



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

California Endangered Species Act  
Incidental Take Permit No. 2081-2022-015-02

**PULGA 70 PROFILE CHANGE**

**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). (See Cal. Code Regs., tit. 14, § 783.4).

<b>Permittee:</b>	<b>California Department of Transportation</b>
<b>Principal Officer:</b>	<b>Cameron Knudson, Project Manager</b>
<b>Contact Person:</b>	<b>Sydney Eto, (530) 812-7404</b>
<b>Mailing Address:</b>	<b>703 B Street, Marysville, CA 95901</b>

**II. Effective Date and Expiration Date of this ITP:**

This ITP shall become effective when signed by all parties and received by CDFW as described in the Notices section of this ITP. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **July 31, 2027**.

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 7.6 of this ITP.

<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 Pulga 70 Profile Change Project (Project) is located on State Route 70, along the North Fork Feather River (NFFR), its tributaries, and Bear Ranch Creek in the County of Plumas, State of California (See Figure 1). The post miles (PM) for this Project are PLU-70 PM 46.0 to 47.0.

**IV. Project Description:**

The Project includes raising the existing roadway profile approximately 5-feet, replacing Bear Creek Bridge (No.12-0039) at PM 46.40, protecting the highway embankment (riverbank) with rock slope protection (RSP), and placing two earthen retaining structures along the highway embankment against future flood damage. The proposed horizontal alignment generally follows the existing alignment with the maximum offset of 4-feet from the existing roadway centerline. The new roadway will be 0.8-mile-long (4,365 feet) with standard 12-foot travel lanes and standard 8-foot shoulders. In addition, approximately fourteen (14) culverts will be either installed, extended, replaced, and/or have RSP placed at the outlets. Most of the culverts are connecting from storm drains and tributaries and will be attached to the retaining structures.

The Project is limited to vegetation clearing and grubbing, tree removal, excavation and blasting of embankments, drilling of soldier piles, demolition of bridge, placement of fill on the bed, bank, and/or channel, grading of the beds and banks, dewatering, and concrete pouring.

Construction activities anticipated for this Project will include the following:

- Vegetation clearing and grubbing that includes tree removal.
- Installation of silt fence around the construction area.
- Raising the existing highway profile by 5-feet.
- Widening the highway by 3-feet.
- Excavation and placement of fill for the shoulders.
- Drilling, blasting, and grading of the highway embankments.
- Bear Ranch Creek bridge demolition and replacement.
- Construction of two soldier pile walls.
- Eleven culvert extensions and two new culvert installations.
- Two headwall removals, one new headwall installation, and placement of RSP at outlets and below the soldier pile walls.
- Recontouring the creek channel and construction of two pools upstream and downstream of the bridge.
- Re-grading and re-vegetating with native species of all areas temporarily disturbed for access.
- Hydroseeding temporarily impacted areas with a native seed mix.

The two soldier pile walls will be constructed on the embankments facing the river. Diameter holes of 30-inches will be drilled into the bank that will vary in depth from 18 to 31 feet deep. Steel soldier piles of 14-inches will be installed into the drilled holes and then backfilled with structural concrete

encasing the piles. Timber lagging will be placed between the soldier piles to retain the embankment. The first wall will be 2,004 feet long with 259 piles. The second wall will be 505 feet long with 69 piles. RSP will be placed on the footings of the walls and the embankments. The walls will be backfilled with blasted rock material and imported borrow. A cast-in-place textured concrete facing will be placed over the timber wall lagging over the length of both retaining walls.

The existing 20-foot box culvert bridge on Bear Ranch Creek will be replaced with a 50-foot single-span bridge which will open the channel. The new bridge will be constructed using cast-in-place concrete. Demolition of the existing bridge and construction of the new bridge will be done in two stages to allow continued traffic with creek water diversion maintained during the whole bridge construction. The first stage will involve the demolition of half the bridge. Then the construction of half of the new abutments on spread footings or cast-in-drilled-hole piles will occur. Finally, the first half of the bridge construction will occur using precast voided slab deck panels with cast-in-place concrete bridge deck with no falsework required. The second stage will be the same as the first stage with the other half of the bridge. The creek channel will be recontoured to provide a more gradual slope upstream from the river before construction of the new bridge. RSP will be placed around the bridge abutments and at the confluence of Bear Ranch Creek and the river to conform the recontoured creek channel to the river. Two pools will be placed just upstream and downstream from the bridge and lined with streambed rock.

There are 14 culvert locations at which construction work will be involved. Two new reinforced concrete pipes (RCP) will be installed at PM 46.29 and PM 46.35. The other eleven culvert locations will maintain their corrugated steel pipes but will be extended at the inlet and/or outlet. RSP will be placed at the culvert outlets. Eight of these culverts will be extended or built to facilitate the installation of the soldier pile walls. The culvert (DS 4) at PM 46.18 will have grouted RSP added under the outlet to assist with amphibian passage. The culvert (DS 7) at PM 46.33 will have a new headwall installed and have grouted RSP added under the outlet.

In-water work may be required for the culverts at perennial drainages PM 46.18 and PM 46.33, and for the bridge work at Bear Ranch Creek. Clear water diversion involving possible coffer dams constructed from metal sheets, sandbags, dirt and visqueen, or other appropriate methods may be needed at those locations. In-water activities will include removal of vegetation, creek channel grading, bridge demolition and construction, culvert extension, headwall construction, and RSP placement. These activities may involve the placement of fill into the bed, bank, and channel, grading, and pouring concrete.

A variety of equipment will be used such as excavators, scrapers, bulldozers, motor graders, wheel dozers, wheel loaders, wheel tractor-scrapers, compactors, dump trucks, cranes, concrete, and pump/boom trucks. All the construction work will be conducted from the highway within Caltrans right of way.

The Project is scheduled to require two seasons of work totaling approximately 368 working days. Construction is tentatively scheduled to start on April 15, 2023, and to be completed by the end of October 15, 2024. However, tree cutting activity may be done between October 1 and January 31, the fall/winter prior to the start of construction to avoid the bird nesting season. No night work is anticipated.

#### **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>
1. Foothill yellow-legged frog ( <i>Rana boylei</i> ) Feather River clade	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 clearing and grubbing, excavation, drilling, blasting, grading, dewatering, paving and concrete pouring, capture and relocation of Covered Species, and construction equipment ingress and egress associated with construction of the elevated and widened road profile, the soldier pile walls, the bridge replacement, the 14 culverts, and the RSP placement (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 permanent habitat modification, crushing, entombing, partial amputation, relocation, thermal stress, blasting, and other means resulting in the direct mortality of individuals. The Covered Species could be injured or killed by construction equipment working in suitable aquatic and upland habitat or construction vehicles traveling through the Project area. Disturbance or degradation of suitable aquatic habitat for the Covered Species in the Project area could occur if soil or other materials are sidecast or fall into the habitat. Mortality could result from being crushed by vehicles or equipment or becoming trapped or crushed within refugia. Fuel, chemicals, or oil spills from construction equipment and concrete curing into aquatic habitat could also cause illness or mortality of the Covered Species. Noise and vibrations from construction equipment and presence of human activity during Covered Activities may also disturb the Covered Species within the Project area. Most Covered Activities will be limited to the Covered Species’ active period (July 1 through September 1) when the potential for direct mortality is reduced because the Covered Species adults will have finished mating and have moved into the adjacent NFFR tributaries and the tadpoles are still restricted to their rearing habitat in the NFFR. Even with Covered Activities limited to the Covered Species’ active period, direct take may occur as the Covered Species may still be present in refugia adjacent to the Project area such as terrestrial riparian habitat, springs, seeps,

<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)(3)(J).

pools or other moist habitats such as woody debris, root wads, undercut banks, clumps of sedges, and large boulders occurring at high water-lines adjacent to pools.

Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from the Capture Biologist's attempts to capture and relocate the Covered Species. Covered Species may be injured or adversely affected by removal of vegetative cover, construction activities obstructing movement of the Covered Species, or movement of stored equipment or materials that could be used by the Covered Species as a place for cover.

The areas where authorized take of the Covered Species is expected to occur include the entire Project area identified in Figure 2 including along the NFFR banks, in and along the NFFR tributaries and Bear Ranch Creek, and their upland areas (collectively, the Project Area).

The Project is expected to cause the permanent loss of 0.0143 acre of habitat for the Covered Species, and temporary loss of 0.0792 acre of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from tunneling and capture and relocation, installation of Covered Species fencing, removal of vegetative cover from the Project Area, disruption of feeding and sheltering behavior from exposure to noise, vibration, and dust, and long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

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

This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes the Permittee, its employees, contractors, and agents to take Covered Species incidentally in carrying out the Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. 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.

#### **VIII. 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 (SCH No.: 2020070432) adopted by the California Department of Transportation on December 9, 2020 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. BUT-27230-R2) 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(s) and Biological Monitor(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Biological Monitor(s) using the Biologist Resume Form (ATTACHMENT 2) or another format containing the same information at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology and natural history of the Covered Species. The Designated Biologist(s) and Biological Monitor(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 Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Biological Monitor(s) must be changed.
    - 5.2.1. Biological Monitors.** The Designated Biologist(s) may authorize Biological Monitor(s) to assist in ITP compliance efforts, under the direct supervision of the Designated

Biologist. The Designated Biologist(s) is responsible for assuring that any Biological Monitor(s) working under his/her supervision is knowledgeable and experienced in the biology and natural history of the Covered Species, the Conditions of Approval of this ITP, the definition of "take," and in the implementation of standard avoidance and minimization measures used on construction projects in Covered Species' habitat. Permittee shall provide a description of the Biological Monitor duties for CDFW approval prior to the start of Covered Activities.

**5.3. Designated Biologist and Biological Monitor Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist or Biological Monitor 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 or Biological Monitor in the performance of his/her duties. If the Designated Biologist is unable to implement their duties in order 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, Designated Biologist, and Biological Monitor 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. Capture and Handling Designated Biologist.** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the biologist(s) (Capture Biologist) at least 30 calendar days before starting Covered Activities, who will be responsible for the capture and handling of the Covered Species. Permittee shall ensure that the Capture Biologist is knowledgeable and experienced in the biology, natural history, capture, and handling of the Covered Species. Permittee shall obtain CDFW approval of the Capture Biologist in writing before starting Covered Activities and shall also obtain CDFW approval in advance in writing if the Capture Biologist must be changed.

**5.4.1. Capture Biologist Role.** For the purposes of this ITP, the approved Capture Biologist(s) may fulfill any role of the Designated Biologist including monitoring, reporting, or other requirements of this ITP.

**5.5. 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 or Biological Monitor 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 while 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 long-term and/or permanent employees that will be conducting work in the Project Area.

- 5.6. Construction Monitoring Documentation.** The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.
- 5.7. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 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 or Biological Monitor. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 5.9. 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.
- 5.10. 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.
- 5.11. 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.



- 5.12. 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. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 5.13. 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 5.12 of this ITP.
- 5.14. 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.
- 5.15. 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.
- 5.16. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

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

- 6.1. 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.
- 6.2. 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.

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

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

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

**6.4. Monthly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.3 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 and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional 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.

**6.5. 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 6.4; (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.

- 6.6. 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.
- 6.7. 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 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.
- 6.8. 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) 358-2930. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.
- 6.9. CDFW Reinitiation.** If the Permittee takes two (2) of the Covered Species, reinitiation with CDFW is required to ensure that all prudent and feasible measures have been implemented to minimize and fully mitigate the take that has occurred or will likely continue to occur. Permittee shall notify the CDFW at **R2CESA@wildlife.ca.gov** to request reinitiation.

**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. Timing of Work for Construction Activities.** All ground disturbing Covered Activities occurring within Covered Species habitat shall be conducted during the Covered Species active period (July 1 – September 1). Non-ground disturbing activities may occur outside of Covered Species active period.
- 7.2. Dewatering of Aquatic Habitat.** Permittee shall dewater suitable Covered Species aquatic habitat prior to any Covered Activities occurring in the suitable aquatic habitat. The dewatered area shall remain dry until construction activities in the dewatered area are complete. Permittee shall limit dewatering to July 1 to September 1. Permittee shall limit dewatering to the immediate Project Area and shall ensure that alternative aquatic habitat is available.
- 7.3. Pre-Construction Survey.** No more than five (5) days prior to commencement of Covered Activities, the site shall be surveyed for the Covered Species by the Designated Biologist. The Designated Biologist shall survey all suitable habitat in the Project area, within a 200-foot radius of the Project Area, and at least 500 feet upstream and downstream. The Designated Biologist shall repeat the survey if a lapse in Covered Activities of fourteen (14) consecutive calendar days or greater occurs. The Designated Biologist shall provide CDFW with a report documenting the survey results within 24 hours of commencement of Covered Activities.
- 7.4. Inspection of Refuge Habitat.** All potential refuge features (e.g. debris piles), created as a result of the Project shall be inspected by the Designated Biologist for the Covered Species prior to removal. The Designated Biologist shall inspect the debris piles for the Covered Species as the debris is being loaded onto trucks.
- 7.5. Stockpiling of Soil.** Permittee shall stockpile soil or grading spoils in the designated Staging Areas or previously disturbed areas to avoid affecting previously undisturbed areas. Permittee shall install sediment barriers (e.g., silt fences, fiber rolls, and straw bales) as described in Condition of Approval 7.15 around the base of the stockpiles to intercept runoff and sediment during storm events. If necessary, Permittee shall also cover stockpiles to provide additional protection against wind and water erosion.
- 7.6. Confine Clearing, Scraping and Digging.** Permittee shall confine clearing of vegetation and scraping or digging of soil to the minimal area necessary to facilitate construction activities, to the maximum extent feasible.

- 7.7. Fencing Environmentally Sensitive Areas (ESAs).** Permittee shall establish ESAs in the Project area, by installing orange construction barrier fencing, to prevent encroachment of construction personnel and equipment into areas of Covered Species habitat that are outside of or adjacent to the Project footprint no more than five (5) days prior to the commencement of Covered Activities. All potential Covered Species habitat that can be reasonably avoided during construction activities shall be identified as ESAs. All construction personnel shall avoid ESAs. The Permittee shall avoid ESAs when siting all Staging Areas, spoils disposal areas, and construction equipment access routes. The ESAs shall be identified on all engineering plans or construction specifications. The Designated Biologist or Biological Monitor shall inspect the fencing before the start of each workday and the Permittee shall maintain the fencing until the completion of the Project. Fencing shall be removed upon completion of Covered Activities.
- 7.8. Exclusion Fencing.** Permittee shall install exclusionary fencing, where feasible and safe to do so, in upland areas and adjacent to aquatic habitat to help prevent the Covered Species from traveling toward the Project area. The exclusionary fencing shall consist of 3-foot-tall silt fencing buried six (6) inches below ground level. If trenching is not feasible, Permittee shall place contiguous sandbags on the fence, on the inside of the Project Area, to anchor the fencing material. Permittee shall install the fencing at least ten (10) feet from aquatic habitat to reduce the hazard of trenching to the Covered Species. Permittee shall avoid damage to small mammal burrows to the maximum extent possible during installation of the exclusion fencing. Covered Species found during fence installation shall be relocated per Condition of Approval 7.18. The Designated Biologist or Biological Monitor shall check the fencing each morning to ensure no Covered Species have moved into the Project area. Permittee shall ensure the fence is taut and the bottom edge remains buried/secure. Permittee shall remove the fencing upon completion of the Project.
- 7.9. Excavated Pits.** To prevent inadvertent entrapment of the Covered Species during construction, the Designated Biologist or Biological Monitor and/or construction foreman/manager shall ensure all excavated, steep-walled holes or trenches more than six (6) inches deep are provided with one or more escape ramps constructed of earthen fill or wooden planks at no greater than 30 degrees and inspected by the Designated Biologist or Biological Monitor prior to sunrise each morning. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals by the Designated Biologist or Biological Monitor.
- 7.10. Gear and Equipment Decontamination.** Prior to entering the stream or initiating any aquatic species removal, Permittee shall decontaminate all gear and equipment in a designated location where runoff can be contained and not allowed to pass into water courses and other sensitive habitat areas.

**7.11. Intake screening.** To minimize entrainment of Covered Species larvae during water diversion, Permittee shall ensure all pump intakes are fitted with a screen-type device consisting of, at minimum, a water intake strainer. Water intake strainers are most appropriate for low-volume diversion projects. For high-volume water diversion projects or other diversion activities that may warrant greater protection, Permittee shall ensure that all pump intakes are fitted with screens made of woven mesh, perforated plate, or wedge wire. The screen medium must be able to withstand forces related to pumping and be of sufficient size to prevent Covered Species larvae from entering the intake and being pumped along with diverted water. High-volume water diversion projects may require project-specific consultation with CDFW engineering staff. For water diversions involving water trucks, Permittee shall ensure that operators move drafting hoses with attached screens in and out of the water after each drafting operation. The screen shall be brushed clean and inspected each time it is placed into the water. This practice will usually prevent screens from accumulating significant amounts of debris and essentially replicate the function of a self-cleaning screen. Where a stationary pump is used, Permittee shall ensure that the screen be checked frequently to ensure it is kept clean and free of debris.

**7.12. Diversion rate.** Water diversion rates may cause adverse impacts to Covered Species if the flow in source streams is reduced to levels insufficient to support eggs, tadpoles, and subadults. For these cases, Permittee shall provide to CDFW for review and approval a site-specific water diversion plan and measures (such as those listed below) to minimize impacts in smaller streams:

7.12.1. For small streams, maintain flow in the source stream during water diversion at a minimum rate of 2.0 cubic feet/second or greater.

7.12.2. If diverting from a pool, do not reduce pool volume by more than 10 percent.

7.12.3. Do not exceed a diversion rate of 10 percent of the surface flow from the source stream.

7.12.4. Do not exceed an instantaneous diversion rate of 350 gallons per minute (0.78 cubic feet/second).

**7.13. Daily Species Checks.** The Designated Biologist or Biological Monitor shall perform a daily inspection to check under vehicles and equipment, along exclusion fences, any surface water, and in debris piles/excavated pits for the Covered Species before the vehicles and equipment are moved. If a Covered Species is present, Covered Activities with potential to take the Covered Species shall cease until the animal moves away from the Project area on its own or the Capture Biologist(s) moves the animal to a safe location nearby as determined by Condition of Approval 7.18.

- 7.14. 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 use tightly woven fiber netting (mesh size less than 0.25 inch) or similar material for erosion control or other purposes at the Project site to ensure the Covered Species and other reptiles or amphibians are not trapped by the erosion control material. Permittee shall not use plastic monofilament or wire mesh in the straw wattles or erosion control blankets. Only erosion control materials (blankets, rolls, mats, etc.) with natural coir fibers or other netting approved by the wildlife agencies shall be used. The edge of the material shall be buried in the ground to prevent the Covered Species and other reptiles and amphibians from crawling underneath the material. Erosion control measures shall direct water flow into existing drainages or disperse water across vegetated areas.
- 7.15. Remove Temporary Flagging, Fencing, and Barriers.** Permittee shall remove all temporary flagging, fencing, and/or barriers from the Project site upon completion of Covered Activities.
- 7.16. Covered Species Encounter Protocol.** If a Covered Species is encountered Covered Activities will be suspended within a 100-foot radius of the animal until the animal is relocated (as described in the Condition of Approval 7.18) by the Capture Biologist. If the animal is handled, a report will be submitted, including date(s), location(s), habitat description, and any corrective measures taken to protect the Covered Species, within two (2) calendar days to CDFW. Any worker who inadvertently injures or kills a Covered Species or who finds dead, injured, or entrapped Covered Species shall immediately report the incident to the Designated Biologist or Biological Monitor. The Designated Biologist will report any take of the Covered Species to CDFW as required by Condition of Approval 6.8.
- 7.17. Capture and Relocation Plan.** Permittee shall ensure the Capture Biologist prepares a Covered Species Relocation Plan (Relocation Plan) for Covered Activities. The Relocation Plan shall include the name(s) of the Capture Biologist who will relocate the Covered Species; pre-construction habitat assessment methodology; identification of refuge areas along the exclusion fencing, capture, handling, and relocation methods; a map and description of the relocation area(s) for captured Covered Species, including relative location, quantification of the amount of suitable habitat (aquatic and terrestrial), quality of suitable habitat, invasive and non-native species present, suitable prey items, identified upland burrows determined to be suitable for Covered Species placement, distance to aquatic habitat, and potential barriers for movement; and identification of a wildlife rehabilitation center or veterinary facility that routinely evaluates or treats Covered Species. Permittee shall submit the Relocation Plan to CDFW for approval at least 30 days prior to the beginning of any Covered Activities.

7.17.1. Covered Species Relocation. If Covered Species is encountered within a construction site, it is directly threatened by Covered Activities, and it is unable to move to a safe area on its own, the Capture Biologist shall relocate Covered Species to a safe area in accordance with the Relocation Plan. Otherwise, Covered Species may only be captured and handled by the Capture Biologist. The Permittee or Designated Representative shall notify CDFW within 24 hours of each time Covered Species is relocated. 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.

**7.18. Covered Species Injury**. If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition 6.8. Notification shall include the name of the facility where the animal was taken.

**8. Habitat Restoration and Enhancement:** CDFW has determined, the Permittee proposed on-site creation, restoration, and enhancement is sufficient to mitigate for Project-related impacts to 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 Covered Species and its habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall create, restore, and enhance 0.1230 acre of Covered Species habitat onsite (creation of 0.0365 acre and restore and enhance 0.0865 acre) pursuant to Condition of Approval 8.2 below and the calculation and deposit of funds pursuant to Condition of Approval 9 below. Permittee shall create, restore, and enhance 0.1230 acre through the regrading of Bear Ranch Creek, creation of a resting pool on each side of the new bridge, grouted RSP at drainage systems 4 and 7, and revegetation according to Condition of Approval 8.2 below. Permittee shall ensure the creation, restoration, and enhancement activities are complete within 60 months of the effective date of this ITP 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 sufficient for CDFW or its contractors to complete creation of the Covered Species habitat and restoration of temporarily disturbed habitat as follows:



- 8.1.1. Start-up expenses for creation of the Covered Species habitat costs as described in Condition of Approval 8.2 below, estimated at **\$40,000.00** (Attachment 2);
- 8.1.2. Monitoring and maintenance period funding as described in Condition of Approval 8.2 below, estimated at **\$206,000.00** (Attachment 2);
- 8.1.3. Restoration and enhancement of on-site temporary effects to Covered Species habitat as described in Condition of Approval 8.2, calculated at \$693,641.62/acre for 0.0865 acre: **\$60,000.00** (Attachment 2);
- 8.1.4. Contingency planting in case remediation planting or additional watering in the first 3 years is required, estimated at **\$25,000.00** (Attachment 2).

**8.2. Habitat Creation, Restoration, and Enhancement.** Permittee shall create 0.0365 acre of new Covered Species habitat and restore on-site 0.0865 acre of Covered Species habitat. Within 90 calendar days of issuance of this ITP, the Permittee shall prepare a Mitigation and Monitoring Plan (MMP) to facilitate creation, restoration, and enhancement of the total 0.1230 acre of Covered Species habitat within the Project Area, and submit the MMP to CDFW for review and approval. The MMP shall include detailed specifications for creating, restoring, and enhancing the Project area, such as planting methods or seed mixes and application methods, invasive species removal, grading plans, and pool construction. The MMP shall also indicate the best time of year for planting or seeding to occur. Plantings shall include regular watering or contingency planting as appropriate to ensure success criteria is met. The MMP shall ensure creation, restoration, and enhancement of impacted habitat and include use of a local California native plant palette, success criteria, annual Covered Species survey, five (5) year monitoring schedule, and corrective actions to be taken if success criteria are not met. The MMP shall be finalized and approved at least thirty (30) calendar days prior to the start of Covered Activities.

**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 **\$331,000.00** or in the amount identified in 8.1 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 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 a completed Funding Memorandum (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 the effective date of this ITP.
- 9.4. Security Holder.** The Security shall be held by Caltrans in a Child Project Expense Authorization (Child EA) that CDFW can access if needed or in a manner approved in advance in writing by CDFW.
- 9.5. Security Transmittal.** Permittee shall transmit the Security to CDFW with a completed Funding Memorandum before the issuance of the ITP (see Attachment 2).
- 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 conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
- Restoration plan compliance;
  - Timely submission of all required reports.

Even if Security is provided, the Permittee must submit the MMP required in Condition 8.2 no later than 90 calendar days from the effective date of the ITP and finish implementation of the MMP after five (5) years of completing restoration activities. CDFW may require the Permittee to provide additional mitigation and/or additional funding after the Restoration and Enhancement Plan is reviewed, to ensure the impacts of the taking are minimized and fully mitigated, as required by law. CDFW may require the Permittee to provide additional mitigation and/or additional funding after the MMP is reviewed, to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

**IX. Amendment:**

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

**X. Stop-Work Order:**

If CDFW determines the Permittee has violated any term or condition of this ITP or has engaged in unlawful take, CDFW may issue Permittee a written stop-work order instructing the Permittee to

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

If Permittee fails to remedy the violation or to comply with a stop-work order, CDFW may proceed with suspension and revocation of this ITP. Suspension and revocation of this ITP shall be governed by California Code of Regulations, Title 14, section 783.7, and any other applicable law. Neither the Designated Biologist, Biological Monitor 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:**

The Permittee shall sign and return this ITP to CDFW. A manual or digital signature is acceptable, provided a digital signature complies with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned. Manual (wet) signatures on duplicate original paper copies shall be returned by the Permittee via registered first-class mail or overnight delivery to the following address:

Habitat Conservation Planning Branch  
California Department of Fish and Wildlife  
Attention: CESA Permitting Program  
Post Office Box 944209  
Sacramento, CA 94244-2090

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 (2081-2022-015-02) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Kevin Thomas, Regional Manager  
California Department of Fish and Wildlife

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PULGA 70 PROFILE CHANGE

North Central Region  
1701 Nimbus Road  
Rancho Cordova, CA 95670  
Telephone (916) 358-2930  
Kevin.Thomas@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:

Region 2, CESA Desk  
California Department of Fish and Wildlife  
1701 Nimbus Road  
Rancho Cordova, CA 95670  
Telephone (916) 358-2930  
[R2CESA@wildlife.ca.gov](mailto:R2CESA@wildlife.ca.gov)

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

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, The California Department of Transportation. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Mitigated Negative Declaration of the Project, (SCH No.: 2020070432) dated November 2020 that the California Department of Transportation certified for the Pulga Profile Change Project on December 9, 2020. At the time the lead agency certified 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

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

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

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

CDFW finds based on substantial evidence in the ITP application, the Pulga Profile Change Project Mitigated Negative Declaration, 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:

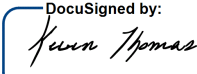
- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) additional biological monitoring; (2) Covered Species relocation; (3) implementation of an MMP; (4) establishment of avoidance zones; (5) worker education; and (6) 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 creation, restoration, and enhancement of habitat in perpetuity of 0.1230 acre of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) 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	Project Location Map
FIGURE 2	Project Impacts Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Funding Memorandum

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 07/21/2022**

DocuSigned by:  
  
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 Kevin Thomas, Regional Manager  
 North Central Region

**ACKNOWLEDGMENT**

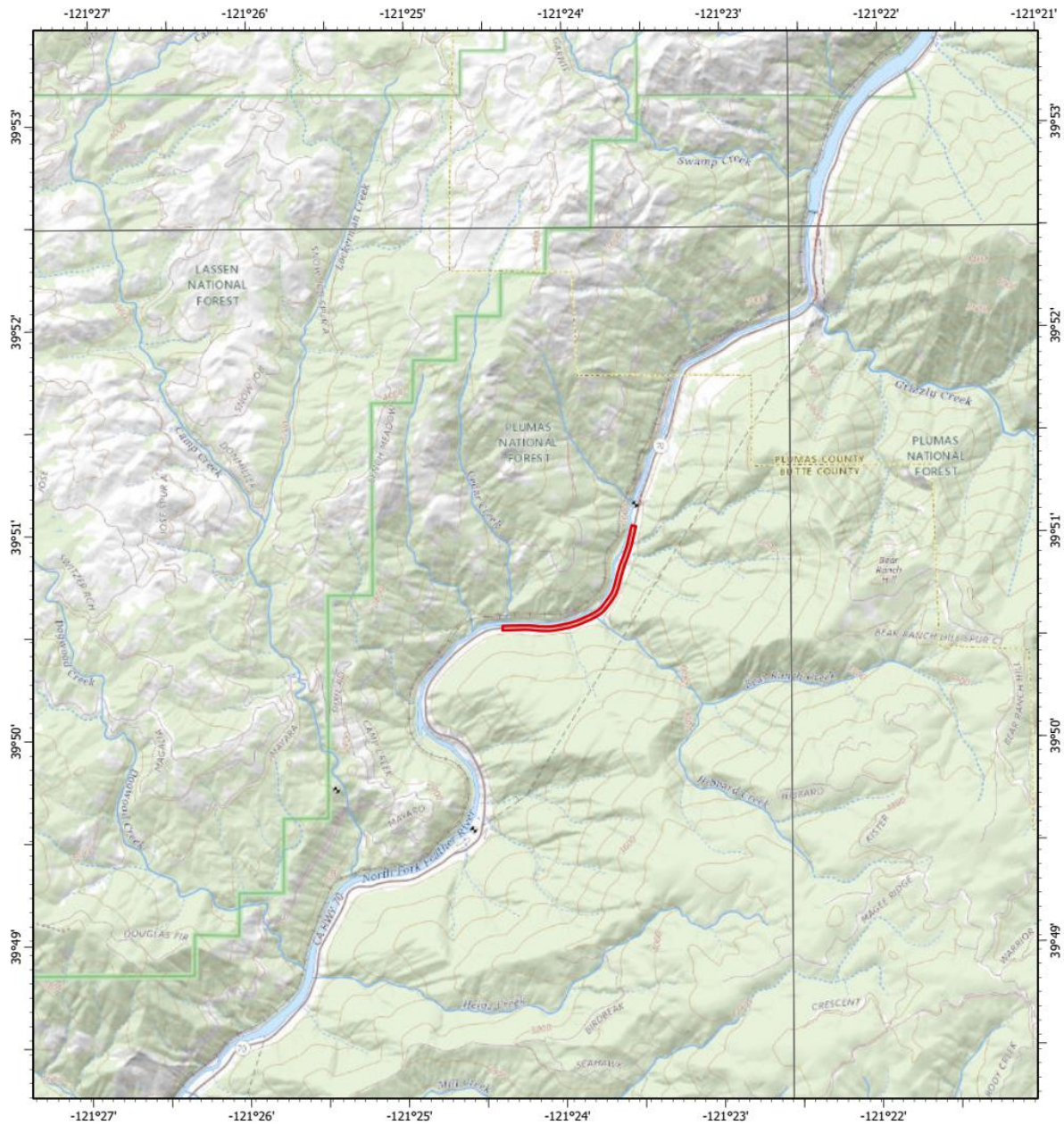
The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of this ITP, and (3) agrees on behalf of the Permittee to comply with all terms and conditions.

By:  \_\_\_\_\_ Date: 7/25/2022  
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Printed Name: Cameron Knudson Title: Project Manager

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**Figure 1: Project Location Map**



<p><b>Legend</b></p> <p><span style="border: 1px solid red; display: inline-block; width: 15px; height: 10px;"></span> ESL</p>	<p>0 0.38 0.75 1.5 Miles</p>	<p>N</p>	<p>Topographic Map of Project Area</p>									
			<table border="1"> <tr> <td>STIRLING CITY</td> <td>KIMSHAW POINT</td> <td>STORRIE</td> </tr> <tr> <td>PARADISE EAST</td> <td><b>PULGA</b></td> <td>SOAPSTONE HILL</td> </tr> <tr> <td>CHEROKEE</td> <td>BERRY CREEK</td> <td>BRUSH CREEK</td> </tr> </table>	STIRLING CITY	KIMSHAW POINT	STORRIE	PARADISE EAST	<b>PULGA</b>	SOAPSTONE HILL	CHEROKEE	BERRY CREEK	BRUSH CREEK
STIRLING CITY	KIMSHAW POINT	STORRIE										
PARADISE EAST	<b>PULGA</b>	SOAPSTONE HILL										
CHEROKEE	BERRY CREEK	BRUSH CREEK										

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## Figure 2: Project Impacts Map

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