



State of California –The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
NORTH CENTRAL REGION
1701 NIMBUS ROAD, SUITE A
RANCHO CORDOVA, CA 95670
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



8/5/2022

Terry Edwards, Assistant Director of Public Works - Engineering
Butte County Public Works
7 County Center Drive
Oroville, CA 95965

Subject: Incidental Take Permit for Ord Ferry Road at Little Chico Creek Bridge Replacement Project (2081-2021-065-R2)

Dear Mr. Edwards:

Enclosed you will find an electronic copy of the incidental take permit for the above referenced Project, which has been digitally signed by the Department. Please read the permit carefully, sign the acknowledgement, and return the original **no later than 30 days from Department signature**, and prior to initiation of ground-disturbing activities. You may return a hard copy of the permit via mail to:

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

Alternatively, you may return an electronic copy of the permit with digital signature to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5.

You are advised to keep the permit in a secure location and distribute copies to appropriate project staff responsible for ensuring compliance with the conditions of approval of the permit. Note that you are required to comply with certain conditions of approval prior to initiation of ground-disturbing activities. Additionally, a copy of the permit must be maintained at the project work site and made available for inspection by Department staff when requested.

The permit will not take effect until the signed acknowledgement is received by the Department. If you wish to discuss these instructions or have questions regarding the permit, please contact Melissa Stanfield, Senior Environmental Scientist (Specialist), at (916) 597-6417.

Sincerely,

DocuSigned by:
A handwritten signature in blue ink that reads "Kevin Thomas".
A2A0A9C574C3445...

Kevin Thomas, Regional Manager
North Central Region
California Department of Fish and Wildlife

Enclosures (2)



California Department of Fish and Wildlife

**NORTH CENTRAL REGION
1701 NIMBUS ROAD, SUITE A
RANCHO CORDOVA, CA 95670**

California Endangered Species Act
Incidental Take Permit No. 2081-2021-065

ORD FERRY ROAD AT LITTLE CHICO CREEK BRIDGE REPLACEMENT PROJECT

I. Authority:

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the 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:	Butte County Public Works
Principal Officer:	Terry Edwards, Assistant Director Public Works - Engineering
Contact Person:	Terry Edwards, (530) 552-5710
Mailing Address:	7 County Center Drive Oroville, CA 95965

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 **May 1, 2032**.

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.

¹Pursuant 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".])

²The 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 Ord Ferry Road over Little Chico Creek Bridge Replacement Project (Project) is located on Ord Ferry Road in unincorporated Butte County (Figure 1). The Project is located approximately 1 mile west of the intersection of Ord Ferry Road and 7 Mile Road at approximately 39.6306, -121.9330 (WGS 84 datum, decimal degrees). The Project site is bounded by the Little Chico Creek riparian corridor to the north and south and agricultural cropland to the east and west.

IV. Project Description:

The Project includes removal of the structurally deficient existing bridge and construction of a new wider bridge. The existing 620'± long bridge is composed of continuous steel stringers staggered over thirty-three short spans less than 19'± long each and carrying traffic on a reinforced concrete deck with concrete curb and metal beam guard railing. The proposed new bridge will replace the existing structures on the current, existing alignment. The bridge will be approximately 640 feet long by approximately 43 feet wide and carry 2 twelve-foot traffic lanes and 2 eight-foot shoulders. The cast-in-place reinforced concrete slab bridge is expected to be composed of seventeen spans arranged in two frames with an intermediate hinge. The intermediate supports are expected to be small diameter pile extensions founded on cast-in-steel-shell (CISS) piles. The CISS pile shafts will be driven utilizing a crane and pile hammer. Bridge abutments are anticipated to be reinforced concrete seat style abutments founded on driven 16-inch piles; likely steel H-piles or small diameter steel pipe piles. Impact pile driving will be required for installation for these bridge abutment piles. Pile driving occurring from May 1 - June 30 will occur on land a minimum of 10 meters from Little Chico Creek. Pile driving from July 1 – October 31 will be moving in an easterly direction away from Little Chico Creek, during this time the creek is anticipated to be dry. The bridge superstructure construction within the floodplain will utilize cast-in-place methodology with traditional concrete forms and temporary supports consisting of falsework beams, timber bents, and timber pads. Falsework construction will be required.

Ord Ferry Road will be widened to 40 feet for a length of approximately 400' feet to the west and 500' to the east of the proposed bridge. Existing electrical, telephone, and fiber optic utilities located on the west side of the Ord Ferry Road will need to be relocated as part of the project. Phasing of the bridge and roadway approach construction is required to keep the road open to conventional traffic during construction operations. The first construction stage would reduce the existing bridge to a single 11' traffic lane and demolish a portion of the existing bridge. A portion of the new bridge would then be constructed with a lane approximately 13' wide provided for traffic to be moved onto the new bridge portion. The remainder of the existing bridge would be removed with the remainder of the new bridge constructed in its place. This phased bridge construction alternative would require two construction seasons and approximately 18 months of single lane traffic control utilizing a temporary traffic signal system.

A temporary access road will need to be installed to facilitate construction access. The access road will require installing a clear water diversion within Little Chico Creek from May 1

Incidental Take Permit
No. 2081-2021-065

BUTTE COUNTY PUBLIC WORKS
ORD FERRY ROAD AT LITTLE CHICO CREEK BRIDGE REPLACEMENT

through October 31 in both seasons of construction. The field northwest of the existing bridge will serve as a staging area for equipment and materials. Tree removal and impacts to riparian and grassland habitats are 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> ³
1. Giant garter snake (GGS, <i>Thamnophis gigas</i>)	Threatened ⁴
2. Central Valley spring-run Chinook salmon (CVSR, <i>Oncorhynchus tshawytscha</i>)	Threatened ⁵

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

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include grubbing and grading, trench digging, pile driving, road construction, tree removal, installation, maintenance, and removal of stream diversions, dewatering, bridge demolition and construction, utility relocation, placement of rock slope protection (RSP), material stockpiling, laydown and transport, sediment deposition, site restoration, and capture and relocation (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 being crushed by vehicles or equipment; becoming trapped or crushed within a burrow or other refugia, such as open trenches; and mortality from fuel or oil spills from construction equipment into aquatic habitat, demolition of the existing bridge, construction of the new bridge, and installation/removal of the clear water diversion. 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 manual burrow excavation, catch and capture of the Covered Species during temporary dewatering, and Covered Species relocation. The areas where authorized take of the Covered Species is expected to occur include: the entire Project site, as identified in Figure 3 (collectively, the Project Area).

The Project is expected to temporarily impact 0.17 acres of aquatic habitat and 1.54 acres of upland habitat and cause the permanent loss of 0.09 acres of aquatic habitat and 0.56 acres of upland GGS habitat (Figure 2). The Project is expected to permanently impact 0.0013 acres and temporarily impact 0.06 acres of CVSR habitat (Figure 3). Impacts of the

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

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

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

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, 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 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. 2019049055) adopted by Butte County Public Works on June 21, 2019, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. LSA Agreement Compliance:** Pursuant to Fish and Game Code section 1602, subdivision (a)(4)(D), permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species as specified in Notification No. 1600-2019-0190-R2 and any modifications to that notification received by CDFW in writing prior to October 28, 2019.
- 4. ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Formal Consultation on the Proposed Ord Ferry Road Bridge Replacement Project, Butte County, California (Caltrans Fed. ID# BRLS 5912 (103)) (USFWS Biological Opinion No. 08ESMF00-2018-F-3017-1) and Endangered Species Act Section 7(a)(2) Biological Opinion for the Ord Ferry Bridge Replacement Project on Little Chico Creek (NMFS Biological Opinion No. WCR-2018-11046) for the

Incidental Take Permit
No. 2081-2021-065

BUTTE COUNTY PUBLIC WORKS
ORD FERRY ROAD AT LITTLE CHICO CREEK BRIDGE REPLACEMENT

Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.

- 5. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 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), Biological Monitor(s), and/or Veterinarian(s).** Before starting Covered Activities, 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, natural history, collecting and handling 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.
- 6.3. Designated Biologist Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that

Incidental Take Permit
No. 2081-2021-065

BUTTE COUNTY PUBLIC WORKS
ORD FERRY ROAD AT LITTLE CHICO CREEK BRIDGE REPLACEMENT

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 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 long-term and/or permanent employees that will be conducting work in the Project Area.
- 6.5. 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.
- 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. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 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.

Incidental Take Permit
No. 2081-2021-065

BUTTE COUNTY PUBLIC WORKS
ORD FERRY ROAD AT LITTLE CHICO CREEK BRIDGE REPLACEMENT

- 6.9. Delineation of Property Boundaries.** Before starting Covered Activities, 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.
- 6.10. Delineation of Habitat.** If there are areas of Covered Species habitat within the Project Area that can be avoided, Permittee shall clearly delineate those areas with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of the avoided Covered Species' habitat.
- 6.11. Project Access.** Project-related personnel shall access the Project Area using existing routes and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. 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.
- 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.
- 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 shall be on-site daily during clearing, grubbing, initial grading, dewatering, and during the installation and removal of the clear water diversions. Following the completion of these activities, the Designated Biologist shall conduct monthly 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.

7.4. Quarterly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Quarterly 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. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Senior Environmental Scientist, Melissa Stanfield (melissa.stanfield@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

Incidental Take Permit
No. 2081-2021-065

BUTTE COUNTY PUBLIC WORKS
ORD FERRY ROAD AT LITTLE CHICO CREEK BRIDGE REPLACEMENT

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 Quarterly 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 Quarterly 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 site restoration, 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 Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 7.8. Notification of Take or Injury** Permittee shall immediately notify 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 Melissa Stanfield, Senior Environmental Scientist (Specialist) at (916) 597-6417. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured

Incidental Take Permit
No. 2081-2021-065

BUTTE COUNTY PUBLIC WORKS
ORD FERRY ROAD AT LITTLE CHICO CREEK BRIDGE REPLACEMENT

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:

- 8.1. Pre-Construction Survey.** No more than 24 hours prior to commencement of Covered Activities each construction season, 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 (including all upland habitat within 200 feet of Covered Species aquatic habitat) and the Designated Biologist shall repeat the survey if a lapse in Covered Activities of fourteen (14) consecutive 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.
- 8.2. GGs Relocation Plan.** Permittee shall develop a GGS Relocation Plan and submit it to CDFW for approval ten (10) calendar days prior to initiating Covered Activities. Permittee shall quantify the amount, relative location, and quality of suitable habitat (aquatic and terrestrial) for relocation areas, including invasive and non-native species present, available upland burrows, suitable prey items, and potential barriers for movement. Due to genetically distinct populations, relocation areas should be within the same watershed as the site and must be pre-approved in writing by the CDFW.
- 8.3. CVSR Dewatering and Rescue Plan.** The Permittee shall develop a detailed Dewatering and CVSR Rescue Plan and submit it to CDFW for approval at least ten (10) calendar days prior to initiating dewatering in Little Chico Creek. The CVSR Dewatering and Rescue Plan shall include, at a minimum, the following measures:
- 8.3.1. Only a CDFW-approved Designated Biologist with experience in CVSR capture and handling shall participate in the capture, handling, and monitoring of CVSR.
- 8.3.2. Relocation activities shall be performed during the morning when temperatures are coolest. Hourly air and water temperatures shall be measured and recorded.
- 8.3.3. Identify the most appropriate release location(s). Release locations shall provide suitable habitat elements for CVSR and shall be selected to minimize the likelihood of re-entering the work area. Pictures and a map of the release locations shall be included in the Dewatering and Rescue Plan.

- 8.3.4. Little Chico Creek shall be dewatered by first installing a downstream cofferdam and then pumping water from within the Project area to downstream of the cofferdam. Dewatering pumps will comply with NMFS Southwest Region's Juvenile Fish Screen Pump Criteria for Pump Intakes. The outflow end of the pump will be equipped with a sediment filter to dissipate outlet flows and serve as backup filtration media. Water being pumped from pools would be drawn down incrementally by 50%, 75%, 90%, and 100% to facilitate fish capture and relocation.
- 8.3.5. During dewatering efforts and prior to fully dewatering the Project Area, Covered Species in the work area shall be rescued and relocated.
- 8.3.6. Efforts shall be made to reduce collecting and handling stress, minimize the time that CVSR are held in buckets, and minimize handling stress during processing and release. Covered Species shall not be held in containers with other species. If not immediately released, buckets must be kept in the shade and water temperatures monitored to be consistent with the temperature in the creek. Immediately after collection, CVSR shall be identified and counted. Capture methods may include dip nets. All nets shall be made of a soft braded nylon material that is nonabrasive. Mesh sizing shall be matched to species and the life stages likely encountered.
- 8.3.7. Covered Species shall be processed first and released as soon as possible. Species name and length data will be recorded on data sheets, as well as time, date, location, gear type, water temperature, and any other pertinent observations of the Covered Species.
- 8.3.8. Rescue operations may result in Covered Species mortality. If Covered Species suffer mortality, the Permittee shall preserve individuals by freezing or placing in a sealed container with 10 percent formalin solution. Information on time and exact location of any incidental take, method of take, length of time from death to preservation, water temperature, and any other relevant information will be recorded in writing. Permittee shall contact the CDFW regional representative for instructions on transmitting preserved individuals.
- 8.3.9. After completing the rescue, a brief documentation report shall be prepared. The report shall include information on the personnel conducting the Covered Species rescue, methods used, numbers of Covered Species collected and relocated, relocation site information, length data, and estimate of the survival of Covered Species immediately after release. Photographs of the site and rescue operations shall be included. Any take of non-Covered Species shall be documented. The report shall be provided by the Permittee to CDFW within 10 days of the rescue effort.
- 8.3.10. After the Covered Species rescue effort is completed, if additional Covered Species are observed, Project activities shall cease until those individuals have

Incidental Take Permit
No. 2081-2021-065

BUTTE COUNTY PUBLIC WORKS
ORD FERRY ROAD AT LITTLE CHICO CREEK BRIDGE REPLACEMENT

been relocated. The Designated Biologist shall remain at the site during dewatering to rescue additional Covered Species as necessary.

- 8.4. Stream Diversions/Dewatering.** Once all Covered Species have been relocated the Permittee shall finish dewatering all suitable Covered Species aquatic habitat and install stream diversion(s). Construction activities shall not occur within aquatic habitat until all dewatering and stream diversion installation are complete and the aquatic habitat has remained dry for 24 hours. Stream flow(s) shall be diverted using gravity flow through temporary culverts, pipes, k-rails. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as, gravel bags, water dams, or clean/washed river gravel which will cause little or no siltation.
- 8.4.1. Stream diversions, including a majority of the clean river gravel, shall be removed and the channel restored prior to the closing of the in-water work window each construction season.
- 8.5. Maintain Water Quality.** Permittee shall divert flow in a manner that prevents turbidity, siltation, or pollution and provides flows downstream. Flows downstream shall be provided during all times that the natural flow would have supported aquatic life. Said flows shall be sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion.
- 8.6. Maintain Fish Passage.** All water diversion facilities shall be designed, constructed, and maintained so they do not prevent, impede, or tend to prevent or impede the passing of fish downstream, as required by Fish and Game Code section 5901. This includes, but is not limited to, maintaining, or providing a supply of water at an appropriate depth and velocity to facilitate downstream migration of juvenile and adult salmonids.
- 8.7. Restore Normal Flows.** Permittee shall restore normal flows to suitable Covered Species aquatic habitat immediately upon completion of each construction season.
- 8.8. General Compliance with Screening Requirement.** Notwithstanding Section 6027 of the Fish and Game Code, fish screens shall be in place and maintained in working order at all times water is being diverted or dewatered.
- 8.9. Limitations on Authorization of Water Use.** This ITP does not authorize any diversion, use, or storage of water unless already permitted by law. The Permittee is responsible for obtaining all necessary water rights and maintaining compliance with the State Water Code and Title 23 California Code of Regulations as appropriate. The Permittee shall store and use water in accordance with a valid water right, including any limitations on when water may be stored and used, the purpose for which it may be stored and used, and the location(s) where water may be stored and used.

- 8.10. Night Work.** If night work is necessary, lighting shall be selectively placed, shielded, and directed away from Covered Species' natural habitat. Night work shall be restricted to activities that are not in-water to ensure CVSR are allowed to migrate upstream and downstream (10pm to 8am are typical periods for the migration of the CVSR in their juvenile and adult life stages)
- 8.11. Stockpiling of Soil.** Permittee shall stockpile soil or grading spoils in the designated Staging Areas to avoid affecting previously undisturbed areas. Permittee shall install sediment barriers (e.g., silt fences, fiber rolls, and straw bales) 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.
- 8.12. 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.
- 8.13. 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 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 shall inspect the fencing when onsite and the Permittee shall maintain the fencing until the completion of the Project. Fencing shall be removed upon completion of Covered Activities.
- 8.14. Exclusion Fencing.** Permittee shall install exclusionary fencing linearly, 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. Permittee shall install the fencing at least ten (10) feet from aquatic habitat to reduce the hazard of trenching into the Covered Species. Permittee shall place contiguous sandbags on the fence on the inside of the Project Area when trenching is not feasible. 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 8.4. The Designated Biologist(s) shall check the fencing each morning when onsite to ensure no Covered Species have moved into the Project area. Permittee shall ensure the fence is taut and the bottom edge remains buried. Permittee shall remove the fencing upon completion of the Project.

Incidental Take Permit
No. 2081-2021-065

BUTTE COUNTY PUBLIC WORKS
ORD FERRY ROAD AT LITTLE CHICO CREEK BRIDGE REPLACEMENT

- 8.15. Excavated Pits.** To prevent inadvertent entrapment of the Covered Species during construction, the Designated Biologist(s) and/or construction foreman/manager shall ensure all excavated, steep-walled holes or trenches more than 12-inches deep are provided with one or more escape ramps constructed of earthen fill or wooden planks at no greater than 30 degrees. These areas shall be inspected prior to sunrise each morning. Before such holes or trenches are filled, they shall be thoroughly inspected by either the Designated Biologist(s) and/or construction foreman/manager for trapped animals.
- 8.16. Daily Species Checks.** When onsite the Designated Biologist(s) shall perform a daily inspection to check under vehicles and equipment, along exclusion fences, and in debris piles/excavated pits for the Covered Species before the vehicles and equipment are moved. When the Designated Biologist is not onsite the Permittee is responsible for performing daily species checks. If a Covered species is observed, the Permittee and/or their worker shall notify the Designated Biologist(s). 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 8.4.
- 8.17. Erosion Control.** Permittee shall install erosion control structures and materials concurrently with construction. Permittee shall construct and install these structures and materials, 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 structures and materials shall direct water flow into existing drainages or disperse water across vegetated areas.
- 8.18. Remove Temporary Flagging, Fencing, and Barriers.** Permittee shall remove all temporary flagging, fencing, and/or barriers from the Project site upon completion of the Project.
- 8.19. Injured Covered Species.** The Designated Biologist shall be immediately notified by Project personnel if Project activities injure a Covered Species. The Designated Biologist shall immediately notify CDFW and the Capture and Handling Designated Biologist of the injured Covered Species and have the injured Covered Species transported to a CDFW approved wildlife rehabilitation or veterinarian facility. A clean snake bag shall be kept on-site to transport any injured Covered Species. Permittee shall identify the wildlife rehabilitation or veterinarian facility, and provide their authorizations to handle the Covered Species, that will receive and

Incidental Take Permit
No. 2081-2021-065

BUTTE COUNTY PUBLIC WORKS
ORD FERRY ROAD AT LITTLE CHICO CREEK BRIDGE REPLACEMENT

treat any injured or dead Covered Species before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Designated Biologist(s) shall provide notification to CDFW as detailed in Condition of Approval 7.8. Permittee shall also include the name and phone number for the facility where the Covered Species was taken.

8.20. Final Project Plans. No later than 10 days prior to the start of construction activities, submit a final plan set via email to the CDFW Regional Representative.

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 0.09 acres of GGS aquatic credits, 0.56 acres of GGS upland credits, and 0.07 acres of CVSR credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 9.2 below. 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 1.54 acres of upland and 0.17 acres of aquatic Covered Species habitat temporarily impacted by the Project, pursuant to Condition of Approval 9.4 below.

9.1. Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows:

9.1.1. Purchase 0.56 acres of GGS upland credits and 0.09 acres of GGS aquatic credits from a CDFW-approved conservation or mitigation bank pursuant to Condition of Approval 9.2 below, estimated at \$58,500. Purchase of 0.07 acres CVSR credits from a CDFW-approved conservation or mitigation bank pursuant to Condition of Approval 9.2 below, estimated at \$14,000. Total credit purchase costs for the Project area estimated at **\$72,500**.

9.1.2. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 9.4, calculated at \$80,000/upland acre for 1.54 acres: \$123,200 and \$50,000/aquatic acre for 0.17 acres: \$8,500, for a total restoration cost of **\$131,700**.

9.2. Covered Species Credits. If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall

Incidental Take Permit
No. 2081-2021-065

BUTTE COUNTY PUBLIC WORKS
ORD FERRY ROAD AT LITTLE CHICO CREEK BRIDGE REPLACEMENT

purchase 0.09 acres of GGS aquatic credits, 0.56 acres of GGS upland credits, and 0.07 acres of CVSR credits from a CDFW-approved mitigation or conservation bank prior to starting Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.

9.3. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.

9.4. Habitat Restoration. Permittee shall restore to pre-project or better conditions the 1.54 acres of upland and 0.17 acres of aquatic Covered Species habitat that will be temporarily disturbed during construction. Within 120 days of the execution of this ITP, the Permittee shall prepare a Vegetation Restoration Plan (Plan) to facilitate restoration of the 1.71 acres of temporary construction disturbance on-site and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include the following:

9.4.1. Detailed specifications for restoring site elevations and vegetative cover of all temporarily disturbed areas to pre-project conditions;

9.4.2. A local California native plant palette and planting plan including seed mixes and application methods and species and number of trees to be planted;

9.4.3. An irrigation plan;

9.4.4. Procedures to ensure nonnative plants are not allowed to sustain within the creation or restoration site and a nonnative plant removal plan;

9.4.5. Success standards with contingency measures.

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 \$204,200 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 Conditions of Approval 9.1 above, sufficient for CDFW or its contractors to purchase credits at a

Incidental Take Permit
No. 2081-2021-065

BUTTE COUNTY PUBLIC WORKS
ORD FERRY ROAD AT LITTLE CHICO CREEK BRIDGE REPLACEMENT

CDFW-approved conservation bank and restore the site to pre-project conditions.

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;
- Timely submission of all required reports; and,
- The site has been restored to pre-project conditions consistent with the CDFW-approved Vegetation Restoration Plan.

Even if Security is provided, the Permittee must complete the required restoration no later than 30 days following the completion of construction. CDFW may require the Permittee to provide additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

IX. Amendment:

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

X. Stop-Work Order:

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

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

XI. Compliance with Other Laws:

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

XII. Notices:

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 at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2021-065-02) 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
1701 Nimbus Road

Incidental Take Permit
No. 2081-2021-065
BUTTE COUNTY PUBLIC WORKS
ORD FERRY ROAD AT LITTLE CHICO CREEK BRIDGE REPLACEMENT

Rancho Cordova, CA 95670
Telephone: (916) 358-2900
Email: R2CESA@wildlife.ca.gov

and a copy to:

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

Melissa Stanfield, Senior Environmental Scientist (Specialist)
629 Entler Avenue, Suite 12
Chico, CA 95928
Telephone: (916) 597-6417
Email: melissa.stanfield@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, Butte County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Ord Ferry Road at Little Chico Creek Bridge Replacement Project Mitigated Negative Declaration and Initial Study (SCH No.: 2019049055) dated April 11, 2019, that Butte County adopted for the Ord Ferry Road at Little Chico Creek on June 19, 2021. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's Mitigated Negative Declaration] for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to, and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of 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. 2081-2021-065
BUTTE COUNTY PUBLIC WORKS
ORD FERRY ROAD AT LITTLE CHICO CREEK BRIDGE REPLACEMENT

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 Ord Ferry Road over Little Chico Creek Mitigated Negative Declaration, the USFWS and NMFS 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) purchase of Covered Species credits at a CDFW-approved conservation or mitigation bank; (2) establishment of avoidance zones; (3) worker education; and (4) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the purchase of 0.09 acres of GGS aquatic habitat, 0.56 acres of GGS upland habitat, and 0.07 acres of CVSR aquatic credits at a CDFW-approved conservation or mitigation bank as compensatory habitat that is contiguous with other protected Covered Species habitat and is of higher quality than the habitat being destroyed by the Project, restoration to pre-project or better conditions the 1.54 acres of upland and 0.17 acres of aquatic Covered Species habitat that will be temporarily disturbed during construction, 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

Incidental Take Permit
No. 2081-2021-065

BUTTE COUNTY PUBLIC WORKS
ORD FERRY ROAD AT LITTLE CHICO CREEK BRIDGE REPLACEMENT

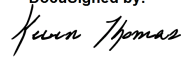
measures for the Project; and

- (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
FIGURE 2	GGIS Impact Map
FIGURE 3	CVSR Impact Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form

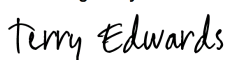
ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 08/04/2022

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.

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By: _____ Date: 8/11/2022 | 2:19 PM PDT

Printed Name: Terry Edwards Title: Public Works Assistant Director

Incidental Take Permit
 No. 2081-2021-065
BUTTE COUNTY PUBLIC WORKS
ORD FERRY ROAD AT LITTLE CHICO CREEK BRIDGE REPLACEMENT

Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) CALIFORNIA ENDANGERED SPECIES ACT

INCIDENTAL TAKE PERMIT NO. 2081-2021-065-02

PERMITTEE: Butte County Public Works

**PROJECT: ORD FERRY ROAD AT LITTLE CHICO CREEK BRIDGE
REPLACEMENT PROJECT**

PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure that the impact minimization and mitigation measures required by the Department of Fish and Wildlife (CDFW) for the above-referenced Project are properly implemented, and thereby to ensure compliance with section 2081(b) of the Fish and Game Code and section 21081.6 of the Public Resources Code. A table summarizing the mitigation measures required by CDFW is attached. This table is a tool for use in monitoring and reporting on implementation of mitigation measures, but the descriptions in the table do not supersede the mitigation measures set forth in the California Incidental Take Permit (ITP) and in attachments to the ITP, and the omission of a permit requirement from the attached table does not relieve the Permittee of the obligation to ensure the requirement is performed.

OBLIGATIONS OF PERMITTEE

Mitigation measures must be implemented within the time periods indicated in the table that appears below. Permittee has the primary responsibility for monitoring compliance with all mitigation measures and for reporting to CDFW on the progress in implementing those measures. These monitoring and reporting requirements are set forth in the ITP itself and are summarized at the front of the attached table.

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

CDFW may, at its sole discretion, verify compliance with any mitigation measure or independently assess the effectiveness of any mitigation measure.

TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Source, Implementation Schedule, Responsible Party, and Status/Date/Initials. The Mitigation Measure column summarizes the mitigation requirements of the ITP. The Source column identifies the ITP condition that sets forth the mitigation measure. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure. The Status/Date/Initials column shall be completed by the Permittee during preparation of each Status Report and the Final Mitigation Report, and must identify the implementation status of each mitigation measure, the date that status was determined, and the initials of the person determining the status.

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Before starting Covered Activities, 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, natural history, collecting and handling 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.	ITP Condition # 6.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. 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.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	Before starting Covered Activities, 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.	ITP Condition # 6.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
5	If there are areas of Covered Species habitat within the Project Area that can be avoided, Permittee shall clearly delineate those areas with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of the avoided Covered Species' habitat.	ITP Condition # 6.10	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
6	No more than 24 hours 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 (including all upland habitat within 200 feet of Covered Species aquatic habitat) and the Designated Biologist shall repeat the survey if a lapse in Covered Activities of fourteen (14) consecutive 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.	ITP Condition # 8.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
7	Permittee shall develop a GGS Relocation Plan and submit it to CDFW for approval ten (10) calendar days prior to initiating Covered Activities. Permittee shall quantify the amount, relative location, and quality of suitable habitat (aquatic and terrestrial) for relocation areas, including invasive and non-native species present, available upland burrows, suitable prey items, and potential barriers for movement. Due to genetically distinct populations, relocation areas should be within the same watershed as the site and must be pre-approved in writing by the CDFW.	ITP Condition # 8.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
8	<p>The Permittee shall develop a detailed Dewatering and CVSR Rescue Plan and submit it to CDFW for approval at least ten (10) calendar days prior to initiating dewatering in Little Chico Creek. The CVSR Dewatering and Rescue Plan shall include, at a minimum, the following measures:</p> <ul style="list-style-type: none"> Only a CDFW-approved Designated Biologist with experience in CVSR capture and handling shall participate in the capture, handling, and monitoring of CVSR. Relocation activities shall be performed during the morning when temperatures are coolest. Hourly air and water temperatures shall be measured and recorded. Identify the most appropriate release location(s). Release locations shall provide suitable habitat elements for CVSR and shall be selected to minimize the likelihood of re-entering the work area. Pictures and a map of the release locations shall be included in the Dewatering and Rescue Plan. Little Chico Creek shall be dewatered by first installing a downstream cofferdam and then pumping water from within the Project area to downstream of the cofferdam. Dewatering pumps will comply with NMFS Southwest Region's Juvenile Fish Screen Pump Criteria for Pump Intakes. The outflow end of the pump will be equipped with a sediment filter to dissipate outlet flows and serve as backup filtration media. Water being pumped from pools would be drawn down incrementally by 50%, 75%, 90%, and 100% to facilitate fish capture and relocation. During dewatering efforts and prior to fully dewatering the Project Area, Covered Species in the work area shall be rescued and relocated. Efforts shall be made to reduce collecting and handling stress, minimize the time that CVSR are held in buckets, and minimize handling stress during processing and release. Covered Species shall not be held in containers with other <p>(continues on next page)</p>	ITP Condition # 8.3	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
8	<ul style="list-style-type: none"> species. If not immediately released, buckets must be kept in the shade and water temperatures monitored to be consistent with the temperature in the creek. Immediately after collection, CVSR shall be identified and counted. Capture methods may include dip nets. All nets shall be made of a soft braded nylon material that is nonabrasive. Mesh sizing shall be matched to species and the life stages likely encountered. Covered Species shall be processed first and released as soon as possible. Species name and length data will be recorded on data sheets, as well as time, date, location, gear type, water temperature, and any other pertinent observations of the Covered Species. Rescue operations may result in Covered Species mortality. If Covered Species suffer mortality, the Permittee shall preserve individuals by freezing or placing in a sealed container with 10 percent formalin solution. Information on time and exact location of any incidental take, method of take, length of time from death to preservation, water temperature, and any other relevant information will be recorded in writing. Permittee shall contact the CDFW regional representative for instructions on transmitting preserved individuals. After completing the rescue, a brief documentation report shall be prepared. The report shall include information on the personnel conducting the Covered Species rescue, methods used, numbers of Covered Species collected and relocated, relocation site information, length data, and estimate of the survival of Covered Species immediately after release. Photographs of the site and rescue operations shall be included. Any take of non-Covered Species shall be documented. The report shall be provided by the Permittee to CDFW within 10 days of the rescue effort. After the Covered Species rescue effort is completed, if additional Covered Species are observed, Project activities shall cease until those individuals have been relocated. The Designated Biologist shall remain at the site during dewatering to rescue additional Covered Species as necessary. 	ITP Condition # 8.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	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 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 shall inspect the fencing when onsite and the Permittee shall maintain the fencing until the completion of the Project. Fencing shall be removed upon completion of Covered Activities.	ITP Condition # 8.13	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
10	Permittee shall install exclusionary fencing linearly, 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. Permittee shall install the fencing at least ten (10) feet from aquatic habitat to reduce the hazard of trenching into the Covered Species. Permittee shall place contiguous sandbags on the fence on the inside of the Project Area when trenching is not feasible. 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 8.4. The Designated Biologist(s) shall check the fencing each morning when onsite to ensure no Covered Species have moved into the Project area. Permittee shall ensure the fence is taut and the bottom edge remains buried. Permittee shall remove the fencing upon completion of the Project.	ITP Condition # 8.14	Before commencing ground-disturbing activities	Permittee	
11	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 acreage required to provide for adequate compensation. Purchase 0.56 acres of GGS upland credits and 0.09 acres of GGS aquatic credits from a CDFW-approved conservation or mitigation bank pursuant to Condition of Approval 9.2 below, estimated at \$58,500. Purchase of 0.07 acres CVSR credits from a CDFW-approved conservation or mitigation bank pursuant to Condition of Approval 9.2 below, estimated at \$14,000. Total credit purchase costs for the Project area estimated at \$72,500. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 9.4, calculated at \$80,000/upland acre for 1.54 acres: \$123,200 and \$50,000/aquatic acre for 0.17 acres: \$8,500, for a total restoration cost of \$131,700.	ITP Condition # 9.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
12	If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 0.09 acres of GGS aquatic credits, 0.56 acres of GGS upland credits, and 0.07 acres of CVSR credits from a CDFW-approved mitigation or conservation bank prior to starting Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.	ITP Condition #9.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
13	Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.	ITP Conditions #9.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
14	<p>Permittee shall restore to pre-project or better conditions the 1.54 acres of upland and 0.17 acres of aquatic Covered Species habitat that will be temporarily disturbed during construction. Within 120 days of the execution of this ITP, the Permittee shall prepare a Vegetation Restoration Plan (Plan) to facilitate restoration of the 1.71 acres of temporary construction disturbance on-site and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include the following:</p> <ul style="list-style-type: none"> • Detailed specifications for restoring site elevations and vegetative cover of all temporarily disturbed areas to pre-project conditions; • A local California native plant palette and planting plan including seed mixes and application methods and species and number of trees to be planted; • An irrigation plan; • Procedures to ensure nonnative plants are not allowed to sustain within the creation or restoration site and a nonnative plant removal plan; • Success standards with contingency measures. 	ITP Conditions #9.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
15	<p>The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ol style="list-style-type: none"> <u>Security Amount.</u> The Security shall be in the amount of \$204,200. This amount is based on the cost estimates identified in Condition 9.1 above; <u>Security Form.</u> 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; <u>Security Timeline.</u> The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of the ITP, whichever occurs first; <u>Security Holder.</u> The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW; <u>Security Transmittal.</u> If CDFW holds the Security, 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 escrow, irrevocable letter of credit, or other; <u>Security Drawing.</u> 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 the ITP; <u>Security Release.</u> 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: <ul style="list-style-type: none"> Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits; Timely submission of all required reports; and, The site has been restored to pre-project conditions consistent with the CDFW-approved Vegetation Restoration Plan. <p>Even if Security is provided, the Permittee must complete the required restoration no later than 30 days following the completion of construction. CDFW may require the Permittee to provide additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition # 10	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
16	The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
17	No later than 10 days prior to the start of construction activities, submit a final plan set via email to the CDFW Regional Representative.	ITP Condition # 8.20	Before commencing ground- or vegetation-disturbing activities	Permittee	

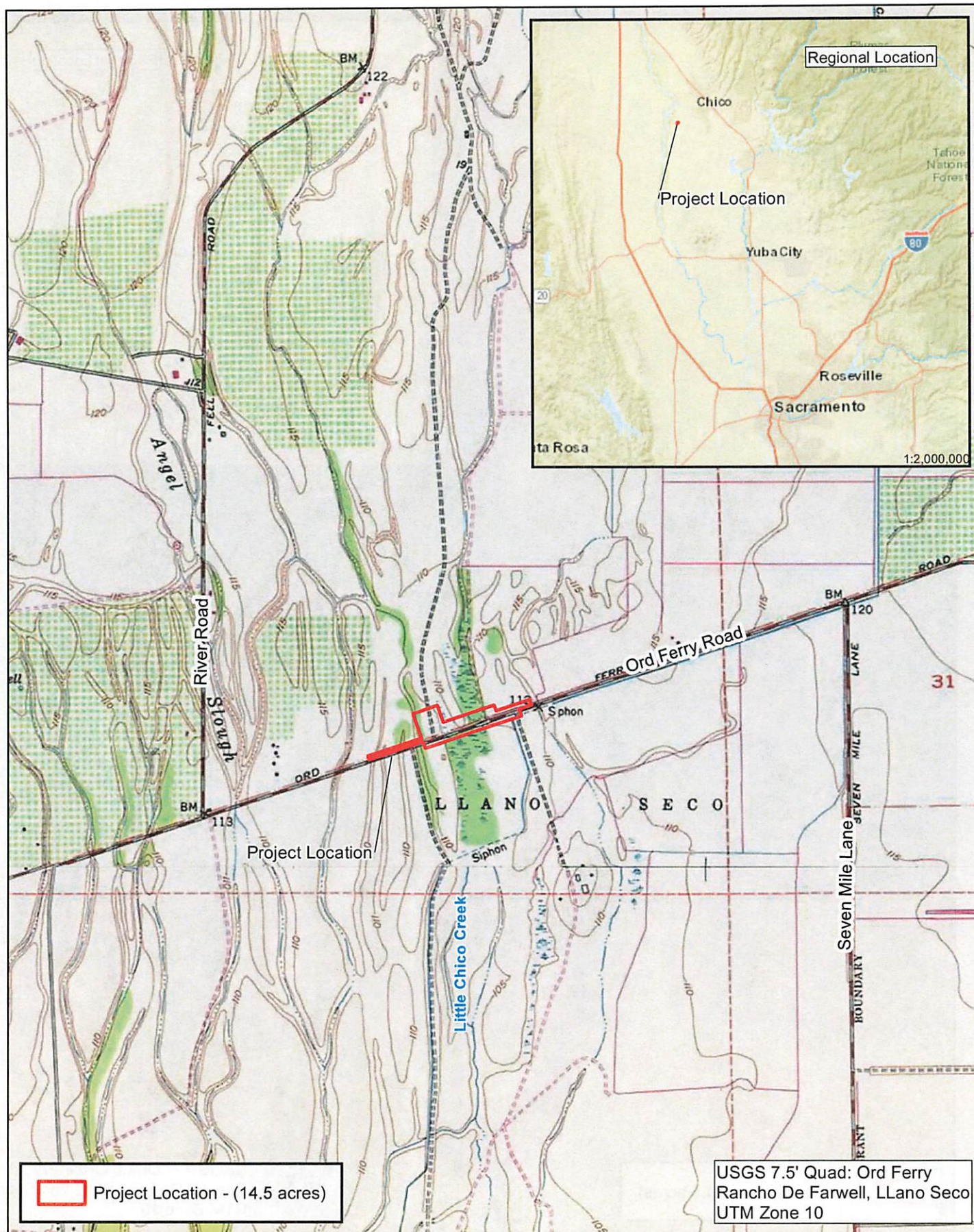
	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
DURING CONSTRUCTION					
18	The Designated Biologist shall be on-site daily during clearing, grubbing, initial grading, dewatering, and during the installation and removal of the clear water diversions. Following the completion of these activities, the Designated Biologist shall conduct monthly 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.	ITP Condition # 7.3	Entire Project	Permittee	
19	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.	ITP Condition # 7.2	Entire Project	Permittee	
20	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.	ITP Condition # 6.6	Entire Project	Permittee	
21	Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 6.7	Entire Project	Permittee	
22	Permittee shall install erosion control structures and materials concurrently with construction. Permittee shall construct and install these structures and materials, 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 structures and materials shall direct water flow into existing drainages or disperse water across vegetated areas. 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.	ITP Condition # 6.8 and 8.17	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
23	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.	ITP Condition # 6.11	Entire Project	Permittee	
24	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.	ITP Condition # 6.12	Entire Project	Permittee	
25	Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 6.13	Entire Project	Permittee	
26	Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	ITP Condition # 6.14	Entire Project	Permittee	
27	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.	ITP Condition # 6.5	Entire Project	Permittee	
28	Stream Diversions/Dewatering. Once all Covered Species have been relocated the Permittee shall finish dewatering all suitable Covered Species aquatic habitat and install stream diversion(s). Construction activities shall not occur within aquatic habitat until all dewatering and stream diversion installation are complete and the aquatic habitat has remained dry for 48 hours. Stream flow(s) shall be diverted using gravity flow through temporary culverts, pipes, k-rails. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as, gravel bags, water dams, or clean/washed river gravel which will cause little or no siltation. Stream diversions, including a majority of the clean river gravel, shall be removed and the channel restored prior to the closing of the in-water work window each construction season.	ITP Condition # 8.4	Entire Project	Permittee	
29	Permittee shall divert flow in a manner that prevents turbidity, siltation, or pollution and provides flows downstream. Flows downstream shall be provided during all times that the natural flow would have supported aquatic life. Said flows shall be sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion.	ITP Condition # 8.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
30	All water diversion facilities shall be designed, constructed, and maintained so they do not prevent, impede, or tend to prevent or impede the passing of fish downstream, as required by Fish and Game Code section 5901. This includes, but is not limited to, maintaining, or providing a supply of water at an appropriate depth and velocity to facilitate downstream migration of juvenile and adult salmonids.	ITP Condition # 8.6	Entire Project	Permittee	
31	Permittee shall restore normal flows to suitable Covered Species aquatic habitat immediately upon completion of each construction season.	ITP Condition # 8.7	Entire Project	Permittee	
32	Notwithstanding Section 6027 of the Fish and Game Code, fish screens shall be in place and maintained in working order at all times water is being diverted or dewatered.	ITP Condition # 8.8	Entire Project	Permittee	
33	If night work is necessary, lighting shall be selectively placed, shielded, and directed away from Covered Species' natural habitat. Night work shall be restricted to activities that are not in-water to ensure CVSR are allowed to migrate upstream and downstream (10pm to 8am are typical periods for the migration of the CVSR in their juvenile and adult life stages).	ITP Condition # 8.10	Entire Project	Permittee	
34	. Permittee shall stockpile soil or grading spoils in the designated Staging Areas to avoid affecting previously undisturbed areas. Permittee shall install sediment barriers (e.g., silt fences, fiber rolls, and straw bales) 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.	ITP Condition # 8.11	Entire Project	Permittee	
35	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.	ITP Condition # 8.12	Entire Project	Permittee	
36	To prevent inadvertent entrapment of the Covered Species during construction, the Designated Biologist(s) and/or construction foreman/manager shall ensure all excavated, steep-walled holes or trenches more than 12-inches deep are provided with one or more escape ramps constructed of earthen fill or wooden planks at no greater than 30 degrees. These areas shall be inspected prior to sunrise each morning. Before such holes or trenches are filled, they shall be thoroughly inspected by either the Designated Biologist(s) and/or construction foreman/manager for trapped animals.	ITP Condition # 8.15	Entire Project	Permittee	
37	When onsite the Designated Biologist(s) shall perform a daily inspection to check under vehicles and equipment, along exclusion fences, and in debris piles/excavated pits for the Covered Species before the vehicles and equipment are moved. When the Designated Biologist is not onsite the Permittee is responsible for performing daily species checks. If a Covered species is observed, the Permittee and/or their worker shall notify the Designated Biologist(s). 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 8.4.	ITP Condition # 8.16	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
38	The Designated Biologist shall be immediately notified by Project personnel if Project activities injure a Covered Species. The Designated Biologist shall immediately notify CDFW and the Capture and Handling Designated Biologist of the injured Covered Species and have the injured Covered Species transported to a CDFW approved wildlife rehabilitation or veterinarian facility. A clean snake bag shall be kept on-site to transport any injured Covered Species. Permittee shall identify the wildlife rehabilitation or veterinarian facility, and provide their authorizations to handle the Covered Species, that will receive and treat any injured or dead Covered Species before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Designated Biologist(s) shall provide notification to CDFW as detailed in Condition of Approval 7.8. Permittee shall also include the name and phone number for the facility where the Covered Species was taken.	ITP Condition # 8.19	Entire Project	Permittee	
39	To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist shall have authority to immediately stop any activity that is not in compliance with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species, or a species not covered by the ITP.	ITP Condition # 6.3	Entire Project	Permittee	
40	The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Quarterly 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. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Senior Environmental Scientist, Melissa Murphy (melissa.murphy@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 7.4	Entire Project	Permittee	
41	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 Quarterly Compliance Reports for that year identified in Condition of Approval 7.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species	ITP Condition # 7.5	Entire Project	Permittee	
42	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 Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 7.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
43	Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all flagging, temporary fencing, barriers, temporary fill, and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 6.15 and 8.18	Post-construction	Permittee	
44	No later than 45 days after completion of all site restoration, 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 Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 7.7	Post-construction and after completion of mitigation	Permittee	
45	CDFW accepts the Final Mitigation Report as complete.	ITP Condition # 7.7	Post-construction	CDFW	





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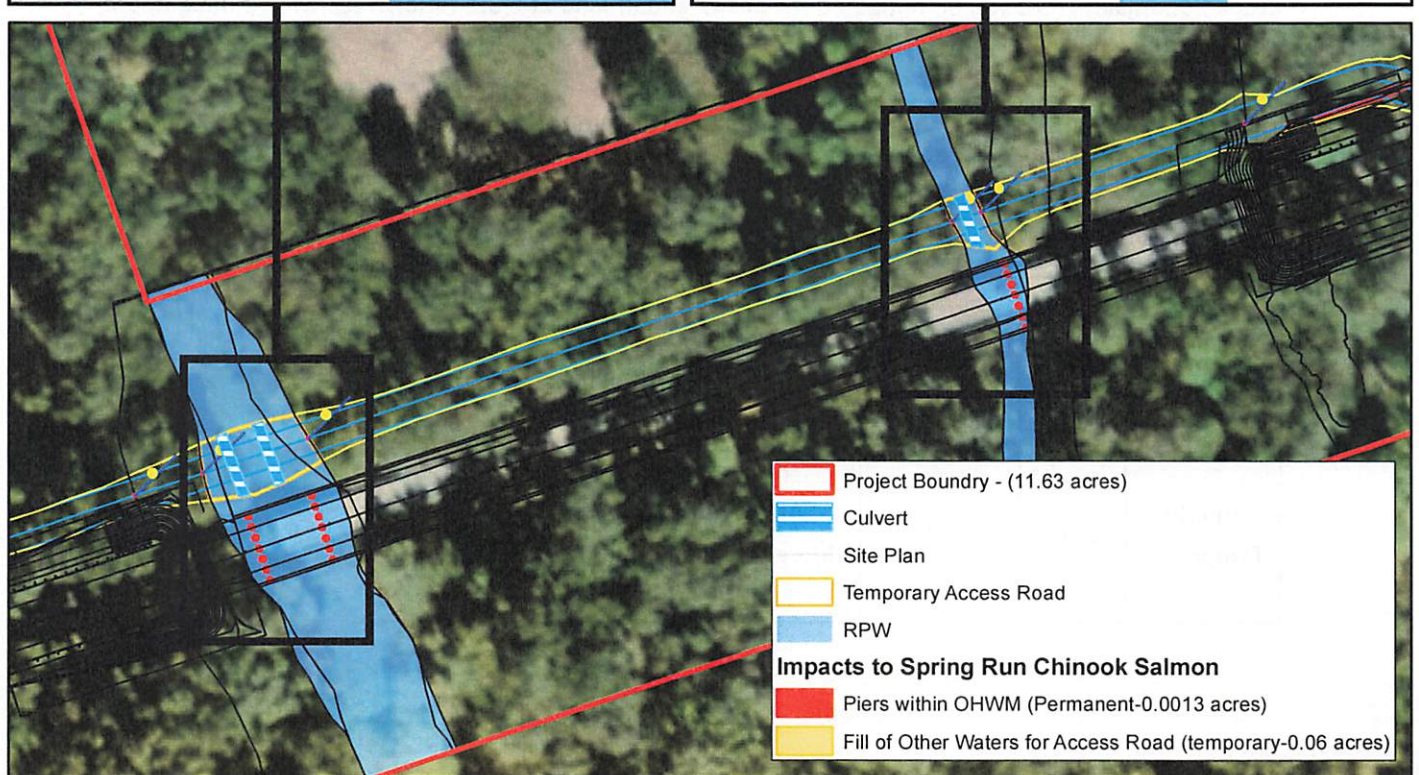
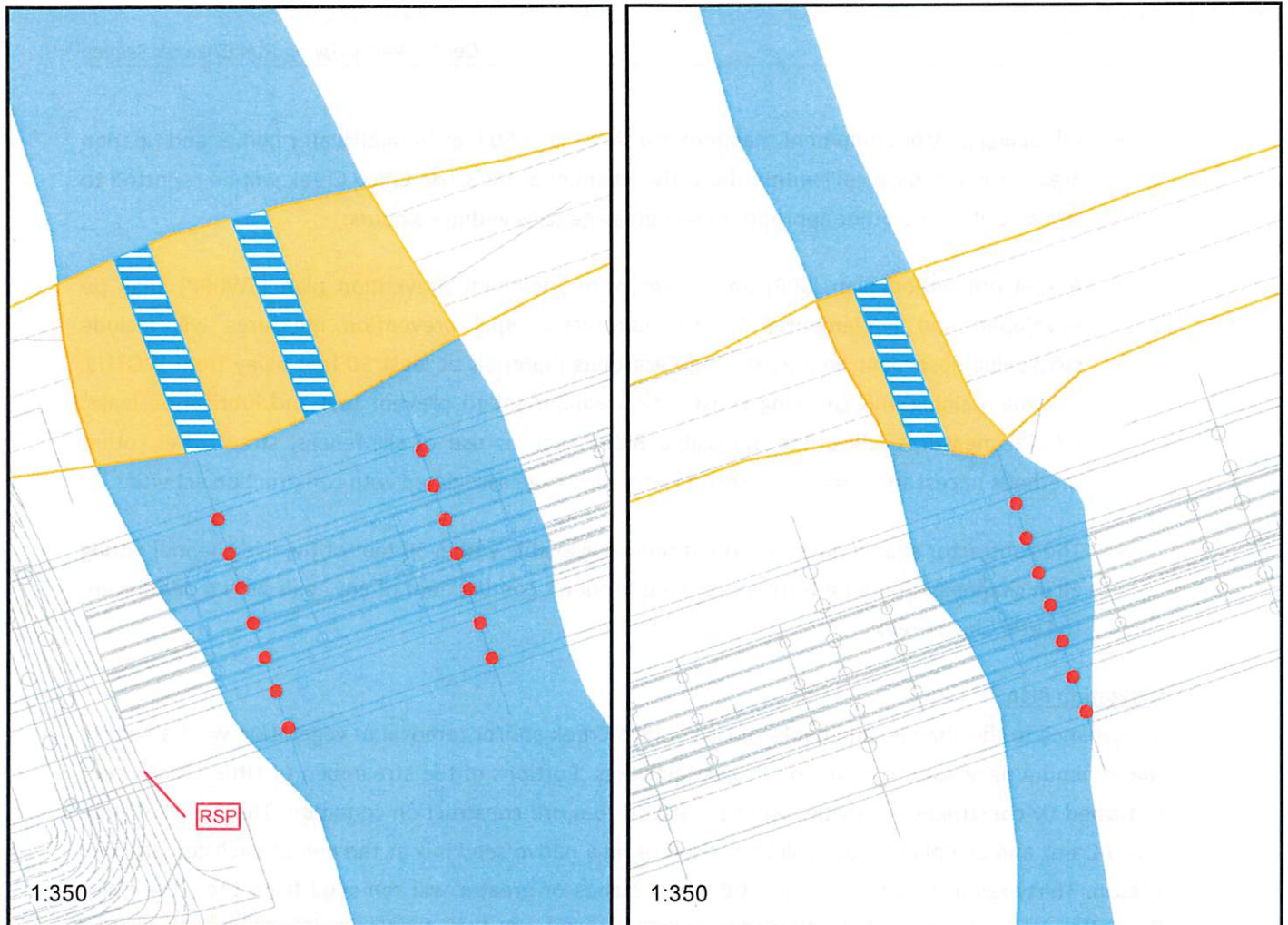
Data Sources: ESRI, USDA NAIP

Imagery: 07/13/17, Quincy Engineering, Butte County, USGS

Ord Ferry Road at Little Chico Creek Bridge Replacement Project
GGS Habitat Effects
Figure 3

gallaway
ENTERPRISES

GE# 16-025 Map Date: 12/13/17
Revised 7/15/2021



Notice of Determination**- 1 -****To:**

☒ Office of Planning and Research
 For U.S. Mail:
 P.O. Box 3044
 Sacramento, CA 95812-3044

Street Address:

1400 Tenth Street
 Sacramento, CA 95814

From:

California Department of Fish and Wildlife (CDFW)
 North Central Region
 1701 Nimbus Road, Suite A
 Contact: Melissa Stanfield
 Phone: (916) 597-6417

Lead Agency

Butte County Public Works
 7 County Center Drive, Oroville CA 95965
 Contact: Terry Edwards, Assistant Director Public Works –
 Engineering
 Phone: (530) 552-5710

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108

State Clearinghouse Number: 2019049055

Project Title: Ord Ferry Road over Little Chico Creek Bridge Replacement Project (Project) (California Endangered Species Act Incidental Take Permit No. 2081-2021-065-02 (ITP)).

Project Location (include county): The Project is located on Ord Ferry Road in unincorporated Butte County approximately 1 mile west of the intersection of Ord Ferry Road and 7 Mile Road (39.6306, -121.9330, WGS 84 datum, decimal degrees).

Project Description: The Project includes removal of the structurally deficient existing bridge and construction of a new wider bridge on the existing alignment. The new bridge cast-in-place reinforced concrete slab bridge will be founded on cast-in-steel-shell piles and will be 640 feet long by approximately 43 feet wide. Ord Ferry Road will be widened to 40 feet for a length of approximately 400' feet to the west and 500' to the east of the proposed bridge. Existing electrical, telephone, and fiber optic utilities located on the west side of the Ord Ferry Road will need to be relocated as part of the project. Phasing of the bridge and roadway approach construction is required to keep the road open to conventional traffic during construction operations. This phased bridge construction alternative would require two construction seasons and approximately 18 months of single lane traffic control utilizing a temporary traffic signal system. A temporary access road will need to be installed to facilitate construction access. The access road will require installing a clear water diversion within Little Chico Creek from May 1 through October 31 in both seasons of construction. The field northwest of the existing bridge will serve as a staging area for equipment and materials. Tree removal and impacts to riparian and grassland habitats are anticipated.

The Project is expected to temporarily impact 0.17 acres of aquatic habitat and 1.54 acres of upland habitat and cause the permanent loss of 0.09 acres of aquatic habitat and 0.56 acres of upland giant garter snake (GGs, *Thamnophis gigas*) habitat. The Project is expected to permanently impact 0.0013 acres and temporarily impact 0.06 acres of Central Valley spring-run Chinook salmon (CVSR, *Oncorhynchus tshawytscha*) habitat. The project is expected to result in incidental take of GGS and CVSR, which are designated as a threatened species under the California Endangered Species Act. The ITP referenced above as issued by CDFW authorizes incidental take of species listed under CESA that may occur as a result of Project implementation.

This is to advise that CDFW, acting as [☐ the lead agency / ☒ a responsible agency] issued the ITP amendment on the date signed below and made the following determinations regarding the above described project:

1. The project [☐ will / ☒ will not] have a significant effect on the environment (This determination is limited to effects within CDFW's permitting jurisdiction as a responsible agency).
2. [☐ An environmental impact report / ☒ A negative declaration] was prepared by the lead agency for the original project.
3. Additional mitigation measures [☐ were / ☒ were not] made a condition of CDFW's approval of the project.
4. A mitigation reporting or monitoring plan [☒ was / ☐ was not] adopted by CDFW for this project.
5. A Statement of Overriding Considerations [☐ was / ☒ was not] adopted by CDFW for this project.
6. Findings [☐ were / ☒ were not] made by CDFW pursuant to Public Resources Code § 21081(a). CDFW did, however, adopt findings to document its compliance with CEQA.

Notice of Determination

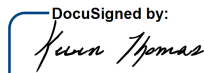
- 2 -

7. Compliance with the environmental filing fee requirement at Fish and Game Code § 711.4 (check one):

☐ Payment is submitted with this notice.

☒ A copy of a receipt showing prior payment was submitted to CDFW.

☒ Responsible Agency statement: The Negative Declaration prepared by the lead agency for the Project is available to the general public at the office location listed above for the lead agency. CDFW's administrative record of proceedings related to the incidental take permit is available to the public for review at CDFW's regional office.

DocuSigned by:

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Signature:

Date: 8/5/2022

Kevin Thomas, *Regional Manager*

Date Received for filing at OPR: _____

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
CALIFORNIA ENDANGERED SPECIES ACT
INCIDENTAL TAKE PERMIT
NO. 2081-2021-065-02**

**Butte County Public Works
Ord Ferry Road at Little Chico Creek Bridge Replacement**

CEQA FINDINGS

INTRODUCTION:

The California Department of Fish and Wildlife (CDFW) has prepared these findings to document its compliance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 *et seq.*). CDFW is a responsible agency under CEQA with respect to the Ord Ferry Road at Little Chico Creek Bridge Replacement (Project) because of its permitting authority under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*). (See generally Pub. Resources Code, §§ 21002.1, subd. (d), 21069; CEQA Guidelines, § 15381; see also Cal. Code Regs., tit. 14, § 783.3, subd. (a).)¹ CDFW makes these findings under CEQA as part of its discretionary decision to authorize Butte County Public Works (Permittee) to incidentally take giant garter snake (GGS, *Thamnophis gigas*) and Central Valley spring-run Chinook salmon (CVSR, *Oncorhynchus tshawytscha*) (hereafter, collectively referred to as Covered Species) during implementation of the Project. (See generally Fish & G. Code, § 2081, subd. (b); Cal. Code Regs., tit. 14, § 783.4.) The GGS and CVSR are designated as threatened species under CESA. (Cal. Code Regs., tit. 14, § 670.5, subd. (b)(4)(E) and (b)(2)(C), respectively)

CDFW is a responsible agency under CEQA with respect to the Project because of prior environmental review and approval of the Project by the lead agency, Butte County Public Works Butte County). (See generally Pub. Resources Code, § 21067; CEQA Guidelines, § 15367.) Butte County analyzed the environmental impacts associated with implementation of the Project in a Mitigated Negative Declaration and Initial Study (SCH No. 2019049055) and approved the Project on June 19, 2021. In so doing, Butte County imposed various mitigation measures for impacts to the Covered Species as conditions of Project approval and concluded that Project-related impacts to the Covered Species could be substantially lessened with implementation of mitigation and avoidance measures, such that the impacts would be less than significant.

As approved by Butte County, the Project involves removal of the structurally deficient existing bridge and construction of a new wider bridge on the existing alignment. The new bridge cast-in-place reinforced concrete slab bridge will be founded on cast-in-steel-shell piles and will be 640 feet long by approximately 43 feet wide. Ord Ferry Road will be widened to 40 feet for a length of approximately 400' feet to the west and 500' to the east

¹ The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with Section 15000.

CEQA Findings

Ord Ferry Road Bridge Replacement – 2081-2021-065-R2

Page | 2

of the proposed bridge. Existing electrical, telephone, and fiber optic utilities located on the west side of the Ord Ferry Road will need to be relocated as part of the project. Phasing of the bridge and roadway approach construction is required to keep the road open to conventional traffic during construction operations. This phased bridge construction alternative would require two construction seasons and approximately 18 months of single lane traffic control utilizing a temporary traffic signal system. A temporary access road will need to be installed to facilitate construction access. The access road will require installing a clear water diversion within Little Chico Creek from May 1 through October 31 in both seasons of construction. The field northwest of the existing bridge will serve as a staging area for equipment and materials. Tree removal and impacts to riparian and grassland habitats are anticipated. The Project is expected to temporarily impact 0.17 acres of aquatic habitat and 1.54 acres of upland habitat and cause the permanent loss of 0.09 acres of aquatic habitat and 0.56 acres of upland GGS habitat. The Project is expected to permanently impact 0.0013 acres and temporarily impact 0.06 acres of CVSR habitat. Take of the Covered Species as defined by Fish and Game Code is expected. (Fish & G. Code, § 86.) These impacts fall within CDFW's permitting jurisdiction under CESA. (*Id.*, §§ 2080, 2081, subd. (b).)

As a responsible agency, CDFW's CEQA obligations are more limited than those of the lead agency, in that CDFW is responsible for considering only the effects of those activities involved in the Project which it is required by law to carry out or approve. Thus, while CDFW must consider the environmental effects of the Project as set forth in the Butte County's prior analysis, CDFW has responsibility to mitigate or avoid only the direct or indirect environmental effects of those parts of the Project which it decides to carry out, finance, or approve. (Pub. Resources Code, § 21002.1, subd. (d); CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because CDFW's exercise of discretion is limited to issuance of an Incidental Take Permit (ITP) for the Project, CDFW is responsible for considering only the environmental effects that fall within its permitting authority under CESA. (See generally *San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4th 924, 935-941.) Indeed, with respect to all other effects associated with implementation of the Project, CDFW is bound by the legal presumption that the Mitigated Negative Declaration fully complies with CEQA. (Pub. Resources Code, § 21167.3; *City of Redding v. Shasta County Local Agency Formation Commission* (1989) 209 Cal.App.3d 1169, 1178-1181; see also CEQA Guidelines, § 15096, subd. (e); Pub. Resources Code, § 21167.2; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1130.)

FINDINGS:

CDFW has considered the Mitigated Negative Declaration adopted by Butte County as the lead agency for the Project.

CDFW finds that the mitigation measures imposed as conditions of Project approval by Butte County, along with the mitigation measures and Conditions of Approval set forth in

CEQA Findings

Ord Ferry Road Bridge Replacement – 2081-2021-065-R2

Page | 3

CDFW's ITP for the Project, will ensure that all Project-related impacts on the Covered Species are mitigated to below a level of significance under CEQA.

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

The following measures and others set forth in CDFW's ITP for the Project will avoid to the extent feasible and mitigate to below a level of significance all Project-related impacts on the Covered Species:

- A. A Designated Biologist who is knowledgeable and experienced in the biology and natural history of the Covered Species will monitor construction and/or surface-disturbing activities to minimize habitat disturbance and take of individual Covered Species. The Designated Biologist will have the authority to stop construction and/or surface-disturbing activities and/or order any reasonable measure to avoid take of the Covered Species.
- B. Orientation will be provided to construction staff to familiarize them with the conditions of the Permit and the measures to avoid and minimize impacts to the Covered Species.
- C. The Permittee shall purchase 0.72 acres of Covered Species' credits from a CDFW-approved conservation bank. In addition, the Permittee shall restore on-site 1.71 acres of temporarily impacted Covered Species habitat. Within 12 months of issuance of the ITP, the Permittee shall prepare a Vegetation Restoration Plan to facilitate restoration of the 1.71 acres of temporary construction disturbance on-site and shall ensure that the Plan is successfully implemented by the contractor.
- D. Compliance monitoring will be reported quarterly, and annual reports will be sent to CDFW by January 31 of each year.
- E. Non-compliance will be reported to CDFW within 24 hours during the construction phase.
- F. Permittee shall develop and submit to CDFW for approval a GGS Relocation Plan and a CVSR Dewatering and Rescue Plan. All Covered Species found on the Project site shall be relocated by the Designated Biologist to an approved protected off-site location.

CEQA Findings

Ord Ferry Road Bridge Replacement – 2081-2021-065-R2


Page | 4

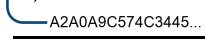
- G. Permittee will prepare and submit a final mitigation report within 45 days following completion of site restoration to notify CDFW of the success and effectiveness of required mitigation measures.

CDFW finds that the Mitigation Monitoring and Reporting Program in Attachment 1 of CDFW's ITP for the Project will ensure compliance with mitigation measures by requiring the Permittee to monitor and report progress in implementing those measures for review by CDFW staff.

The Mitigation Monitoring and Reporting Program is adopted.

The Project is approved.

DATE:  8/5/2022

By: 
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Kevin Thomas, Regional Manager
North Central Region
DEPARTMENT OF FISH AND WILDLIFE

Certificate Of Completion

Envelope Id: CCE03C68871B4CCEA538C6FF638AB322

Status: Completed

Subject: Please DocuSign: FINAL ITP 2081-2021-065-02 Ord Ferry Bridge Replacement te.pdf

Source Envelope:

Document Pages: 44

Signatures: 1

Envelope Originator:

Certificate Pages: 2

Initials: 0

Terry Edwards

AutoNav: Disabled

7 County Center Dr.

Envelopel Stamping: Disabled

Oroville, CA 95965

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

TEdwards@buttecounty.net

IP Address: 63.198.28.28

Record Tracking

Status: Original

Holder: Terry Edwards

Location: DocuSign

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TEdwards@buttecounty.net

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Storage Appliance Status: Connected

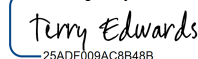
Pool: Butte County Public Works

Location: DocuSign

Signer Events**Signature****Timestamp**

Terry Edwards

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Sent: 8/11/2022 2:17:24 PM

TEdwards@buttecounty.net

Viewed: 8/11/2022 2:17:33 PM

Senior Engineer

Signed: 8/11/2022 2:19:53 PM

Public Works

Freeform Signing

Security Level: Email, Account Authentication
(None)

Signature Adoption: Pre-selected Style

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Not Offered via DocuSign

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Raymond Cooper



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rcooper@buttecounty.net

Viewed: 8/11/2022 2:20:34 PM

Public Works

Security Level: Email, Account Authentication
(None)**Electronic Record and Signature Disclosure:**

Not Offered via DocuSign

Witness Events**Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

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Signing Complete

Security Checked

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Completed

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