment to this ITP for any increase in the number of pile strikes or piles installed per day unless otherwise approved in writing by CDFW.
  - 7.7. Soft Start Pile Driving.** The initial strikes of all in-water piles shall occur at less than full impact force for a period of 15 seconds followed by 30 seconds of no activity. This action shall be repeated two additional times for each pile, and strikes shall be gradually increased to full force blows to reduce the initial sound level and provide warning strikes allowing aquatic species adequate time to leave the Project Area.

**7.8. Minimize Use of Impact Hammer.** The amount and duration of impact hammer activities shall be minimized. Use of the impact hammer shall be limited to daylight hours to allow movement of fish that may be present in the Project Area vicinity to pass the Project Area during the night time hours.

**7.9. Pile Driving Hydro-Acoustic Limits.** Sound pressure levels generated by pile driving shall be kept below the 206 dB peak sound pressure level (SPL) threshold except for the specific piles listed below for which impact hammering is expected to meet or exceed the 206 dB peak SPL within the peak injury zone (radius around each pile):

- Eighteen 36-inch piles at 1.6 meter radius
- Six 24-inch piles at 1.4 meter radius
- Two 16-inch piles at 0.1 meter radius
- Four 12-inch piles at 0.1 meter radius

If the 206 dB SPL threshold injury zones are exceeded the Permittee shall stop all pile driving activities (vibratory and impact) and not continue until CDFW has been consulted. Any exceedance in the threshold distances shall require an Amendment to this ITP, unless otherwise approved in writing by CDFW. The Permittee shall monitor sound levels at specified in Condition of Approval 7.10 during all pile driving activities (vibratory and impact).

**7.10. Hydro-Acoustic Monitoring Plan and Specialist.** A minimum of 30 days prior to the initiation of Covered Activities, a hydro-acoustic monitoring plan (plan) and the name, qualifications, and contact information of a hydro-acoustic monitoring specialist shall be submitted to CDFW. The plan and hydro-acoustic monitoring specialist must be approved in writing by CDFW before pile driving activities begin. The plan shall include a methodology to evaluate sound levels during pile driving activities and be prepared by a hydro-acoustic monitoring specialist. The plan must be implemented during all impact pile driving activities. The hydro-acoustic monitoring specialist shall have the authority to stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. The plan shall include the following information at a minimum:

- Daily acoustical monitoring by the designated hydro-acoustic monitoring specialist.

- Describe 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.
- Provide a means of recording the time, number of pile strikes, peak sound energy per strike, and interval between strikes.
- The appropriate array of hydrophone underwater sound monitoring systems (hydrophone, signal amplifier, and calibrator), utilizing the current National Institute of Standards and Technology traceable calibration method, including but not limited to a hydrophone 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.
- Provide specific inputs and calculations for cumulative sound exposure limits in the monitoring reports.

The results of hydro-acoustic monitoring shall be made available to CDFW upon request and submitted in the appropriate Monthly Report (See Condition of Approval 6.6), Annual Report (See Condition of Approval 6.7), and the Final Mitigation Report (See Condition of Approval 6.9).

**7.11. Sound Attenuation.** Permittee shall furnish, install, operate and maintain a sound attenuation system for all piles installed in water via impact hammer to reduce noise generated into the water. A minimum of 30 days prior to the initiation of Covered Activities, a sound attenuation system design (design) that attenuates impact hammer sound by a minimum of 10 decibels shall be submitted to CDFW. The design must be approved in writing by CDFW before impact hammer pile driving activities begin. The sound attenuation system shall be implemented during impact hammer pile driving. Permittee shall conduct impact hammer pile driving at slack tide to maintain effectiveness of the sound attenuation system. If the sound attenuation system fails, impact hammer pile driving shall immediately stop and may not resume until the system is functioning as designed. Sound attenuation systems may include but are not limited to:

- a) Confined bubble curtain
- b) Unconfined bubble curtain
- c) Isolation casings
- d) Wooden pile cushions

e) Other methods approved in advance by CDFW

**7.12. Turbidity Minimization During Pile Activities.** Permittee shall monitor turbidity levels during pile removal and driving activities as outlined below:

- a) Turbidity Monitoring: Turbidity monitoring shall be conducted downstream and upstream of the work area in areas not influenced by turbidity above ambient levels. Location of appropriate reference areas will depend on Project specific conditions and shall be determined with CDFW written approval. Permittee shall record: 1) pre-Project turbidity levels, 2) turbidity levels once-per-week during Project activities, and 3) turbidity levels five days following Project completion. Each sample site shall include data for two bathymetric strata: one from the bottom of the water column and one from the middle of the water column. All data shall be maintained in a log on-site and shall be available for immediate inspection. Within 10 days of completion of Project activities, the Permittee shall email a copy of the sample log and results to CDFW.
- b) Turbidity Reporting: In the event of a turbidity increase of 15 Nephelometric Turbidity Units (NTUs) above ambient levels, the Permittee shall cease Project activities and notify CDFW by phone or email at the contact information below within 24 hours of the incident. Activities may resume when turbidity levels return to less than 15 NTUs above ambient levels. Within five business days of completion of Project activities, the Permittee shall email a copy.

**7.13. Deleterious Turbidity.** This ITP does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with Fish and Game Code section 5650, which addresses water pollution. If Project activities are found to constitute a threat to aquatic life, CDFW approved control devices shall be installed, or abatement procedures initiated prior to continuing.

**7.14. Fish Encounter.** The Designated Biologist shall stop work if fish are stunned or otherwise directly impacted by noise and vibration from pile driving. Work shall not resume until the fish moves away from the construction area.

**7.15. Temporary Ferry Terminal Structure Removal.** After the permanent ferry terminal is installed and the temporary ferry terminal is no longer needed, all structures associated with the temporary ferry terminal shall be removed.

**8. Covered Species Credits OR Habitat Restoration, Enhancement, and Management:** CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to

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CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall purchase 0.475 acres of Covered Species credits from a CDFW-approved conservation or mitigation bank pursuant to Condition of Approval 8.2 below OR shall restore, enhance, and manage 0.475 acres of Covered Species habitat pursuant to Condition of Approval 8.3 below. Purchase of Covered Species credits OR habitat restoration, enhancement, and management must be complete before starting Covered Activities, or within 12 months of the initiation of Covered Activities if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

**8.1. Cost Estimates.** For the purposes of determining the Security amount, CDFW has estimated the cost of:

8.1.1. Purchase of Covered Species credits at a conservation or mitigation bank as described in Condition of Approval 8.2 OR habitat restoration, enhancement, and management as described in Condition of Approval 8.3 at \$650,000.00 per acre, therefore for 0.475 acres the estimated cost is **\$324,188.00.**

8.1.2. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to Covered Species credits OR habitat restoration, enhancement, and management. 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.**

**8.2. Covered Species Credits.** If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 0.475 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 12 months from the initiation of Covered Activities if Security is provided pursuant to Condition of Approval 9 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW written 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 and obtain CDFW's written approval of the purchased credits as appropriate compensation for the

impacts of the Project prior to initiating Covered Activities or within 12 months from the initiation of Covered Activities if Security is provided.

- 8.3. Habitat Restoration, Enhancement, and Management Plan.** If the Permittee elects to provide habitat restoration, enhancement, and management to complete compensatory mitigation obligations, then Permittee shall prepare and implement a habitat restoration, enhancement, and management plan, unless otherwise approved in writing by CDFW. The plan shall outline: (1) restoration and enhancement of approximately 0.475 acres of habitat for the Covered Species, (2) how Covered Species would utilize the restored and enhanced habitat, and (3) how management of the habitat restoration and enhancement will be conducted to enhance and maintain habitat for the benefit of the Covered Species. Additionally, Permittee shall provide an additional ITP application fee of \$8,059.00 to CDFW for projects costing greater than \$500,000.00 that are not mitigating at a CDFW-approved bank. Permittee shall:

8.3.1. Habitat Restoration, Enhancement, and Management Land Approval. Obtain CDFW written approval of the habitat restoration, enhancement, and management land;

8.3.2. Land Manager. Designate a land manager approved by CDFW, unless otherwise approved in writing by CDFW. The land manager may be the landowner or another party. Documents related to land management shall identify the land manager. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change;

8.3.3. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection, restoration, and enhancement of habitat restoration, enhancement, and management land once the land has been approved in writing by CDFW. Start-up activities include the following items at a minimum, unless otherwise approved in writing by CDFW: (1) preparing and implementing a restoration and enhancement plan approved in writing by CDFW; (2) preparing a management plan approved in writing by CDFW (see management plan template at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736>); (4) conducting a baseline biological assessment including Covered Species surveys and land survey report; (5) developing and transferring Geographic Information Systems data if applicable; (6) establishing initial fencing or other site protection; (7) conducting litter removal; (8) conducting initial habitat restoration or enhancement; and (9) installing signage;

- 8.3.4. Contingency. Provide for any necessary remedial action and guarantee that the success criteria in the restoration, enhancement, and management plan described in Condition 8.3.3 have been achieved;
- 8.3.5. Habitat Management. Provide for the management of the Habitat Management land. The Permittee shall ensure that the land manager implements the management of the habitat restoration, enhancement, and management land as described in the final habitat restoration, enhancement, and management plan approved by CDFW. The management period shall be implemented until success criteria described in the CDFW-approved management plan are achieved and includes expected management following start-up activities. Management activities described in the final habitat restoration, enhancement, and management plan shall include the following items, unless otherwise approved in writing by CDFW: success criteria, Covered Species habitat monitoring, Covered Species surveys and monitoring, remediation activities (as needed), plant and general wildlife surveys, fence or other site protection materials repair, trash removal, site monitoring, and vegetation and invasive species management. Permittee shall provide a security to CDFW for the management period.

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

- 9.1. Security Amount. The Security shall be in the amount of **\$364,188.00**. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 8.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.
- 9.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 2) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 9.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin.
- 9.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 9.5. Security Transmittal. Permittee shall transmit security to CDFW by way of an

approved instrument such as an escrow agreement, irrevocable letter of credit, or other.

- 9.6. Security Drawing.** The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 9.7. Security Release.** The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has received confirmation that all secured requirements have been satisfied, as evidenced by:

*For Covered Species credits:*

- Receipt of executed copies of Bill(s) of Sale; and
- Receipt of executed copies of Payment Receipt(s)

*For habitat restoration, enhancement, and management:*

- An on-site inspection conducted by CDFW;
- Written documentation of successful restoration and enhancement of the habitat restoration, enhancement, and management land, approved in writing by CDFW;
- Written documentation of successful management of habitat restoration, enhancement, and management land and achievement of success criteria, approved in writing by CDFW; and
- Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required purchase of Covered Species credits OR habitat restoration, enhancement, and management no later than 12 months from the initiation of Covered Activities. CDFW may require the Permittee to provide additional Covered Species credits OR habitat restoration, enhancement, and management and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

## **IX. Amendment:**

This ITP may be amended as provided by California Code of Regulations, title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP

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would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

#### **X. Stop-Work Order:**

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

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

#### **XI. Compliance with Other Laws:**

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

#### **XII. Notices:**

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2025-017-03) 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

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Fairfield, CA 94534  
[R3CESA@wildlife.ca.gov](mailto: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](mailto:CESA@wildlife.ca.gov)

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

Jordan Beaton, Environmental Scientist  
California Department of Fish and Wildlife – Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 94534  
Telephone: (707) 980-5172, [Jordan.Beaton@wildlife.ca.gov](mailto:Jordan.Beaton@wildlife.ca.gov)

### **XIII. Compliance with the California Environmental Quality Act:**

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Water Emergency Transportation Authority (WETA). (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Vallejo Ferry Terminal Reconfiguration Project Mitigated Negative Declaration (SCH No.: 2024051079) dated May 2024 that the WETA adopted for Vallejo Ferry Terminal Reconfiguration Project on July 12, 2024. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's Mitigated Negative Declaration for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of

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significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

#### **XIV. Findings Pursuant to CESA:**

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

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

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection OR habitat restoration, enhancement, and management; (2) establishment of avoidance zones; (3) worker education; (4) seasonal operations and work restrictions; and (5) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 0.475 acres of compensatory habitat OR the restoration, enhancement, and management of 0.475 acres of habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being impacted 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) This ITP is consistent with any regulations adopted pursuant to Fish and Game

Code sections 2112 and 2114;

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

**XV. Attachments:**

|              |                                                                                  |
|--------------|----------------------------------------------------------------------------------|
| FIGURE 1     | <i>Permanent Structure Impact Areas, Prepared by WRA, dated February 4, 2026</i> |
| FIGURE 2     | <i>Temporary Structure Impact Areas, Prepared by WRA, dated February 4, 2026</i> |
| ATTACHMENT 1 | Mitigation Monitoring and Reporting Program                                      |
| ATTACHMENT 2 | Letter of Credit Form                                                            |

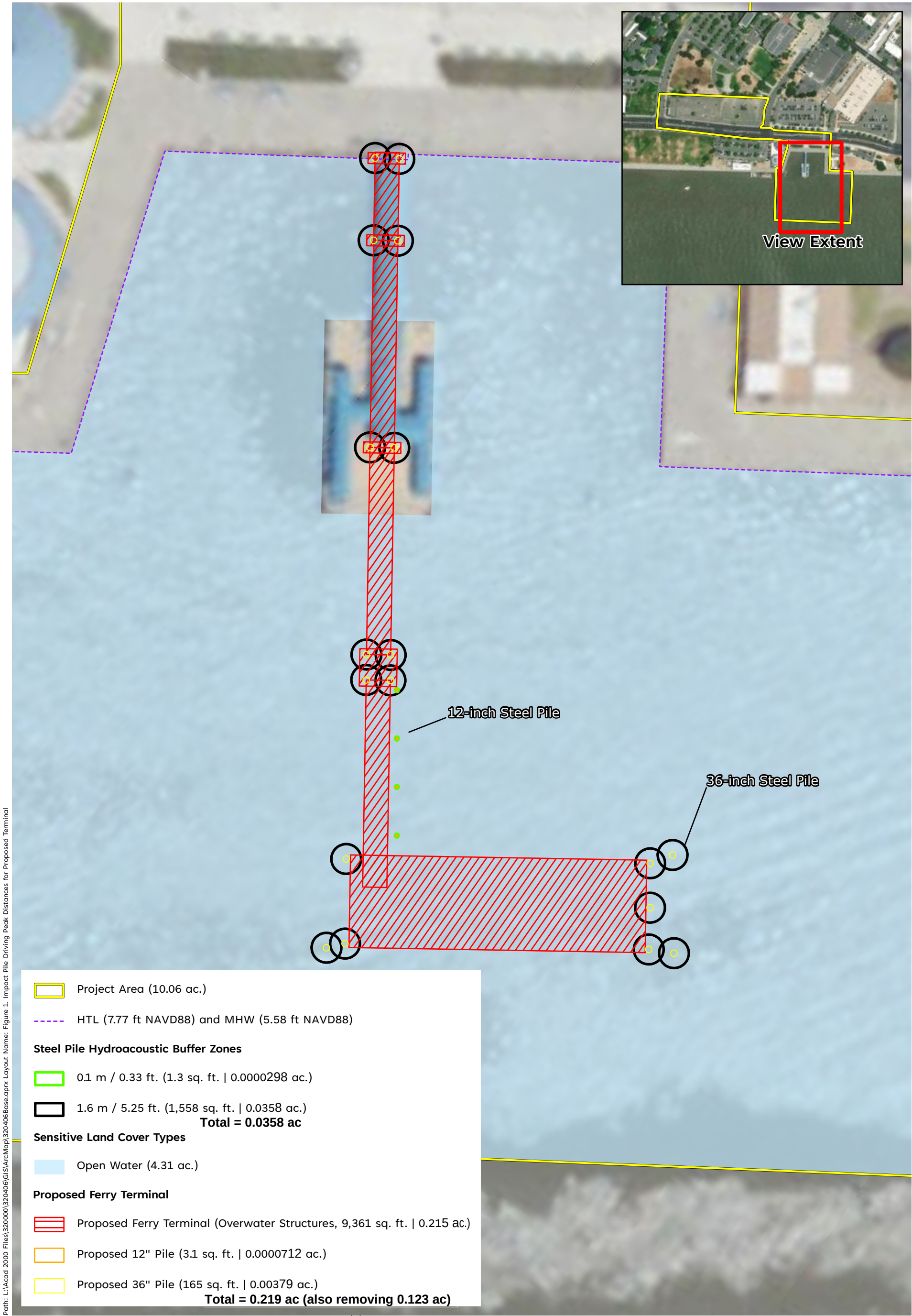
**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

on 7/16/2026.

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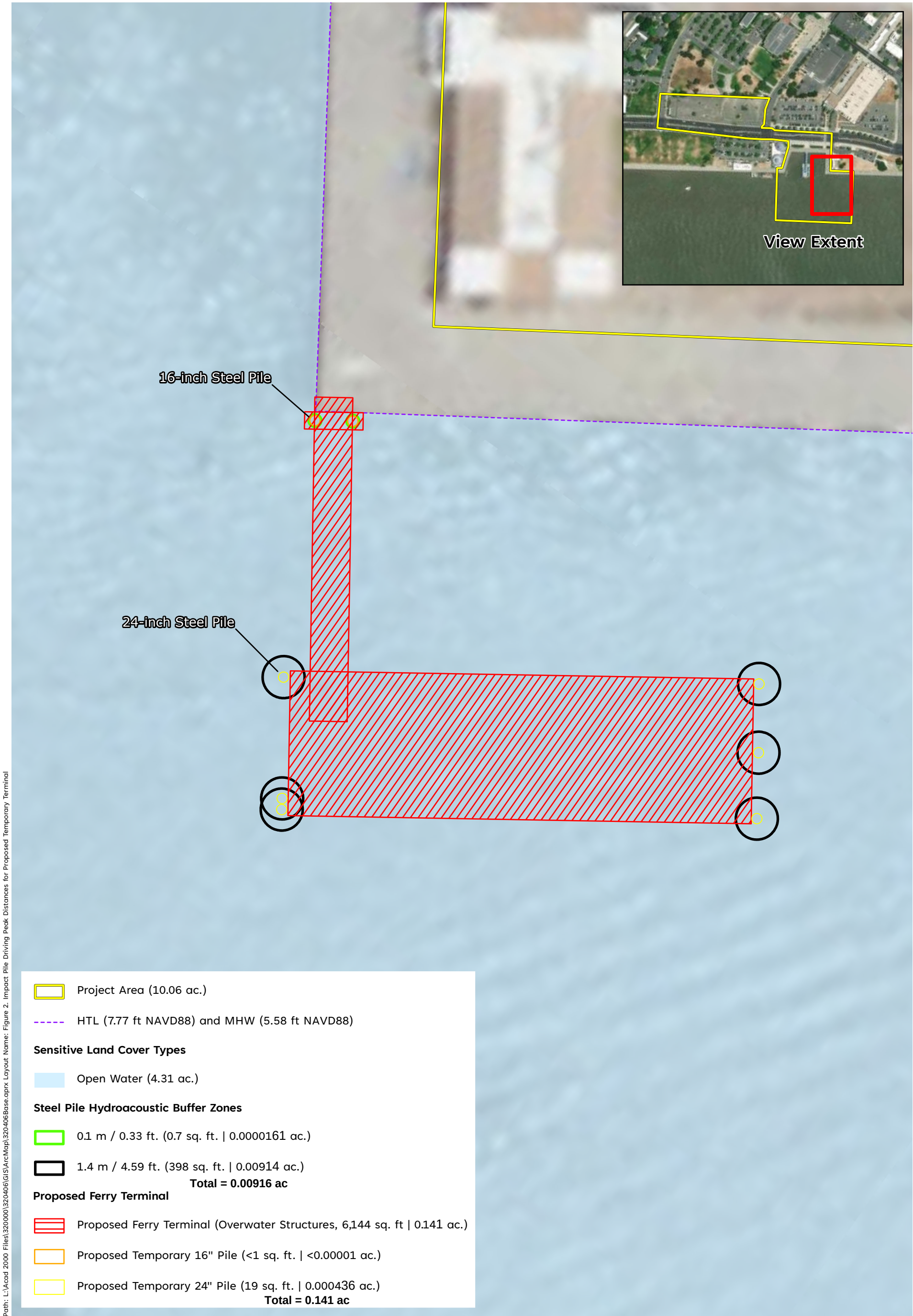
Erin Chappell, Regional Manager  
Bay Delta Region





**Figure 1.** Permanent Structure Impact Areas





**Figure 2.** Temporary Structure Impact Areas

## **Attachment 1**

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)  
CALIFORNIA ENDANGERED SPECIES ACT  
INCIDENTAL TAKE PERMIT NO. 2081-2025-017-03**

**PERMITTEE: Water Emergency Transportation Authority**

**PROJECT: WETA Vallejo Ferry Terminal Reconfiguration 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 |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------------------------------------------|-------------------|--------------------------|
| <b>BEFORE CONSTRUCTION</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                     |                                                           |                   |                          |
| 1                          | Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | ITP Condition # 5.1 | Before commencing construction activities/ Entire Project | Permittee         |                          |
| 2                          | Designated Biologist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) using the Biologist Resume Form (available at <a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=202869">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=202869</a> ) or another format containing the same information at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology, natural history, collecting, and handling of the Covered Species. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) must be changed.                                                                               | ITP Condition # 5.2 | Before commencing construction activities                 | Permittee         |                          |
| 3                          | Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area, unless otherwise approved in writing by CDFW. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. | ITP Condition # 5.4 | Before commencing construction activities/ Entire Project | Permittee         |                          |

|   | <b>Mitigation Measure</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Source</b>        | <b>Implementation Schedule</b>                            | <b>Responsible Party</b> | <b>Status / Date / Initials</b> |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------|--------------------------|---------------------------------|
| 4 | CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | ITP Condition # 5.6  | Before commencing construction activities/ Entire Project | Permittee                |                                 |
| 5 | Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid polluting the waterway and attracting opportunistic predators such as ravens and sea gulls. Plastic water bottles and plastic bags shall be picked up and removed daily. Trash and other debris shall be retrieved immediately and shall not be allowed to drift away from the worksite.                                                                                                                                                                | ITP Condition # 5.7  | Before commencing construction activities/ Entire Project | Permittee                |                                 |
| 6 | Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. In uplands, any disturbed soils shall be managed to prevent dust or silt laden runoff from becoming airborne or otherwise introduced to the aquatic environment.                                                                                                                                                                                                                                                                                                                    | ITP Condition # 5.8  | Before commencing construction activities/ Entire Project | Permittee                |                                 |
| 7 | Delineation of Property Boundaries. Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with appropriate aquatic stakes, flags, or buoys. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.                                                                                                                                                                                                                                                                                                                                                                               | ITP Condition # 5.9  | Before commencing construction activities/ Entire Project | Permittee                |                                 |
| 8 | Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with appropriate aquatic signs, posting stakes, flags, rope or cord, and/or buoys to minimize the disturbance of Covered Species' habitat.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | ITP Condition # 5.10 | Before commencing construction activities/ Entire Project | Permittee                |                                 |
| 9 | Spill Prevention. A Spill Prevention and Response Plan (plan) shall be submitted to CDFW for approval in writing at least seven days prior to the initiation of construction, and the CDFW approved plan shall be implemented. A designated inspector familiar with the utilized construction equipment shall be on-site during all Project activities to monitor equipment operations, prevent waterway contamination and respond to equipment malfunctions. Barges, boats, and heavy equipment shall be regularly inspected for wear, leaks, or malfunction. Hazardous material leaks and spills shall be attended to immediately as outlined in the 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 # 5.20 | Before commencing construction activities/ Entire Project | Permittee                |                                 |

|    | <b>Mitigation Measure</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Source</b>       | <b>Implementation Schedule</b>                            | <b>Responsible Party</b>  | <b>Status / Date / Initials</b> |
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| 10 | Geographic Information Systems Data Files. Before starting Covered Activities, the Permittee shall provide CDFW with Geographic Information Systems (GIS) data files for permanent and temporary habitat impact areas authorized under this ITP for the Covered Species. The Permittee shall provide any additional GIS data files for the Project or related Covered Species features within 30 days of CDFW's request. All GIS data files shall be provided in a format acceptable to CDFW. | ITP Condition # 6.1 | Before commencing construction activities/ Entire Project | Permittee                 |                                 |
| 11 | Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.                                                                                                                                                                                                                                           | ITP Condition # 6.2 | Before commencing construction activities/ Entire Project | Designated Representative |                                 |
| 12 | Work Window. Permittee shall conduct in-water work between August 1 and November 30 to minimize impacts to larval longfin smelt. In-water work outside of this work window is prohibited.                                                                                                                                                                                                                                                                                                     | ITP Condition # 7.1 | Before commencing construction activities/ Entire Project | Permittee                 |                                 |
| 13 | Daily Aquatic Species Checks. Before the start of work each day and throughout the course of the day as determined by the Designated Biologist, the Project Area shall be inspected for any Covered Species or aquatic species. All Covered Species shall be given the chance to leave at their own volition prior to work start.                                                                                                                                                             | ITP Condition # 7.2 | Before commencing construction activities/ Entire Project | Designated Biologist      |                                 |

|    | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Source                     | Implementation Schedule                                      | Responsible Party      | Status / Date / Initials |
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| 14 | <p>Hydro-Acoustic Monitoring Plan and Specialist. A minimum of 30 days prior to the initiation of Covered Activities, a hydro-acoustic monitoring plan (plan) and the name, qualifications, and contact information of a hydro-acoustic monitoring specialist shall be submitted to CDFW. The plan and hydro-acoustic monitoring specialist must be approved in writing by CDFW before pile driving activities begin. The plan shall include a methodology to evaluate sound levels during pile driving activities and be prepared by a hydro-acoustic monitoring specialist. The plan must be implemented during all impact pile driving activities. The hydro-acoustic monitoring specialist shall have the authority to stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. The plan shall include the following information at a minimum:</p> <ul style="list-style-type: none"> <li>• Daily acoustical monitoring by the designated hydro-acoustic monitoring specialist.</li> <li>• Describe 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.</li> <li>• Provide a means of recording the time, number of pile strikes, peak sound energy per strike, and interval between strikes.</li> <li>• The appropriate array of hydrophone underwater sound monitoring systems (hydrophone, signal amplifier, and calibrator), utilizing the current National Institute of Standards and Technology traceable calibration method, including but not limited to a hydrophone 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.</li> <li>• Provide specific inputs and calculations for cumulative sound exposure limits in the monitoring reports.</li> </ul> <p>The results of hydro-acoustic monitoring shall be made available to CDFW upon request and submitted in the appropriate Monthly Report (See Condition of Approval 6.6), Annual Report (See Condition of Approval 6.7), and the Final Mitigation Report (See Condition of Approval 6.9).</p> | ITP<br>Condition<br># 7.10 | Before commencing construction activities/<br>Entire Project | Permittee & Specialist |                          |



|    | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Source               | Implementation Schedule                                   | Responsible Party | Status / Date / Initials |
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| 15 | <p>Sound Attenuation. Permittee shall furnish, install, operate and maintain a sound attenuation system for all piles installed in water via impact hammer to reduce noise generated into the water. A minimum of 30 days prior to the initiation of Covered Activities, a sound attenuation system design (design) that attenuates impact hammer sound by a minimum of 10 decibels shall be submitted to CDFW. The design must be approved in writing by CDFW before impact hammer pile driving activities begin. The sound attenuation system shall be implemented during impact hammer pile driving. Permittee shall conduct impact hammer pile driving at slack tide to maintain effectiveness of the sound attenuation system. If the sound attenuation system fails, impact hammer pile driving shall immediately stop and may not resume until the system is functioning as designed. Sound attenuation systems may include but are not limited to:</p> <ul style="list-style-type: none"> <li>a) Confined bubble curtain</li> <li>b) Unconfined bubble curtain</li> <li>c) Isolation casings</li> <li>d) Wooden pile cushions</li> <li>e) Other methods approved in advance by CDFW</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                  | ITP Condition # 7.11 | Before commencing construction activities/ Entire Project | Permittee         |                          |
| 16 | <p>Turbidity Minimization During Pile Activities. Permittee shall monitor turbidity levels during pile removal and driving activities as outlined below:</p> <ul style="list-style-type: none"> <li>a) Turbidity Monitoring: Turbidity monitoring shall be conducted downstream and upstream of the work area in areas not influenced by turbidity above ambient levels. Location of appropriate reference areas will depend on Project specific conditions and shall be determined with CDFW written approval. Permittee shall record: 1) pre-Project turbidity levels, 2) turbidity levels once-per-week during Project activities, and 3) turbidity levels five days following Project completion. Each sample site shall include data for two bathymetric strata: one from the bottom of the water column and one from the middle of the water column. All data shall be maintained in a log on-site and shall be available for immediate inspection. Within 10 days of completion of Project activities, the Permittee shall email a copy of the sample log and results to CDFW.</li> <li>b) Turbidity Reporting: In the event of a turbidity increase of 15 Nephelometric Turbidity Units (NTUs) above ambient levels, the Permittee shall cease Project activities and notify CDFW by phone or email at the contact information below within 24 hours of the incident. Activities may resume when turbidity levels return to less than 15 NTUs above ambient levels. Within five business days of completion of Project activities, the Permittee shall email a copy.</li> </ul> | ITP Condition # 7.12 | Before commencing construction activities/ Entire Project | Permittee         |                          |

|    | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Source                            | Implementation Schedule                                                                                                          | Responsible Party | Status / Date / Initials |
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| 17 | <p>Covered Species Credits OR Habitat Restoration, Enhancement, and Management: CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation.</p> <p>To meet this requirement, the Permittee shall purchase 0.475 acres of Covered Species credits from a CDFW-approved conservation or mitigation bank pursuant to Condition of Approval 8.2 below OR shall restore, enhance, and manage 0.475 acres of Covered Species habitat pursuant to Condition of Approval 8.3 below. Purchase of Covered Species credits OR habitat restoration, enhancement, and management must be complete before starting Covered Activities, or within 12 months of the initiation of Covered Activities if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.</p> | ITP Condition # 8                 | Before commencing construction activities/ (or within 12 months of the initiation of Covered Activities if Security is provided) | Permittee         |                          |
| 18 | <p>Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost of:</p> <p>Purchase of Covered Species credits at a conservation or mitigation bank as described in Condition of Approval 8.2 OR habitat restoration, enhancement, and management as described in Condition of Approval 8.3 at \$650,000.00 per acre, therefore for 0.475 acres the estimated cost is \$324,188.00.</p> <p>All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to Covered Species credits OR habitat restoration, enhancement, and management. 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                               | ITP Condition # 8.1; 8.1.1, 8.1.2 | Before commencing construction activities/ (or within 12 months of the initiation of Covered Activities if Security is provided) | Permittee         |                          |

|    | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Source              | Implementation Schedule                                                                                                          | Responsible Party | Status / Date / Initials |
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| 19 | Covered Species Credits. If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 0.475 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 12 months from the initiation of Covered Activities if Security is provided pursuant to Condition of Approval 9 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW written 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 and obtain CDFW's written approval of the purchased credits as appropriate compensation for the impacts of the Project prior to initiating Covered Activities or within 12 months from the initiation of Covered Activities if Security is provided. | ITP Condition # 8.2 | Before commencing construction activities/ (or within 12 months of the initiation of Covered Activities if Security is provided) | Permittee         |                          |

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| 20 | <p>Habitat Restoration, Enhancement, and Management Plan. If the Permittee elects to provide habitat restoration, enhancement, and management to complete compensatory mitigation obligations, then Permittee shall prepare and implement a habitat restoration, enhancement, and management plan, unless otherwise approved in writing by CDFW. The plan shall outline: (1) restoration and enhancement of approximately 0.475 acres of habitat for the Covered Species, (2) how Covered Species would utilize the restored and enhanced habitat, and (3) how management of the habitat restoration and enhancement will be conducted to enhance and maintain habitat for the benefit of the Covered Species. Additionally, Permittee shall provide an additional ITP application fee of \$8,059.00 to CDFW for projects costing greater than \$500,000.00 that are not mitigating at a CDFW-approved bank. Permittee shall:</p> <p>Habitat Restoration, Enhancement, and Management Land Approval. Obtain CDFW written approval of the habitat restoration, enhancement, and management land;</p> <p>Land Manager. Designate a land manager approved by CDFW, unless otherwise approved in writing by CDFW. The land manager may be the landowner or another party. Documents related to land management shall identify the land manager. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change;</p> <p>Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection, restoration, and enhancement of habitat restoration, enhancement, and management land once the land has been approved in writing by CDFW. Start-up activities include the following items at a minimum, unless otherwise approved in writing by CDFW: (1) preparing and implementing a restoration and enhancement plan approved in writing by CDFW; (2) preparing a management plan approved in writing by CDFW (see management plan template at <a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736</a>); (4) conducting a baseline biological assessment including Covered Species surveys and land survey report; (5) developing and transferring Geographic Information Systems data if applicable; (6) establishing initial fencing or other site protection; (7) conducting litter removal; (8) conducting initial habitat restoration or enhancement; and (9) installing signage;</p> <p>Contingency. Provide for any necessary remedial action and guarantee that the success criteria in the restoration, enhancement, and management plan described in Condition 8.3.3 have been achieved;</p> <p>Habitat Management. Provide for the management of the Habitat Management land. The Permittee shall ensure that the land manager implements the management of the habitat restoration, enhancement, and management land as described in the final habitat restoration, enhancement, and management plan approved by CDFW. The management period shall be implemented until success criteria described in the CDFW-approved management plan are achieved and includes expected management following start-up activities. Management activities described in the final habitat restoration, enhancement, and management plan shall include the</p> | ITP<br>Condition<br># 8.3;<br>8.3.1-8.3.5 | Before commencing construction activities/ (or within 12 months of the initiation of Covered Activities if Security is provided) | Permittee |  |
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|  | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                          | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
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|  | following items, unless otherwise approved in writing by CDFW: success criteria, Covered Species habitat monitoring, Covered Species surveys and monitoring, remediation activities (as needed), plant and general wildlife surveys, fence or other site protection materials repair, trash removal, site monitoring, and vegetation and invasive species management. Permittee shall provide a security to CDFW for the management period. |        |                         |                   |                          |

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| 21 | <p>Security: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <p>Security Amount. The Security shall be in the amount of \$364,188.00. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 8.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.</p> <p>Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 2) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.</p> <p>Security Timeline. The Security shall be provided to CDFW before Covered Activities begin.</p> <p>Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</p> <p>Security Transmittal. Permittee shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.</p> <p>Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.</p> <p>Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has received confirmation that all secured requirements have been satisfied, as evidenced by:</p> <p>For Covered Species credits:</p> <ul style="list-style-type: none"> <li>• Receipt of executed copies of Bill(s) of Sale; and</li> <li>• Receipt of executed copies of Payment Receipt(s)</li> </ul> <p>For habitat restoration, enhancement, and management:</p> <ul style="list-style-type: none"> <li>• An on-site inspection conducted by CDFW;</li> <li>• Written documentation of successful restoration and enhancement of the habitat restoration, enhancement, and management land, approved in writing by CDFW;</li> <li>• Written documentation of successful management of habitat restoration, enhancement, and management land and achievement of success criteria, approved in writing by CDFW; and</li> <li>• Timely submission of all required reports.</li> </ul> <p>Even if Security is provided, the Permittee must complete the required purchase of Covered Species credits OR habitat restoration, enhancement, and management</p> | ITP<br>Condition<br># 9; 9.1-<br>9.7 | Before commencing construction activities/ (or within 12 months of the initiation of Covered Activities if Security is provided) | Permittee |  |
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|                            | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Source               | Implementation Schedule | Responsible Party                | Status / Date / Initials |
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|                            | no later than 12 months from the initiation of Covered Activities. CDFW may require the Permittee to provide additional Covered Species credits OR habitat restoration, enhancement, and management 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                      |                         |                                  |                          |
| <b>DURING CONSTRUCTION</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                      |                         |                                  |                          |
| 22                         | Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP, and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP. | ITP Condition # 5.3  | Entire Project          | Permittee                        |                          |
| 23                         | Construction Monitoring Documentation. The Permittee and Designated Biologist shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | ITP Condition # 5.5  | Entire Project          | Permittee & Designated Biologist |                          |
| 24                         | Project Access. Project-related personnel shall access the Project Area using existing routes and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | ITP Condition # 5.11 | Entire Project          | Permittee                        |                          |

|    | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Source               | Implementation Schedule | Responsible Party | Status / Date / Initials |
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| 25 | Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.11 of this ITP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | ITP Condition # 5.12 | Entire Project          | Permittee         |                          |
| 26 | 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 # 5.13 | Entire Project          | Permittee         |                          |
| 27 | <p>Concrete and Cement-Based Products.</p> <ul style="list-style-type: none"> <li>• All cement-based products (concrete, mortar, etc.) poured or applied wet on-site shall be excluded from the wetted channel or areas where they may come into contact with water for a period of 30 days after application. During that time the product shall be kept moist and runoff from the product shall not be allowed to enter the stream. Commercial sealants may be applied to the product surface or mixture where difficulty in excluding flow for a long period may occur. If sealant is used, water shall be excluded from the site until the sealant is cured.</li> <li>• The Permittee shall install the necessary containment structures to control the placement of wet concrete and to prevent it from entering the channel outside of those structures. No concrete shall be poured if the 15-day weather forecast indicates any day with a greater than 20 percent chance of rain.</li> </ul> <p>Where cast-in-place concrete is required in over-water areas, the Permittee shall use water-tight forms and catchments preventing concrete from falling into the water. Cast-in-place forms shall remain in place until concrete has completely cured and shall be removed using means that minimize dust and prevent freshly cured concrete from falling into the water.</p> <ul style="list-style-type: none"> <li>• At all times when the Permittee is pouring or working with wet concrete there shall be a designated monitor to inspect the containment structures and ensure that no concrete or other debris enters into the channel outside of those structures.</li> </ul> | ITP Condition # 5.14 | Entire Project          | Permittee         |                          |
| 28 | No Dumping. Permittee and all contractors, subcontractors, and employees shall not dump any litter or construction debris within the stream, or where it may pass into the stream.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | ITP Condition # 5.15 | Entire Project          | Permittee         |                          |



|    | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Source               | Implementation Schedule | Responsible Party         | Status / Date / Initials |
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| 29 | 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 # 5.17 | Entire Project          | Permittee                 |                          |
| 30 | 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 # 5.18 | Entire Project          | Permittee                 |                          |
| 31 | 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 Best Management Practices (BMPs) and guidelines for invasive plants can be found on the California Invasive Plant Council's (Cal-IPC) website at: <a href="https://www.cal-ipc.org/solutions/prevention/">https://www.cal-ipc.org/solutions/prevention/</a> and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: <a href="https://stopaquatichitchhikers.org/">https://stopaquatichitchhikers.org/</a> .                                                                                                                         | ITP Condition # 5.19 | Entire Project          | Permittee                 |                          |
| 32 | Spill Containment. All activities performed in or near the Mare Island Strait or any waterway 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 # 5.21 | Entire Project          | Permittee                 |                          |
| 33 | Notification of Non-Compliance. The Designated Representative shall immediately notify CDFW in writing if it is determined that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.                                                                                                                                                                                                                                                                                                                                                                                                                                          | ITP Condition # 6.3  | Entire Project          | Designated Representative |                          |

|    | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Source              | Implementation Schedule | Responsible Party                                | Status / Date / Initials |
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| 34 | Reporting of Habitat Impacts. Permittee shall monitor, calculate, and record in an electronic ledger the total amount of permanent and temporary impacts to Covered Species habitat and shall at a minimum account for these impacts based upon habitat type.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | ITP Condition # 6.4 | Entire Project          | Permittee                                        |                          |
| 35 | <p>Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur, unless otherwise approved in writing by CDFW. The Designated Biologist shall conduct compliance inspections a minimum of once weekly during periods of inactivity. The Designated Biologist shall conduct compliance inspections to:</p> <ul style="list-style-type: none"> <li>(1) minimize incidental take of the Covered Species;</li> <li>(2) prevent unlawful take of species;</li> <li>(3) check for compliance with all measures of this ITP;</li> <li>(4) check all exclusion zones; and</li> <li>(5) ensure that signs, stakes, rope or cord, and buoys are intact, and that Covered Activities are only occurring in the Project Area.</li> </ul> <p>The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.</p>                                 | ITP Condition # 6.5 | Entire Project          | Designated Biologist & Designated Representative |                          |
| 36 | Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 6.3, 6.4, 6.5, and 6.10 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Jordan Beaton, Environmental Scientist (Jordan.Beaton@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule. | ITP Condition # 6.6 | Entire Project          | Designated Biologist & Designated Representative |                          |

|    | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Source               | Implementation Schedule | Responsible Party                                            | Status / Date / Initials |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|--------------------------------------------------------------|--------------------------|
| 37 | Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.6; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance for the seasonal work, and (7) information about other Project impacts on the Covered Species.                                                                                                                                                                                                                                                                                                                                                                      | ITP Condition # 6.7  | Entire Project          | Permittee                                                    |                          |
| 38 | CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | ITP Condition # 6.8  | Entire Project          | Designated Biologist                                         |                          |
| 39 | <p>Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (707) 428-2002 and emailing Jordan.Beaton@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.</p> <p>If any Covered Species are killed and accessible for collection, the individuals shall be preserved via freezing or placing in a container with 10 percent formalin solution. Information on time and exact location of any incidental take, method of take, length of time from death to preservation, water temperature, and any other relevant information shall be recorded in writing. Permittee shall contact the CDFW regional representative for instructions on transmitting preserved individuals.</p> | ITP Condition # 6.10 | Entire Project          | Permittee, Designated Biologist, & Designated Representative |                          |

|    | <b>Mitigation Measure</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Source</b>       | <b>Implementation Schedule</b> | <b>Responsible Party</b> | <b>Status / Date / Initials</b> |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------|--------------------------|---------------------------------|
| 40 | Pile Driving. Only the piles including their diameters described in the Project Description section above shall be installed.                                                                                                                                                                                                                                                                                                                                                                             | ITP Condition # 7.3 | Entire Project                 | Permittee                |                                 |
| 41 | Vibratory Hammer. Permittee shall install piles with a vibratory pile driver to the maximum extent feasible.                                                                                                                                                                                                                                                                                                                                                                                              | ITP Condition # 7.4 | Entire Project                 | Permittee                |                                 |
| 42 | Pile Removal. Permittee shall remove all piles using vibratory methods or by direct pull. Should a pile break or if it cannot be removed using vibratory methods or by direct pull, the Permittee shall cut the pile below the mud line and remove it.                                                                                                                                                                                                                                                    | ITP Condition # 7.5 | Entire Project                 | Permittee                |                                 |
| 43 | Impact Hammer. Permittee shall employ a "soft start" technique (see Condition of Approval 7.7) to give aquatic species an opportunity to move out of the area and pile driving shall only occur during slack tide. Pile driving shall not exceed 450 strikes per pile and no more than four piles per day shall be installed. The Permittee shall obtain an amendment to this ITP for any increase in the number of pile strikes or piles installed per day unless otherwise approved in writing by CDFW. | ITP Condition # 7.6 | Entire Project                 | Permittee                |                                 |
| 44 | Soft Start Pile Driving. The initial strikes of all in-water piles shall occur at less than full impact force for a period of 15 seconds followed by 30 seconds of no activity. This action shall be repeated two additional times for each pile, and strikes shall be gradually increased to full force blows to reduce the initial sound level and provide warning strikes allowing aquatic species adequate time to leave the Project Area.                                                            | ITP Condition # 7.7 | Entire Project                 | Permittee                |                                 |
| 45 | Minimize Use of Impact Hammer. The amount and duration of impact hammer activities shall be minimized. Use of the impact hammer shall be limited to daylight hours to allow movement of fish that may be present in the Project Area vicinity to pass the Project Area during the night time hours.                                                                                                                                                                                                       | ITP Condition # 7.8 | Entire Project                 | Permittee                |                                 |

|                          | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Source               | Implementation Schedule | Responsible Party    | Status / Date / Initials |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|----------------------|--------------------------|
| 46                       | <p>Pile Driving Hydro-Acoustic Limits. Sound pressure levels generated by pile driving shall be kept below the 206 dB peak sound pressure level (SPL) threshold except for the specific piles listed below for which impact hammering is expected to meet or exceed the 206 dB peak SPL within the peak injury zone (radius around each pile):</p> <ul style="list-style-type: none"> <li>• Eighteen 36-inch piles at 1.6 meter radius</li> <li>• Six 24-inch piles at 1.4 meter radius</li> <li>• Two 16-inch piles at 0.1 meter radius</li> <li>• Four 12-inch piles at 0.1 meter radius</li> </ul> <p>If the 206 dB SPL threshold injury zones are exceeded the Permittee shall stop all pile driving activities (vibratory and impact) and not continue until CDFW has been consulted. Any exceedance in the threshold distances shall require an Amendment to this ITP, unless otherwise approved in writing by CDFW. The Permittee shall monitor sound levels at specified in Condition of Approval 7.10 during all pile driving activities (vibratory and impact).</p> | ITP Condition # 7.9  | Entire Project          | Permittee            |                          |
| 47                       | Deleterious Turbidity. This ITP does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with Fish and Game Code section 5650, which addresses water pollution. If Project activities are found to constitute a threat to aquatic life, CDFW approved control devices shall be installed, or abatement procedures initiated prior to continuing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | ITP Condition # 7.13 | Entire Project          | Permittee            |                          |
| 48                       | Fish Encounter. The Designated Biologist shall stop work if fish are stunned or otherwise directly impacted by noise and vibration from pile driving. Work shall not resume until the fish moves away from the construction area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | ITP Condition # 7.14 | Entire Project          | Designated Biologist |                          |
| 49                       | Temporary Ferry Terminal Structure Removal. After the permanent ferry terminal is installed and the temporary ferry terminal is no longer needed, all structures associated with the temporary ferry terminal shall be removed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | ITP Condition # 7.15 | Entire Project          | Permittee            |                          |
| <b>POST-CONSTRUCTION</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                      |                         |                      |                          |
| 50                       | Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | ITP Condition # 5.16 | Post-construction       | Permittee            |                          |

|    | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Source              | Implementation Schedule                              | Responsible Party | Status / Date / Initials |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------------------------------------|-------------------|--------------------------|
| 51 | Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information. | ITP Condition # 6.9 | Post-construction and after completion of mitigation | Permittee         |                          |

**[Financial institution letterhead]**

IRREVOCABLE STANDBY LETTER OF CREDIT

NO. **[number issued by financial institution]**

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Issue Date: **[date]**

Beneficiary:

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

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

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

Dear Sirs:

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

Attachment A, which is attached hereto, at our office located at [***name and address of financial institution***].

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



notices with respect to this Credit shall be: (i) for CDFW: Department of Fish and Wildlife, Habitat Conservation Planning Branch, 960 Riverside Parkway, Suite 90, West Sacramento, CA 95605, Attn: HCPB Mitigation Funds; and (ii) for the Applicant: [***name and address of applicant***].

15. This Credit may not be transferred.

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

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

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

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

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

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone: \_\_\_\_\_

ATTACHMENT A

CERTIFICATE FOR DRAWING

[CDFW Letterhead]

[Date]

[Name and address of financial institution]

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

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

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

Therefore, CDFW has executed and delivered this Certificate as of this \_\_\_\_day of [**month**], [**year**].

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

ATTACHMENT B

CERTIFICATE FOR CANCELLATION

[**CDFW Letterhead**]

[**Date**]

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

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

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

1. [**Insert one of the following statements:** "The Applicant has presented documentary evidence of full compliance with the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "The Applicant has provided CDFW with an equivalent security approved by CDFW to replace the Credit."]
2. CDFW therefore requests the cancellation of the Credit.

Therefore, CDFW has executed and delivered this Certificate for Cancellation as of this \_\_\_\_ day of [**month**], [**year**].

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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