



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

California Endangered Species Act
Amended Incidental Take Permit No. 2081-2022-069-02

**MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT—PHASE 2
(AMENDMENT NO. 1)**

I. Authority:

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

Permittee:	Meridian Farms Water Company
Principal Officer:	Andy Duffey, General Manager
Contact Person:	Scott Brown, (530) 665-8222
Mailing Address:	1138 4th Street Meridian, CA 95957

II. Amended ITP³ Background:

On October 17, 2022, the Meridian Farms Water Company submitted a CESA ITP application pursuant to Fish and Game Code 2081, subdivision (b) and (c), and California Code of Regulations, Titles 14, section 783.0 et seq. The Meridian Farms Water Company south take coverage authorization for CESA listed species associated with project-related impacts from the Meridian Farms Water Company Fish Screen Project in Sutter County, California (Project).

On March 27, 2023, CDFW issued ITP No. 2081-2022-069-02 to Meridian Farms Water Company (Permittee) authorizing the take of giant garter snake (*Thamnophis gigas*), Chinook salmon – spring run (*Oncorhynchus tshawytscha*) (Spring-run of the Sacramento River drainage), Chinook salmon – (*Oncorhynchus tshawytscha*) (Winter-run) (collectively, the Covered Species) associated with incidental take from the Meridian Farms Water Company

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

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

³ When this incidental take permit and attachments refer to the “ITP”, it means the “Amended ITP” unless the context dictates otherwise.

Fish Screen Project – Phase 2. The Project is as described in the ITP originally issued by CDFW and includes the 1) construction of a new Meridian Diversion/Pumping Station and retractable drum fish screens, 2) reconstruction of approximately three miles of the Main Canal, including widening the cross-section, canal lining and new control structures, 3) construction of a new re-lift pumping station to deliver flows to the Drexler service area, and 4) decommissioning and removal of the existing Meridian and Drexler Diversions. The Project is the second phase of the Meridian Farms Fish Screen Project to improve three unscreened diversion facilities by consolidating the Meridian and Drexler diversions into a new diversion equipped with fish screens in order to prevent entrainment of anadromous fish. In Issuing the ITP, CDFW found, among other things, that the Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate the impacts to the Covered Species and would jeopardize the continued existence of the Covered Species.

On July 29, 2026, Meridian Farms Water Company submitted a request for a "minor amendment" to CESA ITP No. 2081-2022-069-02 (See Cal. Code Regs., § 783.6(c)(5)). Since the issuance of the ITP, design refinements have occurred that have changed the Project description but have not expanded the Project footprint. The amended Project description include changes to the access and deployment of heavy equipment on the levee slope for the placement of materials associated with water diversion on the Sacramento River. Impacts to covered species resulting from the changes to the Project description did not increase.

CDFW now reissues this ITP including the revised provisions in this first minor amendment (Collectively, the Amended ITP). The Amended ITP includes all of the operative provisions as of the effective date of this Amended ITP. Attachment 5 to this Amended ITP shows the specific red-line changes made to the original ITP as a result of this minor amendment.

- CDFW finds that this Amendment is a Minor Amendment, as defined in the California Code of Regulations, title 14, section 783.6, subdivision (c)(4).
- Issuance of this Amendment will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this Amendment increase other Project impacts on the Covered Species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).
- Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

III. Effective Date and Expiration Date of this ITP:

The original ITP was executed in duplicate form and became effective when a duplicate original was acknowledged by signature of the Permittee on the last page of the original ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

Notices section of the original ITP. Unless renewed by CDFW, this Amended ITP and its authorization to take the Covered Species shall expire on **March 27, 2028**, five years from the date the original ITP was signed by CDFW.

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

IV. Project Location:

The Meridian Farms Water Company Fish Screen Project – Phase 2 (Project) is located between Interstate 5 and Highway 99, east of the Sacramento River and southwest of the Sutter Bypass within the town of Meridian in Sutter County, California (See Figure 1). The Project is located on the Sacramento River, north of the intersection of Meridian Road and Alameda Street, at approximately latitude 39°08'54"N to 39°06'33"N, longitude 121°55'03"W to 121°53'52"W within the Meridian and Grimes United States Geological Survey (USGS) 7 ½ minute quadrangles. The Project site includes Assessor's Parcel Numbers 13-131-005 and 13-170-001 and is bounded by the Sacramento River to the west and agriculture to the north, south, and east.

V. Project Description:

The Project includes the 1) construction of a new Meridian Diversion/Pumping Station and retractable drum fish screens, 2) reconstruction of approximately three miles of the Main Canal, including widening the cross-section, canal lining and new control structures, 3) construction of a new re-lift pumping station to deliver flows to the Drexler service area, and 4) decommissioning and removal of the existing Meridian and Drexler Diversions. The Project is the second phase of the Meridian Farms Fish Screen Project to improve three unscreened diversion facilities by consolidating the Meridian and Drexler diversions into a new diversion equipped with fish screens in order to prevent entrainment of anadromous fish.

The Project includes the following components:

Meridian Diversion/Pumping Plant

Construction of the new Meridian Diversion/Pumping Plant will occur immediately upstream of the existing Meridian Diversion with the pumping plant being located on the landside of the levee.

Meridian Diversion Fish Screens

The retractable drum fish screen system will consist of two 20-foot long, 60-inch diameter cylindrical screens with a total design capacity of 135 cubic feet per second (cfs). The fish screen system will include the installation of pile-supported retrieval tracks, trash-rack, docking inlet, and access platform. A system control panel, gate structure, and chain link

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

security fencing at the access platform will be installed. If necessary, approximately 10 steel deflection piles will be installed just upstream of the fish screens in the river. The flanges on the piles will be approximately 15-inches wide and 14-inches deep, with a steel weight of 89-pounds per foot. The inlet manifold of the fish screen system will either be supported on a concrete slab and H piles or mounted directly to the piles and will be connected to a 72-inch steel pipeline, which will transition to a reinforced concrete pipe before passing through the levee and underneath North Meridian Road to the pump station wet-well.

Meridian Diversion Pumping Plant

Outside and east of the Sacramento River and river bank at the northeast corner of North Meridian Road and Alameda Street, the wet-well structure, pumping pad, two 16.5 cfs and three 34 cfs mixed flow pumps, and an electrical building will be constructed. The inside dimensions of the wet-well sump will be 35-feet wide by 46-feet long, and the inlet pipeline will enter the sump with the pipe invert approximately 30 feet below grade. Above ground, 20-inch and 30-inch pump discharge header pipes will be installed, connecting to a common 54-inch, above ground, manifold pipeline. The pipeline then will drop underground just before exiting the fenced area of the pumping plant site. Underground, the pipeline will transition to a 72-inch discharge pipeline that will discharge into the Main Canal near Mawsom Road. A separate 18-inch discharge pipe will be installed and connected to the most westerly 16.5 cfs pump and will branch off and head both north and south to existing irrigation ditches. A 54-inch flowmeter downstream from the pumping plant and an 18-inch flowmeter located west of the most westerly 16.5 cfs will be installed either above ground inside the pumping plant wall or housed in a concrete vault below ground. The pumping plant site will be surrounded with chain link fencing on the north and west sides of the site and masonry wall on the east and south sides. A driveway and 15-foot access gate will be constructed to allow for vehicle access into the site and a three-foot gate installed at the southeast corner of the site.

Removal of the existing Meridian and Drexler Diversion/Pumping Plants

Once the new Meridian Diversion/Pumping Plant and Drexler Re-lift Pumping Plant are constructed and operational, the existing Meridian and Drexler Diversion/Pumping Plants will be removed. The pumps, equipment platforms, electrical equipment, gauging stations, pipe supports to required level, and river side-piping will be removed. The levee will be excavated in order for the discharge pipe to be cut and removed. Excavations in the levee will have trench walls sloped back at 1.5 to 1.0 side slopes, causing the trench to be approximately 80-feet wide at the top. A large crane will be sited on the levee to lift the cut sections of material and equipment for recycling, landfills, or re-use during the removal work. The construction of two temporary work benches and an access ramp on the existing levee will be created for crane and equipment access. The upper crane bench will be approximately 5,250 square feet and the lower crane bench will be approximately 3,750 square feet in size. Excavated levee material will be temporarily stockpiled. Soil removed will be stockpiled at a nearby staging area and will be reused if it meets the minimum requirements for use in a levee. Reusable

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

soil will be placed in six-inch lifts and compacted to 90 percent relative density, and the levee will be restored to pre-existing grades. If the concrete vaults are required to be removed, they will be demolished, and the debris will then be removed from the river bank and bottom.

Dewatering

Dewatering is expected to be necessary in localized areas of construction and excavation. Construction of the Meridian Diversion fish screen, intake piping and valve vault will be inside a sheet pile coffer dam to protect the site from flooding. Sheet pile coffer dams will likely be required to protect the removal work in the levee and landside from flooding but may not be required if construction is done during low river flow periods. Interlocking sheet piles will be driven into the river bottom using a vibratory or impact hammer attached to a crane. The crane will access the dewatering area from the levee and constructed crane benches. The sheet piles will be driven one at a time to form the coffer dam. The sheet pile cofferdam will be expected to stay in place after the first season of in-water work and notched a minimum of 24 inches wide and at least 2 feet below the minimum summer water level before the work site is abandoned for the remainder of the winter and spring. The cofferdam will be repatched and dewatered prior to construction activities during the second in-water work season and removed after work completion.

Main Canal Modifications

Approximately 15,200 lineal feet of the Main Canal will be widened and relined. The canal will be demolished and widened from one side or the other. Both the operations and maintenance (O&M) road and certain locations of the access roads along both sides of the canal will be widened, with the O&M road widened as necessary, to a width of 12 feet. Once the concrete linings are removed, the sides of the canal will be excavated to the required dimensions. The excavated soil will be used to widen or raise the O&M road and where the soil along the side of the canal is not suitable for supporting the concrete lining, it will be removed and replaced. The concrete lined canal will have a trapezoidal shape and side slopes of 1.5 horizontal to 1 vertical (1.5:1). The canal section will be lined with concrete lining. The maximum bottom width will be 5.5 feet, and the minimum bottom width will be 3.5, depending on the capacity requirements of the reach. A two-foot deep drainage ditch will be constructed along Alameda Street to convey surface runoff that previously discharged to the canal.

Check Structures and Turnouts

One of the seven reinforced concrete check structures will no longer be needed and will be demolished, four will be demolished and then replaced to accommodate the canal widening, and the remaining two will be left in place. Of the 15 existing turnouts, three will be maintained in place, two will no longer be needed and will be demolished, and 10 will be demolished and replaced to accommodate the canal widening. One new turnout will be constructed, and a small pump may need to be installed in the canal to provide the required

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

flow through the turnout and into the irrigation ditch at the Mawson Road crossing. An excavator will be used to excavate the area for the new turnout and remove the old pipe. Following the removal of the old pipe, forms and rebar will be placed, and concrete will be poured. A gate mechanism will be installed after the check structures and turnouts installation.

Siphons

As part of the canal modifications, two siphons (Siphon 1 and Siphon 3) will be replaced. Siphon 1 under Mawsom Road will be removed and replaced with a 72-inch diameter reinforced-concrete pipe (RCP), and Mawsom Road will be restored and repaved following pipe installation. Siphon 3 will be replaced by a 72-inch diameter RCP and lengthened to 200 feet. The remaining siphons (2, 4, and 5) will be left in place, and upstream and downstream transitions at each siphon will be constructed of four-inch thick cast-in-place concrete.

Drexler Re-Lift Pumping Plant

The new Drexler re-lift pumping plant will be installed on the main canal, just upstream of the existing Siphon 5 and Pump 10, to divert 35 cfs from the main canal to the Drexler Service Area, and the existing Drexler Diversion will be abandoned. The re-lift pumping plant will include a 14-foot wide by 32-foot long forebay that draws water off the Main Canal to two vertical turbine pumps. The forebay will be 10 feet deep and be divided into two individual bays by a concrete wall. The pump motors and discharge piping will be supported above a concrete slab that also forms the roof of the forebay. The individual pump discharge pipes will connect to a below ground 36-inch pipeline that will tie into the beginning of the Drexler Pipeline about 200 feet south of the re-lift pumping plant. An existing drainage ditch that parallels the Main Canal to the west will be filled to allow the construction of the pumping plant, and a new 24-inch storm drain will convey drainage from the ditch to the existing Reclamation District 70 canal to the south. A 50-foot long by 21-foot wide concrete spillway in the O&M road opposite the re-lift pumping plant location. A 36-inch flow meter will be installed in a below ground vault or sited above ground on the concrete pad.

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ⁴
1. Chinook salmon – spring run (<i>Oncorhynchus tshawytscha</i>) (Spring-run of the Sacramento River drainage)	Threatened ⁵
2. Chinook salmon – (<i>Oncorhynchus tshawytscha</i>) (Winter-run)	Endangered ⁶
3. Giant garter snake (<i>Thamnophis gigas</i>)	Threatened ⁷

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

VII. 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: relocation of Covered Species outside of the Project construction footprint; vegetation removal; grubbing; grading; levee raising and widening; dewatering; pile driving; installation of sheetpile cofferdam, the new pump plants and associated appurtenances, drainage discharge pipes, check structures, turnouts, siphons, and pipelines; removal of the existing pumping plant and associated appurtenances; excavation of the main canal; placement of fill materials; construction of the storm drain and spillway; recontouring of construction access areas; and construction traffic (Covered Activities).

The areas where authorized take of the Covered Species is expected to occur are depicted in Figures 2 and 3, Action Area and Giant Garter Snake Impacts, respectively (collectively, the Project Area). Impacts are described in more detail by Covered Species below:

Chinook Salmon Incidental Take and Impacts

Incidental take of individual Chinook salmon (both spring-run and winter-run) in the form of mortality (“kill”) may occur as a result of Covered Activities such as crushing, mortality resulting from stress or injury associated with fish rescue efforts and dewatering activities, and hydroacoustic stress from pile driving. Additionally, the Covered Activities may result in take of Chinook salmon due to the temporary increase in sedimentation and turbidity, potential stranding of individuals in cofferdams, changes in water temperature conditions (thermal stress), and increased predation on Chinook salmon due to the attraction of predatorial species from disturbing benthic organisms and other food sources. Incidental take of individual Chinook salmon may also occur from the Covered Activities in the form of

⁴ Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species.

⁵ See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(2)(C).

⁶ See *Id.*, subd. (a)(2)(M).

⁷ See *Id.*, subd. (b)(4)(E).

pursue, catch, capture, or attempt to do so, of the Chinook salmon from fish rescue efforts to move individuals out of constructed cofferdams and dewatered areas. The areas where authorized take of the Covered Species is expected to occur include: the 0.17 acre of the Sacramento River where the cofferdam will be installed, the stream dewatered, and the denudation of riparian habitat on the bank of the Sacramento River will occur, as depicted in Figure 2, Action Area.

The Project is expected to cause the temporary loss of 0.17 acre of suitable salmonid habitat for Chinook salmon. Impacts of the authorized take also include adverse impacts to Chinook salmon related to temporal habitat losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These temporal impacts include: stress resulting from noise and vibrations from pile driving, capture and relocation, and short-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

Giant Garter Snake Incidental Take and Impacts

Incidental take of individual giant garter snakes in the form of mortality ("kill") may occur as a result of Covered Activities such as exposure to suspended sediments or other pollutants resulting from in-water work, runoff from construction sites, or sediment removal activities; mortality resulting from stress or injury associated with capture and relocation efforts; crushing by construction equipment, vehicles, or placement of materials; stress resulting from noise and vibrations from excavation; entombment during excavation and placement of spoils, removal and installation of drainage discharge pipes, check structures, and siphons; and construction of temporary access roads and staging areas. Trenches left open overnight could trap giant garter snakes moving through the construction area during the early morning hours, and fuel or oil spills from construction equipment into aquatic habitat could also cause illness or mortality of giant garter snake. Incidental take of individual giant garter snakes may also occur during Covered Activities as attempts to pursue, catch, or capture individuals as part of capture and relocation efforts, and entrapment in excavated areas, construction materials, and fenced areas. The areas where authorized take of the giant garter snakes is expected to occur include: within and along the 6.4 acres of the Main Canal and associated appurtenances (i.e., check structures, turnouts, and siphons), O&M access road, and the Drexler re-lift pumping plant and associated appurtenances as depicted in Figures 2 and 3, Action Area and Giant Garter Snake Impacts, respectively.

The Project is expected to cause the permanent loss of 0.05 acre of aquatic and upland habitat for giant garter snake and temporary loss of 6.4 acres of upland habitat for giant garter snake. Impacts of the authorized taking also include adverse impacts to the giant garter snake related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include stress resulting from noise and vibrations from capture and relocation efforts, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

VIII. Incidental Take Authorization of Covered Species:

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

IX. Conditions of Approval:

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration and Initial Study and all associated documents (SCH No.: 2012082032) adopted by CDFW on October 9, 2012 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (EPIMS Notification No. SUT-27272-R2) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
- 4. ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the National Fisheries Marine Service's (NMFS) Biological Opinion on the Meridian Farms Fish Screen Project, Phase 2 (official Biological Opinion No. WCR-2014-885) and the U.S. Fish and Wildlife Service's Formal Consultation on the Meridian Farms Fish Screen Phase 2 Project, Sutter County (official Biological Opinion No. 08ESMF00-2013-F-0108-1) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

5. ITP Time Frame Compliance: Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

6. General Provisions:

- 6.1. Designated Representative.** Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing 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.
- 6.2. Designated Biologist(s) and Capture and Handling Designated Biologist(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Capture and Handling Designated Biologist(s) (Capture Biologist) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) and Capture Biologist(s) are knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist(s) and Capture 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) and Capture Biologist(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Capture Biologist(s) must be changed. If a Covered Species is encountered, the Designated Biologist(s) will notify the Capture Biologist(s) and will stop work until the Covered Species either leaves the construction area on its own, or the Capture Biologist(s) performs the capture and relocation.
- 6.3. Designated Biologist(s) and Capture Biologist(s) Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and Capture Biologist(s) 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(s) and Capture Biologist(s) in the performance of his/her duties. If the Designated Biologist(s) and Capture Biologist(s) is unable to comply with the ITP, then the Designated Biologist(s) and Capture Biologist(s) shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind,

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s) and Capture Biologist(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.

- 6.4. 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(s) that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations, and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for all employees that will be conducting work in the Project Area.
- 6.5. Construction Monitoring Documentation.** The Designated Biologist(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.
- 6.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

- 6.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 6.9. Delineation of Property Boundaries.** Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 6.10. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 6.11. Project Access.** Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or *en route* to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 6.12. 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 6.11 of this ITP.
- 6.13. 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.

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

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

6.15. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

7. Monitoring, Notification and Reporting Provisions:

7.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.

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

7.3. Compliance Monitoring. The Designated Biologist(s) shall be on-site daily when Covered Activities occur. The Designated Biologist(s) shall conduct compliance inspections a minimum of once per week during periods of inactivity and after clearing, grubbing, and grading are completed. The Designated Biologist(s) shall conduct compliance inspections to:

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

The Designated Representative or Designated Biologist(s) 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.

- 7.4. Monthly Compliance Report.** The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall 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 email is R2CESA@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.
- 7.5. Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 7.6. 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.
- 7.7. 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

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.

7.8. Notification of Take or Injury. Permittee shall immediately notify 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 (916) 358-2900 and emailing R2CESA@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.

8. 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:

Chinook Salmon Measures

8.1. Work Period. All in-water Covered Activities within the Project Area shall be confined to the period of July 1 and October 1 of each year.

8.2. Work Period Modification. If the Permittee needs more time to complete a Covered Activity, the work may be permitted outside of the in-water work period and extended by a CDFW representative who reviewed the Project, or if unavailable, through contact with the Regional office (see Contact Information). No later than ten (10) business days prior to the end of the work period, the Permittee shall submit a written request for a work period variance to CDFW for review and approval. The work period variance request shall: 1) describe the extent of work already completed; 2) detail the activities that remain to be completed; 3) detail the time required to complete each of the remaining activities; and 4) provide photographs of both the current work completed and the proposed site for continued work. Work period variances are issued at the discretion of CDFW. CDFW will review the written request to work outside of the established work period. Permittee shall not conduct work outside of the work period without written approval from CDFW.

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

- 8.3. Night Work.** If night work is necessary, lighting shall be selectively placed, shielded, and directed away from Chinook salmon's habitat. Night work shall be restricted to activities that are not in-water to ensure the Chinook salmon are allowed to migrate upstream and downstream.
- 8.4. Cofferdam Requirements.** Installation and removal of the sheet pile cofferdam shall be conducted during the in-water work window between July 1 and October 1. If the sheet pile cofferdam will need to stay in place after the first season of in-water work activities, the Permittee shall notch the cofferdam a minimum of 24 inches wide and at least 2 feet below the minimum summer water elevation before abandoning the work site for the remainder of the winter and spring. If remaining work will occur during the second season of in-water work, the cofferdam shall be repatched and dewatered prior to the start of Covered Activities.
- 8.5. Fish Rescue and Relocation Plan.** Permittee shall prepare and submit to CDFW for approval 30 days prior to initiating Covered Activities, a Fish Rescue and Relocation Plan to limit the number of Chinook salmon that may be entrained and/or stranded during construction and dewatering activities. The plan shall include, at a minimum: 1) a list of fish species that may be encountered, 2) descriptions of the proposed methods and equipment to be used to prevent fish stranding, 3) the proposed timing of fish relocation activities, and 4) description of the relocation area(s) for captured Chinook salmon, including relative location quality of habitat, the potential for non-native species or predators to be present, potential barriers for movement. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. CDFW will provide a written response within 15 business days of submittal.
- 8.5.1.** Permittee shall incorporate, but not be limited to, the following requirements in the Fish Rescue and Relocation Plan:
- 8.5.1.1.** Permittee shall conduct fish capture and relocation efforts in accordance with all required state and federal permits.
- 8.5.1.2.** Fish capture and relocation operations shall occur at all in-water construction sites where dewatering and resulting isolation of fish may occur.
- 8.5.1.3.** If a Chinook salmon is encountered within the Project Area, is directly threatened by Covered Activities, and it is unable to move to a safe area on its own, the Capture Biologist(s) shall relocate the Chinook salmon to a safe area in accordance with the Fish Rescue and Relocation Plan. The Permittee or Designated Representative shall notify CDFW within 24 hours of each time Chinook salmon is relocated. Notification to CDFW shall be via telephone or email, followed by a written incident report. Notification

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

shall include the date, number, and specific location of all Covered Species that are relocated from the cofferdam in addition to any direct mortality observed during in-water work and relocation.

8.5.1.4. Permittee shall include results of all fish capture and relocation efforts in the Annual Status Report described in Condition of Approval 7.5, including, but not limited to, date, time, location, comments, method of capture, fish species, number of fish, life stage, condition, release location, and release time.

8.5.1.5. The Capture Biologist(s) shall place dead Covered Species in sealed plastic bags with labels indicating species, location, date, and time of collection, store them on ice, then freeze as soon as possible. Permittee shall notify both NMFS and CDFW to determine which agency will receive the frozen specimens. Deposition of biological samples shall be coordinated with the CDFW Region 2 District Fisheries Biologist for Sutter County.

8.6. Sound Attenuation. If in-water impact driving is conducted during installation of the cofferdam, the Permittee shall reduce underwater noise by placing a bubble curtain or similar sound attenuation structure around the area of disturbance. Permittee shall monitor underwater noise during pile driving to ensure that it does not exceed the 2008 Fisheries Hydroacoustic Working Group interim thresholds of 206 decibels (dB) peak Sound Pressure Level and 187 dB cumulative Sound Exposure Level.

8.7. Soft Start Pile Driving. In-water pile driving and pile driving within 200 linear feet of the water's edge shall not commence until warning noises and vibration are provided in an escalating series to reach the maximum sound levels as described in Condition of Approval 8.6, providing aquatic species a warning to evacuate the area.

8.8. Fish Recovery. The Designated Biologist(s) shall stop work if Chinook salmon are stunned or otherwise directly impacted by noise and vibration from pile driving. Work shall not resume until the fish clears the construction area.

8.9. Water Pumps Screening. Pump(s) used for dewatering the cofferdam shall be screened according to the 1997 NMFS Fish Screening Criteria for Anadromous Salmonids, where applicable, to avoid entrainment of fish.

8.10. Instream Woody Material. Permittee shall avoid moving or altering instream woody material (IWM) from the Sacramento River to the greatest extent possible. If IWM must be moved or altered, the Permittee shall notify CDFW prior to moving or altering it and provide a plan to either move the IWM back to its original location or replace it with a functional equivalent as soon as possible.

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

- 8.11. Chinook Salmon Erosion Control.** Permittee shall actively implement best management practices to minimize turbidity and siltation and prevent erosion and the discharge of sediment into the Sacramento River. Precautions shall include but are not limited to: pre-construction planning to identify site specific turbidity and siltation minimization measures; best management erosion control practices during project activity; and settling, filtering, or otherwise treating silty and turbid water prior to discharge into a stream or storm drain. This may require the placement of silt fencing, coir logs, coir rolls, straw bale dikes, or other siltation barriers so that silt and/or other deleterious materials are not allowed to pass to downstream reaches.

Giant Garter Snake Measures

- 8.12. Seasonal Work Period.** To the maximum extent possible, the Permittee shall conduct all Covered Activities within giant garter snake upland and aquatic habitat, including activity within 200 feet of aquatic habitat, between May 1 and October 1 when giant garter snakes are generally more active.
- 8.13. Seasonal Work Period Exception.** Covered Activities in the Main Canal may occur outside of the season work period as identified in Condition of Approval 8.12, provided that a full-time monitor be on-site daily during all construction activities between October 2nd and April 30th.
- 8.14. Work Period in Low Rainfall / Dry Weather Only.** The work period for Covered Activities within suitable aquatic and upland habitat of giant garter snake shall be restricted to periods of low rainfall (less than ½-inch per 24-hour period) and periods of dry weather (with less than a 50 percent chance of rain). Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. No work shall occur during a dry-out period of 24 hours after the above referenced wet weather. Weather forecasts shall be provided to CDFW upon request.
- 8.15. Delineation of Environmentally Sensitive Areas.** Permittee shall establish Environmentally Sensitive Areas (ESAs) in the Project Area to minimize the disturbance of giant garter snake habitat as necessary from construction-related activities. At the discretion of the Designated Biologist(s), all areas 200 feet or less from the edge of potential giant garter snake aquatic habitat shall be avoided unless noted to be impacted by completion of the Project. The Designated Biologist(s) shall identify and flag all potential small mammal burrows within the Project Area as ESAs. In addition, all potential giant garter snake habitat that can be reasonably avoided during construction activities shall be identified as ESAs and shall be marked by the Designated Biologist(s). All construction personnel shall avoid ESAs during all phases of construction. Permittee shall avoid ESAs when siting all staging areas, spoils disposal areas, borrow pits, and construction equipment access routes. Permittee shall not use plastic mono-filament netting on

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

the Project site for ESA fencing, erosion control, or any other purpose to avoid entanglement of the Covered Species (see Conditions of Approval 6.8 and 8.25). The Designated Biologist(s) shall inspect the fencing before the start of each workday and the Permittee shall maintain fencing until the completion of the Project. Permittee shall remove all ESA fencing material upon completion of the Project.

- 8.16. Pre-Construction Survey and Refugia Flagging.** No more than 24 hours prior to commencement of Covered Activities within 200 feet of giant garter snake aquatic habitat, the Designated Biologist(s) shall conduct a Pre-Construction Survey for giant garter snake. The Designated Biologist(s) shall survey all upland habitat within 200 feet of giant garter snake aquatic habitat for burrows, soil cracks, and crevices that may be suitable for use by the animal. Any identified burrows, soil cracks, crevices, or other habitat features that are outside of the area planned for direct disturbance (e.g., grading, excavation, etc.) shall be flagged or marked by the Designated Biologist(s). Permittee shall avoid flagged locations during Covered Activities to the maximum extent feasible. In areas planned for disturbance, a Designated Biologist(s) shall be on-site to monitor during ground disturbing activities. If Covered Activities stop for more than 14 calendar days, the Designated Biologist(s) shall repeat surveys for burrows, soil cracks, and similar features as described above, prior to resuming the Covered Activities.
- 8.17. Exclusion Fencing.** Permittee shall submit an exclusion fencing design to CDFW for approval no less than 30 days prior to the proposed start of Covered Activities. With the exception of the linear area of the Main Canal, prior to the start of any construction ground disturbance, the Permittee shall install exclusion fencing around the perimeter of all work areas that include or fall within 200 feet of identified potential giant garter snake aquatic habitat. Vegetation removal or excavation needed to install the exclusion fencing may occur first. The Designated Biologist(s) shall survey the areas to be fenced to ensure that no individual giant garter snake is present and becomes trapped within the fenced area. The bottom edge of the fencing shall be installed at least six inches below the ground surface and soil shall be compacted against both sides of the fence to prevent snakes from entering the Project Area under the fence. Fencing shall consist of taught silt fencing supported by wooden stakes on the Project side only. Fencing shall extend 12 to 18 inches above the ground. The Designated Biologist(s) shall inspect the fencing daily, ensure that the exclusion fencing is maintained, and any necessary repairs are implemented immediately. Permittee shall avoid damage to small mammal burrows to the maximum extent possible during installation of the exclusion fencing. When the Permittee cannot avoid burrows, burrows shall be hand excavated by the Designated Biologist(s) prior to trenching activities. If exclusion fencing is found to be compromised, construction within the fenced area shall immediately stop and the Designated Biologist(s) shall survey the fenced

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

area for the Covered Species. Any giant garter snake found within the fenced area shall be allowed to leave on their own or captured and relocated following the methods described in the Giant Garter Snake Capture and Relocation Plan described in Condition of Approval 8.21. Permittee shall remove fencing and all fencing materials upon completion of construction.

- 8.18. Dewatering Aquatic Habitat.** Permittee shall dewater suitable giant garter snake aquatic habitat (e.g., canal, drainages, ditch) prior to any Covered Activities occurring in the suitable aquatic habitat. Permittee shall ensure the habitat remains dry for at least 15 consecutive days after April 15 and prior to excavating or filling of aquatic habitat. Permittee shall limit dewatering to the immediate Project Area and shall ensure that alternative aquatic habitat is available. Prior to the placement of any fill, the Designated Biologist(s) shall visually survey the area for the giant garter snake.
- 8.19. Giant Garter Snake Checks and Observations.** All workers shall inform the Designated Biologist(s) if they encounter a giant garter snake within or near the Project Area during all phases of the Project construction. Workers shall inspect under vehicles and equipment for giant garter snake before vehicles and equipment are moved. If a giant garter snake is present, the worker shall notify the Designated Biologist(s). All Covered Activities with potential to take giant garter snake shall cease until the animal moves away from construction activities on its own or the Capture Biologist(s) moves the animal to a safe location nearby. If the individual is found within the fenced Project site, the Capture Biologist(s) shall move the individual outside of the area of construction (See Condition of Approval 8.21 Giant Garter Snake Capture and Relocation Plan).
- 8.20. Capture and Handling.** Giant garter snake may only be captured and handled by the Capture Biologist(s). The Capture Biologist(s) shall determine whether the animal should be captured and handled. The Capture Biologist(s) shall minimize capture and handling to the extent feasible as most reptiles experience stress in response to capture and short-term confinement.
- 8.21. Giant Garter Snake Capture and Relocation Plan.** Permittee shall develop a Capture and Relocation Plan for giant garter snake and submit it to CDFW for approval 30 days prior to initiating Covered Activities. CDFW will provide a written response within 15 business days of submittal. The Capture and Relocation Plan shall describe how and where giant garter snake will be captured and relocated if it becomes necessary to move them to avoid injury or mortality. All capturing and handling shall be conducted by a Capture Biologist(s) with experience and expertise in handling the Covered Species. The Capture and Relocation Plan shall include the methods that will be used to capture and relocate the snake and a map of planned snake release locations. Permittee shall quantify the amount, relative location, and quality of suitable habitat (aquatic and terrestrial) for relocation

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

areas, including invasive and non-native species present, available upland burrows, suitable prey items, and potential barriers for movement. Permittee shall also identify a wildlife rehabilitation or veterinary facility that will be used if any captured giant garter snakes are injured. Permittee shall bear any costs associated with the care or treatment of such injured giant garter snakes. Relocation areas should be within the same watershed as the Project Area. If a giant garter snake is found on the Project site, the Designated Biologist(s) shall be notified immediately, and the Designated Biologist(s) will notify the Capture Biologist(s) if the snake needs to be captured and relocated. Giant garter snake encountered in active construction areas shall be allowed to leave on their own volition. The Capture Biologist(s) shall only relocate the giant garter snake if the animal is directly threatened by immediate Covered Activities and the animal is unable to move to a safe area on its own. The Capture Biologist(s) shall only relocate giant garter snake to areas identified in the Capture and Relocation Plan. Relocated animals shall be released as soon as possible. The Designated Representative shall notify CDFW of the incident immediately or no later than noon on the next business day if the incident occurs outside of normal business hours. Notification to CDFW shall be via telephone or email, followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident.

8.22. Vegetation Removal. Vegetation clearing shall be limited to the minimum area necessary within 200 feet of the banks of any aquatic habitat. All vegetation removal shall be monitored by the Designated Biologist(s).

8.23. Open Pipes Restriction. Permittee shall thoroughly inspect all construction pipe or similar structures with a diameter of 0.25 inches or greater that are stored for one or more overnight periods for presence of giant garter snake before the pipe is subsequently moved, buried, or capped. If a giant garter snake is found within the fenced Project site and cannot safely escape, the Designated Biologist(s) shall notify the Capture Biologist(s) to capture and relocate the individual outside of the area of construction (See Condition of Approval 8.21 Capture and Relocation Plan).

8.24. Provide Escape Ramps or Cover Open Trenches. The Designated Biologist(s) shall check all excavated open holes, pumps, and trenches for giant garter snake at the beginning, middle, and end of each day for trapped animals. To avoid entrapment of wildlife, all excavated steep-walled holes or trenches more than two feet deep will be provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each workday. If escape ramps cannot be provided, then holes or trenches will be covered with plywood or similar materials. If at any time a trapped giant garter snake is discovered by the Designated Biologist(s) or anyone else, the Capture Biologist(s) shall be notified to move the

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

individual outside of the area of construction (See Condition of Approval 8.21 Capture and Relocation Plan).

8.25. Giant Garter Snake Erosion Control. Permittee shall install erosion control structures concurrently with construction. Permittee shall construct these structures, so runoff is directed away from ESAs. Permittee shall ensure that all fiber rolls and erosion control blankets or netting are made of loose-weave mesh that is not fused at the intersections of the weave, such coconut (coir) fiber, or other products without welded weaves. Permittee shall not use products with plastic monofilament or jute netting or any material with cross joints in the netting that are bound/stitched (such as that found in straw wattles/fiber rolls and some erosion control blankets), which may cause entrapment of giant garter snake. Permittee shall cover the edges of erosion control blankets or netting with soil, sandbags, or similar materials to prevent giant garter snake from crawling underneath the material and become entrapped. Permittee shall communicate this limitation to the contractor through use of Special Provisions included in the bid solicitation package.

8.26. Seeding. Permittee shall restore all temporarily impacted giant garter snake upland habitat by seeding with a locally native seed mix, unless otherwise agreed upon with CDFW. Revegetation shall be completed as soon as possible after construction activities. Permittee shall provide a proposed seed list to CDFW for review and approval prior to applying seed.

9. Habitat Management Land Acquisition and Restoration: CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the 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 6.4 acres of giant garter snake credits and 0.51 acre of suitable salmonid habitat credits from CDFW-approved mitigation or conservation banks pursuant to Condition of Approval 9.1. Purchase of Covered Species credits must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. The Permittee shall also restore on-site 6.4 acres of temporarily impacted giant garter snake habitat pursuant to Condition of Approval 9.2 below.

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

9.1. Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated cost of Covered Species credit purchase and the restoration cost of temporarily disturbed giant garter snake habitat as follows:

9.1.1. Covered Species Credits. Permittee shall purchase 6.4 acres of giant garter snake credits and 0.51 acre of salmonid habitat credits from CDFW-approved mitigation or conservation banks prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below. Prior to purchase of Covered Species credits, the Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipts prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below. The estimated cost for giant garter snake credit purchase is estimated at **\$90,000/acre for 6.057 credits (\$545,130)** at Sutter Basin Conservation Bank and **\$88,200/acre for 0.35 credits (\$30,870)** at Colusa Basin Mitigation Bank, and the estimated cost for salmonid habitat credit purchase is estimated at **\$160,000/acre for 0.51 credits (\$81,600): Estimated total of \$657,600.**

9.1.2. Restoration Cost. Restoration of on-site temporary effects to **6.4 acres** of giant garter snake habitat as described in Condition of Approval 9.2, calculated at \$65,050 for the cost to hydroseed and \$9,420 for the monitoring and reporting costs: **\$74,470.**

9.1.3. Cost estimates for Conditions of Approval 9.1.1 and 9.1.2 are estimated to be: **\$732,070.**

9.2. Giant Garter Snake Habitat Restoration. Permittee shall restore on-site the 6.4 acres of giant garter snake habitat that will be temporarily disturbed during construction to pre-project or better conditions. Within 6 months of issuance of this ITP, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of the 6.4 acres of temporary construction disturbance on-site, and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The plan shall also indicate the best time of year for seeding to occur. Plantings shall include regular watering, if necessary, to ensure adequate growth.

9.2.1. Restoration Success. Permittee shall ensure that vegetation plantings are successful and that aquatic resource functions are enhanced or restored. The percent relative cover shall equal 75 percent of native plant cover, with no more than 25 percent non-native plant cover and no more than 50 percent unvegetated bare ground one (1) year after implementation. If success criteria

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

have not been achieved by the end of the one-year monitoring period, annual monitoring shall continue until these criteria have been met unless CDFW determines that modification of the success criteria or off-site compensatory mitigation is warranted based on continued failure after implementation of remedial actions.

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

10.1. Security Amount. The Security shall be in the amount of **\$732,070** or in the amount identified in 9.1 specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.

10.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.

10.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.

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

10.5. Security Transmittal. Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.

10.6. 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.

10.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:

- Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits;

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

- Restoration of the Project Area; and
- Timely submission of all required reports.

X. Amendment:

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

XI. 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.

XII. 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.

XIII. 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 (2081-2022-069-02) in a cover letter and on any other associated documents.

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

Original cover with attachment(s) to:

Morgan Kilgour, Regional Manager
California Department of Fish and Wildlife
1701 Nimbus Road
Rancho Cordova, CA 95670
Telephone: (916) 358-2900
Email: R2CESA@wildlife.ca.gov

and a copy to:

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:

R2 CESA Desk
California Department of Fish and Wildlife
1701 Nimbus Road
Rancho Cordova, CA 95670
Telephone: (916) 358-2900
Email: R2CESA@wildlife.ca.gov

XIV. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW's environmental review of the Project is set forth in the Phase 2 Meridian Farms Fish Screen Project Final Initial Study/Mitigated Negative Declaration/Environmental Assessment/Findings of No Significant Impact, (SCH No. 2012082032) dated October 2012, that CDFW adopted for the Phase 2 Meridian Farms Fish Screen Project on October 9, 2012. At the time CDFW 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 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. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

XV. 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, Phase 2 Meridian Farms Fish Screen Project Final Initial Study/Mitigated Negative Declaration/Environmental Assessment/Findings of No Significant Impact, LSA Agreement, Biological Opinions, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 6.4 acres of compensatory giant garter snake habitat and 0.51 acre of compensatory salmonid habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) 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

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2

- (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.

XVI. Attachments:

FIGURE 1	Project Location
FIGURE 2	Action Area
FIGURE 3	Giant Garter Snake Impacts
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form
ATTACHMENT 5	Amendment No. 1 with Track Changes

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

ON 8/18/2026

DocuSigned by:

Morgan Kilgour

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Morgan Kilgour, Regional Manager
North Central Region

Incidental Take Permit
No. 2081-2022-069-02
(Amendment No. 1)

MERIDIAN FARMS WATER COMPANY
MERIDIAN FARMS WATER COMPANY FISH SCREEN PROJECT – PHASE 2