

Mitigation	Implementing Responsibility	Monitoring Responsibility	Mitigation Timing
E4. BIOLOGICAL RESOURCES			
<p><i>Mitigation Measure BIO-1: Special Status Fish Protective Measures</i></p> <p>To minimize and avoid impacts to Chinook salmon and steelhead, the following measures will be implemented:</p> <ol style="list-style-type: none"> 1. Seasonal Avoidance. In-stream work shall be limited to June 1 to October 31. 2. In-Stream Activities. If in-stream construction or dewatering is required, the following precautionary measures should be implemented: <ol style="list-style-type: none"> a. A qualified biologist shall present an environmental awareness program working on site. b. A qualified biologist should monitor all in-stream activities. c. If dewatering is proposed, monitor the installation of coffer dams. During dewatering, a qualified biologist should check for stranded aquatic wildlife. Dewatering pumps must be fitted with intake screens with a mesh no greater than 5 mm (0.2 in) and BMPs will be installed to minimize sediment transport during installation of coffer dams. d. Native aquatic species (non-special-status fish species) should be relocated upstream or downstream of the cofferdams by a qualified biologist. Use of electro-fishing should be conducted per NMFS/CDFW guidelines. Non-native species should be euthanized in accordance with the guidance of the CDFW. All wildlife encounters should be documented and reported to the CDFW. If listed salmonids are present, the NMFS shall be consulted to determine the appropriate measures to ensure compliance with FESA. 	Project Applicant & Construction Contractor	Qualified Biologist	Before and during construction.

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<p><u>Mitigation Measure BIO-2:</u> <i>Special Status Plant Protective Measures</i></p> <ul style="list-style-type: none"> ○ Project applicant(s) will retain a qualified biologist to determine if there is the potential for special-status plants to occur in the project area. ○ If there is the potential for their occurrence, the biologist will look for these species during the properly-timed floristic survey. ○ If present, construction of the project will include a buffer zone of 20 feet around the plants to avoid impacts to the plants, whenever possible. ○ Removal of invasive, non-native plants by hand (i.e. using hand tools, hand pulling, etc.) within this buffer may occur and is recommended to protect special-status plants. ○ If impacts to special status plants are unavoidable, the project applicant will coordinate with the appropriate resource agencies and local experts to determine whether transplantation of special-status plant species is feasible. If the agencies concur that transplantation is a feasible mitigation measure, the biologist will develop and implement a transplantation plan in coordination with the appropriate agencies. If the impacted species are annuals, it is expected that the current seed crop from the individuals to be lost would be collected (as well as immediate soils making up the dormant seed bed) and then sown on appropriate habitat located on the project site. If the species is a perennial, it is expected that both the seed and the plants themselves would be salvaged and relocated. Seed from the populations that would be impacted may be collected and propagated at a native plant nursery, prior to planting to increase the potential for establishment and survival. 	Project Applicant & Construction Contractor	Qualified Biologist	Before and During Construction

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<p><u>Mitigation Measure BIO-3:</u> <i>Special Status Bird Protective Measures</i></p> <ul style="list-style-type: none"> ○ To the extent feasible, vegetation removal activities shall not occur during the bird breeding season of February 15 through August 31. ○ If vegetation removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting birds. ○ Preconstruction surveys will be conducted no more than two weeks prior to the start of work from February 15 – August 31. ○ If the survey indicates the potential presence of nesting birds, a buffer will be placed around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFW, and will be based to a large extent on the nesting species and its sensitivity to disturbance. The buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest. 	<p>Project Applicant & Construction Contractor</p>	<p>Qualified Biologist</p>	<p>Before and During Construction</p>

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<p><u>Mitigation Measure BIO-4:</u> <i>California Red-legged Frog Protective Measures</i></p> <ul style="list-style-type: none"> ○ A USFWS/CDFW–approved biologist will identify if any potential red-legged frog breeding habitat (Section 6.3.1 of the HCP/NCCP, Planning Surveys) exists within the project boundaries. ○ If the project site contains suitable breeding habitat, then the project proponent will notify USFWS, CDFW, and the Conservancy of the presence and condition of potential breeding habitat, as described below. No preconstruction surveys are required. ○ Written notification to USFWS, CDFW, and the Conservancy, including photos and habitat assessment, is required prior to disturbance of any suitable breeding habitat. The project proponent will also notify these parties of the approximate date of removal of the breeding habitat at least 30 days prior to this removal to allow USFWS or CDFW staff to translocate individuals, if requested. USFWS or CDFW must notify the project proponent of their intent to translocate California red-legged frog within 14 days of receiving notice from the project proponent. The applicant must allow USFWS or CDFW access to the site prior to construction if they request it. <p>There are no restrictions under the HCP/NCCP on the nature of the disturbance or the date of the disturbance unless CDFW or USFWS notify the project proponent of their intent to translocate individuals within the required time period. In this case, the project proponent must coordinate the timing of disturbance of the breeding habitat to allow USFWS or CDFW to translocate the individuals. USFWS and CDFW shall be allowed 45 days to translocate individuals from the date the first written notification was submitted by the project proponent (or a longer period agreed to by the project proponent, USFWS, and CDFW).</p>	Project Applicant & Construction Contractor	Qualified Biologist	Before and During Construction

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<p><u>Mitigation Measure BIO-5:</u> <i>Compliance with HCP/NCCP</i></p> <p>In addition and consistent with HCP/NCCP Conservation Measure 2.12 <i>Wetland, Pond, and Stream Avoidance and Minimization</i>, the following measure will be implemented to avoid and minimize impacts to Western pond turtle and silvery legless lizard during construction activities.</p> <ul style="list-style-type: none"> The HCP/NCCP requires written notification to the USFWS, CDFW, and the ECCC Habitat Conservancy prior to disturbance of any suitable breeding habitat. If necessary, impacts to western pond turtle and silvery legless lizard, and their habitat, would be mitigated through payment of applicable development fees and wetland mitigation fees for permanent and temporary impacts, as required under the HCP/NCCP (Sections 4.1.1.4 and 4.4.2). 	Project Applicant & Construction Contractor	Qualified Biologist	Before and During Construction
<p><u>Mitigation Measure BIO-6:</u> <i>Swainson's Hawk Nest Site Protective Measures</i></p> <p>The project would comply with HCP/NCCP species-level measures for the Swainson's hawk, which requires a qualified biologist to conduct a preconstruction survey no more than one month prior to construction to establish whether Swainson's hawk nests within 1,000 feet of the project site are occupied. If a nest is determined to be occupied, covered activities within 1,000 feet of the nest would be prohibited during the nesting season (i.e., March 15 through September 15) to prevent nest abandonment. In addition, Swainson's hawk nest trees removed from the project site during the non-nesting season would be mitigated as required by the HCP/NCCP.</p> <p>The loss of non-riparian Swainson's hawk nest trees will be mitigated by the project proponent by:</p> <p>If feasible on-site, planting 15 saplings for every tree lost with the objective of having at least 5 mature trees established for every tree lost according to the requirements listed below. And, either:</p>	Project Applicant & Construction Contractor	Qualified Biologist	Before and During Construction

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<p><u>Mitigation Measure BIO-6 CONTINUED:</u> <i>Swainson's Hawk Nest Site Protective Measures</i></p> <p>1. Pay the Implementing Entity an additional fee to purchase, plant, maintain, and monitor 15 saplings on the HCP/NCCP Preserve System for every tree lost according to the requirements listed below, OR</p> <p>2. The project proponent will plant, maintain, and monitor 15 saplings for every tree lost at a site to be approved by the Implementing Entity (e.g., within an HCP/NCCP Preserve or existing open space linked to HCP/NCCP preserves), according to the requirements listed below.</p> <p>The following requirements will be met for all planting options:</p> <ul style="list-style-type: none"> ○ Tree survival shall be monitored at least annually for 5 years, then every other year until year 12. All trees lost during the first 5 years will be replaced. Success will be reached at the end of 12 years if at least 5 trees per tree lost survive without supplemental irrigation or protection from herbivory. Trees must also survive for at least three years without irrigation. ○ Irrigation and fencing to protect from deer and other herbivores may be needed for the first several years to ensure maximum tree survival. ○ Native trees suitable for this site should be planted. When site conditions permit, a variety of native trees will be planted for each tree lost to provide trees with different growth rates, maturation, and life span, and to provide a variety of tree canopy structures for Swainson's hawk. This variety will help to ensure that nest trees will be available in the short term (5-10 years for cottonwoods and willows) and in the long term (e.g., Valley oak, sycamore). This will also minimize the temporal loss of nest trees. ○ Riparian woodland restoration conducted as a result of covered activities (i.e., loss of riparian woodland) can be used to offset the nest tree planting requirement above, if the nest trees are riparian species. ○ Whenever feasible and when site conditions permit, trees should be planted in clumps together or with existing trees to provide larger areas of suitable nesting habitat and to create a natural buffer between nest trees and adjacent development (if plantings occur on the development site). ○ Whenever feasible, plantings on the site should occur closest to suitable foraging habitat outside the UDA. ○ Trees planted in the HCP/NCCP preserves or other approved offsite location will occur within the known range of Swainson's hawk in the inventory area and as close as possible to high-quality foraging habitat. 	Project Applicant & Construction Contractor	Qualified Biologist	Before and During Construction

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<p><u>Mitigation Measure BIO-7: Western Burrowing Owl Protective Measures</u></p> <ul style="list-style-type: none"> ○ Program projects would comply with HCP/NCCP species-level measures for burrowing owl. Prior to any ground disturbance related to covered activities, a USFWS/CDFW-approved biologist will conduct a preconstruction survey in areas identified in the planning surveys as supporting suitable habitat for western burrowing owl. Surveys are to be conducted no more than 30 days prior to the onset of construction. If burrowing owls are found during the breeding season (February 1 – August 31), the project proponent will avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance will include establishment of a non-disturbance buffer zone. Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the nonbreeding season (September 1 – January 31), the project proponent should avoid the owls and the burrows they are using, if possible. Avoidance will include the establishment of a buffer zone. ○ During the breeding season, buffer zones of at least 250 feet in which no construction activities can occur will be established around each occupied burrow (nest site). Buffer zones of 160 feet will be established around each burrow being used during the nonbreeding season. The buffers will be delineated by highly visible, temporary construction fencing. ○ If occupied burrows for burrowing owls are not avoided, passive relocation will be implemented. Owls should be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors should be in place for 48 hours prior to excavation. The project area should be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation (California Department of Fish and Game 1995). Plastic tubing or a similar structure should be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow. 	<p>Project Applicant & Construction Contractor</p>	<p>Qualified Biologist</p>	<p>Before and During Construction</p>

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<p><u>Mitigation Measure BIO-8:</u> <i>Pallid bat Protective Measures</i></p> <ul style="list-style-type: none"> Project-related impacts to pallid bat roosting habitat can be avoided or minimized by implementing the following measure: All potential roost trees within 50-feet of the project site will be surveyed for the presence of bat roosts by a qualified biologist. The survey may entail direct inspection of the trees or nocturnal surveys. The survey will be conducted no more than two weeks prior to the initiation of tree removal and ground disturbing activities. If no roosting sites are present, then trees will be removed within two weeks following the survey. If roosting habitat is present and occupied, then a qualified biologist will determine the species of bats present and the type of roost (i.e., day roost, night roost, maternity roost). If it is determined that the bats are not a special-status species and that the roost is not being used as a maternity roost, then the bats may be evicted from the roost using methods developed by a biologist experienced in developing and implementing bat mitigation and exclusion plans. If the bats are found to be pallid bats or the roost is being used as a maternity roost by any bat species, then a biologist experienced in bat mitigation and exclusion plans must prepare an eviction plan detailing the methods of excluding bats from the roost(s) and the methods to be used to secure the existing roost site(s) to prevent its reuse prior to removal. Removal of the roost(s) will only occur after the eviction plan has been approved by CDFW. Tree removal surrounding roost trees will be conducted without damaging the roost trees. No diesel or gas-powered equipment will be stored or operated directly beneath a roost site. All construction activity in the vicinity of an active roost will be limited to daylight hours. 	<p>Project Applicant & Construction Contractor</p>	<p>Qualified Biologist</p>	<p>Before and During Construction</p>

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<p><u>Mitigation Measure BIO-9: Riparian Habitat Protective Measures</u></p> <p>BMPs provided in Table 4, in addition to the following general construction requirements, would be implemented:</p> <ul style="list-style-type: none"> • Equipment storage, fueling, and staging areas will be sited on disturbed areas or on ruderal or non-sensitive nonnative grassland land cover types, when these sites are available, to minimize risk of direct discharge into riparian areas or other sensitive land cover types. • No erodible materials will be deposited into watercourses. Loose soil, or other debris material will not be stockpiled within stream channels or on adjacent banks. • All no-take species will be avoided. • Construction activities will comply with the Migratory Bird Treaty Act and will consider seasonal requirements for birds and migratory nonresident species, including covered species. • Temporary stream diversions, if required, will use clean sand or gravel in bags or other approved methods that minimize in-stream impacts and effects on wildlife. • Silt fencing or other sediment trapping method will be installed down-gradient from construction activities to minimize the transport of sediment off site. • Barriers will be constructed to keep wildlife out of construction sites, as appropriate. • On-site monitoring will be conducted throughout the construction period to ensure that disturbance limits, BMPs, and HCP restrictions are being implemented properly. • Active construction areas will be watered regularly to minimize the impact of dust on adjacent vegetation and wildlife habitats, if warranted. 	<p>Project Applicant & Construction Contractor</p>	<p>Qualified Biologist</p>	<p>Before and During Construction</p>

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<p><u>Mitigation Measure BIO-9 CONTINUED:</u> <i>Riparian Habitat Protective Measures</i></p> <ul style="list-style-type: none"> • Cut-and-fill slopes will be revegetated with native, noninvasive nonnative, or nonreproductive (i.e., sterile hybrids) plants suitable for the altered soil conditions. • Tree protection fencing will be used during the construction process to prevent direct damage to trees and their growing environment located just outside of the construction site (avoided trees). The fencing will consist of blaze orange barrier fencing supported by metal "T rail" fence posts and will be placed at or outside of the driplines of avoided trees to the extent feasible based on the limits of the area to be graded. The fencing will be installed before site preparation, construction activities or tree removal/trimming begins, and will be installed under the supervision of a qualified arborist. • Heavy machinery will not be allowed to operate or park within or around areas containing avoided trees. If it is necessary for heavy machinery to operate within the dripline of avoided trees, then a layer of mulch or pea gravel at least 4 inches deep will be placed on the ground beneath the dripline. A 0.75-inch sheet of plywood will be placed on top of the mulch. The plywood and mulch will reduce compaction of the soil within the dripline. • Construction materials (e.g., gravel, aggregate, heavy equipment), project debris, and waste material will not be placed adjacent to or against the trunks of avoided trees. • If the trimming of tree canopy is required to allow the movement of construction machinery, all branches to be removed will be pruned back to an appropriate sized lateral or to the trunk by following proper pruning guidelines. All trimming will be conducted under the supervision of a certified arborist. 	<p>Project Applicant & Construction Contractor</p>	<p>Qualified Biologist</p>	<p>Before and During Construction</p>

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<p><u>Mitigation Measure BIO-10:</u> <i>Wetland Protective Measures</i></p> <p>Projects under this Program would result in a net increase in wetland footprint and function; therefore, mitigation for temporary impacts would not require compensatory mitigation. If impacts on wetland resources are deemed greater than the net benefit of the project then USACE and RWCQB may require one of the following standard mitigation measures:</p> <ul style="list-style-type: none"> Establishment, reestablishment, enhancement, rehabilitation, or preservation of wetlands either on- or off-site to compensate for the wetland functions lost. USACE shall determine the compensation ratio for this option based on a variety of factors; typically, it is greater than 1:1. USACE will likely also require on-going monitoring and annual reporting for compensatory mitigation; and/or Payment into a USACE-approved in-lieu fee fund, specifically the National Fish and Wildlife Fund (NFWF) sponsored In Lieu Fee Program (if available); or Purchase of an appropriate number of credits at a USACE-approved mitigation bank. 	Project Applicant & Construction Contractor	Qualified Biologist	Before and During Construction
E5. CULTURAL RESOURCES			
<p><u>Mitigation Measure CR-1:</u> <i>Conduct Identification Efforts by a Qualified Archaeologist</i></p> <ul style="list-style-type: none"> As projects are designed and proposed, they should be reviewed by an archaeologist who meets the Secretary of the Interior's standards to evaluate their potential to impact existing or unknown historical resources. If it appears that a project could impact existing or unknown historical resources, then the project area should be subjected to an historical resources study that complies with Federal requirements outlined in Section 106 of the National Historic Preservation Act to identify resources (including buried archaeological resources). 	Project Applicant & Construction Contractor	Qualified Archaeologist	During Construction

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<p><u>Mitigation Measure CR-2:</u> <i>Conduct Identification Training and Stop Work if Archaeological Resources are Encountered During Construction</i></p> <ul style="list-style-type: none"> The construction contractor shall participate in a historical resource identification training session by a qualified archaeologist in order to be aware of the potential resources that might be uncovered. If archaeological resources are encountered during project construction, work shall be temporarily halted in the vicinity of the discovered materials and construction contractor shall avoid altering these materials and their context until a qualified archaeologist has evaluated the resource. Recommendations on how to treat the resource by the qualified archaeologist may include evaluation, preservation in place, archaeological test excavation and/or archaeological data recovery, and a draft and final report documenting such activities. 	Project Applicant & Construction Contractor	Qualified Archaeologist	During Construction

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<p><u>Mitigation Measure CR-3:</u> <i>Discovery of Human Remains</i></p> <ul style="list-style-type: none"> If at any time during site preparation, excavation, or other ground disturbance associated with the proposed project, human remains are discovered, the construction contractor shall immediately cease and desist from all further site excavation and notify the District and the District shall notify the sheriff-coroner. If the coroner determines that the remains are not subject to his or her authority, and recognizes the remains are of a Native American, the sheriff-coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall notify those persons it believes to be the most likely descendants of the deceased Native American. The most likely descendant shall be provided the opportunity to advise the land owner regarding treatment or disposition of the remains with appropriate dignity pursuant to PRC 5097.98. Disturbance shall not resume until appropriate mitigations to treat the remains on the site are established. 	Project Applicant & Construction Contractor	Qualified Archaeologist	During Construction

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E7. GEOLOGY AND SOILS			
<p><i>Mitigation Measure GEO-1:</i> <i>Conduct Identification Training and Stop Work if Paleontological Resources are Encountered During Construction.</i></p> <ul style="list-style-type: none"> The construction contractor shall participate in a paleontological resource identification training session by a qualified paleontologist in order to be aware of the potential resources that might be uncovered. If paleontological resources are encountered during project construction, work shall be temporarily halted in the vicinity of the discovered materials and construction personnel shall avoid altering these materials and their context until a qualified paleontologist has evaluated the resource. Recommendations on how to treat the resource by the qualified paleontologist may include evaluation, preservation in place, test excavation and/or paleontological data recovery, and a draft and final report documenting such activities. 	Project Applicant & Construction Contractor	Qualified Paleontologist	During Construction

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E13. NOISE			
<p><i>Mitigation Measure NOISE-1:</i> <i>Limit Hours for Construction Activities in Program Area</i></p> <p>CCCFCFCD, project applicant and contractor shall ensure that construction activities be limited to the hours set forth in Contra Costa County Ordinances 99-46 § 15: 69-59 § 1, 1969 as follows:</p> <p>If operations under the permit are within five hundred feet (152.4 meters) of residential or commercial occupancies, except as otherwise provided by conditions of approval for the project, grading operations shall be limited to:</p> <ul style="list-style-type: none"> ➤ Monday-Friday 7:30 AM to 5:30 PM <p>CCCFCFCD, project applicant and contractor shall ensure that construction activities be limited to the hours set forth in <u>Brentwood</u> Municipal Code Section 9.32.050 as follows:</p> <p>Outside Heavy Construction:</p> <ul style="list-style-type: none"> ➤ Monday-Friday 8:00 AM to 5:00 PM Saturday 9:00 AM to 4:00 PM <p>CCCFCFCD, project applicant and contractor shall ensure that construction activities be limited to the hours set forth in <u>Oakley</u> Municipal Code Section 4.2.208d as follows:</p> <p>Outside Heavy Construction:</p> <ul style="list-style-type: none"> ➤ Monday-Friday 7:30 AM to 7:00 PM Saturday 9:00 AM to 7:00 PM 	Project Applicant & Construction Contractor	Construction Contractor	During Construction
E16. RECREATION			

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<p><u>Mitigation Measure REC-1:</u> <i>Provide Trail Users with Clear Re-Route / Detour Options During Construction.</i></p> <p>Program project applicants and their contractors will coordinate with local traffic and recreational districts to minimize disturbance to the public trail from creek restoration activities located on or adjacent to, Marsh Creek Trail. Appropriate signage, pedestrian/user management, and detours will be provided by the contractor, and a haul route will be designated and clearly marked.</p>	<p>CCCFCFCD, Project Applicant & Construction Contractor</p>	<p>Construction Contractor</p>	<p>Before and During Construction</p>
E17. TRANSPORTATION / TRAFFIC			
<p><u>Mitigation Measure TRAFFIC-1:</u> <i>Prepare a Traffic Control Plan Prior to Construction.</i></p> <p>A traffic control plan will be submitted with an encroachment permit application. In compliance with this requirement, the project applicant(s) will require their construction contractor to prepare a traffic control plan in accordance with professional engineering standards prior to construction. The traffic control plan shall be submitted to the Cities of Brentwood and/or Oakley for review and approval prior to construction.</p>	<p>Project Applicant & Construction Contractor</p>	<p>Construction Contractor</p>	<p>Before and During Construction</p>