



## **ATTACHMENT F**

### **REGULATORY PERMITS AND ENVIRONMENTAL COMMITMENTS ALL BRIDGES**



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825-1846



In Reply Refer to:  
08ESMF00-2015-  
F-0042-R001-1

May 19, 2020

Ms. Laura Loeffler  
Chief, North Region Environmental M-1  
California Department of Transportation, District 3  
703 B Street  
Marysville, California 95901-5556  
Laura.Loeffler@dot.ca.gov

Subject: Reinitiation of Formal Consultation on the County Road 67 Bridge Replacement Project, Glenn County, California (Caltrans Fed. ID# BRLO-5911 [047, 048, 049, and 050])

Dear Ms. Loeffler:

This letter is in response to the California Department of Transportation's (Caltrans), January 9, 2020, request for reinitiation of formal consultation with the U.S. Fish and Wildlife Service (Service) on the proposed County Road 67 Bridge Replacement Project (proposed project), in Glenn County, California. Your request, which included the November 2019, *County Road 67 Bridge Replacements Biological Assessment for Giant Garter Snake (*Thamnophis gigas*)* (biological assessment), was received by the Service on January 13, 2020. The biological assessment presents an evaluation of the proposed project's effects on species federally-listed under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act).

The federal action we are consulting on is the replacement of four bridges along County Road 67 spanning irrigation ditches which drain to Howard Slough by the Glenn County Planning and Public Works Agency (applicant) in coordination with Caltrans and the Federal Highway Administration (FHWA). The proposed project is receiving federal funding through FHWA and Caltrans has assumed FHWA's responsibilities under the Act for this consultation in accordance with Section 1313, Surface Transportation Project Delivery Program, of the Moving Ahead for Progress in the 21st Century Act (MAP-21) of 2012. The MAP-21 is described in the National Environmental Policy Act assignment Memorandum of Understanding between FHWA and Caltrans (effective March 30, 2017) and codified in 23 U.S.C. 327. This response is provided under the authority of the Act, and in accordance with the implementing regulations pertaining to interagency cooperation (50 CFR 402).

The findings presented in the biological assessment conclude that the proposed project may affect, and is likely to adversely affect the federally-listed as threatened giant garter snake (*Thamnophis gigas*) (snake). The proposed project is not within designated or proposed critical habitat for any federally-listed species.

The Service concurs with your findings that the proposed project may affect, and is likely to adversely affect the snake. The proposed project reached the ‘may affect’ level, and the subsequent requirement for a biological assessment, due to the fact that the proposed project occurs within the known range of the snake, suitable habitat for the snake is present in the action area, and snakes may be present in the action area. Therefore, this document provides our biological opinion on the effects of the proposed project on the snake.

The Service previously issued a biological opinion analyzing the proposed project’s effects on the snake on February 10, 2015 (Service File Number 08ESMF00-2015-F-0042-1). Caltrans requests reinitiation due to modifications to project design within snake habitat. This new information reveals effects of the proposed project that may affect the snake to an extent not previously considered. Project design changes, including an increase in the estimated linear distance needed for dewatering activities at the four bridge locations, will result in an increase in temporary impacts (1.15 acres to 1.54 acres) and permanent impacts (0.15 acre to 0.21 acre) to suitable aquatic snake habitat. In addition, these project design refinements have also resulted in a decrease in temporary impacts (1.11 acres to 0.74 acre) and permanent impacts (0.48 acre to 0.41 acre) to suitable upland snake habitat.

We based our evaluation of the biological assessment’s findings on the following: (1) your January 9, 2020, letter requesting reinitiation of formal consultation; (1) your November 4, 2014, letter initiating consultation and the August 2014, *County Road 67 Bridge Replacements Biological Assessment for Giant Garter Snake (Thamnophis gigas)*, prepared by North State Resources (consultant), received by the Service on November 7, 2014; (2) email and telephone correspondence between the Service and Caltrans; and (3) other information available to the Service.

### **Consultation History**

<i>November 7, 2014</i>	The Service received the November 4, 2014, letter from Caltrans requesting initiation of formal consultation with the biological assessment enclosed.
<i>November 17, 2014</i>	The Service called Caltrans to discuss additional clarification on avoidance and minimization measures.
<i>December 15, 2014</i>	The Service received an email amending the proposed avoidance and minimization measures.
<i>February 10, 2015</i>	The Service issued a biological opinion on the proposed project (Service File Number 08ESMF00-2015-F-0042-1).
<i>January 13, 2020</i>	The Service received the January 9, 2020, letter from Caltrans requesting reinitiation of formal consultation.

The remainder of this document provides our amended biological opinion on the effects of the proposed project on the snake. Minor changes in text from the original biological opinion are shown in bold to aid in their identification. This document completely replaces the previously issued February 10, 2015, biological opinion.

## BIOLOGICAL OPINION

### Description of the Proposed Action

The proposed project is located along County Road 67, where four bridges span irrigation ditches that drain to Howard Slough, in Glenn County. The four existing bridges will be replaced with new bridges in the same locations and along the same alignment, but will be wider to accommodate two lanes. Upstream and downstream cofferdams will be placed at each bridge location. After demolishing the existing bridge, each new bridge will be constructed by first driving five piles at each support location to a depth of 30 to 40 feet. New abutments will be formed and poured, followed by the deck forms, supported by falsework. At each end of the bridge, a cast-in-place concrete approach slab will be constructed as a transition from the asphalt roadway.

The roadway near each new bridge will be widened and new metal beam guardrails will be installed. All construction will occur within the existing right-of-way. Access to each bridge location will be along existing farm roads. Traffic will be detoured on existing roadways. Permanent rock slope protection will be installed on the creek bed underneath each bridge, along roadway embankments, and on any disturbed areas as necessary. Construction will occur over two construction seasons, completing two bridges each season. As much work as possible will be completed between May 1 and October 1; however, due to changes in water releases between years, it is possible that work may occur outside of the snake's active season. All construction and ground disturbing activities will be initiated during the active season and will be commenced prior to September 15th.

During proposed project construction, **1.54 acres** of aquatic habitat will be temporarily dewatered and **0.74 acre** of upland habitat for the snake will be temporarily disturbed. The new bridge abutments will result in the permanent loss of **0.21 acre** of suitable aquatic habitat for the snake. Also, **0.41 acre** of suitable upland habitat will be permanently lost due to the widening of the roadway and bridge abutments.

### *Conservation Measures*

In addition to implementing Caltrans' standard Best Management Practices (BMPs; Caltrans 2003) throughout the proposed project area for the duration of construction, including erosion and sediment control, the applicant has proposed the following avoidance and minimization measures to minimize effects to the snake. The avoidance and minimization measures proposed below are considered part of the proposed action evaluated by the Service in this biological opinion.

- To compensate for the permanent loss of snake habitat, the applicant will purchase snake conservation credits at a ratio of 3:1 (acre:acre) [(**0.21 acre aquatic + 0.41 acre upland**) x 3 = **1.86 acres**] at a Service-approved conservation bank that has a service area that covers the proposed project.
- As much work as possible will be completed between May 1 and October 1; however, due to changes in water releases between years, it is possible that work may occur outside of the snake's active season. All construction and ground disturbing activities will be initiated during the active season and will be commenced prior to September 15th.
- Twenty-four-hours prior to the commencement of construction activities, the project area shall be surveyed for giant garter snakes by a Service-approved biologist. The biologist will provide the Service with a written report that adequately documents the monitoring efforts within 24-hours of commencement of construction activities. The project area shall be re-

inspected by the monitoring biologist whenever a lapse in construction activity of two weeks or greater has occurred.

- A Worker Environmental Awareness Training Program for construction personnel shall be conducted by a Service-approved biologist for all construction workers, including contractors, prior to the commencement of construction activities.
- During construction operations, stockpiling of construction materials, portable equipment, vehicles, and supplies will be restricted to the designated construction staging areas and all operations will be confined to the minimal area necessary.
- A Service-approved biologist will inspect and monitor all construction-related activities within the project area to attempt to minimize take of the snake or the destruction of its habitat. If snakes are encountered during construction activities, the biologist will notify the Service immediately to determine the appropriate procedures related to the collection and relocation of the snake. A report will be submitted, including date(s), location(s), habitat description, and any corrective measures taken to protect the snake, within one (1) business day. The biologist will be required to report any take of listed species to the Service immediately by telephone at 916-414-6600 and by electronic mail or written letter addressed to the Chief, Sacramento Valley Division, within one (1) working day of the incident.
- Project-related vehicles will observe a 20-mile-per-hour speed limit within construction areas, except on existing paved roads where they will adhere to the posted speed limits.
- Aquatic habitat for the snake will be dewatered, and then remain dry and absent of aquatic prey for 15 days prior to the initiation of construction activities. If complete dewatering is not possible, the Service will be contacted to determine what additional measures may be necessary to minimize effects to the snake.
- Prior to October 1st and after aquatic habitat has been dewatered, high visibility fencing will be erected around the habitats of the snake to identify and protect these areas from encroachment of personnel and equipment. These areas will be avoided by all construction personnel. The fencing shall be inspected by the Contractor before the start of each work day and maintained by the Contractor until completion of the project. Fencing will be established in the uplands immediately adjacent to aquatic snake habitat and extending up to 200 feet from construction activities. Snake exclusionary fencing will be buried at least six inches below the ground to prevent snakes from attempting to burrow or move under the fence.
- After completion of construction activities, the applicant will remove any temporary fill and construction debris and, wherever feasible, restore disturbed areas to pre-project conditions. Restoration work includes such activities as re-vegetating the banks and active channels with a seed mix similar to pre-project conditions.
- A photo documentation report showing pre- and post-project area conditions will be submitted to the Service one (1) month after the implementation of the restoration.

## Action Area

The action area is defined in 50 CFR §402.02 as, “all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action.” For the proposed project, the Service considers the action area to include the construction footprint, as well as any areas used for access and staging. The action area also includes all areas up to 825 feet from the construction footprint in which noise from construction activities is expected to exceed ambient levels (derived from Service 2006).

## Analytical Framework for the Jeopardy Determination

Section 7(a)(2) of the Act requires that federal agencies ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of listed species. “Jeopardize the continued existence of” means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species (50 CFR § 402.02).

The jeopardy analysis in this biological opinion considers the effects of the proposed federal action, and any cumulative effects, on the rangewide survival and recovery of the listed species. It relies on four components: (1) the *Status of the Species*, which describes the current rangewide condition of the species, the factors responsible for that condition, and its survival and recovery needs; (2) the *Environmental Baseline*, which analyzes the current condition of the species in the action area without the consequences to the listed species caused by the proposed action, the factors responsible for that condition, and the relationship of the action area to the survival and recovery of the species; (3) the *Effects of the Action*, which determines all consequences to listed species that are caused by the proposed federal action; and (4) the *Cumulative Effects*, which evaluates the effects of future, non-federal activities in the action area on the species. The *Effects of the Action* and *Cumulative Effects* are added to the *Environmental Baseline* and in light of the status of the species, the Service formulates its opinion as to whether the proposed action is likely to jeopardize the continued existence of the listed species.

## Status of the Species

For the most recent comprehensive assessment of the range-wide status of the snake, please refer to the *Giant Garter Snake (Thamnophis gigas) 5-year Review: Summary and Evaluation* (Service 2012). No change in the snake’s listing status was recommended in the review. The abundance and distribution of the snake has not changed significantly since the previous review, although some populations remain in danger of extirpation due to small population sizes and low habitat quality. Threats discussed in the review have continued to act on the snake since the 2012 5-year review was finalized, with loss and fragmentation of habitat being the most significant effect. While there continue to be losses of snake habitat throughout its range, to date no project has proposed a level of effect for which the Service has issued a biological opinion of jeopardy for the snake. Prolonged drought is also a threat to the snake, and the loss in habitat availability due to reductions in rice farming and surface water are expected to result in declines in snake populations.

## Environmental Baseline

*Environmental baseline* refers to the condition of the listed species or its designated critical habitat in the action area, without the consequences to the listed species or designated critical habitat caused by the proposed action. The environmental baseline includes the past and present impacts of all Federal, State, or private actions and other human activities in the action area, the anticipated

impacts of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultation, and the impact of State or private actions which are contemporaneous with the consultation in process. The consequences to listed species or designated critical habitat from ongoing agency activities or existing agency facilities that are not within the agency's discretion to modify are part of the environmental baseline.

The proposed project is located within the Butte Basin watershed, which is recognized as a “snake population unit” (Service 2012). There are 14 known snake occurrences in the California Natural Diversity Database (CNDDDB) within five miles of the proposed project, with the closest 0.75 mile to the southeast in the Little Dry Creek Unit of the Upper Butte Basin Wildlife Area (CNDDDB 2014). County Road 67 is bordered by rice fields and wetlands managed as part of the North Central Valley Wildlife Management Area. Snakes utilize rice fields for foraging and move through the adjacent agricultural canals and ditches; therefore, snakes are likely to occur within the action area. The **0.21 acre** aquatic habitat and **0.41 acre** upland habitat that will be permanently lost represent a small proportion of snake habitat available throughout its range.

### **Effects of the Action**

*Effects of the action* are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action.

During proposed project construction, **1.54 acres** of aquatic habitat will be temporarily dewatered and **0.74 acre** of upland habitat for the snake will be temporarily disturbed. These temporary effects to habitat will be restored within each construction season. Any snakes attempting to move into or through the proposed project area will be unable to enter the proposed project area due to the avoidance and minimization measures proposed by the applicant and will have to utilize habitat elsewhere. However, there is an abundance of suitable habitat for the snake within the vicinity of the proposed project. In addition, the proposed project will result in the permanent loss of **0.21 acre** of aquatic habitat and **0.41 acre** of upland habitat for the snake. This permanent loss of snake habitat will be compensated for by the purchase of snake habitat credits from a Service-approved conservation bank. Conservation banks for the snake are designed to provide long-term management for the benefit of the species and habitat that will be protected in perpetuity.

### **Cumulative Effects**

Cumulative effects include the effects of future State, Tribal, local, or private actions that are reasonably certain to occur in the action area considered in this biological opinion. Future federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act. During this consultation, the Service did not identify any future non-federal actions that are reasonably certain to occur in the action area of the proposed project.

### **Conclusion**

After reviewing the current status of the snake, the environmental baseline for the action area covered in this biological opinion, the effects of the proposed project, the cumulative effects, and the proposed avoidance and minimization measures, it is the Service's biological opinion that the County Road 67 Bridge Replacement Project, as proposed, is not likely to jeopardize the continued

existence of the snake. The Service reached this conclusion because the project-related effects to the snake, when added to the environmental baseline and analyzed in consideration of the lack of cumulative effects, will not rise to the level of precluding recovery of the snake or reducing the likelihood of survival of the snake. The effects to the snake are small and discrete, relative to the range of the species, and although the loss of habitat will contribute to the overall reduction of habitat within the range of the snake, the proposed compensation will preserve habitat specifically managed for the snake in perpetuity. The proposed project will contribute to the conservation of the snake by preserving habitat at a conservation bank that will manage large contiguous sections of habitat for the benefit of the species.

### INCIDENTAL TAKE STATEMENT

Section 9 of the Act and federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harass is defined by the Service regulations at 50 CFR 17.3 as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Harm is defined by the same regulations as an act which actually kills or injures wildlife. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

The measures described below are non-discretionary, and must be undertaken by Caltrans so that they become binding conditions of any grant or permit issued to the applicant, as appropriate, for the exemption in section 7(o)(2) to apply. Caltrans has a continuing duty to regulate the activity covered by this incidental take statement. If Caltrans (1) fails to assume and implement the terms and conditions or (2) fails to require the applicant to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permits or grant documents, the protective coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, Caltrans must report the progress of the action and its impact on the species to Service as specified in the incidental take statement. [50 CFR §402.14(i)(3)]

#### Amount or Extent of Take

The incidental take of the snake anticipated for this project will result from the **1.54 acres** of aquatic habitat and **0.74 acre** of upland habitat that will be temporarily impacted and the **0.21 acre** of aquatic habitat and **0.41 acre** of upland habitat that will be permanently impacted. The temporary habitat loss will affect any snakes attempting to move into or through the proposed project area that will have to utilize habitat elsewhere. The permanent loss will affect any snakes attempting to utilize the action area after the completion of the proposed project. Due to the fact that it is not possible to know how many snakes are present in the action area or may try to enter the action area during proposed project construction, the Service cannot quantify the total number of snakes that we anticipate will be taken as a result of the proposed action. In instances in which the total number of individuals anticipated to be taken cannot be determined, the Service may use the amount of habitat impacted as a surrogate; since the take of individuals anticipated will result from the loss of snake habitat, the quantification of suitable habitat serves as a direct surrogate for the snakes that will be



lost. Therefore, the Service anticipates take incidental to this project as the **1.54 acres** of aquatic habitat and **0.74 acre** of upland habitat that will be temporarily impacted and the **0.21 acre** of aquatic habitat and **0.41 acre** of upland habitat that will be permanently lost.

### **Effect of the Take**

The Service has determined that this level of anticipated take is not likely to result in jeopardy to the snake.

### **Reasonable and Prudent Measures**

The Service has determined that the following reasonable and prudent measure is necessary and appropriate to minimize the effects of the proposed project on the snake:

1. All avoidance and minimization measures proposed in the biological assessment, and as restated in the project description section of this biological opinion, must be fully implemented and adhered to. Further, this Reasonable and Prudent Measure shall be supplemented by the Terms and Conditions below.

### **Terms and Conditions**

In order to be exempt from the prohibitions of section 9 of the Act, Caltrans must ensure compliance with the following terms and conditions, which implement the reasonable and prudent measure described above. These terms and conditions are nondiscretionary.

1. Caltrans shall include full implementation and adherence to the avoidance and minimization measures proposed in the biological assessment and restated in this biological opinion as a condition of any permit issued for the project.
2. In order to monitor whether the amount or extent of incidental take anticipated from implementation of the proposed project is approached, Caltrans shall adhere to the following reporting requirement.
  - a. For those components of the action that will result in habitat degradation or modification whereby incidental take will occur, i.e., the temporary and permanent impacts to snake habitat, Caltrans will notify the Service as soon as construction is completed, providing documentation that the removal did not exceed the **1.54 acres** of aquatic habitat and **0.74 acre** of upland habitat temporarily impacted and the **0.21 acre** of aquatic habitat and **0.41 acre** of upland habitat permanently impacted. For the duration of project construction, Caltrans shall also notify the Service if there are changes in project implementation that result in habitat disturbance not described in the Project Description and not analyzed in this biological opinion.

### **REINITIATION—CLOSING STATEMENT**

This concludes formal consultation on the County Road 67 Bridge Replacement Project in Glenn County, California. As provided in 50 CFR §402.16(a), reinitiation of consultation is required and shall be requested by the federal agency or by the Service where discretionary federal involvement or control over the action has been retained or is authorized by law, and:

- 1) If the amount or extent of taking specified in the incidental take statement is exceeded;

- 2) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered;
- 3) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion; or written concurrence, or
- 4) If a new species is listed or critical habitat designated that may be affected by the identified action.

If you have questions regarding the County Road 67 Bridge Replacement Project, please contact Adam Stewart, Fish and Wildlife Biologist at (916) 414-6544, or the Sacramento Valley Division Chief at (916) 414-6600, or the letterhead address.

Sincerely,



Jennifer M. Norris, Ph.D.  
Field Supervisor

cc:

Ms. Nancy Arcady Haley, U.S. Army Corps of Engineers, Sacramento, CA

Ms. Suzanne Gilmore, California Department of Fish and Wildlife, Rancho Cordova, CA

### LITERATURE CITED

- California Natural Diversity Database (CNDDDB). 2014. Biogeographic Data Branch, Department of Fish and Wildlife. Sacramento, California. Accessed 24 November 2014.
- California Department of Transportation (Caltrans). 2003. Caltrans Storm Water Quality Handbooks: Construction Site Best Management Practices (BMPs) Manual. Caltrans Publication Distribution Unit, Sacramento, California. March 2003.
- U.S. Fish and Wildlife Service (Service). 2006. Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California. Arcata Fish and Wildlife Office, Arcata, California. July 26, 2006. 61 pp.
- \_\_\_\_\_. 2012. Giant Garter Snake (*Thamnophis gigas*) 5-year Review: Summary and Evaluation. Sacramento Fish and Wildlife Office, Sacramento, California. June 2012. 62 pp.



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

California Endangered Species Act  
Incidental Take Permit No. 2081-2019-015-02

**GLENN COUNTY ROAD 67 BRIDGE REPLACEMENTS,  
GLENN COUNTY, CALIFORNIA**

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

<b>Permittee:</b>	<b>Glenn County Public Works Agency</b>
<b>Principal Officer:</b>	<b>Cole Grube, Director</b>
<b>Contact Person:</b>	<b>Kevin Cook-Guteriez, (530) 934-6530</b>
<b>Mailing Address:</b>	<b>777 North Colusa Street Willows, CA 95988</b>

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

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **October 1, 2024**.

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.

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

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

**Project Location:**

The Project is located at 4 locations on County Road 67 over Branch Howard Slough in the County of the Glenn, State of California. The Project is located approximately 1.5 miles east of Road Z in Sections 7 and 18, Township 18, North, Range 1 East of the Butte City United States Geological Survey (USGS) 7.5-minute quadrangle map. The bridges are located at the following coordinates:

Bridge No.	Latitude	Longitude
11C-15	39.420241°	-121.905415°
11C-16	39.420197°	-121.902124°
11C-17	39.420159°	-121.898130°
11C-179	39.420084°	-121.894553°

The Project is bounded by rice agriculture and a duck club (Figure 1).

**Project Description:**

The Project will replace four existing structurally deficient bridges over the Branch Howard Slough with four new two-lane multi-span continuous concrete slab bridges. The project also includes the replacement and reconstruction of roadway approaches that will allow a smooth transition between the new bridge construction and the existing roadway.

The four bridges that will be replaced are single lane, reinforced concrete slab bridges, approximately 18-ft wide, and varying in length from 40-ft to 500-ft. The new bridges will be positioned in approximately the same locations. The proposed bridges will be two lane structures approximately 32'-8" wide, with Type 215 metal beam railing. The exact lengths of each structure, along with pier and span configurations, are depicted in Figures 3 Project Plans.

The roadway will be closed at the project site during construction and traffic will be detoured around the site on existing roadways for the duration of the project. The new roadway embankment will be approximately 60-ft wide at its base for the entire length of the project centered on the existing centerline of the roadway. All vegetative material within these limits will be removed during the clearing and grubbing process. It is anticipated that the clearing limits will extend another 10-ft beyond the roadway embankment catch point for an overall disturbance width of approximately 80-ft centered on the existing roadway centerline for the entire length of the project.

Dewatering is expected to be accomplished using earthen berms (cofferdams) of soil material covered with plastic. After the cofferdams are installed, water would be pumped from the intervening area. This area would also be used to access the existing bridge for removal.

Construction staging will occur within the areas that are identified as permanently or temporarily impacted in Figure 2.

Each bridge may be constructed at different times in different years during the term of this ITP.

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

This ITP covers the following species:

<b>Name</b>	<b>CESA Status</b>
1. Giant garter snake ( <i>Thamnophis gigas</i> )	Threatened <sup>3</sup>

This species and only this species is the "Covered Species" for the purposes of this ITP.

**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 that are expected to result in incidental take of individuals of the Covered Species include removal of existing bridge structures, earth grading activities, soil compaction, pavement overlay, excavation, temporary water diversions, dewatering, water pollution control activities, and bridge construction (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities including impacts in the Covered Species' aquatic habitat and the upland habitat adjacent to the canal and along the roadside and levee areas. 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 construction activities obstructing movement of the Covered Species or direct take of individuals from crushing or injury from contact with vehicles or construction equipment. Covered Species may be adversely affected as a result of the dewatering of their aquatic habitat, removal of the prey base and vegetative cover and destruction of basking sites necessary for thermoregulation. Construction activities may result in filling or crushing burrows or crevices occupied by snakes. Disturbance from construction activities could cause snakes to move into areas of unsuitable habitat where they may experience greater risk of predation or other sources of mortality. Additionally, stored equipment or materials could be used by snakes as a place for cover during the evening hours and snakes could get trapped or injured when the equipment or stored material is moved in the morning. The areas where authorized take of the Covered Species is expected to occur are depicted in Figure 2 and include all project constructions activities and staging areas (collectively, the Project Area).

Table below shows the Project impacts at each bridge location:

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<sup>3</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(4)(E).

Bridge No.	Covered Species Impacts (acres)			
	Permanent		Temporary	
	Aquatic Habitat	Upland Habitat	Aquatic Habitat	Upland Habitat
11C-15	0.04	0.06	0.42	0.18
11C-16	0.08	0.11	0.59	0.13
11C-17	0.07	0.11	0.31	0.24
11C-179	0.02	0.13	0.22	0.19
<b>Total</b>	<b>0.21</b>	<b>0.41</b>	<b>1.54</b>	<b>0.74</b>

Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include stress resulting from noise and construction-related vibrations, capture and relocation, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

**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.

**Conditions of Approval:**

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Initial Study/Mitigated Negative Declaration (IS/MND)(SCH No.: 2016012036) adopted by Glenn County Planning and Public Works Agency on May 31, 2016, as lead agency for the Project pursuant to CEQA (Pub. Resources Code, § 21000 et seq.).

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- 3. LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions in the Notifications submitted to CDFW for the Project (Notification Nos. 1600-2019-0144-R2, 1600-2019-0145-R2, 1600-2019-0146-R2, and 1600-2019-0147-R2).
- 4. ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the U.S. Fish and Wildlife Service (Service) February 10, 2015, "Formal Consultation on the County Road 67 Bridge Replacement Project, Glenn County, California (Biological Opinion No. 2015-F-0042-1)" for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
- 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 any Covered Activities at each bridge location, 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.** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities at each bridge location. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist 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 in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed.
  - 6.3. Designated Biologist Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately



stop any activity that is not in compliance with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species, or any rare, special-status, or sensitive species. If there is a threat of harm to any sensitive species, the biologist shall halt construction and notify CDFW. Consultation with CDFW is required before re-commencing work in that area.

- 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 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. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry 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 Notebook.** The Designated Biologist shall maintain a construction-monitoring notebook on-site 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 notebook 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 at each bridge location and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.7. **Dust Control.** Permittee shall implement dust control measures during Covered Activities, if necessary, 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 or runoff from road or construction surfaces.
- 6.8. **Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament

netting (erosion control matting) or similar material, in potential Covered Species' habitat.

- 6.9. **Delineation of Property Boundaries.** Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 6.10. **Environmentally Sensitive Areas (ESAs).** No later than 15 days prior to its installation Permittee shall submit to CDFW project plans depicting the ESAs for review and approval. No more than five (5) days prior to the commencement of Covered Activities at each bridge location, the Permittee shall install ESAs as shown in the approved plan to prevent encroachment of construction personnel and equipment into areas of Covered Species habitat that are outside of or adjacent to the Project footprint. All potential Covered Species habitat that can be reasonably avoided during construction activities shall be identified as ESAs. The Permittee shall install exclusionary fencing and orange construction barrier fencing along the portions of the Project Area that are located within the Covered Species habitat. The exclusionary fencing will consist of 3-foot-tall silt fencing buried 6 inches below ground level. All construction personnel shall avoid ESAs. The Permittee shall avoid ESAs when siting all staging areas, spoils disposal areas, borrow pits, and construction equipment access routes. The ESAs will be identified on all engineering plans or construction specifications. The Designated Biologist or Designated Representative shall inspect the fencing before the start of each workday and the Permittee shall maintain the fencing until the completion of the Project.
- 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 in-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 10 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.
- 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. 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. All workers will be informed of the importance of preventing spills and appropriate measures to take should a spill occur. All heavy equipment, vehicles, and supplies will be stored at the designated staging area at the end of each work period.

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 at each bridge location, 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 at each bridge location 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 in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.

7.3. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall be present throughout all phases of construction that may result in adverse effects to the Covered Species, including, but not limited to all earth work occurring within 200-feet of rice fields or other aquatic habitat. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated

Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species, including injury, mortality or transport off site of Covered Species, survey results, and monitoring activities required by this ITP. The Designated Biologist shall conduct compliance inspections a minimum of once per month during periods of inactivity and after clearing, grubbing, and grading are completed.

- 7.4. **Monthly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in 7.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to R2CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 7.5. **Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in 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) disclosure of all occurrences of non-compliance and measures implemented to remedy the non-compliance; (5) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (6) all available information about Project-related incidental take of the Covered Species; (7) 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 (8) 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 Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.7. **Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The

Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all 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. **Final Monitoring Report.** No later than one year following completion of the site restoration Permittee shall provide CDFW with a Final Monitoring Report. The Final Monitoring Report shall include the status of the restored portions of the Project, including any additional remedial measures taken to ensure the successful establishment of targeted vegetation on the restoration site.
- 7.9. **Notification of Take or Injury.** Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (916) 358-2930. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

## **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. **Construction Window.** All construction and ground disturbing activities will be initiated during the active season and will commence prior to September 15.
- 8.2. **Pre-construction Survey.** No more than 24 hours prior to the commencement of construction activities at each location, the Designated Biologist shall survey for the Covered Species within 200-feet of suitable aquatic habitat. The Designated Biologist will provide the CDFW with a written report that adequately documents the

monitoring efforts within 24 hours of commencement of construction activities. The Project Area shall be re-inspected by the Designated Biologist whenever a lapse in construction activity of two weeks or greater has occurred.

- 8.3. **Dewatering Habitat.** If construction occurs during the Covered Species active season, between May 1 and October 1, Permittee shall ensure that dewatered habitat remains dry for at least fifteen (15) consecutive days and prior to excavating or filling of dewatered habitat. The dewatered habitat shall remain dry until work in the dewatered habitat is complete.
- 8.4. **Check for Wildlife in Construction Materials.** The Permittee shall visually check all construction materials for the presence of wildlife sheltering within them prior to their use. Rock Slope Protection that will be removed shall be checked to ensure that no wildlife is harmed during its removal.
- 8.5. **Escape Ramp in Trench.** At the end of each workday, Permittee shall place an escape ramp at each end of the open trench to allow any animals that may have become entrapped in the trench to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30 degrees.
- 8.6. **Covered Species Encounter.** If a Covered Species is encountered during the course of Covered Activities, Project activities in the immediate vicinity shall cease and the Permittee shall contact the Designated Biologist. The Covered Species should be allowed to leave the area on its own accord and construction activities shall not resume until the Covered Species has safely moved out of harm's way. If the Covered Species is not able to move out of harm's way on its own, then the Designated Biologist shall relocate the Covered Species in accordance with the Covered Species Relocation Plan (Condition of Approval 8.7).
- 8.7. **Covered Species Relocation Plan.** Permittee shall develop a Covered Species Relocation and Rehabilitation Plan that includes all bridge locations and submit it to CDFW for review and approval at least 30 days prior to initiating Covered Activities. For each proposed relocation site, the Permittee shall quantify the amount, relative location, and quality of suitable habitat (aquatic and terrestrial) including invasive and non-native species present, available upland burrows/refugia, suitable prey items, and potential barriers for movement.
- 8.8. **Covered Species Relocation.** The Designated Biologist shall relocate Covered Species found within the Project area to appropriate habitat in accordance with the approved Covered Species Relocation and Rehabilitation Plan (Condition of Approval 8.7) and monitor the Covered Species until it is determined that the Covered Species is not imperiled by predators or other dangers. The Designated

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Biologist shall notify CDFW immediately or no later than noon of the next business day of any Covered Species relocation. Notification shall be via telephone, or email, followed by a written incident report. Notification shall include the ITP number, date, time, location, circumstances of the incident, and any associated data (pictures, weight, length, sex, tag #, etc.).

- 8.9. Covered Species Handling. The Designated Biologist may capture Covered Species by hand or the use of a snake stick. Covered Species may be pinned down by placing a hand or snake stick directly behind the head and applying gentle pressure. The amount of pressure required will depend on the size of the Covered Species, but it should be sufficient to prevent it from moving its head without injury. Grasp the Covered Species by the tail, handling firmly but with great care. Pick the Covered Species up gently mid-body and deposit the Covered Species in the bottom of a snake bag. Support the body of the Covered Species in addition to holding the head. Following capture, tie the top of the snake bag with a cord. Captured Covered Species shall be released as soon as practicable.
- 8.10. Covered Species Transport. During transport, all equipment used for capturing, handling and transportation shall be well maintained and checked before use. If a container other than a snake bag is used, the container shall be inspected to ensure no sharp edges, protrusions, or rough surfaces are present that could cause injury. Covered Species shall be protected from exposure to inclement weather, harsh environmental conditions, and major temperature fluctuations and extremes. Covered Species shall be observed periodically to determine their state of well-being during transport. Following use of transport containers, all items used shall be cleaned thoroughly and disinfected or discarded, as appropriate.
- 8.11. Injured Covered Species. If a Covered Species is injured as a result of Covered Activities, the Designated Biologist shall immediately take the injured animal to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the wildlife care facility in the Covered Species Relocation and Rehabilitation Plan (Condition of Approval 8.7) and receive CDFW approval before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the snake immediately by telephone (916) 358-2930 and e-mail to R2CESA@wildlife.ca.gov followed by a written incident report (Condition of Approval 7.9). Notification shall include the ITP number, date, time, location, circumstances of the incident, any associated data (pictures, weight, length, sex, tag #, etc.) and the name of the facility or individual caring for the snake.
- 8.12. Deceased Covered Species. Permittee shall notify CDFW of any dead Covered Species observed on or adjacent to the Project, as described in Condition of Approval 7.9. Any dead Covered Species shall be preserved and held in a secure

location until instructions are received from CDFW regarding the disposition of the specimen or until CDFW or the United States Fish and Wildlife Service (USFWS) takes custody of the specimen.

- 8.13. Vegetation Removal.** Vegetation clearing shall be limited to the minimum area necessary within 200 feet of the banks of any aquatic habitat. Equipment staging or the storage of vehicles and other equipment within 200 feet of aquatic habitat will be minimized to the greatest extent practicable.
- 8.14. Water Quality.** Permittee shall retain runoff from dust control, oil, and other chemicals used in construction activities at the construction site and prevent it from flowing into areas containing Covered Species habitat. Permittee shall retain the runoff in the construction areas by creating small earthen berms, installing silt fences or hay-bale dikes, or implementing other measures on the construction site to prevent runoff from entering Covered Species habitat.
- 8.15. Best Management Practices.** Best Management Practices (BMPs), including a Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP), will be implemented to minimize effects to the Covered Species during construction. BMPs will be implemented to prevent sedimentation from entering ESAs and to reduce erosion, dust, noise, and other deleterious aspects of construction related activities. These BMPs may include, but are not limited to, silt fencing, temporary berms, restrictions on cleaning equipment in or near ESAs, installation of vegetative strips, and temporary sediment disposal. Runoff from dust control and hazardous materials will be retained on the construction site and prevented from flowing into the ESAs and other purposes at the Project site to ensure that the Covered Species is not trapped or become entangled.
- 8.16. Erosion Control.** Permittee shall install erosion control structures concurrently with construction. Permittee shall construct these structures, so runoff is directed away from ESAs. Permittee shall use tightly woven fiber netting (mesh size less than 0.25 inch) or similar material for erosion control or other purposes at the Project site to ensure the Covered Species and other reptiles or amphibians are not trapped by the erosion control material. Permittee shall communicate this limitation to the contractor through use of Special Provisions included in the bid solicitation package. Coconut coir matting is an acceptable erosion control material. Permittee shall not use plastic monofilament or wire mesh in the straw waddles or erosion control blankets. Only erosion control materials (blankets, rolls, mats, etc.) with natural coir fibers or other netting approved by the wildlife agencies shall be used. The edge of the material shall be buried in the ground to prevent the Covered Species and other reptiles and amphibians from crawling underneath the material. Erosion control measures shall direct water flow into existing drainages or disperse water across vegetated areas in order to avoid concentrating water. Erosion control measures shall include the proper

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installation of BMPs and may include applications of seed, certified weed free straw, compost, fiber, commercial fertilizer, stabilizing emulsion mulch, or combinations thereof. Following construction all disturbed upland areas shall be stabilized and re-seeded with an erosion control mix consisting of regionally appropriate, native grass and forb species. Revegetation of such sites shall be completed as soon as possible after Project activities in those areas cease.

**8.17. Remove Temporary Flagging, Fencing, and Barriers.** Permittee shall remove all temporary flagging, fencing, and/or barriers from the Project site upon completion of Covered Activities.

## **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 with 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.

To meet this requirement, the Permittee purchased 3 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.1). The Permittee shall also restore on-site 0.74 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 9.3 below.

**9.1. Cost Estimates.** CDFW has estimated the cost of the restoration of temporarily disturbed habitat as follows:

**9.1.1. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 9.3 are estimated at \$40,000.00.**

**9.2. Covered Species Credits.** Permittee shall purchase 3 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating any Covered Activities. Proof of payment shall be submitted to CDFW no later than 15 days prior to initiating any Covered Activities.

**9.3. Habitat Restoration.** Permittee shall restore on-site the 0.74 acres of Covered Species upland habitat that will be temporarily disturbed during construction to pre-Project conditions.

**9.3.1. No later than 90 days prior to starting any Covered Activities, Permittee will prepare a Restoration Plan and submit it to CDFW for review and approval.**

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Written approval needs to be obtained prior to starting any construction activities. The plan shall include: (1) Replacement habitat for upland and aquatic habitat components; (2) Removal of construction debris and stockpiled materials; (3) Regrading the Project area to pre-existing contour; (4) Replanting and hydro-seeding the restoration area with low-growing native perennial species on or adjacent to the canal banks, and upland plantings and hydroseeding with native species to stabilize the soils.

9.3.2. All areas within the bank and channel of the canal or the agricultural ditches that are temporarily disturbed by Project construction shall be restored as close as practicable to the original contour and conditions within 10 days of Project completion at each site.

9.3.3. After completion of construction activities, the applicant will remove any temporary fill and construction debris and, wherever feasible, restore disturbed areas to pre-Project conditions. Restoration work includes such activities as re-vegetating the banks and active channels with a seed mix similar as described in the Project plans.

9.3.4. A photo documentation report showing post-Project area conditions will be submitted to CDFW one (1) month after the implementation of the restoration.

9.4. Monitoring Report. Permittee shall submit one monitoring report to CDFW by October 31 of the year after completion of each restoration. The report shall discuss the mitigation performance as it relates to the success criteria. The report shall include the success of revegetation establishment, survival, and percent cover. The number by species of plants replaced (if applicable), an overview of the revegetation effort, and the method used to assess these parameters shall also be included. Monitoring reports should include photographs from designated photo stations.

## **10. Performance 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 \$40,000.00. This amount is based on the cost estimates identified in Condition of Approval 9.1 above.

10.2 Security Form. The Security shall be in the form of an escrow account or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.

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- 10.3 **Security Timeline.** The Security shall be provided to CDFW no later than 60 days before Covered Activities begin.
- 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.** 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.
- 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 remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
- Restoration efforts occurred as required by this ITP;
  - Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the habitat restoration immediately after completing construction activities. 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.

**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.

**Stop-Work Order:**

CDFW may issue Permittee a written stop-work order requiring Permittee to suspend any Covered Activity for an initial period of up to 25 days 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. 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 25 additional days. 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.

**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.

**Notices:**

The Permittee shall deliver a fully executed duplicate original ITP by 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 registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number 2081-2019-015-02 in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Kevin Thomas, Regional Manager  
c/o CESA Desk  
California Department of Fish and Wildlife  
North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670  
Telephone (916) 358-2930  
Fax (916) 358-2912

And a copy to:

Habitat Conservation Planning Branch  
California Department of Fish and Wildlife

INCIDENTAL TAKE PERMIT  
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GLENN COUNTY ROAD 67 BRIDGE REPLACEMENTS PROJECT

Attention: CESA Permitting Program  
PO Box 944209  
Sacramento, CA 94244-2090

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

CESA Program  
R2CESA@wildlife.ca.gov  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670  
Phone (916) 358-2930  
Fax (916) 358-2912

**Compliance with CEQA:**

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Glenn County Planning and Public Works Agency (See generally Pub. Resources Code, §§ 21067, 21069). The lead agency's prior environmental review of the Project is set forth in the County Road 67 Bridge Replacement Projects over the Branch Howard Slough – Bridge Nos. 11C0015, 11C0016, 11C0017, 11C0179 Project Initial Study/Mitigated Negative Declaration (SCH No. 2016012036) dated January 19, 2016, that the Glenn County Planning and Public Works Agency adopted for the Project on May 31, 2016. 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.

**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);

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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, County Road 67 Bridge Replacement over the Branch Howard Slough – Bridge Nos. 11C0015, 11C0016, 11C0017, 11C0179 Project Mitigated Negative Declaration, the Biological Opinion No. 2015-F-0042-1, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 0.297 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and

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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.

**Attachments:**

FIGURE 1	Project Location
FIGURE 2	Project Impacts
FIGURE 3	Project Plans
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Irrevocable Letter of Credit Form
ATTACHMENT 3	Mitigation Payment Transmittal Form

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

on 2/13/2020

  
\_\_\_\_\_  
Kevin Thomas, Regional Manager  
NORTH CENTRAL REGION

**ACKNOWLEDGMENT**

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

By:  Date: 2/24/20

Printed Name: COLE GRUBE Title: DIRECTOR, PWA

INCIDENTAL TAKE PERMIT  
No. 2081-2019-015-02  
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GLENN COUNTY ROAD 67 BRIDGE REPLACEMENTS PROJECT



Mitigation Monitoring and Reporting Plan  
for the  
County Road 67 Bridge  
Replacement Projects  
Over Branch Howard Slough  
11C0015, 11C0016, 11C0017, 11C0179

CEQA Lead Agency:

Glenn County Planning and Public Works Agency

## **INTRODUCTION**

Willdan and North State Resources have prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed County Road 67 Bridge Replacement Projects over Branch Howard Slough (Bridge Nos. 11C0015, 11C0016, 11C0017, 11C0179). The proposed project consists of the four bridges which will be replaced with this project are all single lane, reinforced concrete slab bridges, approximately 18-ft wide, and varying in length from 40-ft to 500-ft. The new bridges will be positioned in approximately the same locations and within the same footprints as the existing bridges and on approximately the same alignment. The proposed bridges will be two lane structures approximately 32'-8" wide, with Type 215 metal beam railing.

The proposed project includes implementation of standard construction measures to minimize adverse effects on the environment, and the IS/MND identified several mitigation measures that are required in addition to the standard construction measures to reduce potentially significant impacts to less-than significant levels. This Mitigation Monitoring and Reporting Plan (MMRP) describes a program for ensuring that the mitigation measures are implemented in conjunction with the project. Glenn County, as the lead agency under the California Environmental Quality Act (CEQA), is responsible for overseeing the implementation and administration of this MMRP. The County will designate a staff member to manage the MMRP. Duties of the staff member responsible for program coordination will include conducting routine inspections and reporting activities, coordinating with the construction contractor, coordinating with regulatory agencies, and ensuring enforcement measures are taken.

## **LEGAL BASIS OF AND PURPOSE FOR THE MITIGATION MONITORING PROGRAM**

California Public Resources Code Section 21081.6 requires public agencies to adopt mitigation monitoring or reporting programs whenever certifying an environmental impact report (EIR) or a mitigated negative declaration (MND). This requirement facilitates implementation of all mitigation measures adopted through the California Environmental Quality Act (CEQA) process.

The MMP contained herein is intended to satisfy the requirements of CEQA as they relate to the Initial Study/Mitigated Negative Declaration prepared for the project. It is intended to be used by County of Glenn (County) staff, participating agencies, project contractors, and mitigation monitoring personnel during implementation of the project.

Mitigation is defined by CEQA Guidelines Section 15370 as a measure that does any of the following:

- Avoids impacts altogether by not taking a certain action or parts of an action.
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifies impacts by repairing, rehabilitating or restoring the impacted environment.
- Reduces or eliminates impacts over time by preservation and maintenance operations during the life of the project.
- Compensates for impacts by replacing or providing substitute resources or environments.

The intent of the MMP is to ensure the effective implementation and enforcement of adopted mitigation measures and permit conditions. The MMP will provide for monitoring of construction activities as necessary, on-site identification and resolution of environmental problems, and proper reporting to County staff.

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## **FORMAT OF PLAN**

This MMRP identifies the standard construction measures included as part of the proposed project and lists the mitigation measures identified in the IS/MND that are required to avoid potentially significant environmental effects. For the mitigation measures, a monitoring and reporting plan is described to identify the timing and implementation responsibility of each measure and track completion of the measure. The standard construction measures and mitigation measures will be part of the contractor specifications, and the contractor will be responsible for being familiar with and implementing each measure. The County will also enforce implementation of the standard construction measures and monitor their status.

## **STANDARD CONSTRUCTION MEASURES**

The following standard construction measures are required by Caltrans Standard Specifications (latest edition is 2015), California Codes, or other agency policies and regulations:

- Temporary traffic control measures will be implemented in accordance with Section 12 of the Caltrans Standard Specifications and will include the use of flaggers, traffic-handling equipment and devices, traffic control systems, temporary pavement delineators, and other applicable measures.
- Traffic will be maintained through the work zone pursuant to Section 12-4 of the Caltrans Standard Specifications.
- Discharges of stormwater from the project must comply with National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ as modified by 2010-0014-DWQ, NPDES No. CAS000002) and Section 13 of the Caltrans Standard Specifications.
- In compliance with the General Permit, a Storm Water Pollution Prevention Plan (SWPPP) will be prepared for the project. The plan will include best management practices (BMPs) to implement during construction, monitoring and reporting requirements, and any other items required by the Regional Water Quality Control Board (RWQCB) or Caltrans. Typical BMPs from Caltrans' Construction Site Best Management Practices Manual (2003) include:
  - Temporary soil stabilization measures, such as hydraulic mulch, hydroseeding, soil binders, straw mulch, or erosion control blankets;
  - Temporary sediment control measures, such as silt fencing, sediment basin or trap, fiber rolls, or straw bales;
  - Wind erosion control measures;
  - Non-stormwater management practices, such as water conservation practices, dewatering operations, vehicle and equipment cleaning and fueling, and structure removal over water;
  - Waste management and materials pollution control measures, such as stockpile management, spill prevention and control, and solid and hazardous waste management.
- Pursuant to Section 13-4.03B of the Caltrans Standard Specifications, material or waste storage areas will be kept clean, well organized, and equipped with enough cleanup supplies for the material being stored. Spill and leak prevention procedures will be implemented for chemicals

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and hazardous substances stored in the work area. As soon as it is safe, spills of petroleum materials and sanitary and septic waste substances listed under 40 CFR, parts 110, 117, and 302, will be contained and cleaned up. Section 14-11 measures will be implemented whenever spills or leaks produce hazardous waste, which includes proper hazardous waste handling and emergency procedures in compliance with 40 Code of Federal Regulations Section 262.34(d)(5)(iii).

- Pursuant to Section 13-4.03C(3) of the Caltrans Standard Specifications, water pollution control practices will be implemented within 72 hours of stockpiling material or before a forecasted storm event, whichever occurs first. If stockpiles are being used, soil, sediment, or other debris will not be allowed to enter storm drains, open drainages, and watercourses. Active and inactive soil stockpiles must be covered with soil stabilization material or a temporary cover and surrounded with a linear sediment barrier.
- All dewatering activities will be conducted in compliance with the Caltrans Field Guide for Construction Site Dewatering and Section 13-4.03G of the Caltrans Standard Specifications. Measures include: ensuring that any dewatering discharge does not cause erosion, scour, or sedimentary deposits that could impact natural bedding materials; discharging the water within the project limits; disposing of the water if it cannot be discharged within project limits due to site constraints or contamination; not discharging stormwater or non-stormwater that has an odor, discoloration other than sediment, an oily sheen, or foam on the surface; and notifying the Caltrans Engineer immediately upon discovering any such condition.
- Discovery of archaeological resources in the work area will comply with Section 14-2.02 of the Caltrans Standard Specifications. Measures include: not disturbing the resources; immediately stopping all work within a 60-foot radius of the discovery; protecting the discovery area; notifying Caltrans and the County; not moving archaeological resources or taking them from the work area; and not resuming work within the discovery area until authorized. Caltrans or the County will provide a qualified archaeologist to evaluate the resources and determine appropriate measures for protection or avoidance to ensure no significant impacts occur. The project contractor shall implement all mitigation measures recommended by the archaeologist to avoid adverse impacts to the resource. (Since, as set forth in Section 3.5, no archeological resources are expected in the project area, more specific mitigation measures cannot feasibly be developed unless and until any unforeseen resource is actually discovered and evaluated.)
- The discovery or disturbance of cultural materials or human remains will comply with California Health and Safety Code Section 7050.5, which requires that activities cease if human remains are discovered and that the County Coroner be contacted to evaluate the remains, and California Public Resources Code Sections 5097.5, which protects cultural resources, human remains, and paleontological resources from destruction on public lands (including lands under the jurisdiction of a County). The California Codes identify penalties for non-compliance.
- Pursuant to Section 14-6.04 of the Caltrans Standard Specifications, all life stages of anadromous fish in streams will be protected and work activities will be conducted to allow free passage of anadromous migratory fish. Construction work cannot produce sound in water that results in unauthorized take of listed species.
- Pursuant to Section 14-8.02 of the Caltrans Standard Specifications, noise in the work area cannot exceed 86 A-weighted decibels (dBA, Lmax) at 50 feet from the work area between 9 p.m. and 6 a.m. Equipment will be equipped with an internal combustion engine with the

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manufacturer-recommended muffler and will not be operated in the work area without the appropriate muffler.

- Pursuant to Section 14-9.03 of the Caltrans Standard Specifications, dust control measures will be implemented to prevent or alleviate dust by applying water, dust palliative, or both and by covering active and inactive stockpiles. Construction activities will comply with air pollution control rules, regulations, ordinances, and statutes that apply to the project. Excavation, transportation, and handling of material containing hazardous waste or contamination must result in no visible dust migration (Section 14-11.02C). A water truck or tank will be kept at the work area at all times while clearing, grubbing, and performing earthwork operations in work areas containing hazardous waste or contamination.
- Pursuant to California Vehicle Code, Section 23114, all trucks hauling soil and other loose material to and from the work area will be covered or shall maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of load and the trailer).
- Pursuant to Section 14-10 of the Caltrans Standard Specifications, solid waste will be managed to prevent litter, trash, or debris accumulation anywhere in the work area, including storm drain grates, trash racks, and ditch lines. All litter, trash, and debris will be picked up from the work area at least once a week. If practicable, nonhazardous waste and excess material will be recycled; if recycling is not practicable, it will be properly disposed. All hazardous waste will be handled, stored, and disposed of in compliance with 22 California Code of Regulations, Division 4.5.
- The removal of the existing bridges will comply with Section 15-4 of the Caltrans Standard Specifications.
- All safety and health requirements set forth by the Occupational Safety and Health Administration will be followed. In addition, to prevent wildfires, the contractor would use construction equipment equipped with fire prevention devices, such as spark arrestors, pursuant to Public Resources Code 4442.

## MITIGATION MEASURES AND MONITORING REQUIREMENTS

The Mitigation Monitoring Table identifies the mitigation measures proposed for the project. These mitigation measures are reproduced from the Initial Study and conditions of approval for the project. The tables have the following columns:

- **Mitigation Measure:** presents the mitigation measures identified in the IS/MND for each potentially significant impact.
- **Timing:** identifies when the mitigation measures will be implemented.
- **Responsible Party:** references the entity responsible for implementing and monitoring the mitigation measure.
- **Verification:** provides spaces to be initialed and dated by the individual responsible for verifying compliance with each specific mitigation measure.

## NONCOMPLIANCE COMPLAINTS

Complaints of noncompliance with adopted mitigation measures shall be directed to the County in written form, providing specific information on the alleged violation. If any complaints are received, the County shall conduct an investigation and determine the validity of the complaint. If noncompliance with a mitigation measure has occurred, the County shall take the appropriate action to remedy the violation. The person filing the complaint shall receive written confirmation indicating the results of the investigation or the final action corresponding to the particular noncompliance issue.

Complaints should be directed to the Glenn County representative:

Matthew J. Gomes, Deputy Director

Planning & Public Works Agency

777 N. Colusa St.

Willows, CA 95988

Phone: (530) 934-6530

**MITIGATION MONITORING TABLE**  
**FOR THE COUNTY ROAD 67 BRIDGE REPLACEMENT PROJECTS OVER BRANCH HOWARD SLOUGH**  
**BRIDGE NOS. 11C0015, 11C0016, 11C0017, 11C0179**  
**MITIGATION MONITORING PROGRAM**

MITIGATION MEASURE	TIMING/IMPLEMENTATION	ENFORCEMENT/MONITORING	VERIFICATION (DATE AND INITIALS)
<b>BIO-1:</b> Conservation measures shall be incorporated into the proposed project to minimize the potential for adverse effects on sensitive biological resources. These include all such measures described in Section 1.4 of the Natural Environmental Study (NES) (Appendix A) prepared for the project.	Construction	Construction Management	
<b>BIO-2:</b> The two occurrences of woolly rose-mallow, a special status plant species, shall be flagged with stakes and soil disturbance adjacent to the occurrences shall be kept to the minimum area necessary to perform work. Direct disturbance or removal of the woolly rose-mallow shall be avoided.	Construction	Construction Management	
<b>BIO-3:</b> Project construction within 200 feet of Howard Slough, agricultural ditches, rice fields, or managed wetlands shall be limited to the period between May 1 and October 1 which is the active period for giant garter snake (GGS). The potential for direct mortality is lessened during this period because snakes are likely to detect and flee disturbance.	Construction	Construction Management	
<b>BIO-4:</b> Twenty-four (24) hours prior to construction activities, the project area shall be surveyed for giant garter snake by a qualified biologist. A survey of the project area shall be repeated if a lapse in construction activity of two weeks or greater has occurred.	Construction	Construction Management	

<b>BIO-5:</b> Any dewatered habitat should remain dry for at least 15 consecutive days after April 15 and prior to excavating or filling of the dewatered habitat.	Construction	Construction Management	
<b>BIO-6:</b> All construction personnel shall complete environmental awareness training prior to beginning work. The training shall include: (1) identification of giant garter snake and its habitat; (2) the giant garter snake protection measures; and (3) procedures to follow if a giant garter snake (or unknown snake) is observed.	Construction	Construction Management	
<b>BIO-7:</b> Vegetation clearing shall be limited to the minimum area necessary within 200 feet of the banks of Howard Slough and other aquatic habitats (e.g., agricultural ditches). The movement and placement of vehicles, equipment, and other materials within 200 feet of the banks of Howard Slough or other aquatic habitats shall be minimized to the greatest extent practicable.	Construction	Construction Management	
<b>BIO-8:</b> Aquatic and upland habitats to be avoided shall be flagged and/or signed. No construction activities or personnel shall be allowed to enter the avoidance areas. Flagging and signage shall remain in place until construction activities are complete and then shall be removed.	Construction	Construction Management	
<b>BIO-9:</b> Standard measures shall be implemented to protect water quality (e.g., installation and monitoring of sediment control measures) and to prevent the accidental release of fuel, oil, lubricant, or other hazardous materials associated with construction equipment (e.g., equipment inspections, proper handling and storage, designated fueling and storage areas, spill prevention plan). Erosion control blankets and other erosion control materials that are made of monofilament netting shall be prohibited.	Construction	Construction Management	
<b>BIO-10:</b> If a giant garter snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed. Any giant garter snakes encountered during construction activities shall be allowed to move away from	Construction	Construction Management	

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construction activities on their own. Capture and relocation is not permitted unless approved by the USFWS. Any sighting or incidental take of giant garter snake shall be immediately reported to the USFWS by telephone at (916) 414-6600.			
<b>BIO-11:</b> All areas within the bank and channel of Howard Slough or the agricultural ditches that are temporarily disturbed by project construction shall be restored as close as practicable to their original contour and conditions within 10 days of the completion of construction activities.	Construction	Construction Management	
<b>BIO-12:</b> To compensate for the permanent loss of 0.632 acre of giant garter snake habitat (0.154 acre aquatic, 0.478 acre upland), the County shall purchase 1.896 acre (a 3:1 ratio) of giant garter snake credits at a USFWS-approved conservation bank.	Construction	Construction Management	
<b>BIO-13:</b> The dewatered work area and disturbance to in-stream and riparian habitat shall be kept to the minimum area necessary to perform work.	Construction	Construction Management	
<b>BIO-14:</b> Erosion control measures, such as installation of filter fabric, temporary rocking, and/or installation of a t-pipe shall be installed at the bypass outflow to minimize potential for erosion of the streambed downstream of the work area.	Construction	Construction Management	
<b>BIO-15:</b> Prior to in-channel work and during the dewatering activities, a qualified biologist shall monitor the area and remove any fishes from within the work area and safely relocate them into Howard Slough. All fish removed from the work area shall be documented and released into Howard Slough outside of the work area.	Construction	Construction Management	
<b>BIO-16:</b> A maximum 0.2-inch (5-millimeter) diameter mesh screen shall be used to cover the intake pipe on all pumps used for dewatering the work area within the cofferdams.	Construction	Construction Management	
<b>BIO-17:</b> If construction activities are conducted completely outside of the bird or raptor nesting season (i.e., after August 31 and before February 1), no further mitigation is necessary.	Construction	Construction Management	

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<p><b>BIO-18:</b> If construction activities must occur during the bird or raptor nesting season (i.e., February 1 through August 31), the following measure shall be implemented. A minimum of one pre-construction survey for active Swainson’s hawk nests within 0.25 mile (where accessible) of the Project area shall be conducted by a qualified biologist within 15 days prior to the initiation of construction activities. If any Swainson’s hawk nests are identified, appropriate conservation measures (as determined by a qualified biologist) shall be implemented. These measures may include, but are not limited to, establishing a construction-free buffer zone around the active nest site, biological monitoring of the active nest site, and delaying construction activities in the vicinity of the active nest site until the young have fledged.</p>	Construction	Construction Management	
<p><b>BIO-19:</b> A minimum of one pre-construction survey for active songbird and aquatic bird nests within 250 feet (where accessible) of the ESL shall be conducted by a qualified biologist within 15 days prior to the initiation of construction activities. Areas to be surveyed shall be limited to those areas subject to increased disturbance as a result of construction activities. Areas where existing traffic, human activity, etc., is greater than or equal to construction-related disturbance need not be surveyed. If any active nests are identified, appropriate conservation measures (as determined by a qualified biologist) shall be implemented. These measures may include, but are not limited to, establishing a construction-free buffer zone around the active nest site, biological monitoring of the active nest site, and delaying construction activities in the vicinity of the active nest site until the young have fledged.</p>	Construction	Construction Management	
<p><b>BIO-20:</b> Pre-construction surveys for active burrowing owls burrows within 500 feet (where accessible) of the project activities shall be conducted by a qualified biologist within 15 days prior to the initiation of construction activities. If any active owl burrows are identified, appropriate conservation measures (as determined by a</p>	Construction	Construction Management	

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<p>qualified biologist) shall be implemented. These measures may include, but are not limited to: establishing a construction-free buffer zone around active burrows, biological monitoring of the burrows, delaying construction activities in the vicinity of active burrows during the nesting season, and relocating owls during the non-nesting season (passive relocation) from burrows that will be disturbed.</p>			
<p><b>BIO-21:</b> A pre-construction surveys for nesting northern harriers, white-tailed kites, and other raptors within 500 feet (where accessible) of the Project area shall be conducted by a qualified biologist within 15 days prior to the initiation of construction activities. Areas to be surveyed shall be limited to those areas subject to increased disturbance as a result of construction activities. Areas where existing traffic, human activity, etc., is greater than or equal to construction-related disturbance need not be surveyed. If any active raptor nests are identified, appropriate conservation measures (as determined by a qualified biologist) shall be implemented. These measures may include, but are not limited to, establishing a construction-free buffer zone around the active nest site, biological monitoring of the active nest site, and delaying construction activities in the vicinity of the active nest site until the young have fledged.</p>	Construction	Construction Management	
<p><b>BIO-22:</b> Prior to initiation of construction activities, workers shall participate in environmental awareness training in regards to the western pond turtle, to be provided by a qualified biologist. The training shall instruct workers regarding: (1) how to identify the turtle; (2) the habitats used by the turtle; (3) the potential for turtle egg clutches (i.e., nest sites) to be discovered during vegetation clearing; and (4) what to do if a turtle or suspected egg clutch is encountered during construction activities.</p>	Construction	Construction Management	
<p><b>BIO-23:</b> If western pond turtles are encountered within the ESL during construction, work activity in the immediate vicinity shall cease until any individuals have left the work area.</p>	Construction	Construction Management	

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<p><b>BIO-24:</b> To the extent practicable, the removal of any large trees (i.e., diameter at breast height greater than 11 inches) shall occur outside of the breeding season of western red bat (i.e., outside the period of April 1 through August 15).</p>	<p>Construction</p>	<p>Construction Management</p>	
<p><b>BIO-25:</b> Prior to any discharge of dredged or fill material into waters of the United States, the required permits/authorizations shall be obtained from the Corps and the RWQCB. All terms and conditions of the required permits/authorizations shall be implemented.</p>	<p>Construction</p>	<p>Construction Management</p>	
<p><b>BIO-26:</b> All waters of the United States that are temporarily affected by Project construction shall be restored as close as practicable to their original contour and conditions within 10 days of the completion of construction activities. This measure does not apply to permanent changes that are part of the Project design.</p>	<p>Construction</p>	<p>Construction Management</p>	