



South Sacramento HCP Biological Resources Report

Bradshaw Jackson

Sacramento County, California

2 June 2021



Prepared for:

Mr. Doug Ose
J&B Storage, LLC
4013 Park Drive
Sacramento, CA 95841

Recommended Citation:

Madrone Ecological Consulting, LLC (Madrone). 2021. *South Sacramento HCP Biological Resources Report – Bradshaw Jackson Project*. Prepared for J&B Storage, LLC. Published on 2 June 2021.

CONTENTS

South Sacramento HCP Biological Resources Report Bradshaw Jackson

1.0 Introduction	1
1.1 Applicant Information	1
1.2 Project Location	1
2.0 Project Description	1
3.0 Survey Methodology and Results	2
3.1 Aquatic Resource Delineation	2
3.2 South Sacramento HCP Land Cover Mapping and Biological Resources Assessment	3
3.3 Proposed Special-Status Plant Surveys	3
4.0 Current Conditions	3
5.0 Land Cover Types	4
5.1 SSHCP Land Cover Baseline Map Types vs. Existing Land Cover Types	4
5.1.1 Developed and Other Non-Habitat Land Cover Types	4
5.1.2 Valley Grassland Land Cover	5
5.1.3 Swale Land Cover	5
5.1.4 Vernal Pool Land Cover	6
5.1.5 Streams/Creek	6
6.0 Potential for Occurrence of Covered Species	6
7.0 Project Land Cover Impacts and Preliminary SSHCP Development Fees	8
8.0 Applicable Avoidance and Minimization Measures	8
9.0 References	9

Tables

Table 1. Comparison of Land Cover Acreage on SSHCP Baseline Map Versus Current Conditions	4
Table 2. Land Covers and Associated SSHCP Covered Species with Potential to Occur	7
Table 3. Land Cover Impacts and Preliminary Development Fees	8

Figures

Figure 1. Site and Vicinity Map
Figure 2. Aquatic Resources
Figure 3. Natural Resources Conservation Service Soils
Figure 4. SSHCP Land Cover Baseline Map
Figure 5. Existing Baseline Land Cover Map

Attachments

Attachment A. U.S. Army Corps of Engineers Jurisdictional Determination and Aquatic Resources Map

Attachment B. SSHCP Avoidance and Minimization Measures

1.0 INTRODUCTION

This report presents the biological resources information for the Bradshaw Jackson Project (Study Area) required to complete a permit application package for submittal to South Sacramento Conservation Agency (SSCA) with a request for coverage under the South Sacramento Habitat Conservation Plan (SSHCP) as well as additional information for the client's reference. This report has been prepared in accordance with the guidelines presented in SSHCP "Section 10.4.2: Components of the SSHCP Permit Application Package" and "Form B – SSHCP Application Form" as well as recent verbal guidance from County staff. It is also intended to assist the applicant with Project planning in advance of the preparation of a permit application.

Field surveys, including an aquatic resources delineation (wetland delineation) and vegetation community mapping was conducted by Madrone Ecological Consulting, LLC (Madrone). These surveys were conducted by biologists in order to assess the potential presence of sensitive biological resources within the Study Area. No protocol-level species-specific biological surveys have been conducted within the Study Area to date.

1.1 Applicant Information

Applicant/Property Owner

Mr. Doug Ose
J&B Storage, LLC
4013 Park Drive
Sacramento, CA 95841

Agent/Consultant

Sarah VonderOhe
Madrone Ecological Consulting, LLC
8421 Auburn Boulevard, Suite 248
Citrus Heights, California 95610

1.2 Project Location

The approximately 8-acre Study Area is located southwest of the intersection of Jackson Highway (State Route 16) and Bradshaw Road in an unincorporated portion of Sacramento County (County). The Study Area is located in a portion of Section 20 and an unsectioned portion of the Rios de los Americanos Land Grant, Township 8 North, Range 6 East of the "Carmichael, California" 7.5-Minute Series USGS Topographic Quadrangle (USGS 2018) (**Figure 1**). The Study Area is located at an elevation of approximately 65 feet above mean sea level.

2.0 PROJECT DESCRIPTION

J@B Storage, LLC (Developer) proposes to develop the Study Area into a storage facility for boats, recreational vehicles, personal vehicles, and commercial vehicles. The J@B Storage facility will provide storage for trucks and vehicles that would otherwise be stored on public streets, residential driveways, and other locations in the County. The proposed use for vehicle storage is short-term use.

The vacant and undeveloped Study Area is an irregular shape with frontage on Jackson and Bradshaw Roads. The Study Areas Jackson Road frontage is interrupted by a small parcel (Subway) that is not part of the project.

The surface consists of a patchwork of dirt, gravel, with areas of grassy and weedy vegetation and portions of the property are regularly disked. A drainage ditch and abandoned well (WP 0047479) are adjacent to Bradshaw Road and a drainage swale is situated diagonally through the Study Area. Chain link fencing is on the west and south edges with mature coast redwood (*Sequoia sempervirens*) trees, approximately thirty feet on center along the southern boundary.

Access to the site will be available from concrete driveways from Jackson Road and Bradshaw Road. The project will include uncovered gravel spaces for rent and storage of operable boats, recreational vehicles, vehicles, and commercial vehicles.

A small structure for an office and restroom and will be located adjacent to the entry at Bradshaw Road. A trash enclosure for trash and recycling is proposed near the office. There is existing chain link fencing with slats and cyclone wire on the western and southern Study Area boundaries that will remain with the project.

A landscape setback is planned adjacent to the Jackson and Bradshaw Roads. The landscape setback will be planted with coast redwood, cottonwood (*Populus* sp.), and crepe myrtle (*Lagerstroemia* sp.) trees as well as groundcover. A vegetated stormwater quality swale will be constructed within the setback adjacent to Bradshaw Road.

3.0 SURVEY METHOLOGIES AND RESULTS

3.1 Aquatic Resource Delineations

An aquatic resource delineation was conducted for the Study Area by Madrone senior biologist Dustin Brown on 10 January and 3 August 2020. During this delineation, a total of 0.187 acre of aquatic resources were identified within the Study Area. Aquatic resources within the Study Area include 0.087 acre of seasonal wetland, 0.044 acre of seasonal wetland swale, and 0.056 acre of drainage ditch (**Figure 2 and Attachment A**). U.S. Army Corps of Engineers (USACE) verified the aquatic resources delineation on April 6, 2021. None of the aquatic resources mapped as part of the delineation are waters of the United States.

During the survey, data points were mapped in the field with an Arrow 100 GNSS unit, which is capable of sub-meter accuracy. Three-parameter data (vegetation, soils, and hydrology) were collected at each data point, documenting wetland/waters or upland status, as appropriate. The aquatic resources delineation map was prepared in accordance with the *Updated Map and Drawing Standards for the South Pacific Division Regulatory Program* (USACE 2016a). The field data was overlaid on an ortho-rectified aerial photograph (Maxar 2019). The delineation was performed in accordance with the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987), the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)* (USACE 2008a), *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (USACE 2008b), and the Sacramento District's *Minimum Standards for Acceptance of Preliminary Wetlands Delineations* (USACE 2016b). USACE regulations (33 CFR 328) were used to determine the presence of Waters of the United States other than wetlands. The most recent *National Wetland Plant List* (Lichvar et

al. 2016) was used to determine the wetland indicator status of plants observed in the Study Area. The *Jepson eFlora* (Jepson Flora Project 2020) was used for plant nomenclature, except where it conflicted with the nomenclature in the *National Wetland Plant List*, which was given priority. USACE's approved jurisdictional determination for features mapped during the delineation is included in **Attachment A**.

3.2 South Sacramento HCP Land Cover Mapping and Biological Resources Assessment

Madrone senior biologist Dustin Brown conducted a biological resources assessment and SSHCP land cover mapping of the Study Area on 10 January and 3 August 2020. The purpose of the survey was to map landcover types according to the SSHCP, conduct a general wildlife survey, and to inventory all trees located within the proposed project footprint. The results of these surveys are included in this report.

3.3 Proposed Special-Status Plant Surveys

It is anticipated that preconstruction surveys for special-status plants will be conducted prior to the start of construction. The surveys will be conducted in accordance with the California Department of Fish and Wildlife's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW 2018), as required by the SSHCP. Based upon the ruderal and disturbed nature of the site, and the fact that the shallow onsite aquatic resources receive runoff from developed areas, the likelihood of special-status plants to be present within the Study Area is very low.

4.0 CURRENT CONDITIONS

The Study Area is comprised of a level parcel that is mostly undeveloped ruderal grassland that is plowed on a regular basis for fire prevention. The northeastern portion of the Study Area has been developed into gravel parking and storage area for old vehicles, equipment, and shipping containers. Surrounding land use consists of an inactive gravel pit to the west, an active gravel pit and local bar to the south, Bradshaw Road to the east, and an equipment rental yard, Subway restaurant, and Jackson Highway to the north. There are several depressional wetlands, a seasonal wetland swale, and several drainage ditches scattered through the central portion of the Study Area. There is one Valley oak (*Quercus lobata*) located along the western boundary of the Study Area. This tree will not be removed as part of the project.

Five land cover types as defined by the SSHCP were identified within the Study Area. It is worth noting that the nomenclature of these land cover types may differ from the aquatic resources delineation. Land covers identified within the Study Area include Valley Grassland, Disturbed, Major Roads, Streams/Creeks, Swale, and Vernal Pool. See Section 5.0 for a description of these land cover types.

According to the Natural Resources Conservation Service (NRCS) Soil Survey Database (NRCS 2020), two soil mapping unit occurs within the Study Area (**Figure 3**): 157 – Hedge Loam, 0 to 2 percent slopes and 214 - San Joaquin silt loam, leveled, 0 to 3 percent slopes. San Joaquin silt loam and Hedge Loam is moderately well drained soil found on low terraces, that does not frequently flood or pond and are not listed by the NRCS as a

hydric soil (NRCS 2020), nor do they typically contain hydric components. The soil map units are not derived from serpentine parent material, nor is it classified as saline or alkaline (NRCS 2020).

5.0 LAND COVER TYPES

5.1 SSHCP Land Cover Baseline Map Types vs. Existing Land Cover Types

The SSHCP Land Cover Baseline Map displays the following Land Cover Types within the Study Area (Figure 4):

- Valley Grassland;
- Low Density Development;
- High Density Development; and
- Major Roads.

These land cover types are largely accurate; however, we have refined the linework just slightly to more accurately portray existing conditions and have eliminated land cover types that do not exist within the Study Area such as High Density Development and Low Density Development. The existing extent of land covers observed during the field survey is shown on Figure 5. Table 1 below summarizes the Land Cover Types on the SSHCP Baseline Map versus those observed during the field surveys.

Table 1. Comparison of Land Cover Acreage on SSHCP Baseline Map Versus Current Conditions

Land Cover Type	SSHCP Baseline Map (ac.)	Current Conditions (ac.)
<i>Developed and Other Non-Habitat Land Cover Types</i>		
Disturbed	0.00	1.29
High Density Development	0.06	0.00
Low Density Development	1.14	0.00
Major Roads	<0.01	0.06
<i>SSHCP Terrestrial Land Cover Type</i>		
Valley Grassland	6.98	6.65
<i>SSHCP Aquatic Land Cover Type</i>		
Streams/Creeks	0	0.06
Swale	0	0.04
Vernal Pool	0	0.09
Total	8.18	8.18*

*Minor summation errors are due to rounding to the 1/100th

5.1.1 Developed and Other Non-Habitat Land Cover Types

Three Developed and Other Non-Habitat land cover types were mapped within the Project Area by the SSHCP Baseline Map. Two of these land cover types were not identified within the Study Area including High Density Development and Low Density Development. One land cover type, Developed, was not mapped within the Study Area by the SSHCP Baseline Map but is present within the Study Area. Disturbed areas within the Study Area are confined to the northeastern portion surrounding the Subway restaurant and parking lot. Major Roads was mapped along the northern and eastern margins of the Study Area along

Bradshaw Road and Jackson Highway. These land cover types are not considered suitable to support SSHCP Covered Species (Covered Species).

5.1.2 Valley Grassland Land Cover

The majority of the Project Area has been accurately mapped as Valley Grassland. This land cover type is dominated primarily by nonnative annual grass species, including wild oat (*Avena fatua*), soft brome (*Bromus hordeaceus*), medusahead grass (*Elymus caput-medussae*), Italian ryegrass (*Festuca perennis*), prickly lettuce (*Lactuca serriola*), and field bindweed (*Convolvulus arvensis*), stinkwort (*Dittrichia graveolens*), curly dock (*Rumex crispus*), chicory (*Cichorium intybus*), and Bermuda grass (*Cynodon dactylon*).

As noted above, we have adjusted the linework slightly to more accurately capture the boundaries of these areas. Valley Grassland, which is categorized as a Natural Land Cover Category (or a land cover type with habitat value), supports habitat for 14 of the 28 Covered Species. See **Table 2** below for associated covered species for this land cover type.

5.1.3 Swale Land Cover

This land cover is associated with the seasonal wetland swale located in the central portion of the Study Area as shown on **Figure 2**. This feature is a low-lying area that receives precipitation runoff and wash water runoff from the adjacent equipment rental facility. Water gathers and flows through the swale and exits to the east via a manmade drainage ditch. It appears that this ditch was created to drain the swale and convey ponded water into the adjacent uplands. The feature is regularly disturbed from disking. Vegetation within this swale consists of hyssop loosestrife (*Lythrum hyssopifolia*), Italian ryegrass, annual rabbit's-foot grass (*Polypogon monspeliensis*), tall flatsedge (*Cyperus eragrostis*), stinkwort, and perennial pepperweed (*Lepidium latifolium*).

Swale, which is categorized as a Natural Land Cover Category (or a land cover type with habitat value), supports habitat for 14 of the 28 Covered Species. See **Table 2** below for associated covered species for this land cover type.

5.1.4 Vernal Pool Land Cover

The SSHCP classifies all depressional wetlands (seasonal wetlands and vernal pools) as Vernal Pool land cover. The onsite seasonal wetlands as shown on **Figure 2**, are shallow, regularly disked, and contain non-native non-vernal pool vegetation and do not provide typical vernal pool habitat value. However, the SSHCP classifies such features as Vernal Pool land cover. It is worth noting that even though there is “Vernal Pool” land covers within the Study Area, these features do not provide habitat to all vernal pool species in **Table 2** below.

This land cover is dominated by hyssop loosestrife, Mediterranean barley (*Hordeum marinum*), annual rabbit’s-foot grass, Italian ryegrass, and stinkwort. All four of these features are very shallow depressional wetlands that are regularly disturbed by disking.

Vernal Pool, which is categorized as a Natural Land Cover Category (or a land cover type with habitat value), supports habitat for 23 of the 28 Covered Species. See **Table 2** below for associated covered species for this land cover type.

5.1.5 Streams/Creeks Land Cover

It is worth noting that the SSHCP lumps all ditches into the “Streams/Creeks” land cover type. The onsite drainage ditches fall into this category even though they do not provide habitat value for any of the covered species associated with Streams/Creeks. This land cover is associated with the on-site drainage ditches on **Figure 2**. There is one roadside ditch along Bradshaw Road that is mostly unvegetated due to county roadway herbicide spraying. There is another drainage ditch that conveys water from the onsite swale southeast into the uplands. It is possible that during heavy rain events, water from this drainage ditch flows overland into the southeast corner of the site and into a roadside culvert and offsite. There is another drainage ditch that conveys precipitation runoff from the southeast corner of the Study Area and from the Happy Bar to the southeast corner of the Study Area and offsite.

Vegetation within these drainage ditches is sparse and consists of Italian ryegrass, Mediterranean barley, turkey-mullein (*Croton setiger*), and curly dock.

Streams/Creek, which is categorized as a Natural Land Cover Category (or a land cover type with habitat value), supports habitat for 5 of the 28 Covered Species. See **Table 2** below for associated covered species for this land cover type.

6.0 POTENTIAL FOR OCCURRENCE OF COVERED SPECIES

A list of Covered Species identified by the SSHCP as occurring on Land Cover types within the Study Area is included in **Table 2**. Their type of use within observed Land Cover Types (as defined by the SSHCP), and our analysis of their potential to occur within the Study Area based on the habitats present. Those species that we believe have some potential to occur within the Study Area are indicated in bold font. Please note

that Sacramento County will have ultimate discretion to determine which species have “Modeled Habitat” that overlaps the Project Area (and thus have potential to occur).

Table 2. Land Covers and Associated SSHCP Covered Species with Potential to Occur

SSHCP Covered Species	Valley Grassland	Swale	Streams/Creeks	Vernal Pool	Potential for Occurrence
Ahart's Dwarf Rush		X		X	No habitat present. The wetlands onsite are regularly disturbed, very shallow, and do not contain typical vernal pool plant species.
Bogg's Lake Hedge Hyssop				X	No habitat present. The wetlands onsite are regularly disturbed, very shallow, and do not contain typical vernal pool plant species.
Dwarf Downingia		X		X	Low. The aquatic resources on-site represent low potential habitat for the species.
Legenere				X	No habitat present. The wetlands onsite are regularly disturbed, very shallow, and do not contain typical vernal pool plant species.
Pincushion Navarretia		X		X	No habitat present. The wetlands onsite are regularly disturbed, very shallow, and do not contain typical vernal pool plant species.
Sacramento Orcutt Grass				X	No habitat present. The wetlands onsite are regularly disturbed, very shallow, and do not contain typical vernal pool plant species.
Slender Orcutt Grass				X	No habitat present. The wetlands onsite are regularly disturbed, very shallow, and do not contain typical vernal pool plant species.
Sanford's arrowhead			X		No habitat present. The on-site drainage ditches do not contain suitable habitat for the species.
Mid-Valley Fairy Shrimp		X		X	Low. The depressional wetlands on-site represent low quality habitat for the species.
Ricksecker's Water Scavenger Beetle		X		X	No habitat present. There are no true vernal pools on-site, thus no suitable habitat for the species is present. This species is highly associated with typical vernal pools per the SSHCP.
Vernal Pool Fairy Shrimp		X		X	Low. The depressional wetlands on-site represent low quality habitat for the species.
Vernal Pool Tadpole Shrimp		X		X	No habitat present. The depressional wetlands are too shallow to support the species.
California Tiger Salamander	X			X	No habitat present. The Study Area is outside of the known range of the species.
Western Spadefoot	X	X	X	X	No habitat present. There are no suitable aquatic features that are deep enough to support breeding for this species. There are no potential breeding ponds within close vicinity to the Study Area.
Giant Gartersnake	X	X	X		No habitat present. The nearest potential habitat is approximately 800-feet south of the Project Area.
Western Pond Turtle	X		X		No habitat present. The nearest potential habitat is approximately 800-feet south of the Project Area.
Ferruginous Hawk	X	X		X	Low. Foraging only
Greater Sandhill Crane	X	X		X	No habitat present. The Study Area is outside of SSHCP modeled habitat and the documented range of the species.
Loggerhead Shrike	X	X		X	Low. The Valley oak along the western boundary and trees along the southern boundary represent potential nesting habitat. The species may forage on-site.
Northern Harrier	X	X		X	Low. The Valley Grassland on-site represents low quality nesting habitat for the species.
Swainson's Hawk	X	X		X	Moderate. The Valley Grassland on-site represents low quality foraging habitat and the trees along the western and southern boundaries represent suitable nesting habitat for the species. There is high quality nesting habitat for the species to the south and southeast of the Study Area.
Tricolored Blackbird	X	X		X	Moderate. There are four known breeding colonies within 0.25-mile of the Study Area. The Valley Grassland represents foraging habitat for the species.

Table 2. Land Covers and Associated SSHCP Covered Species with Potential to Occur

SSHCP Covered Species	Valley Grassland	Swale	Streams/Creeks	Vernal Pool	Potential for Occurrence
Western Burrowing Owl	X	X		X	Low. No potential nesting habitat was observed within the Study Area. However, there is suitable nesting habitat to the west of the Study Area.
White-tailed Kite	X	X		X	Moderate. The trees along the southern and western boundary provide potential nesting habitat for the species. The species may forage on-site.
American Badger	X	X		X	No habitat present. There are no large undisturbed areas that the species requires within the Study Area.
Western Red Bat	X	X	X	X	No habitat present. There is no roosting habitat within the Study Area

7.0 PROJECT LAND COVER IMPACTS AND PRELIMINARY SSHCP DEVELOPMENT FEES

We have estimated Project land cover impacts by assuming that the entire Study Area as shown in Figure 5 will be impacted. The impacts and associated preliminary SSHCP Development Fees, as outlined in the 2019 Mitigation Fee Schedule posted on the SSHCP website, are summarized in Table 3¹. Note that land cover types that represent no habitat value are not included in the table below including 1.29 acres of impacts to Disturbed and 0.06 acre of impacts to Major Roads.

Table 3. Land Cover Impacts and Preliminary Development Fees

Land Cover Type	Per Acre Fee	Impact (acres)	Development Fees
Valley Grassland	\$19,394	6.65	\$128,970.10
Swale	\$143,475	0.04	\$5,739.00
Streams/Creeks	\$130,834	0.06	\$7,850.04
Vernal Pool	\$209,567	0.09	\$18,861.03
Total		6.84	\$161,420.17¹

8.0 APPLICABLE AVOIDANCE AND MINIMIZATION MEASURES

As outlined in "Form B – SSHCP Application Form" under "Part V. Supporting Documentation Checklist" Sacramento County, as the local land use agency, will provide Avoidance and Minimization Measures (AMMs) that shall be implemented by the Applicant. However, for Project planning purposes, we have identified a list of AMMs that may be required based on the land cover types within and adjacent to the Project Area, and the Covered Species that we believe have potential to occur. For your convenience, we have provided the full text of these AMMs in Attachment B.

- LID-1;
- SPECIES-1, 2, 3, and 4;
- TCB-1, 2, 3, and 4;
- SWHA-1, 2, 3, and 4;
- BMP-2, 5, 6, 7, and 8;
- PLANT-1 and 2;
- WBO-1, 2, 3, 4, 5, 6, and 7; and
- RAPTOR-1, 2, 3, and 4.

¹ Note that the Land Use Authority Permittee or Implementing Entity will do the final calculation of impacts; these estimates are for Project planning purposes only. The Development Fees included in Table 3 may change to reflect market conditions.

9.0 REFERENCES

- California Department of Fish and Wildlife (CDFW). 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*.
- California Native Plant Society (CNPS). 2020. *Inventory of Rare and Endangered Plants* (online edition, v8-02). California Native Plant Society, Sacramento, CA. Website <http://www.rareplants.cnps.org> [accessed August 2020].
- California Natural Diversity Database (CNDDDB). 2020. *RareFind 5*. California Department of Fish and Wildlife. Dated August 2020.
- County of Sacramento, City of Rancho Cordova, City of Galt, Sacramento County Water Agency, Sacramento Regional County Sanitation District, and the Southeast Connector Joint Powers Authority. 2018. *Final South Sacramento Habitat Conservation Plan*. January 2018. Sacramento, CA.
- Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual*. Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station. Vicksburg, Miss.
- Jepson Flora Project (eds.). 2020. *Jepson eFlora*, <http://ucjeps.berkeley.edu/eflora/> [accessed August 2020]
- Madrone Ecological Consulting. 2020. *Aquatic Resources Delineation Report, Bradshaw Jackson, Sacramento County, California*. In preparation.
- Maxar. 2019. *Aerial Photograph of the Study Area*. Dated 7 November 2019.
- Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. *The National Wetland Plant List: 2016 Wetland Ratings*. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X.
- Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture (NRCS). 2020. *Web Soil Survey*. Available online at <http://websoilsurvey.nrcs.usda.gov/>.
- U.S. Army Corps of Engineers (USACE). 2008a. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)*, ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center.
- U.S. Army Corps of Engineers (USACE). 2008b. *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States. A Delineation Manual*. Prepared

by R. W. Lichvar and S. M. McColley. ERDC/CRREL TR-08-12. Cold Regions Research and Engineering Laboratory.

U.S. Army Corps of Engineers (USACE). 2016a. *Updated Map and Drawing Standards for the South Pacific Division Regulatory Program*. Dated February 10, 2016. Available online at: <http://www.spd.usace.army.mil/Missions/Regulatory/Public-Notices-and-References/Article/651327/updated-map-and-drawing-standards/>

U.S. Army Corps of Engineers (USACE). 2016b. *Minimum Standards for Acceptance of Aquatic Resources Delineation Reports*. U.S. Army Corps of Engineers, Sacramento District. Dated January 2016. Available online at: http://www.spk.usace.army.mil/Portals/12/documents/regulatory/jd/minimum-standards/Minimum_Standards_for_Delineation_with_Template-final.pdf

U.S. Department of the Interior, Geological Survey (USGS). 2018. *"Carmichael, California" 7.5-minute Quadrangle*. Geological Survey. Denver, Colorado.

Figures

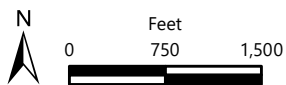
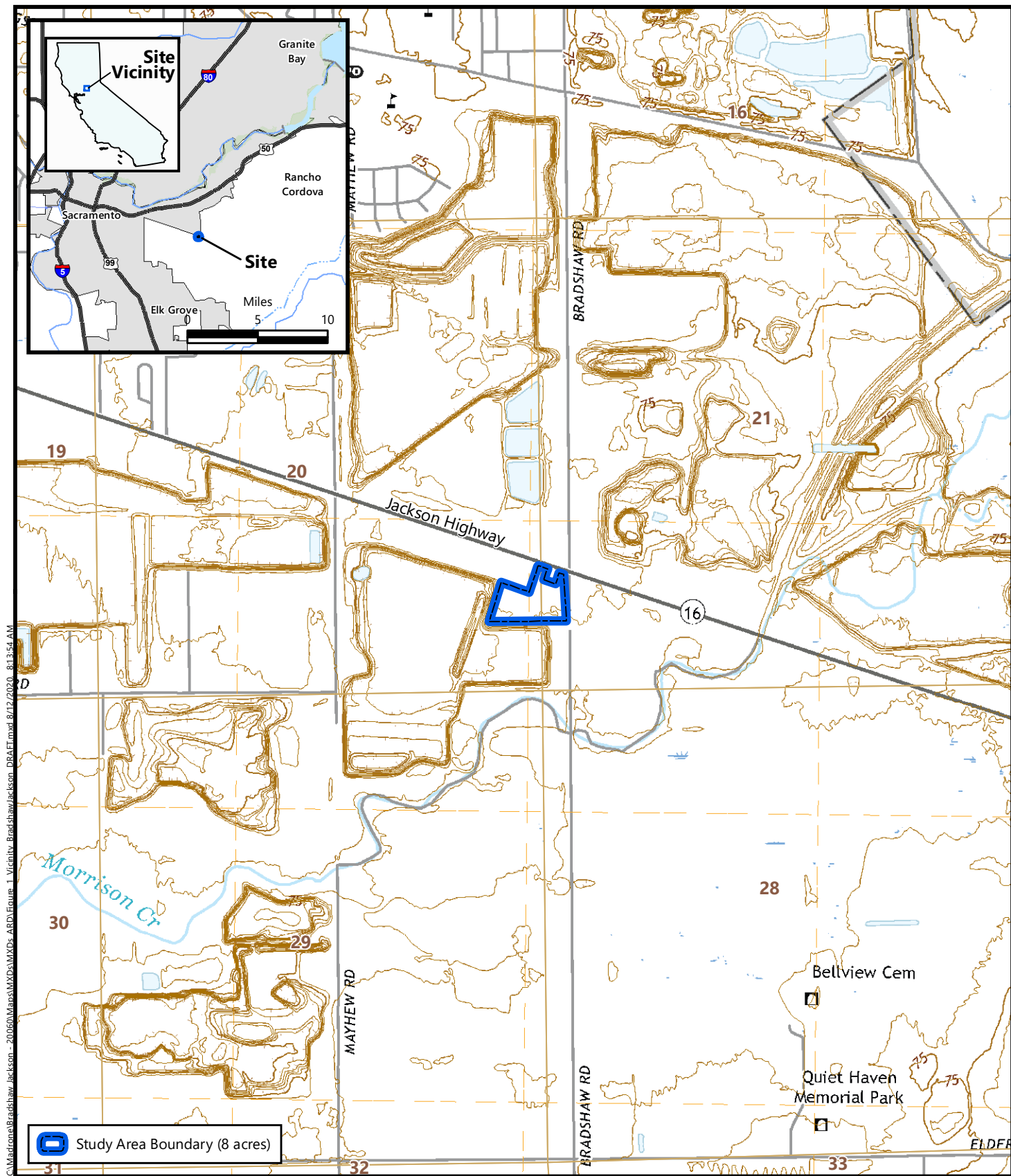
Figure 1. Site and Vicinity Map

Figure 2. Aquatic Resources

Figure 3. Natural Resources Conservation Service Soils

Figure 4. SSHCP Land Cover Baseline Map

Figure 5. SSHCP Existing Land Covers



Source: United States Geologic Survey, 2018.
 Rios de los Americanos Land Grant
 Township 8 North, Range 6 East, MDB&M
 "Carmichael, California" 7.5-Minute Topographic Quadrangle
 Longitude -121.33641, Latitude 38.528094

Figure 1
Site and Vicinity

Bradshaw Jackson
 Sacramento County, California



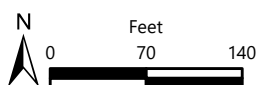
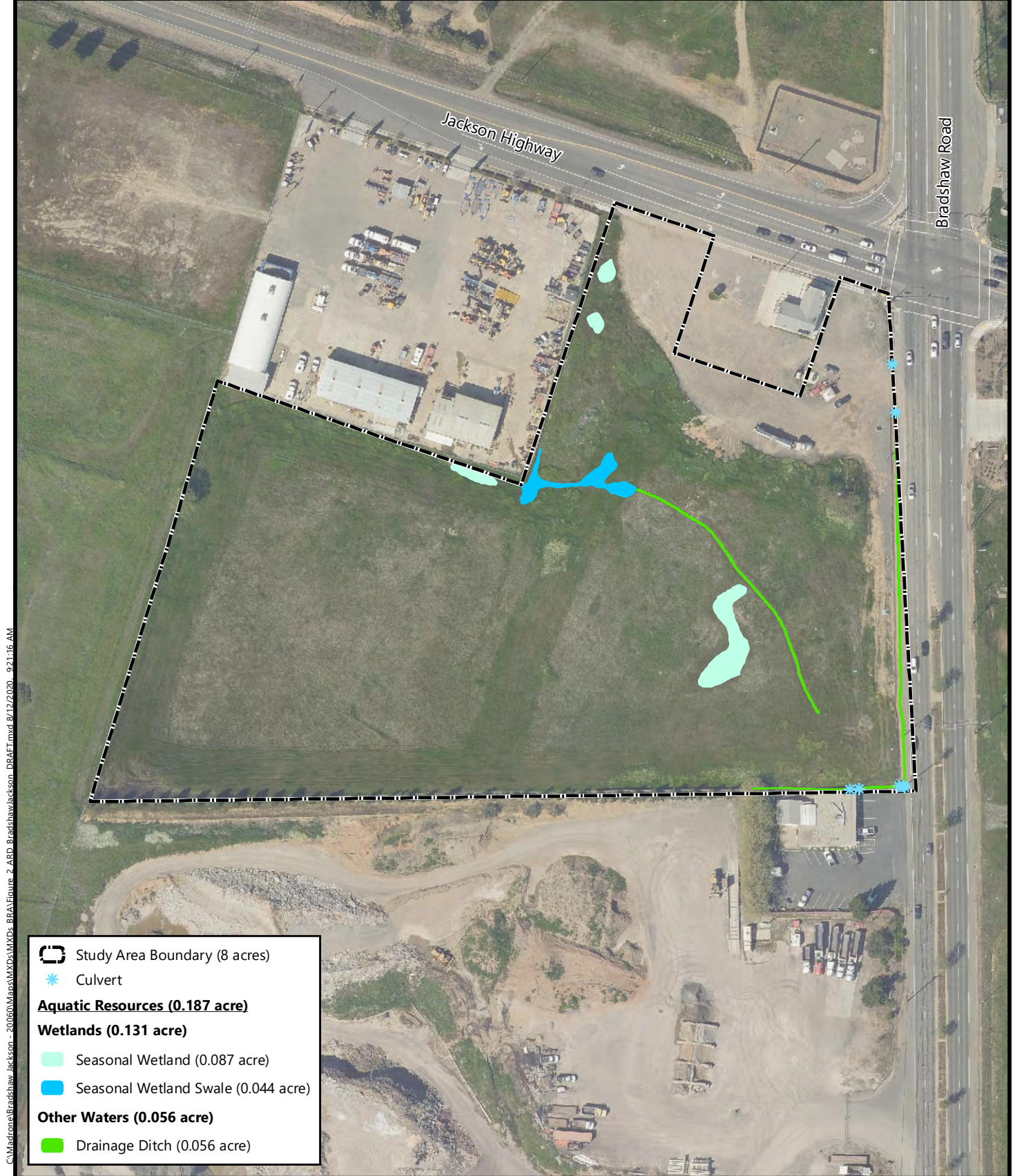


Figure 2
Aquatic Resources

Bradshaw Jackson
Sacramento County, California







Figure 4
SSHCP Land Cover Baseline Map

SSHCP Land Cover Type Source: South
Sacramento Habitat Conservation Plan (SSHCP), 2018
Aerial Source: Maxar, 7 November 2019

Bradshaw Jackson
Sacramento County, California



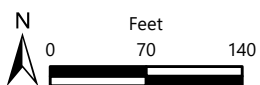


Figure 5
SSHCP Existing Land Covers

Land Cover and Observed Species Habitat Source: Madrone, 2020.,
South Sacramento Habitat Conservation Plan (SSHCP), 2018.
Aerial Source: Maxar, 7 November 2019

Bradshaw Jackson
Sacramento County, California



Attachments

Attachment A. U.S. Army Corps of Engineers Jurisdictional Determination and Aquatic
Resources Map

Attachment B. SSHCP Avoidance and Minimization Measures

Attachment A

U.S. Army Corps of Engineers Jurisdictional Determination and Aquatic Resources Delineation Map



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

April 6, 2021

Regulatory Division (SPK-2021-00158)

J&B Storage, LLC
Attn: Mr. Doug Ose
4013 Park Drive
Sacramento, California 95841
dougose@hotmail.com

Dear Mr. Ose:

We are responding to your consultant's October 20, 2020, request for an approved jurisdictional determination for the Bradshaw Jackson Property site. The approximately 8.0-acre project site is located southwest of the intersection of Jackson Highway and Bradshaw Road, at Latitude 38.52809°, Longitude -121.33641°, in an unincorporated portion of Sacramento County, California.

Based on available information, we concur with your aquatic resources delineation for the site, as depicted on the enclosed August 12, 2020, *Aquatic Resources Delineation Bradshaw Jackson* drawing(s) prepared by Madrone Ecological Consulting (enclosure 1). Approximately 0.19 acre of aquatic resources, consisting of 0.087 acre of seasonal wetland, 0.044 acre of seasonal wetland swale, and 871 linear feet of drainage ditch are present within the survey area. This letter verifies that the location and boundaries of wetlands were delineated consistent with the wetland definition at 33 CFR §328.3(c)(16), the 1987 *Corps of Engineers Wetlands Delineation Manual* (Wetlands Research Program Technical Report Y-87-1) and the applicable regional supplements; and the location and boundaries of non-tidal waters conform with the ordinary high water mark definition at 33 CFR §328.3(c)(7), Regulatory Guidance Letter 05-05, and any applicable regional guide.

Of these aquatic resources, we have determined that those features SW-1 through SW-4, SWS-1, and DD-1 through DD-5, totaling 0.19 acre are not waters of the U.S. regulated under Section 404 of the Clean Water Act or under Section 10 of the Rivers and Harbors Act.

We are enclosing a copy of the *Approved Jurisdictional Determination Form* for your site (enclosure 2).

This approved jurisdictional determination is valid for five years from the date of this letter unless new information warrants revision of the determination before the expiration date. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 Code of Federal Regulations (CFR) Part 331. A *Notification of Appeal Process (NAP) and Request for Appeal (RFA) Form* is enclosed (enclosure 3). If you request to appeal this determination, you must submit a completed RFA form to the South Pacific Division Office at the following address: Administrative Appeal Review Officer, Army Corps of Engineers, South Pacific Division, CESPD-PDO, 1455 Market Street, 2052B, San Francisco, California 94103-1399, Telephone: 415-503-6574, FAX: 415-503-6646.

In order for an RFA to be accepted by the Corps, we must determine that the form is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that the form was received by the Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Division Office unless you object to the determination in this letter.

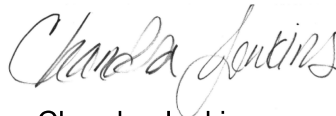
We recommend that you provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

We appreciate feedback, especially about interaction with our staff and our processes.

Please refer to identification number SPK-2021-00158 in any correspondence concerning this project. If you have any questions, please contact Hailey Price by email at Hailey.J.Price@usace.army.mil, or telephone at 916-557-5269. For program information or to complete our Customer Survey, visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

A handwritten signature in cursive script, reading "Chandra Jenkins".

Chandra Jenkins
Chief, CA Delta Section
Regulatory Division

Enclosures

cc:

Ms. Sarah Vonderohe, Madrone Ecological Consulting, svonderohe@MadroneEco.com

Mr. Joseph Morgan, EPA Region IX - Water Division, morgan.joseph@epamail.epa.gov

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: J&B Storage, LLC, Attn: Mr. Doug Ose		File No.: SPK-2021-00158	Date: April 6, 2021
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
→	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Chandra Jenkins
Chief, CA Delta Section
Regulatory Division
U.S. Army Corps of Engineers

Phone: 916-557-5269, FAX 916-557-7803
Email: Hailey.J.Price@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Thomas J. Cavanaugh
Administrative Appeal Review Officer
U.S. Army Corps of Engineers
South Pacific Division
1455 Market Street, 2052B
San Francisco, California 94103-1399
Phone: 415-503-6574, FAX: 415-503-6646)
Email: Thomas.J.Cavanaugh@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation and will have the opportunity to participate in all site investigations.

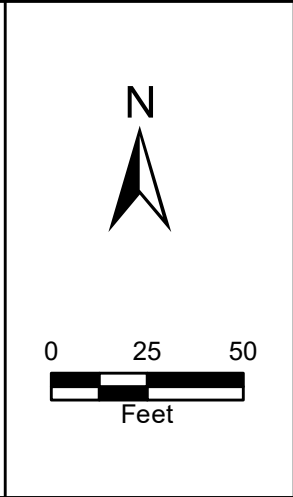
Signature of appellant or agent.

Date:

Telephone number:



Notes:
Map Scale: 1 inch = 50 feet
Coordinate System: NAD 1983 State Plane California II
Datum: NAD83 (North American Datum 1983)
Projection: Lambert Conformal Conic
Vertical Data: NAVD88 (North American Vertical Datum 1988)
Aerial Base: Maxar
Aerial Base Flown: 7 November 2019
Topographic Contours: USGS NED 1/3 arc-second for Sacramento W, California. 1 October 2018
Date Map Prepared: 12 August 2020
Map Prepared by: N. Bente
Delineation Performed by: D. Brown



Prepared For:
Doug Ose
c/o J&B Storage, LLC
4013 Park Drive
Sacramento, CA 95841

Study Area Boundary (8 acres)
 Reference Point
 Data Point
 Culvert
 Ground Surface Elevation, 5 foot contour

Aquatic Resources (0.187 acre)

Wetlands (0.131 acre)

- Seasonal Wetland (0.087 acre)
- Seasonal Wetland Swale (0.044 acre)

Other Waters (0.056 acre)

- Drainage Ditch (0.056 acre)

Aquatic Resources Delineation

Bradshaw Jackson

Sacramento County, California, California

MADRONE
ECOLOGICAL
CONSULTING

8421 Auburn Boulevard, Suite 248
Citrus Heights, California 95610
(916) 822.3220 | www.madroneeco.com



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): [March 29, 2021](#).

ORM Number: [SPK-2021-00158](#).

Associated JDs: [N/A](#).

Review Area Location¹: State/Territory: [CA](#). City: [Unincorporated](#). County/Parish/Borough: [Sacramento](#).

Center Coordinates of Review Area: Latitude [38.52811](#) . Longitude [-121.33638](#).

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: [N/A](#).
- ☐ There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

B. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ²				
Exclusion Name	Exclusion Size		Exclusion ³	Rationale for Exclusion Determination
SWS-1	0.044	acre	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This ephemeral surface water feature flows or pools only in direct response to precipitation.
DD-1	318	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Drainage ditch constructed in an (a)(4) water that does not satisfy the (c)(1) conditions.
DD-2	103	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Drainage ditch constructed in uplands that does not relocate (a)(2) or (a)(4) waters, nor does it meet flow conditions of an (a)(2) water.
DD-3	41	linear feet		
DD-4	397	linear feet		
DD-5	12	linear feet		
SW-1	0.008	acre	(b)(1) Non-adjacent wetland.	Does not abut an (a)1-(a)3 water and is not inundated by flooding from an (a)1-(a)3 water in a typical year, nor is it physically separated from an (a)(1), (2), or (3) water by a natural or artificial barrier. These wetlands are approximately 0.2 mile from the nearest (a)1-(a)3 water.
SW-2	0.006	acre		
SW-3	0.060	acre		
SW-4	0.013	acre		

² Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

³ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: [Aquatic Resources Delineation Report Bradshaw Jackson, prepared October 20, 2020, by Madrone Ecological Consulting.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#).

☐ Data sheets prepared by the Corps: [N/A](#).

☒ Photographs: [Aerial: Google Earth V 7.3.3.7692. \(October 22, 2020; May, 10, 2018; February 28, 2015\). Sacramento County. Latitude 38.528114°, Longitude -121.336382°, eye alt 1328 ft. Retrieved March 26, 2021..](#)

☐ Corps site visit(s) conducted on: [N/A](#).

☐ Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#).

☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

☐ USDA NRCS Soil Survey: [N/A](#).

☐ USFWS NWI maps: [N/A](#).

☒ USGS topographic maps: [California Sacramento Sheet. 1:125,000. November 1891 Edition..](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Issues	N/A.

B. Typical year assessment(s): [N/A.](#)

C. Additional comments to support AJD: [The feature SWS-1 is a seasonal wetland swale and receives precipitation runoff and wash water runoff from the adjacent equipment rental facility. Water gathers and flows through the swale and exits to the east via a manmade drainage ditch. Aerial imagery shows that this feature is ephemeral because it is dry throughout the year and only retains water for a short period of time directly after precipitation events. Feature DD-1 is a drainage ditch that appears to have been constructed to drain a seasonal wetland \(SWS-1\). Because this wetland does not abut an \(a\)\(1\)-\(a\)\(3\) water, it does not meet \(c\)\(1\) criteria for adjacency, thus DD-1 is excluded under \(b\)\(5\). The features DD-2 through DD-5 are ditches that were constructed in uplands. It is unknown when these ditches were constructed, however, topographic maps dating back to 1891 depict this area as uplands. In addition, the drainage ditches DD-1 through DD-5 appear to be ephemeral based on aerial imagery showing these features are dry throughout the year. The seasonal wetlands SW-1 through SW-4 are approximately 0.2 miles from the nearest \(a\)\(1\)-](#)



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

(a)(3) water, and are thus excluded under (b)(1). The nearest (a)(1)-(a)(3) water is Morrison Creek, which is a tributary of the Sacramento River, a traditionally navigable water (TNW).

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: J&B Storage, LLC, Attn: Mr. Doug Ose		File No.: SPK-2021-00158	Date: April 6, 2021
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
→	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Chandra Jenkins
Chief, CA Delta Section
Regulatory Division
U.S. Army Corps of Engineers

Phone: 916-557-5269, FAX 916-557-7803
Email: Hailey.J.Price@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Thomas J. Cavanaugh
Administrative Appeal Review Officer
U.S. Army Corps of Engineers
South Pacific Division
1455 Market Street, 2052B
San Francisco, California 94103-1399
Phone: 415-503-6574, FAX: 415-503-6646
Email: Thomas.J.Cavanaugh@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

Attachment B

SSHCP Avoidance and Minimization Measures

Final South Sacramento Habitat Conservation Plan

implemented. The Land Use Authority Permittee can compel a Third-Party Project Proponent to stop working if a project is not in compliance with all SSHCP AMMs.¹⁶ Upon construction completion, the Land Use Authority Permittee will monitor and confirm that post-construction conditions are acceptable and consistent with the requirements of the SSHCP permits (e.g., revegetation, soil treatments).¹⁷ Once the constructed project has received final clearance from the Land Use Authority, it is the responsibility of the Land Use Authority to monitor continued operation of installed AMMs (e.g., swales, retention basins) and to monitor compliance with AMMs required for future operations and maintenance of the Covered Activity. The Implementing Entity may also assist with and in some instances may assume responsibility for monitoring continued operation of installed AMMs when those AMMs are part of the Preserve System, Preserve Setbacks, or Stream Setbacks.

On occasion, a local Land Use Authority Permittee may not have authority over a Covered Activity proposed by a Third-Party Project Proponent. In that event, the SSHCP Implementing Entity may develop a Participating Special Entity agreement with the Third-Party Project Proponent (see Chapter 9). As a Participating Special Entity, the Third-Party Project Proponent will incorporate and implement all applicable design and construction AMMs. The Implementing Entity will ensure that AMMs specific to that SSHCP Covered Activity are included in the project's Participating Special Entity agreement and ensure that AMMs are being implemented during construction.

As the SSHCP will be implemented over a 50-year Permit Term, the results of construction monitoring may indicate that certain AMMs are ineffective. Should the Plan Permittees wish to modify or replace an SSHCP AMM, they will follow the modification process outlined in the Adaptive Management Program (see Chapter 8).

5.4.1 General Avoidance and Minimization Measures

General AMMs are designed to avoid or minimize effects of Covered Activities on SSHCP land cover types and Covered Species.

Condition 1. Avoid and Minimize Urban Development Impacts to Watershed Hydrology and Water Quality

National Pollution Discharge Elimination System permits are issued by the Regional Water Quality Control Board to jurisdictions in the region, including the jurisdictions that are also SSHCP Land Use Authority Permittees (i.e., County of Sacramento, and Cities of Rancho

¹⁶ In a situation like this, the Local Land Use Authority Permittee will suspend one or more local permits (e.g., grading permit, building permit) until compliance with terms of all SSHCP requirements is demonstrated.

¹⁷ Post-construction monitoring by the Land Use Authority Permittee could continue for several years.

Final South Sacramento Habitat Conservation Plan

Cordova and Galt). The National Pollution Discharge Elimination System permit is issued to each of the Land Use Authority Permittees every 5 years, and is referred to as the Municipal Separate Storm Sewer System (MS4) permit. MS4 permits contain specific design measures required for all projects constructed within the region. The Stormwater Quality Design Manual for the Sacramento and South Placer Regions (Stormwater Manual) outlines planning tools and requirements to reduce urban runoff from new development and redevelopment projects within the region (Sacramento Stormwater Quality Partnership 2007). The Stormwater Manual is used as a general guidance document to aid with the selection, siting, design, operation, and long-term maintenance of stormwater quality control measures. The Stormwater Manual contains control measures intended to meet the standard of “reducing pollutants in urban runoff to the maximum extent practicable” set forth in the local agencies’ MS4 permits issued by the Central Valley Regional Water Quality Control Board. AMM LID-1 (see below) is designed to ensure compliance with MS4 requirements by requiring Third-Party Project Proponents to minimize increases of peak discharge of stormwater and to eliminate or reduce runoff of pollutants.

Development Covered Activities may adversely alter watershed hydrology and degrade water quality, which, in turn, could diminish or eliminate the conservation benefits provided by the SSHCP Preserve System. Condition 1 is designed to conserve and/or rehabilitate on-site natural creeks and streams. This condition will require the provision of BMPs and low-impact development (LID) drainage control measures to ensure that runoff from developed lands will closely mimic the pre-development hydrograph and retain most pre-development hydrologic functions. Condition 1 will accomplish the hydrograph and hydrologic objectives through application of the listed AMMs to all UDA Covered Activities that occur at the parcel, subdivision, or master plan scale.

LID-1 (Stormwater Quality): When the size of a Covered Activity project exceeds the thresholds established by the State Water Resources Control Board (SWRCB) (see the most recent Stormwater Quality Design Manual for the Sacramento and South Placer Regions, or future SWRCB-approved design manuals applicable to the Plan Area), incorporate stormwater management into site design to satisfy the requirements outlined in the most recent Stormwater Quality Design Manual for the Sacramento and South Placer Regions. Stormwater management may include groundwater recharge (LID-2) and natural site features (LID-3).

LID-2 (Groundwater Recharge): When siting SSHCP Preserves containing Riparian, Open Water, or Freshwater Marsh SSHCP land cover types, the Implementing Entity will prioritize locations that are suitable for groundwater recharge.

LID-3 (Natural Site Features): Incorporate preservation of a site’s natural aquatic features (such as creeks and streams) into project design to retain natural hydrologic patterns and to retain habitat that might be used by Covered Species.

Final South Sacramento Habitat Conservation Plan

Condition 2. Avoid and Minimize Urban Development Direct and Indirect Impacts to Existing Preserves and SSHCP Preserves

Development Covered Activities adjacent to Preserves may adversely impact species that use the Preserve, and erode or eliminate the conservation benefits provided by the Preserve. Condition 2 seeks to avoid or minimize the following Covered Activity environmental stressors that may result in direct and indirect impacts to the SSHCP Preserve System:

- Alterations to landscape hydrology from new impervious surfaces may adversely affect natural communities in the lower watershed, the ecology of a Preserve, and/or downstream aquatic resources.
- Water runoff from development or from roadways directed into Preserves may introduce harmful substances into Preserves. Unseasonal and/or additional water entering a Preserve may eliminate vernal pools and other seasonal wetlands native to the region by converting them to low-functioning perennial wetlands.
- Development adjacent to Preserves may partially to fully remove the soil's "perched aquifer" (see Chapter 3) and reduce or eliminate the micro-watersheds that support the hydrology of vernal pools within the Preserve boundary. These changes may adversely affect the existing hydrologic regime of vernal pools by changing the timing, depth, and/or duration of vernal pool saturation and/or ponding, causing long-term changes to a suite of vernal pool functions. For example, changes to water chemistry could adversely affect species habitat. Although the vernal pools remain, the environmental conditions of the pools may no longer provide habitat for vernal pool Covered Species, or provide the benefit of other wetland functions (e.g., stormwater attenuation) compared to pre-project conditions.
- Introduction or proliferation of non-native or invasive plant and wildlife species may displace native species.
- Landscaping in the interface of a development and a Vernal Pool–Grassland Preserve often includes native or non-native trees and other plant species that are not found in California grasslands and, therefore, cannot survive on the Vernal Pool–Grassland Preserve border without intensive irrigation and cultivation. In addition to adverse effects from irrigation and landscape maintenance, adult trees may become landscape barriers that inhibit species movement and may act to isolate individual Preserves from the larger SSHCP Preserve System.
- Recreational use of Preserves near developed areas may compact soils, eliminate vegetation, impair hydrologic functions, introduce weeds or invasive plant species, and disturb plants and wildlife.

Final South Sacramento Habitat Conservation Plan

- Introduction of light, noise, or vibrations may disrupt normal nocturnal and diurnal cycles of native species.

AMMs associated with Condition 2 must be applied to all UDA Covered Activities that border an existing Preserve or planned SSHCP Preserve.

EDGE-1 (Compatible Land Uses): To the maximum extent practicable, development project Covered Activities will locate compatible land uses (e.g., designated open space such as parks and ball fields, detention basins, and other land uses with less-intensive human activity) in areas immediately adjacent to existing or planned Preserve boundaries. The compatible land use will provide additional buffering of Preserves from potential indirect effects of adjacent urban development. The soil surfaces in a compatible land use area may be re-contoured provided that the soil restrictive layer remains undamaged and most of the soil profile above the restrictive layer remains intact. The Land Use Authority will determine when it is not practicable to locate a compatible land use adjacent to existing or planned Preserve boundaries.

EDGE-2 (Single-Loaded Streets): To the maximum extent practicable, the design of Urban Development Covered Activities will locate single-loaded streets adjacent to existing or planned Preserve. The Land Use Authority will determine when single-loaded streets are not practicable.

EDGE-3 (Preserve Setbacks): Urban Development Covered Activities constructed adjacent to existing or planned Preserves must establish a minimum 50-foot-wide setback outward from the boundary of any existing Preserve or planned SSHCP Preserve. This minimum 50-foot-wide setback will function as a transition between Urban Development and the Preserve, and must be managed to maintain the natural community of vegetation present in the adjacent Preserve. As much of the setback as possible should remain in the same natural habitat as the Preserve.

However, as discussed in Section 5.2.5, Covered Activities in Preserve Setbacks in the UDA, where an existing or planned Preserve is adjacent to an existing roadway (e.g., collectors, arterials, thoroughfares), the 50-foot Preserve Setback will not be required, and any bicycle or pedestrian trail will be established in the road right-of-way. In addition, where a planned roadway crosses an existing or planned Preserve, no Preserve Setback will be required, and any bicycle or pedestrian trail will be established in the road right-of-way.

EDGE-3a (Setback Recreational Trails): Trails are best suited outside of the setback; however, certain types of recreational trails or facilities (e.g., benches, trash receptacles, shade structures, fencing) that can be constructed with minimum ground disturbance and in compliance with EDGE-7 may be allowed within a Preserve Setback, as specified in Section 5.2.5, Covered Activities in Preserve Setbacks in the UDA. Preserve Setback design must locate trails on the side nearest development, away from the Preserve boundary. Trails may be permeable or semi-permeable hiking trails or paved community trails. The maximum trail width will be 16 feet total, including 2-foot-wide shoulders. Post and cable fencing, split rail, or other open fencing will be installed adjacent to recreation trails to keep pedestrians on the trail.

EDGE-3b (Setback Firebreaks): If approved by the local authorities, the Preserve Setback trail may also be used as a firebreak. In instances where a trail cannot act as a firebreak, the firebreak will be located between the trail and the Preserve boundary (see Section 5.2.7). Firebreaks allowed inside the setbacks must be created by methods that will not disturb the soil's restrictive layer, such as mowing, minor scraping of surface vegetation, or shallow tilling, to comply with EDGE-7. Firebreak width within Preserve Setbacks is the minimum width needed to comply with applicable local codes.

EDGE-3c (Setback Shade Trees and Landscaping): To prevent potential impacts from irrigation water or from accumulation of leaf litter onto the grasslands or vernal pools of a Preserve, planting of shade trees or landscaping vegetation will be limited to the area of the Preserve Setback located between the recreation trail and the adjacent urban development (i.e., away from Preserves).

- Only drought-tolerant plant species will be planted. The planting pallet used for Preserve Setback landscaping will not include invasive plant species listed in the California Invasive Plant Council's (Cal-IPC) California Invasive Plant Inventory Database or listed in the Cal-IPC California Invasive Plant Watch List (see <http://www.cal-ipc.org/paf/>). Any shade trees planted along Preserve Setback trails will be native species that are found in California grasslands and that can survive in the Vernal Pool–Grassland border without long-term irrigation or fertilization (e.g., valley oak, black oak, blue oak, oracle oak). In general, no more than 30% of any 1,000-foot-long segment of a Preserve Setback trail will have canopy cover from tree plantings (to be consistent with maximum tree densities naturally found within native California grasslands and savanna).

Final South Sacramento Habitat Conservation Plan

- Drip irrigation will be allowed for a maximum of 5 years to establish shade trees or landscape vegetation between the recreation trail and adjacent urban development. The Implementing Entity has the discretion to allow irrigation to continue past 5 years if extenuating circumstances necessitate it (e.g., during a drought) and the continuance of irrigation will not affect the Preserve. Any irrigation systems located within Preserve Setbacks will be inspected quarterly to determine if such systems are affecting soils or vegetation not part of the intended plantings. Irrigation system repairs will be completed immediately if it is determined that the irrigation system is affecting vegetation or soil moisture not part of the intended tree planting.
- If, during annual monitoring of the adjacent Preserve (see Chapter 8), adverse indirect effects (e.g., leaf litter accumulation, irrigation runoff, plant encroachment) of the Preserve Setback's planted vegetation are detected, then the SSHCP Implementing Entity, the Preserve Manager, and the entity responsible for the Preserve Setback will identify appropriate adaptive management of the Preserve Setback tree or landscape plantings in accordance with the Preserve Setback Easement (see Section 5.2.5 and Chapter 9).

EDGE-4 (Locate Stormwater Control Outside Preserves): Roads, sidewalks, and other impermeable surfaces of Urban Development Covered Activities adjacent to existing or planned Preserves will slope away from Preserves and Preserve Setbacks or intercept drainage with swales or curbs and gutters to preclude drainage from entering Preserves and Preserve Setbacks. Stormwater flows must be directed away from Preserves and Preserve Setbacks and directed into stormwater control facilities inside the development (outside Preserves and Preserve Setbacks)¹⁸ (see EDGE-6 for exception to EDGE-4 in certain SSHCP Linkage Preserves).

EDGE-5 (Stormwater Control in Preserve Setbacks): If trails are established in any Preserve Setback in compliance with EDGE-3, the trail must be sloped away from the Preserve, and rainwater leaving the trail surface must flow into an adjacent low-velocity bio-retention swale or cell to keep rainwater runoff and trail contaminants from entering the Preserve. Low-velocity bio-retention swales or cells are typically small linear features placed on one or both sides of a trail. As required by EDGE-3, trails and their adjacent bio-retention swales or cells must be located on the side of the Preserve Setback nearest development.

¹⁸ Detention basins are allowed in some Linkage Preserves consistent with the requirements of EDGE-6. At the time of SSHCP preparation, seven Linkage Preserves with drainages are planned SSHCP Preserves: L1, L2, L4, L7, L8, L9, and L10 (see Section 5.2.7 and Section 7.5). Also see project-specific measures in Section 5.5.1.

Final South Sacramento Habitat Conservation Plan

EDGE-6 (Detention Basins in Linkage Preserves): Because planned SSHCP Linkage Preserves L1, L2, L4, L7, L8, L9, and L10 (see Section 7.5) surround natural creeks or streams that must receive stormwater from planned adjacent Urban Development Covered Activities, a limited number of stormwater detention basins will be allowed on those Linkage Preserves. Detention basins within Linkage Preserves (see Section 5.2.7) will be designed and constructed with fill material to build up the perimeter of the detention basin so as not to impact the soil restrictive layer (duripan or hardpan) and function of the soil perched aquifer. Detention basins within Linkage Preserves will capture stormwater flows and runoff, and will discharge water to the stream/creek or percolate collected water to the soil perched aquifer. Detention basin structures that collect stormwater entering the basin or convey stormwater leaving the basin must be designed to avoid and minimize effects to Covered Species habitat in the Linkage Preserve.

EDGE-7 (Hardpan/Duripan Protection): To protect the soil perched aquifer and the micro-watersheds supporting existing vernal pool hydrology, activities that have the potential to cut into, disrupt, or remove the soil's restrictive layer (hardpan or duripan) will not occur within Preserves or Preserve Setbacks. However, in certain circumstances, the Covered Activities defined in Section 5.2.6, Covered Activities in Stream Setbacks in the UDA, and Section 5.2.8, Covered Activities in the Laguna Creek Wildlife Corridor of the Preserve System, may result in punctures¹⁹ or other minor disruptions of the soil hardpan or duripan if approved by the Implementing Entity and the Technical Advisory Committee according to the process described in Chapter 9 of the SSHCP. If a Covered Activity on a Preserve or Preserve Setback results in a puncture or other disruption to the soil hardpan or duripan, the puncture will be sealed using bentonite clay or other material that maintains the functionality of the soil's restrictive layer and associated perched aquifer.

EDGE-8 (Outdoor Lighting): All outdoor lighting in Urban Development Covered Activity projects will be designed to minimize light pollution into existing and planned Preserves, except where a Land Use Authority Permittee determines lighting is necessary for public safety or security. Minimization measures may include light fixture placement (e.g., as low to the ground as possible), lamp designs (e.g., shielding, low glare, or no lighting), directing light away from Preserves, or other means to avoid or minimize light pollution. The Third-Party Project Proponent will use the best information available at the time of project design to minimize effects of light pollution on target SSHCP Covered Species (e.g., western spadefoot (*Spea*

¹⁹ Punctures may include small holes that penetrate the soil hardpan or duripan such as might occur when digging or drilling holes for the installation of fence posts, sign posts, or trees.

Final South Sacramento Habitat Conservation Plan

hammondii), Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), and Ricksecker's water scavenger beetle (*Hydrochara rickseckeri*)).

EDGE-9 (Livestock Access to Preserves): Urban Development Covered Activity projects that include on-site Preserves will include in their design an adequate number of access points and facilities for delivery and pick up of grazing animals (livestock), such that these activities will not significantly alter the Preserve's habitat and are consistent with the protection of livestock and protection of adjacent public property, and include adequate public safety measures.

EDGE-10 (Prevent Invasive Species Spread): Completed Covered Activities (including roads) will be maintained in a manner that avoids the spread of invasive species into Preserve and Open Space areas. Such maintenance measures will include the following:

- To prevent the transport of non-native invasive species onto Preserves, before bringing any equipment onto an SSHCP Preserve or Preserve Setback, equipment must be cleaned of mud, dirt, and plant material. Cleaning will occur in the infested area or another appropriate location as approved by a Plan Permittee.
- Mowing rotation will start in un-infested areas and move to infested areas.
- Invasive plant prevention techniques will be incorporated into maintenance plans.
- The SSHCP Implementing Entity will survey road shoulders, ditches, and rights-of-way that border SSHCP Preserves for invasive weeds or other exotic plant species. Where roadside weed infestations have reached a critical control point, the Implementing Entity or Land Use Authority Permittee will apply the appropriate manual, mechanical, or chemical treatment.

Condition 3. Implement Construction Best Management Practices

AMMs associated with Condition 3 must be applied to all UDA Covered Activities.

BMP-1 (Construction Fencing): Orange construction fencing will be installed to ensure that ground disturbance does not extend beyond the allowed construction footprint (i.e., the limit of project construction plus equipment staging areas and access roads). Plan Permittees and Third-Party Project Proponents implementing ground-disturbing Covered Activities will mark the outer boundary of any Preserve Setback or Stream Setback adjacent to or within the project site with orange construction fencing prior to ground disturbance. This fencing will remain in place until project completion, as identified by the Plan Permittee.

Final South Sacramento Habitat Conservation Plan

BMP-2 (Erosion Control): Plan Permittees and Third-Party Project Proponents implementing ground-disturbing Covered Activities will install temporary control measures for sediment, stormwater, and pollutant runoff as required by the Plan Permittee to protect water quality and species habitat. Silt fencing or other appropriate sediment control device(s) will be installed downslope of any Covered Activity that disturbs soils.

Fiber rolls and seed mixtures used for erosion control will be certified as free of viable noxious weed seed. As discussed in Section 5.4.2, Covered Species Take Avoidance and Minimization Measures, erosion controls installed in or adjacent to Plan Area modeled habitat for giant gartersnake (*Thamnophis gigas*), western pond turtle (*Actinemys marmorata*), California tiger salamander (*California tiger salamander*), or western spadefoot (see Chapter 3) must be of appropriate design and materials that will not entrap the species (e.g., not contain mesh netting). Regular monitoring and maintenance of the project's erosion control measures will be conducted until project completion to ensure effective operation of erosion control measures.

BMP-3 (Equipment Storage and Fueling): Plan Permittees and Third-Party Project Proponents implementing ground-disturbing Covered Activities will ensure that equipment storage and staging will occur in the development footprint only (not sited in any existing on-site Preserve, planned on-site Preserve, Preserve Setback, Stream Setback, or aquatic land cover type). Fuel storage and equipment fueling will occur away from waterways, stream channels, stream banks, and other environmentally sensitive areas within the development footprint.

However, certain equipment storage and fueling activities can be allowed on Preserves within habitat re-establishment/establishment sites (refer to Section 5.2.7) if no location outside of the site is available. If a Covered Activity results in a spill of fuel, hydraulic fluid, lubricants, or other petroleum products, the spill will be absorbed and waste disposed of in a manner to prevent pollutants from entering a waterway, Preserve, Preserve Setback, or Stream Setback.

BMP-4 (Erodible Materials): Plan Permittees and Third-Party Project Proponents implementing Covered Activities must not deposit erodible materials into waterways. Vegetation clippings, brush, loose soils, or other debris material will not be stockpiled within stream channels or on adjacent banks. Erodible material must be disposed of such that it cannot enter a waterway, Preserve, Preserve Setback, Stream Setback, or aquatic land cover type. If water and sludge must be pumped from a subdrain or other structure, the material will be conveyed to a temporary settling basin to prevent sediment from entering a waterway.

Final South Sacramento Habitat Conservation Plan

BMP-5 (Dust Control): Plan Permittees and Third-Party Project Proponents implementing ground-disturbing Covered Activities will water active construction sites regularly, if warranted, to avoid or minimize impacts from construction dust on adjacent vegetation and wildlife habitats. No surface water will be used from aquatic land covers; water will be obtained from a municipal source or existing groundwater well.

BMP-6 (Construction Lighting): Plan Permittees and Third-Party Project Proponents implementing ground-disturbing Covered Activities will direct all temporary construction lighting (e.g., lighting used for security or nighttime equipment maintenance) away from adjacent natural habitats, and particularly Riparian and Wetland habitats and wildlife movement areas.

BMP-7 (Biological Monitor): If a Covered Activity includes ground disturbance within Covered Species modeled habitat, an approved biologist will be on site during the period of ground disturbance, and may need to be on site during other construction activities depending on the Covered Species affected. After ground-disturbing project activities are complete, the approved biologist will train an individual to act as the on-site construction monitor for the remainder of construction, with the concurrence of the Permitting Agencies. The on-site monitor will attend the training described in BMP-8. The approved biologist and the on-site monitor will have oversight over implementation of Avoidance and Minimization Measures, and will have the authority to stop activities if any of the requirements associated with those measures are not met. If the monitor requests that work be stopped, the Wildlife Agencies will be notified within one working day by email. The approved biologist and/or on-site monitor will record all observations of listed species on California Natural Diversity Database field sheets and submit them to the California Department of Fish and Wildlife. The approved biologist or on-site monitor will be the contact source for any employee or contractor who might inadvertently kill or injure a Covered Species or who finds a dead, injured or entrapped individual. The approved biologist and on-site monitor's names and telephone numbers will be provided to the Wildlife Agencies prior to the initiation of ground-disturbing activities. Refer to species-specific measures for details on requirements for biological monitors.

BMP-8 (Training of Construction Staff): A mandatory Worker Environmental Awareness Program will be conducted by an approved biologist for all construction workers, including contractors, prior to the commencement of construction activities. The training will include how to identify Covered Species that might enter the construction site, relevant life history information and habitats, SSHCP and

Final South Sacramento Habitat Conservation Plan

statutory requirements and the consequences of non-compliance, the boundaries of the construction area and permitted disturbance zones, litter control training (SPECIES-2), and appropriate protocols if a Covered Species is encountered. Supporting materials containing training information will be prepared and distributed by the approved biologist. When necessary, training and supporting materials will also be provided in Spanish. Upon completion of training, construction personnel will sign a form stating that they attended the training and understand all of the Avoidance and Minimization Measures. Written documentation of the training must be submitted to the Implementing Entity within 30 days of completion of the training, and the Implementing Entity will provide this information to the Wildlife Agencies.

BMP-9 (Soil Compaction): After construction is complete, all temporarily disturbed areas will be restored similar to pre-project conditions, including impacts relating to soil compaction, water infiltration capacity, and soil hydrologic characteristics.

BMP-10 (Revegetation): Plan Permittees and Third-Party Project Proponents implementing ground-disturbing Covered Activities will revegetate any cut-and-fill slopes with native or existing non-invasive, non-native plants (e.g., non-native grasses) suitable for the altered soil conditions and in compliance with EDGE-2 and EDGE-8, if applicable.

BMP-11 (Speed Limit): Project-related vehicles will observe the posted speed limits on paved roads and a 10-mile-per-hour speed limit on unpaved roads and during travel in project areas. Construction crews will be given weekly tailgate instruction to travel only on designated and marked existing, cross-country, and project-only roads.

Condition 4. Avoid and Minimize Impacts that May Result from Implementation of Covered Transportation Projects

Urban Development transportation project and Rural Transportation Project Covered Activities, including bridge projects, can affect Covered Species. AMMs included for Condition 4 seek to avoid or minimize direct and indirect impacts that may result from construction of roadways or roadway improvements. Condition 4 applies to all transportation-related Covered Activities (see Sections 5.2.1 and 5.2.3).

Plan Permittees and Third-Party Project Proponents implementing Urban Development transportation or Rural Transportation Project Covered Activities must comply with the roadway siting, design, and construction AMMs described below.

Final South Sacramento Habitat Conservation Plan

ROAD-1 (Road Project Location): Road projects will be located in the least environmentally sensitive area to avoid, to the maximum extent practicable, impacts on Covered Species, Covered Species habitat, and waters of the United States. Road project alignments will follow existing roads, road easements, and rights-of-way, or be sited in disturbed areas to minimize habitat loss and additional habitat fragmentation.

ROAD-2 (Wildlife Crossing Structures): Road projects that are Urban Development Covered Activities (see Section 5.2.1) (including the Capital Southeast Connector, see Section 5.2.1.1) or are Rural Transportation Covered Activities (see Section 5.2.3) will include an adequate number of wildlife crossing structures, as depicted in Figure 5-10. An adequate number of wildlife crossing structures within the Urban Development Area (UDA) and outside the UDA will provide for continued dispersal and movement of native wildlife throughout the SSHCP Plan Area, as required by the SSHCP Biological Goals and Objectives (see Chapter 7).

The Plan defines “wildlife crossing structure” as a physical structure specifically designed or retrofitted to facilitate undercrossing for target wildlife species. The Plan further classifies wildlife crossings as hydrologic crossings and dry crossings. Hydrologic crossings are built where there is an existing stream, creek, or intermittent drainage to maintain existing hydrologic connectivity within the Plan Area. As described below, hydrologic crossings require specialized features to be built into the crossing structure, such as elevated platforms to allow wildlife to pass under a crossing structure when it is inundated with water. Dry wildlife crossings are built where there is no hydrologic feature but where a crossing is needed to provide for overland connectivity. SSHCP wildlife crossing structures may include structures such as bridges, arches, or box and pipe culverts.

Plan Permittees expect that future wildlife movement and dispersal within the UDA will occur almost entirely within the boundaries of the future interconnected SSHCP Preserve System (see Section 7.5). Therefore, wildlife crossings are needed wherever a roadway crosses (bisects) the conceptual SSHCP Preserve System (see Figure 5-10). Wildlife crossing structures inside the UDA will be sized to accommodate movement of a highly mobile native indicator species (i.e., coyote (*Canis latrans*)). By designing UDA wildlife crossing structures to meet the movement and dispersal requirements of coyote, the Plan Permittees anticipate that the crossing structure will also accommodate most native wildlife species that currently occupy the UDA (see Chapter 3).

The Plan Permittees expect that most of the Plan Area outside of the UDA will remain as Open Space over the 50-year Permit Term (see Chapter 4). Therefore,

Final South Sacramento Habitat Conservation Plan

the Plan Permittees expect that the Rural Transportation Project Covered Activities proposed outside the UDA will have a relatively small effect on the movement and dispersal of larger or more mobile native wildlife species, including coyote. Consequently, the Plan Permittees anticipate that the design of Rural Transportation Project Covered Activities outside the UDA will need to include wildlife crossing structures primarily where the Rural Transportation Project Covered Activities occur within California tiger salamander modeled habitat (see CTS-3 and also Chapter 3, Figure 3-16).

The design and location of wildlife crossing structures both inside the UDA and outside the UDA will be determined by collaboration between the Third-Party Project Proponent, the Land Use Authority, and the Implementing Entity. Crossing design will use the best available scientific and commercial information for the target species. The design of crossing structures will be based on demonstrated effectiveness of design for the target species when such information is available, or will be designed with a high level of certainty of success based on studies of similar taxa in similar environmental settings. The proposed wildlife crossing structures designs will be reviewed and approved by the Implementing Entity prior to final design.

The Implementing Entity will develop a Wildlife Crossing Maintenance Manual to be provided to the entity responsible for maintaining the wildlife crossing. The Wildlife Crossing Maintenance Manual will identify vegetation management, clearing of obstructions, and other techniques to maintain the desired movement and hydrologic connectivity, and to avoid effects to adjacent Preserves.

All SSHCP wildlife crossing structures in the UDA will include the following design elements:

- Open-bottom bridges or arches where the roadway crosses a river or stream. Where an open-bottom bridge or arch is used, the span of the crossing will be at least 1.2 times the bankfull width of the stream and span the banks to allow for dry wildlife passage along each side of the stream and to avoid or minimize piers or footings within the stream. (Bankfull width refers to the width of a stream channel at the point where over-bank flow begins during a flood event.)
- Any wildlife crossing structure that also maintains hydrologic connectivity will be designed to maintain pre-construction water capacity, depth, and velocity. The crossing structure will not restrict or impede normal flows or flood flows, unless a primary purpose of the structure is to manage such

Final South Sacramento Habitat Conservation Plan

flow(s). Wildlife crossing structures must be designed to provide a dry passage (e.g., a platform ledge) higher than flows for a 10-year storm event to allow wildlife to pass through an inundated crossing structure.

- Wildlife crossing structures in the UDA will be designed and sized to accommodate movement of at least medium-sized mammals (e.g., coyote). The opening must be at least 3 feet high and the crossing structure must have a minimum openness ratio of at least 0.4.
- Vegetation leading up to the entrance of a crossing structure and the substrate leading into and within the crossing structure will be natural and appropriate to provide for continuity of habitat, attract the target animal species for which the crossing is designed, and facilitate use of the crossing structure.
- A wildlife crossing under six-lane roads or larger will be designed to provide ambient light and temperature in the longer crossing structures (e.g., either by providing a larger opening or a grate at the top of the structure to improve the attractiveness of the crossing to certain Covered Species and wildlife that may hesitate to cross through dark, confined structures or one with a temperature gradient (Jackson and Griffin 2000)). If a road is less than six lanes in width, these designs will be optional.
- Lighting will not be placed at or near the entrance of a wildlife crossing structure to maintain natural ambient light conditions at night and to increase chances of wildlife use. However, a Land Use Authority Permittees may allow lighting if necessary for human health or safety.

Outside the UDA, wildlife crossing structures may be required for California tiger salamander (refer to CTS-1), and could also be required for other native species.

ROAD-3 (Roadside Pesticide Use²⁰): If pesticide use is necessary along roadsides, the appropriate SSHCP Permittee will ensure that the pesticide application strictly complies with the pesticide label and all other applicable federal, state, and local authorities pertaining to the use, safety, storage, disposal, and reporting of the pesticide. Where roadside weed infestations have reached a critical control point, the Implementing Entity or a Land Use Authority Permittee will apply the appropriate manual, mechanical, or chemical treatment. In addition, the Implementing Entity or appropriate Land Use Authority Permittee will post signs along road shoulders adjacent to sensitive areas that are within the SSHCP

²⁰ Use of pesticides (including rodenticides and herbicides) is not an SSHCP Covered Activity. However, pesticide use specified in Section 5.3 is an allowed land management tool, provided the pesticide application is otherwise legal and conforms to all conditions in Section 5.4.

Final South Sacramento Habitat Conservation Plan

Preserve System (e.g., California tiger salamander breeding ponds, endemic plant populations, vertebrates that rely on insects for part of their diet). The signs will identify pesticide use restrictions or other roadside maintenance restrictions.

Condition 5. Avoid and Minimize Impacts that Result from Public Use of Low-Impact Nature Trails in Preserves

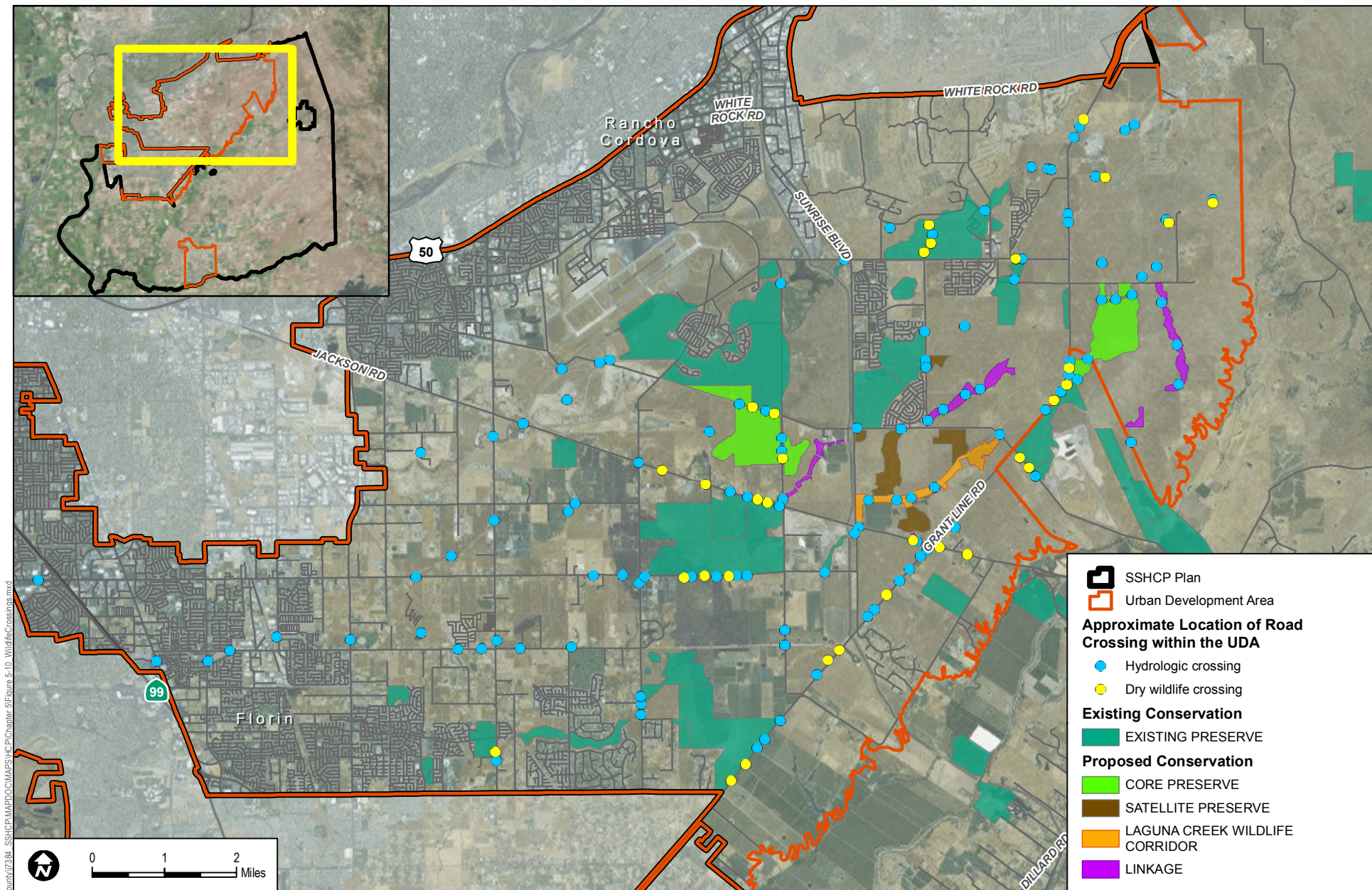
Preserves within the UDA are likely to be surrounded by urban development. As discussed in Section 5.2.7, allowing limited use of SSHCP Preserves will help to foster a sense of community ownership and will provide an opportunity to educate the community about the natural resources to be protected within the SSHCP Preserve System.

Low-impact nature trails will be designed following the AMMs outlined below.

NATURE TRAIL-1 (Nature Trail Plan): A nature trail plan must be prepared for each Preserve where a trail is allowed by the Preserve Management Plan. Nature trails will be unpaved trails that vary in width depending on terrain and existing constraints, but will never exceed 4 feet in width. Where a trail crosses a swale, wooden walkways elevated to a height no greater than 2 feet will be installed. Trail improvements may include mowing vegetation to create or maintain a trail, minor grading to remove trip hazards, and signs providing directional and educational information. Public access to land acquired for preservation will be prohibited until a trail plan can be prepared by the Implementing Entity and approved by the Permitting Agencies. A trail plan will include the following:

- Maps identifying areas that contain sensitive habitats or species occurrences.
- Maps that show the location and footprint of proposed trails.
- Methods used to control public access.
- Trail and use monitoring methods, schedules, and responsibilities.
- Trail operation and maintenance guidelines and responsibilities.
- Clear triggers for use restrictions or closure based on sensitive biological indicators (e.g., seasonal closures of some trails on the basis of activity periods of Covered Species or sensitive species).

NATURE TRAIL-2 (Nature Trail Protection of Duripan): Nature trails will be sited and constructed so as not to interfere with existing soil duripan and the perched aquifer that support the existing hydrologic regime of the Vernal Pool–Grassland, and will not interfere with existing pool hydrology. Trails within Preserves will not be paved.



SOURCE: ESRI, County of Sacramento 2014, USFWS 2015

FIGURE 5-10
Wildlife Crossings

Final South Sacramento Habitat Conservation Plan

INTENTIONALLY LEFT BLANK

Final South Sacramento Habitat Conservation Plan

NATURE TRAIL-3 (Nature Trail Location): Nature trails will be located away from sensitive natural resources (e.g., vernal pools, riparian habitat, woodland habitat, Covered Species occurrences, raptor nesting sites, tricolored blackbird (*Agelaius tricolor*) colony sites). The Wildlife Agencies will determine the distance necessary to avoid impacts to sensitive natural resources.

NATURE TRAIL-4 (Biological Studies Prior to Nature Trail Design): Biological studies will be conducted within the area being considered for nature trail construction prior to project design. The studies will include land cover type mapping and focused species surveys and/or wetland delineations. The biological studies will include assessments of potential effects of trail construction on Preserve System resources, and recommendations for avoidance and minimization that may be incorporated into project siting, design, construction, and operation.

NATURE TRAIL-5 (Monitoring of Nature Trail Impacts): Impacts that could result from use of a nature trail within a Preserve will be monitored according to the Preserve Management Plan (Chapter 8) to ensure that uses do not conflict with the individual Preserve Management Plan. If use of a trail is found to conflict with the individual Preserve Management Plan, use of that trail will be discontinued until adjustments in the use can be made to reduce or eliminate conflicts. The Implementing Entity will make decisions about discontinuing or modifying use of a trail in consultation with the Preserve Manager or other applicable Preserve management agency or organization.

Condition 6. Avoid and Minimize Impacts When Re-Establishing or Establishing Wetlands

As discussed in Chapter 7, the Plan Permittees anticipate that 389 acres of Vernal Pool habitat will be re-established or established²¹ within the Plan Area as part of the SSHCP Conservation Strategy. Although re-establishment or establishment of vernal pools is a Measurable Objective under this Plan, if not done correctly, the action could have an adverse impact on existing vernal pools.

RE-ESTABLISHMENT/ESTABLISHMENT-1 (Vernal Pool): Re-establish or establish Vernal Pool Wetland according to the following guidelines:

- Re-establishment will always take priority over establishment of vernal pools. Establishment will be permitted only after it has been determined that sites with the potential to re-establish vernal pools no longer exist in the Plan Area or cannot be acquired through a willing seller/buyer agreement.

²¹ In the context of this Plan, “establish” is synonymous with “create.”

Final South Sacramento Habitat Conservation Plan

- When possible, re-established or established sites will be located adjacent to an existing Preserve(s) to maximize connectivity and Preserve area.
- Re-establishment or establishment will not result in direct or indirect adverse impacts to the hydrologic regime of existing vernal pools. Vernal pool re-establishment or establishment actions will not remove more than 10% of any existing vernal pool watershed, as defined by the SSHCP LIDAR analysis (see Section 3.3 and Conservation Action VPI1.2 in Table 7.1).
- Vernal pool re-establishment will attempt to restore the historical density and range of vernal pool sizes to the maximum extent feasible using historical aerial photography of the site, if available. Where aerial photography of the site's historical conditions is not available, vernal pool re-establishment will include a range of pool sizes (area and depth) to accommodate the different habitat needs and life history characteristics of the vernal pool invertebrate Covered Species.
- Established vernal pools must be located on sites with vernal pool soils, defined as any Plan Area soil type where vernal pools currently exist.
- Established vernal pool sites will include a range of pool sizes to accommodate the different habitat needs and life history characteristics of the three vernal pool invertebrate Covered Species.
- The total density of vernal pools will not exceed 10% of the suitable soil areas in any vernal pool re-establishment and/or establishment site, unless it can be shown that the suitable areas of that site historically supported greater densities.
- Re-establishment or establishment may include inoculation when it is likely that no seed or cyst bank of vernal pool species remains at a site. Vernal Pool inocula will come from nearby vernal pools that are on the same geologic formation and soil type.

RE-ESTABLISHMENT/ESTABLISHMENT-2 (Vernal Pool Inocula Bank): Vernal pool re-establishment or establishment may include “soil inoculation” when it is likely that no seed or cyst bank of vernal pool species remains at a re-establishment or establishment site.

- During conversion of Urban Development Area vernal pools to a developed land cover type, project proponents will excavate and retain soil from vernal pools following protocols developed by the SSHCP Technical Advisory Committee (Chapter 9).

Final South Sacramento Habitat Conservation Plan

- Inocula applied in re-established or established vernal pools must be harvested from a vernal pool that is on the same geologic formation and soil type shown on the County General Soil Map as the re-establishment/establishment site. Geologic formations and soil types will follow U.S. Department of Agriculture Soil Conservation Service's 1993 Soil Survey of Sacramento County, California. Proposed off-site inocula sources must be approved by the Wildlife Agencies.

RE-ESTABLISHMENT/ESTABLISHMENT-3 (Re-Establishment/Establishment of Freshwater Marsh or Open Water Near Airports): During review of proposed re-establishment/establishment projects for freshwater marsh or open water on SSHCP Preserves, the Implementing Entity shall consider the potential for the location of the re-establishment/establishment projects to increase the risk of wildlife strikes or generation of ground fog at airports. If a re-establishment/establishment project would result in (1) a net increase in open water or freshwater marsh acreage over baseline conditions²² within 5 miles of Mather Field, Sacramento Executive Airport, or Franklin Field; or (2) replacement of open water/freshwater marsh habitat that is located 2 or more miles from Mather Field or Sacramento Executive Airport with open water/freshwater marsh habitat that is located less than 2 miles from those airports, a qualified biologist shall prepare a concise letter report. The letter report shall summarize the biologist's findings regarding (1) the species likely to use the re-established/established habitat, (2) a rough order of magnitude estimate on the peak number of birds that might use the re-established/established habitat, and (3) potential movement patterns for birds using the re-established/established habitat and whether they might cross through the airport safety zones (e.g., to reach foraging habitat or another wildlife attractant). The letter report will also provide recommendations to the Implementing Entity on how they could reduce any of the identified wildlife hazards if there are any feasible means to do so that would not conflict with the biological goals and measurable objectives of the Conservation Plan.

Condition 7. Avoid and Minimize Impacts to Streams and Creeks

AMMs associated with Condition 7 must be applied to all Covered Activities where a stream or creek is located within a project footprint.

²² For purposes of establishing baseline conditions, Freshwater Marsh and Open Water acreages will be calculated using that version of the SSHCP Land Cover Type Map in existence as of the date that the SSHCP permit was issued to the Plan Permittees by the USFWS.

Final South Sacramento Habitat Conservation Plan

STREAM-1 (Laguna Creek Wildlife Corridor): A 150-foot setback measured from the top of the bank on both sides of the stream will be applied to Laguna Creek within the Urban Development Area (minimum 300-foot corridor width). If trails are located within the Laguna Creek Wildlife Corridor, the nearest edge of the trail will be located at least 80 feet from the top of the bank.

STREAM-2 (UDA Stream Setbacks): A 100-foot setback measured from the top of the bank on both sides of the stream channel will be applied to all streams listed in Table 5-1 (see also Figure 2-4). If a stream reach supports woody riparian vegetation, the setback will be equal to the riparian edge plus 25 feet or will be the setback defined above, whichever is greater. If trails are located within the Stream Setback, the nearest edge of the trail will be located at least 50 feet from the top of the bank.

Table 5-1
Stream Setback Minimum Requirements in the Urban Development Area

Stream	Minimum Setback (from the Top of Bank Measured in Aerial Perspective) on Both Sides of the Stream
Elder Creek	100 feet
Frye Creek	100 feet or as depicted as part of the NewBridge development project hardline Preserve (see Appendix K)
Gerber Creek	100 feet
Morrison Creek	100 feet
Central Paseo	100 feet or as depicted as part of the Cordova Hills development project hardline Preserve (Appendix K)
Sun Creek	100 feet or as depicted as part of the Sun Creek development project hardline Preserve (see Appendix K)

STREAM-3 (Minor Tributaries to UDA Streams): A 25-foot setback measured from the top of the bank on both sides of the stream channel will be applied to all avoided first and second order tributaries to the streams listed in Table 5-1 and Laguna Creek. Refer to Objective W6 in Chapter 7 (Table 7-1) regarding avoided first and second order tributaries. Trails are not permitted within headwater ephemeral Stream Setbacks.

STREAM-4 (Minimize Effects from Temporary Channel Re-Routing): When an Urban Development Covered Activity temporarily re-routes a stream, creek, or drainage, the re-routing will be completed in a manner that minimizes impacts to beneficial uses and habitat. The following measures will be employed to minimize disturbances that will adversely impact water quality:

- No equipment will be operated in areas of flowing or standing water.
- Construction materials and heavy equipment must be stored outside of the active flow of any waters.

Final South Sacramento Habitat Conservation Plan

- When work within waters is necessary, the entire stream flow will be diverted around the work area.
- In the event of rain, the disturbed in-water work area will be temporarily stabilized before water body flow exceeds the capacity of the diversion structure. The disturbed water body will be stabilized so that the disturbed areas will not come in contact with the flow.
- Once construction is complete, all project-introduced material (e.g., pipes, gravel, cofferdam, sandbags) must be removed, leaving the water as it was before construction. Excess materials will be disposed of at an appropriate disposal site.
- All work areas will be effectively isolated from stream flows using suitable control measures before commencement of any in-water work. The diverted stream flow will not be contaminated by construction activities. Structures for isolating the in-water work area and/or diverting the stream flow (e.g., cofferdam, geo-textile silt curtain) will not be removed until all disturbed areas are cleaned and stabilized.
- Any flow diversion used during construction will be designed in a manner to prevent pollution and minimize siltation, and will provide flows to downstream reaches. Flows will be maintained to support existing aquatic life, riparian wetlands, and habitat that may be located upstream and downstream from any temporary diversion.
- All surface waters, including ponded waters, will be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity that may result in a discharge to waters.
- All temporary dewatering methods will be designed to have the minimum necessary impacts to waters to isolate the immediate work area. All dewatering methods will be installed such that natural flow is maintained upstream and downstream of the diversion area. Any temporary dams and diversions will be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the diversion area. All dewatering methods will be removed immediately upon completion of diversion activities.
- A method of containment must be used below any bridge, boardwalk, and/or temporary crossing to prevent debris from falling into the waters through the entire duration of a project.

Final South Sacramento Habitat Conservation Plan

- If temporary surface water diversions and/or dewatering are anticipated, the Third-Party Project Proponent will develop and maintain on site a surface water diversion and/or dewatering plan. The plan(s) must be developed prior to initiation of any water diversions and will include the proposed method and duration of diversion activities. The plan(s) must be made available to Central Valley Water Board staff upon request.
- When work in a flowing stream is unavoidable and any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water will be allowed at all times to pass downstream to maintain beneficial uses of waters below the dam. Construction, dewatering, and removal of temporary cofferdams will not violate the turbidity, settle-able matter, pH, temperature, or dissolved oxygen requirements of any Water Quality Control Plan.
- Any temporary dam or other artificial obstruction will only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel that will cause little or no siltation. Stream flow will be temporarily diverted using gravity flow through temporary culverts or pipes, or pumped around the work site with the use of hoses.

STREAM-5 (Design for Stream Channel Re-Routing, Widening, or Deepening): When an Urban Development Covered Activity alters a stream, creek, or drainage by re-routing, widening, or deepening a channel, the project design will include the following:

- The main channel of a re-routed channel will be free to migrate laterally over its active and terrace floodplain.
- Channel geometry (plan, profile, and cross-section) of the site will be appropriate for the watershed location and physical/hydrologic condition.
- Local, native materials will be used as fill material to the extent practicable.
- Bioengineering techniques will be used for construction and maintenance of bank stabilization. Bioengineered bank stabilization structures will use vegetation in combination with bank reshaping; biodegradable geotextile materials; and, in some cases, a minimal amount of rock or wood to the extent practicable to dissipate erosive energy. Third-Party Project Proponents will consult a professional engineer when considering using bioengineering techniques.
- All re-routed, widened, or deepened streams are required to establish Stream Setbacks with minimum widths required under STREAM-1, STREAM-2, or STREAM-3. All re-routed, widened, or deepened streams must re-establish/

Final South Sacramento Habitat Conservation Plan

establish and maintain native Woody Riparian land cover and/or native Grassland Riparian land cover in the entire Stream Setback.

Condition 8. Avoid and Minimize Impacts to Covered Species from Utility and Utility Maintenance Covered Activities

AMMs associated with Condition 8 must be applied to all Covered Activities associated with construction and maintenance of infrastructure projects.

UTILITY-1 (Avian Collision Avoidance): Installation of new, or relocation of existing, utility poles, lines, and cell towers located within the Preserve System or within 1,000 feet of a Preserve boundary will be coordinated with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife. The applicant or relevant utility/service provider will install utility poles, lines, and cell towers in conformance with Avian Powerline Interaction Committee (APLIC) standards for collision-reducing techniques, as outlined in Reducing Avian Collisions with Power Lines: State of the Art in 2012 (APLIC 2012), or any superseding document issued by the APLIC.

UTILITY-2 (Utility Maintenance on Preserves): Utility maintenance inside SSHCP Preserves and SSHCP Preserve Setbacks containing vernal pools will occur only when vernal pools have been dry for 30 days, except in emergency situations related to human health and safety.

UTILITY-3 (Trenchless Construction Methods): Where a pipeline or conduit crosses an existing or planned Preserve or will be located between adjacent Preserves (e.g., under a roadway that has a Preserve on both sides), trenchless construction methods will be used to minimize impacts to the existing soil profile (including impacts to a hardpan or duripan) to maintain the perched aquifer in Vernal Pool Grassland land cover type.

UTILITY-4 (Siting of Entry and Exit Location): The entry and exit locations for the trenchless construction method (see Utility-3) will be sited to avoid impacts to vernal pools and Riparian Woodland, and to avoid direct take of SSHCP Covered Species.

Condition 9. Avoid and Minimize Impacts That Might Result From Removing or Breaching Levees to Establish or Re-establish Riparian Habitat

LEVEE-1 (Preparation of Hydrologic Analysis): Prior to approving a draft Preserve Management Plan that includes (1) modifying or breaching an existing levee, or (2) would place a potential impediment to high-water event flood-flows on the water side of an existing levee (including new riparian vegetation plantings or

Final South Sacramento Habitat Conservation Plan

other new Preserve facilities), a hydrologic analysis will be conducted. The Preserve activity will only be implemented if the hydrologic analysis concludes that the activity will not result in a substantial increase in flood stage elevations or flood risk on lands outside the Preserve.

Condition 10. Avoid and Minimize Impacts That Might Result From Potential Residual Contamination of Preserves and Related Exposure of People to Such Hazardous Materials

HAZARDOUS MATERIALS-1 (Preparation of Phase I Environmental Site Assessment):

Prior to the acquisition of a preserve site or implementation of a stream or riparian restoration project, a Phase I Environmental Site Assessment shall be conducted in general accordance with the American Society for Testing and Materials Standard Practice E1527-05. The purpose of this Environmental Site Assessment is to identify, to the extent feasible pursuant to the American Society for Testing and Materials Standard, recognized environmental conditions in connection with the potential site. The term “recognized environmental condition” means the presence or likely presence of hazardous substances or petroleum products on the property under conditions that may indicate an existing release, a past release, or a material threat of release of these substances to the property. If the Phase I Environmental Site Assessment indicates the presence of a recognized environmental condition, the Implementing Entity shall consider the following options.

- Determine that the acquisition/project can proceed on the basis that the Habitat Plan goals and objectives can be met on the site even with the presence of a recognized environmental condition.
- Conduct a Phase II Environmental Site Assessment, including soil and groundwater testing, to further study the potential for contamination to limit the Implementing Entity’s management activities.
- If the results of the Phase I (or Phase II) Environmental Site Assessment indicate that the Habitat Plan goals and objectives cannot be met on the site, the Implementing Entity should not acquire the site.

HAZARDOUS MATERIALS-2 (Contingency Plan): As part of each Preserve Management Plan or site restoration plan, a Contingency Plan shall be prepared to address the actions that would be taken during construction in the event that unexpected contaminated soil or groundwater is discovered. The Contingency Plan shall include health and safety considerations, handling and disposal of wastes, reporting requirements, and emergency procedures. The Contingency Plan shall include a requirement that if evidence of contaminated materials is encountered

Final South Sacramento Habitat Conservation Plan

during construction, construction would cease immediately and applicable requirements of the Comprehensive Environmental Release Compensation and Liability Act and the California Code of Regulations Title 22 regarding the disposal of waste would be implemented.

5.4.2 Covered Species Take Avoidance and Minimization Measures

The following section describes measures to avoid or minimize effects of Covered Activities on specific SSHCP Covered Species. Species-specific AMMs include species surveys, pre-construction surveys, and construction monitoring. Most species-specific AMMs require that species surveys be conducted if Covered Species modeled habitat is within the proposed Covered Activity footprint or within a specified distance of the proposed Covered Activity. Section 3.4 provides maps and descriptions of modeled habitat for each Covered Species. The AMMs described below apply to Covered Activities when Covered Species modeled habitat or a Covered Species occurrence are at a project site. The Implementing Entity and Wildlife Agencies may update specific SSHCP AMMs over the Permit Term to provide the best and most appropriate protective measures for a Covered Species.

General Covered Species Take Avoidance and Minimization Measures

The following AMMs will apply to all Covered Activities that are required to implement Covered Species take AMMs.

SPECIES-1 (Litter Removal Program): A litter control program will be instituted for the entire project site. All workers will ensure that their food scraps, paper wrappers, food containers, cans, bottles, and other trash are deposited in covered or closed trash containers. All garbage will be removed from the project site at the end of each work day, and construction personnel will not feed or otherwise attract wildlife to the area where construction activities are taking place.

SPECIES-2 (No Pets in Construction Areas): To avoid harm and harassment of native species, workers and visitors will not bring pets onto a project site.

SPECIES-3 (Take Report): If accidental injury or death of any Covered Species occurs, workers will immediately inform the approved biologist or on-site monitor and site supervisor. The approved biologist or on-site monitor will phone the appropriate contact person at the Implementing Entity. The Implementing Entity will immediately contact the Wildlife Agencies by telephone. A memorandum will be provided to the Implementing Entity and Wildlife Agencies within 1 working day of the incident. The report will provide the date and location of the incident, number of individuals taken,

Final South Sacramento Habitat Conservation Plan

the circumstances resulting in the take, and any corrective measures taken to prevent additional take.

SPECIES-4 (Post-Construction Compliance Report): A post-construction compliance report will be submitted to the SSHCP Implementing Entity within 30 calendar days of completion of construction activities or within 30 calendar days of any break in construction activity that lasts more than 30 days. The report will detail the construction start and completion dates, any information about meeting or failing to meet species take Avoidance and Minimization Measures (AMM), effectiveness of each AMM that was applied at the project site, and any known project effects to Covered Species.

Rare Plants

PLANT-1 (Rare Plant Surveys): If a Covered Activity project site contains modeled habitat for Ahart's dwarf rush (*Juncus leiospermus* var. *ahartii*), Bogg's Lake hedge-hyssop (*Gratiola heterosepala*), dwarf downingia (*Downingia pusilla*), Legenere (*Legenere limosa*), pincushion navarretia (*Navarretia myersii*), or Sanford's arrowhead (*Sagittaria sanfordii*), the Covered Activity project site will be surveyed for the rare plant by an approved biologist and following the California Department of Fish and Wildlife (CDFW) rare plant survey protocols (CDFG 2009) or the most recent CDFW rare plant survey protocols. An approved biologist will conduct the field surveys and will identify and map plant species occurrences according to the protocols. See Chapter 10 for the process to submit survey information to the Plan Permittee and the Permitting Agencies.

PLANT-2 (Rare Plant Protection): If a rare plant listed in AMM PLANT-1 is detected within an area proposed to be disturbed by a Covered Activity or is detected within 250 feet of the area proposed to be disturbed by a Covered Activity, the Implementing Entity will assure one unprotected occurrence of the species is protected within a SSHCP Preserve before any ground disturbance occurs at the project site.

Sacramento and Slender Orcutt Grass

Sacramento Orcutt grass (*Orcuttia viscida*) is a federally and state endangered species and is ranked by the California Native Plant Society as a California Rare Plant Rank 1B.1 species. Slender Orcutt grass (*Orcuttia tenuis*) is a federally threatened and state endangered species and is ranked by the California Native Plant Society as a California Rare Plant Rank 1B.1 species. Both Orcutt grasses are very rare, and the likelihood of finding new occurrences within the Plan Area is low. Due to their rarity, take of either of these species is not permitted under the SSHCP, with the exception of take related to Preserve management and monitoring (see Section 5.2.7, SSHCP Preserve System Covered Activities).

Final South Sacramento Habitat Conservation Plan

ORCUTT-1 (Orcutt Grass Surveys): If a Covered Activity project site is located within 1 mile of the Mather Core Recovery Area and contains the Vernal Pool land cover type, the project site will be surveyed for Sacramento and slender Orcutt grass by an approved biologist following California Department of Fish and Wildlife (CDFW) rare plant survey protocols (CDFG 2009) or most recent CDFW guidelines to determine if Sacramento and/or slender Orcutt grass is present. An approved biologist will conduct the field investigation to identify and map occurrences. See Chapter 10 for the process to conduct and submit survey information.

ORCUTT-2 (Orcutt Grass Protection): Where known or new Sacramento or slender Orcutt grass occurrences are found, they will be protected within an SSHCP Preserve that is at least 50 acres. The occurrence will be located interior to the Preserve at a distance of no less than 300 feet from the edge of the Preserve boundary. If a Third-Party Project Proponent encounters a previously undiscovered occurrence of Sacramento or slender Orcutt grass on a Covered Activity project site, the Third-Party Project Proponent will contact the Implementing Entity or Land Use Authority Permittee with authority over the project, who will coordinate with the Wildlife Agencies for written concurrence of avoidance to ensure that the project does not cause take of the species.

California Tiger Salamander

To avoid direct and indirect effects of Covered Activities on California tiger salamander (*Ambystoma californiense*), the following AMMs will be implemented.

CTS-1 (California Tiger Salamander Daily Construction Schedule): Ground-disturbing Covered Activities within California tiger salamander modeled habitat (Figure 3-16) will occur outside the breeding and dispersal season (occur after July 31 and before October 15), to the maximum extent practicable. If Covered Activities must be implemented in modeled habitat (Figure 3-16) during the breeding and dispersal season (after October 15 and before July 31), construction activities will not start until 30 minutes after sunrise and must be complete 30 minutes prior to sunset.

CTS-2 (California Tiger Salamander Exclusion Fencing): If a Covered Activity must be implemented in modeled habitat (Figure 3-16) during the breeding and dispersal season (after October 15 and before July 31), exclusion fencing will be installed around the project footprint before October 15. Temporary high-visibility construction fencing will be installed along the edge of work areas, and exclusion fencing will be installed immediately outside of the temporary high-visibility construction fencing to exclude California tiger salamanders from entering the construction area or becoming entangled in the construction fencing. Exclusion fencing will be at least 1 foot tall and be buried

Final South Sacramento Habitat Conservation Plan

at least 6 inches below the ground to prevent salamanders from going under the fencing. Fencing will remain in place until all construction activities within the construction area are complete. No project activities will occur outside the delineated project footprint. An approved biologist must inspect the exclusion fencing and project site every morning before 7:00 a.m. for integrity and for any entrapped California tiger salamanders. If a California tiger salamander is encountered, refer to CTS-5, below. (However, the Implementing Entity may, with approval of the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW), determine that it is appropriate for a Covered Activity project to not implement CTS-2 for certain long and linear roadway Covered Activity projects if it appears that the exclusion fencing will likely trap individuals or cause more take of California tiger salamander than it would prevent.)

CTS-3 (California Tiger Salamander Monitoring): If Covered Activities must be implemented in modeled habitat (Figure 3-16), an approved biologist experienced with California tiger salamander identification and behavior will monitor the project site, including the integrity of any exclusion fencing. The approved biologist will be on site daily while construction-related activities are taking place, and will inspect the project site for California tiger salamander every morning before 7:00 a.m., or prior to construction activities. As required by BMP-8 (Training of Construction Staff), the approved biologist will also train construction personnel on the required California tiger salamander avoidance procedures, exclusion fencing, and correct protocols in the event that a California tiger salamander enters an active construction zone. If a California tiger salamander is encountered, refer to CTS-5, below.

CTS-4 (Avoid California Tiger Salamander Entrapment): If Covered Activities must be implemented in modeled habitat, all excavated steep-walled holes or trenches more than 6 inches deep will be covered with plywood (or similar material) or provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each work day or 30 minutes prior to sunset, whichever occurs first. All steep-walled holes or trenches will be inspected by the approved biologist each morning to ensure that no wildlife has become entrapped. All construction pipes, culverts, similar structures, construction equipment, and construction debris left overnight within California tiger salamander modeled habitat will be inspected for California tiger salamanders by the approved biologist prior to being moved. If a California tiger salamander is encountered, refer to CTS-5, below.

CTS-5 (California Tiger Salamander Encounter Protocol): If a California tiger salamander is encountered during construction activities, the approved biologist will notify the Wildlife Agencies immediately (California Department of Fish and Wildlife (CDFW)

Final South Sacramento Habitat Conservation Plan

and U.S. Fish and Wildlife Service (USFWS)). Construction activities will be suspended in a 100-foot radius of the animal until the animal is relocated by an approved biologist with appropriate handling permits from the Wildlife Agencies. Prior to relocation, the approved biologist will notify the Wildlife Agencies to determine the appropriate procedures related to relocation. If the animal is handled, a report will be submitted, including date(s), location(s), habitat description, and any corrective measures taken to protect the salamander, within 1 business day to the Wildlife Agencies. The biologist will report any take of listed species to USFWS and CDFW immediately. Any worker who inadvertently injures or kills a California tiger salamander or who finds dead, injured, or entrapped California tiger salamander(s) must immediately report the incident to the approved biologist.

CTS-6 (Erosion Control Materials in California Tiger Salamander Habitat): If erosion control (BMP-2) is implemented within California tiger salamander modeled habitat (Figure 3-16), non-entangling erosion control material will be used to reduce the potential for entrapment. Tightly woven fiber netting (mesh size less than 0.25 inch) or similar material will be used to ensure that salamanders are not trapped (no monofilament). Coconut coir matting and fiber rolls with burlap are examples of acceptable erosion control materials. This limitation will be communicated to the contractor through use of special provisions included in the bid solicitation package.

CTS-7 (Rodent Control): CTS-7 only applies to projects that are within California tiger salamander modeled habitat (Figure 3-16) and on Covered Activities. Rodent control will be allowed only in developed portions of a Covered Activity project site. Where rodent control is allowed, the method of rodent control will comply with the methods of rodent control discussed in the 4(d) Rule published in the U.S. Fish and Wildlife Service's (2004) final listing rule for tiger salamander.

Western Spadefoot

To avoid direct and indirect effects of Covered Activities on western spadefoot (*Spea hammondi*), the following AMMs will be implemented.

WS-1 (Western Spadefoot Work Window): Ground-disturbing Covered Activities within western spadefoot modeled habitat (Figure 3-17) will occur outside the breeding and dispersal season (after May 15 and before October 15), to the maximum extent practicable.

WS-2 (Western Spadefoot Exclusion Fencing): If Covered Activities must be implemented in modeled habitat (Figure 3-17) after October 15 and before May 15, exclusion fencing

Final South Sacramento Habitat Conservation Plan

will be installed around the project footprint before October 15, and the project site must be monitored by an approved biologist following rain events. Temporary high-visibility construction fencing will be installed along the edge of work areas, and silt fencing will be installed immediately behind the temporary high-visibility construction fencing to exclude western spadefoot from entering the construction area. Fencing will remain in place until all construction activities within the construction area are completed. No project activities will occur outside the delineated project footprint. If a western spadefoot is encountered, refer to WS-6, below.

WS-3 (Western Spadefoot Monitoring): If Covered Activities must be implemented in modeled habitat (Figure 3-17) in the breeding and dispersal season (after October 15 and before May 15), an approved biologist experienced with western spadefoot identification and behavior will monitor the project site, including the integrity of any exclusion fencing. The approved biologist will be on site daily while construction-related activities are taking place, and will inspect the project site daily for western spadefoot prior to construction activities. The approved biologist will also train construction personnel on the required avoidance procedures, exclusion fencing, and protocols in the event that a western spadefoot enters an active construction zone (i.e., outside the buffer zone). If a western spadefoot is encountered, refer to WS-6, below.

WS-4 (Avoid Western Spadefoot Entrapment): If a Covered Activity occurs in western spadefoot modeled habitat (Figure 3-17), all excavated steep-walled holes and trenches more than 6 inches deep will be covered with plywood (or similar material) or provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each work day or 30 minutes prior to sunset, whichever occurs first. All steep-walled holes and trenches will be inspected by the approved biologist each morning to ensure that no wildlife has become entrapped. All construction pipes, culverts, similar structures, construction equipment, and construction debris left overnight within western spadefoot modeled habitat will be inspected for western spadefoot by the approved biologist prior to being moved. If a western spadefoot is encountered, refer to WS-6, below.

WS-5 (Erosion Control Materials in Western Spadefoot Habitat): If erosion control (BMP-2) is implemented within western spadefoot modeled habitat (Figure 3-17), non-entangling erosion control material will be used to reduce the potential for entrapment. Tightly woven fiber netting (mesh size less than 0.25 inch) or similar material will be used to ensure that western spadefoots are not trapped (no monofilament). Coconut coir matting and fiber rolls containing burlap are examples of acceptable erosion control materials.

Final South Sacramento Habitat Conservation Plan

WS-6 (Western Spadefoot Encounter Protocol): If Covered Activities must be implemented in modeled habitat (Figure 3-17) during the breeding and dispersal season (after October 15 and before May 15), and a western spadefoot is encountered during construction activities, the approved biologist will notify the Wildlife Agencies immediately. Construction activities will be suspended in a 100-foot radius of the animal until the animal leaves the project site on its own volition. If necessary, the approved biologist will notify the Wildlife Agencies to determine the appropriate procedures related to relocation. If the animal is handled, a report will be submitted, including date(s), location(s), habitat description, and any corrective measures taken to protect the western spadefoot within 1 business day to the Wildlife Agencies. The biologist will report any take of listed species to the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife immediately. Any worker who inadvertently injures or kills a western spadefoot or who finds dead, injured, or entrapped western spadefoot(s) must immediately report the incident to the approved biologist.

Giant Gartersnake

To avoid direct and indirect effects of Covered Activities on giant gartersnake (*Thamnophis gigas*), the following AMMs will be implemented.

GGGS-1 (Giant Gartersnake Surveys): If the SSHCP giant gartersnake modeled habitat maps (Figure 3-18) show that modeled habitat for giant gartersnake is present within a Covered Activity's project footprint or within 300 feet of a project footprint, then an approved biologist will conduct a field investigation to delineate giant gartersnake aquatic habitat within the project footprint and adjacent areas within 300 feet of the project footprint. In addition to the SSHCP land cover types shown in Figure 3-18, giant gartersnake aquatic habitat includes, but is not limited to, low-gradient streams and creeks, open water, freshwater marsh, agricultural ditches, and rice fields. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. The Third-Party Project Proponent will map all existing or potential sites and provide these maps to the Local Land Use Permittees and the Implementing Entity. Locations of delineated giant gartersnake habitat must also be noted on plans that are submitted to a Local Land Use Permittee. The applicant will use this information to finalize project design. Covered Activities may occur throughout the year as long as giant gartersnake habitat is identified and fully avoided. Otherwise, Covered Activities must comply with GGS-2 through GGS-8, below. See Chapter 10 for the process to conduct and submit survey information.

GGGS-2 (Giant Gartersnake Work Window): Covered Activities that do not fully avoid giant gartersnake modeled habitat (Figure 3-18) will be conducted during the snake's active

Final South Sacramento Habitat Conservation Plan

season. Construction and ground-disturbing activities will be initiated after May 1 and will end prior to September 15. If it appears that construction activities may go beyond September 15, the Third-Party Project Proponent or Plan Permittee will contact the Local Land Use Permittee and the Implementing Entity as soon as possible, but not later than September 1. The Local Land Use Permittee and the Implementing Entity will discuss with the Wildlife Agencies additional measures necessary to minimize take.

GGGS-3 (Giant Gartersnake Monitoring): If a Covered Activity is occurring in giant gartersnake modeled habitat (Figure 3-18), an approved biologist experienced with giant gartersnake identification and behavior will monitor the project site, including the integrity of any exclusion fencing. The approved biologist will be on site daily while construction-related activities are taking place in aquatic habitat or within 300 feet of aquatic habitat, and will inspect the project site daily for giant gartersnake prior to construction activities. If a giant gartersnake is encountered, refer to GGS-7. The approved biologist will also train construction personnel on the required avoidance procedures, exclusion fencing, and protocols in the event that a giant gartersnake enters an active construction zone (i.e., outside the buffer zone).

GGGS-4 (Giant Gartersnake Habitat Dewatering and Exclusion): If construction activities will occur in giant gartersnake aquatic habitat, aquatic habitat will be dewatered and then remain dry and absent of aquatic prey (e.g., fish and tadpoles) for 15 days prior to initiation of construction activities. If complete dewatering is not possible, the Implementing Entity will be contacted to determine what additional measures may be necessary to minimize effects to giant gartersnake. After aquatic habitat has been dewatered 15 days prior to construction activities, exclusion fencing will be installed extending a minimum of 300 feet into adjacent uplands to isolate both the aquatic and adjacent upland habitat. Exclusionary fencing will be erected 36 inches above ground and buried at least 6 inches below the ground to prevent snakes from attempting to move under the fence into the construction area. In addition, high-visibility fencing will be erected to identify the construction limits and to protect adjacent habitat from encroachment of personnel and equipment. Giant gartersnake habitat outside construction fencing will be avoided by all construction personnel. The fencing and the work area will be inspected by the approved biologist to ensure that the fencing is intact and that no snakes have entered the work area before the start of each work day. The fencing will be maintained by the contractor until completion of the project. If giant gartersnake is encountered, refer to GGS-7, below.

GGGS-5 (Avoid Giant Gartersnake Entrapment): If a Covered Activity occurs in giant gartersnake modeled habitat (Figure 3-18), all excavated steep-walled holes and trenches more than 6 inches deep will be covered with plywood (or similar material) or

Final South Sacramento Habitat Conservation Plan

provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each work day or 30 minutes prior to sunset, whichever occurs first. All steep-walled holes and trenches will be inspected by the approved biologist each morning to ensure that no wildlife has become entrapped. All construction pipes, culverts, similar structures, construction equipment, and construction debris left overnight within giant gartersnake modeled habitat will be inspected for giant gartersnake by the approved biologist prior to being moved. If a giant gartersnake is encountered, refer to GGS-7.

GGGS-6 (Erosion Control Materials in Giant Gartersnake Habitat): If erosion control (BMP-2) is implemented within giant gartersnake modeled habitat (Figure 3-18), non-entangling erosion control material will be used to reduce the potential for entrapment. Tightly woven fiber netting (mesh size less than 0.25 inch) or similar material will be used to ensure snakes are not trapped (no monofilament). Coconut coir matting and fiber rolls containing burlap are examples of acceptable erosion control materials.

GGGS-7 (Giant Gartersnake Encounter Protocol): If a giant gartersnake is encountered during construction activities, the approved biologist will notify the Wildlife Agencies immediately. Construction activities will be suspended in a 100-foot radius of the animal until the animal leaves the project site on its own volition. If necessary, the approved biologist will notify the Wildlife Agencies to determine the appropriate procedures related to relocation. If the animal is handled, a report will be submitted, including date(s), location(s), habitat description, and any corrective measures taken to protect the giant gartersnake within 1 business day to the Wildlife Agencies. The biologist will report any take of listed species to the U.S. Fish and Wildlife Service immediately. Any worker who inadvertently injures or kills a giant gartersnake or who finds one dead, injured, or entrapped must immediately report the incident to the approved biologist.

GGGS-8 (Giant Gartersnake Post-Construction Restoration): After completion of ground-disturbing Covered Activities, the applicant will remove any temporary fill and construction debris and will restore temporarily 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. Appropriate methods and plant species used to re-vegetate such areas will be determined on a site-specific basis in consultation with the Implementing Entity. Restoration work may include replanting emergent aquatic vegetation. Refer to the U.S. Fish and Wildlife Service's (USFWS) Guidelines for the Restoration and/or Replacement of Giant Gartersnake Habitat (USFWS 1997), or the most current USFWS guidelines at the time of the

Final South Sacramento Habitat Conservation Plan

activity. A photo documentation report showing pre- and post-project conditions will be submitted to the Implementing Entity 1 month after implementation of the restoration.

Western Pond Turtle

To avoid direct and indirect effects of Covered Activities on western pond turtle (*Actinemys marmorata*), the following AMMs will be implemented.

WPT-1 (Western Pond Turtle Surveys): If the SSHCP western pond turtle modeled habitat maps (Figure 3-19) show that modeled habitat for western pond turtle is present within a Covered Activity's project footprint or within 300 feet of a project footprint, then an approved biologist will conduct a field investigation to delineate western pond turtle aquatic habitat within the project footprint and within 300 feet of the project footprint. In addition to the SSHCP land cover types shown in Figure 3-19, western pond turtle aquatic habitat includes, but is not limited to, low-gradient streams and creeks, open water, freshwater marsh, and rice fields. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. The Third-Party Project Proponent will map all existing or potential sites and provide those maps to the Local Land Use Permittees and the Implementing Entity. Locations of delineated western pond turtle habitat must also be noted on plans that are submitted to a Local Land Use Permittee. The applicant will use this information to finalize project design. Covered Activities may occur throughout the year as long as western pond turtle habitat is identified and fully avoided. Otherwise, Covered Activities must comply with WPT-2 through WPT-9. See Chapter 10 for the process to conduct and submit survey information.

WPT-2 (Western Pond Turtle Work Window): Maintenance and improvements to existing structures may occur throughout the year as long as western pond turtle habitat is identified and avoided, and movement of equipment is confined to existing roads. Otherwise, construction and ground-disturbing Covered Activities must be conducted outside of western pond turtle's active season. Construction and ground-disturbing activities will be initiated after May 1 and will commence prior to September 15. If it appears that construction activities may go beyond September 15, the appropriate Plan Permittee will contact the Local Land Use Permittee and the Implementing Entity as soon as possible, but not later than September 1, to determine if additional measures are necessary to minimize take.

WPT-3 (Western Pond Turtle Monitoring): If a Covered Activity is occurring in western pond turtle modeled habitat (Figure 3-19), an approved biologist experienced with western pond turtle identification and behavior will monitor the project site, including the

Final South Sacramento Habitat Conservation Plan

integrity of any exclusion fencing. The approved biologist will be on site daily while construction-related activities are taking place in aquatic habitat or within 300 feet of aquatic habitat, and will inspect the project site daily for western pond turtle prior to construction activities. The approved biologist will also training construction personnel on the required avoidance procedures, exclusion fencing, and protocols in the event that a western pond turtle enters an active construction zone (i.e., outside the buffer zone).

WPT-4 (Western Pond Turtle Habitat Dewatering and Exclusion): If construction activities will occur in western pond turtle aquatic habitat, aquatic habitat for the turtle will be dewatered and then remain dry and absent of aquatic prey (e.g., crustaceans and other aquatic invertebrates) for 15 days prior to the initiation of construction activities. If complete dewatering is not possible, the Implementing Entity will be contacted to determine what additional measures may be necessary to minimize effects to western pond turtle. After aquatic habitat has been dewatered 15 days prior to construction activities, exclusion fencing will be installed extending a minimum of 300 feet into adjacent uplands to isolate both the aquatic and adjacent upland habitat. Exclusionary fencing will be erected 36 inches above ground and buried at least 6 inches below the ground to prevent turtles from attempting to burrow or move under the fence into the construction area. In addition, high-visibility fencing will be erected to identify construction limits and to protect adjacent habitat from encroachment of personnel and equipment. Western pond turtle habitat outside construction fencing will be avoided by all construction personnel. The fencing and work area will be inspected by the approved biologist to ensure that the fencing is intact and that no turtles have entered the work area before the start of each work day. Fencing will be maintained by the contractor until completion of the project. If, after exclusion fencing and dewatering, western pond turtles are found within the project footprint or within 300 feet of the project footprint, the Third-Party Project Proponent will discuss the next best steps with the Implementing Entity and Wildlife Agencies.

WPT-5 (Avoid Western Pond Turtle Entrapment): If a Covered Activity occurs within western pond turtle modeled habitat (Figure 3-19), all excavated steep-walled holes and trenches more than 6 inches deep will be covered with plywood (or similar material) or provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each work day or 30 minutes prior to sunset, whichever occurs first. All steep-walled holes and trenches will be inspected by the approved biologist each morning to ensure that no wildlife has become entrapped. All construction pipes, culverts, similar structures, construction equipment, and construction debris left overnight within western pond turtle modeled habitat will be inspected for western pond turtle by the approved biologist prior to being moved.

Final South Sacramento Habitat Conservation Plan

WPT-6 (Erosion Control Materials in Western Pond Turtle Habitat): If erosion control (BMP-2) is implemented within western pond turtle modeled habitat (Figure 3-19), non-entangling erosion control material will be used to reduce the potential for entrapment. Tightly woven fiber netting (mesh size less than 0.25 inch) or similar material will be used to ensure that turtles are not trapped (no monofilament). Coconut coir matting and fiber rolls containing burlap are examples of acceptable erosion control materials.

WPT-7 (Western Pond Turtle Modeled Habitat Speed Limit): Covered Activity construction and maintenance vehicles will observe a 20-mile-per-hour speed limit within western pond turtle modeled upland habitat (Figure 3-19).

WPT-8 (Western Pond Turtle Encounter Protocol): If a western pond turtle is encountered during construction activities, the approved biologist will notify the Wildlife Agencies immediately. Construction activities will be suspended in a 100-foot radius of the animal until the animal leaves the project site on its own volition. If necessary, the approved biologist will notify the Wildlife Agencies to determine the appropriate procedures related to relocation. If the animal is handled, a report will be submitted, including date(s), location(s), habitat description, and any corrective measures taken to protect the turtle, within 1 business day to the Wildlife Agencies. The biologist will report any take of listed species to the U.S. Fish and Wildlife Service immediately. Any worker who inadvertently injures or kills a western pond turtle or who finds one dead, injured, or entrapped must immediately report the incident to the approved biologist.

WPT-9 (Western Pond Turtle Post-Construction Restoration): After completion of ground-disturbing Covered Activities, the applicant will remove any temporary fill and construction debris and will restore temporarily 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. Appropriate methods and plant species used to re-vegetate such areas will be determined on a site-specific basis in consultation with the Implementing Entity. Restoration work may include replanting emergent aquatic vegetation and placing appropriate artificial or natural basking areas in waterways and wetlands. A photo documentation report showing pre- and post-project conditions will be submitted to the Implementing Entity 1 month after implementation of the restoration.

Tricolored Blackbird

To avoid direct and indirect effects of Covered Activities on tricolored blackbird (*Agelaius tricolor*), the following AMMs will be implemented.

Final South Sacramento Habitat Conservation Plan

TCB-1 (Tricolored Blackbird Surveys): If modeled habitat for tricolored blackbird is present within a Covered Activity's project footprint or within 500 feet of a project footprint, then an approved biologist will conduct a field investigation to determine if existing or potential nesting or foraging sites are present within the project footprint and adjacent areas within 500 feet of the project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. Within the Plan Area, potential tricolor blackbird nest sites are often associated with freshwater marsh and seasonal wetlands, or in thickets of willow, blackberry, wild rose, thistle, and other thorny vegetation. Tricolored blackbirds are also known to nest in crops associated with dairy farms. Foraging habitat is associated with annual grasslands, wet and dry vernal pools and other seasonal wetlands, agricultural fields (such as large tracts of alfalfa and pastures with continuous haying schedules and recently tilled fields), cattle feedlots, and dairies. The Third-Party Project Proponent will map all existing or potential nesting or foraging sites and provide these maps to the Local Land Use Permittees and Implementing Entity. Nesting sites must also be noted on plans that are submitted to a Local Land Use Permittee. See Chapter 10 for the process to conduct and submit survey information.

TCB-2 (Tricolored Blackbird Pre-Construction Surveys): Pre-construction surveys will be required to determine if active nests are present within a project footprint or within 500 feet of a project footprint if existing or potential nest sites were found during design surveys and construction activities will occur during the breeding season (March 1 through September 15). An approved biologist will conduct pre-construction surveys within 30 days and within 3 days of ground-disturbing activities, and within the proposed project footprint and 500 feet of the proposed project footprint to determine the presence of nesting tricolored blackbird. Pre-construction surveys will be conducted during the breeding season (March 1 through August 31). Surveys conducted in February (to meet pre-construction survey requirements for work starting in March) must be conducted within 14 days and 3 days in advance of ground-disturbing activities. If a nest is present, then TCB-3 and TCB-4 will be implemented. The approved biologist will inform the Land Use Authority Permittee and the Implementing Entity of species locations, and they in turn will notify the Wildlife Agencies.

TCB-3 (Tricolored Blackbird Nest Buffer): If active nests are found within the project footprint or within 500 feet of any project-related Covered Activity, the Third-Party Project Proponent will establish a 500-foot temporary buffer around the active nest until the young have fledged.

TCB-4 (Tricolored Blackbird Nest Buffer Monitoring): If nesting tricolored blackbirds are present within the project footprint or within 500 feet of any project-related Covered

Final South Sacramento Habitat Conservation Plan

Activity, then an approved biologist experienced with tricolored blackbird behavior will be retained by the Third-Party Project Proponent to monitor the nest throughout the nesting season and to determine when the young have fledged. The approved biologist will be on site daily while construction-related activities are taking place near the disturbance buffer. Work within the nest disturbance buffer will not be permitted. If the approved biologist determines that tricolored blackbirds are exhibiting agitated behavior, construction will cease until the buffer size is increased to a distance necessary to result in no harm or harassment to the nesting tricolored blackbirds. If the biologist determines that the colonies are at risk, a meeting with the Third-Party Project Proponent, Implementing Entity, and Wildlife Agencies will be held to determine the best course of action to avoid nest abandonment or take of individuals. The approved biologist will also train construction personnel on the required avoidance procedures, buffer zones, and protocols in the event that a tricolored blackbird flies into an active construction zone (i.e., outside the buffer zone).

TCB-5 (Timing of Pesticide Use and Harvest Timing on Agricultural Preserves): On SSHCP Agricultural Preserves, pesticides (including herbicides) will not be applied from January 1 through July 15.

Swainson's Hawk

To avoid direct and indirect effects of Covered Activities on Swainson's hawk (*Buteo swainsoni*), the following AMMs will be implemented.

SWHA-1 (Swainson's Hawk Surveys): If modeled habitat for Swainson's hawk (Figure 3-25) is present within a Covered Activity's project footprint or within 0.25 mile of a project footprint, then an approved biologist will conduct a survey to determine if existing or potential nesting sites are present within the project footprint and adjacent areas within 0.25 mile of the project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. Nest sites are often associated with Riparian land cover, but also include lone trees in fields, trees along roadways, and trees around structures. Nest trees may include, but are not limited to, Fremont's cottonwood (*Populus fremontii*), oaks (*Quercus* spp.), willows (*Salix* spp.), walnuts (*Juglans* spp.), eucalyptus (*Eucalyptus* spp.), pines (*Pinus* spp.), and Deodar cedar (*Cedrus deodara*). The Third-Party Project Proponent will map all existing and potential nesting sites and provide these maps to the Local Land Use Permittees and Implementing Entity. Nesting sites must also be noted on plans that are submitted to a Local Land Use Permittee. See Chapter 10 for the process to conduct and submit survey information.

Final South Sacramento Habitat Conservation Plan

SWHA-2 (Swainson's Hawk Pre-Construction Surveys): Pre-construction surveys will be required to determine if active nests are present within a project footprint or within 0.25 mile of a project footprint if existing or potential nest sites were found during initial surveys and construction activities will occur during the breeding season (March 1 through September 15). An approved biologist will conduct pre-construction surveys within 30 days and 3 days of ground-disturbing activities to determine presence of nesting Swainson's hawk. Pre-construction surveys will be conducted during the breeding season (March 1 through September 15). If a nest is present, then SWHA-3 and SWHA-4 will be implemented. The approved biologist will inform the Land Use Authority Permittee and Implementing Entity of species locations, and they in turn will notify the Wildlife Agencies.

SWHA-3 (Swainson's Hawk Nest Buffer): If active nests are found within the project footprint or within 0.25 mile of any project-related Covered Activity, the Third-Party Project Proponent will establish a 0.25 mile disturbance buffer around the active nest until the young have fledged, with concurrence from the Wildlife Agencies.

SWHA-4 (Swainson's Hawk Nest Buffer Monitoring): If nesting Swainson's hawks are present within the project footprint or within 0.25 mile of any project-related Covered Activity, then an approved biologist experienced with Swainson's hawk behavior will be retained by the Third-Party Project Proponent to monitor the nest throughout the nesting season and to determine when the young have fledged. The approved biologist will be on site daily while construction-related activities are taking place within the buffer. Work within the temporary nest disturbance buffer can occur with the written permission of the Implementing Entity and Wildlife Agencies. If nesting Swainson's hawks begin to exhibit agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, the approved biologist will have the authority to shut down construction activities. If agitated behavior is exhibited, the biologist, Third-Party Project Proponent, Implementing Entity, and Wildlife Agencies will meet to determine the best course of action to avoid nest abandonment or take of individuals. The approved biologist will also train construction personnel on the required avoidance procedures, buffer zones, and protocols in the event that a Swainson's hawk flies into an active construction zone (i.e., outside the buffer zone).

Greater Sandhill Crane

To avoid direct and indirect effects of Covered Activities on greater sandhill crane (*Grus canadensis*), the following AMMs will be implemented.

Final South Sacramento Habitat Conservation Plan

GSC-1 (Greater Sandhill Crane Surveys): If modeled habitat for greater sandhill crane (Figure 3-22) is present within a Covered Activity's project footprint or within 0.5 mile of a project footprint, then an approved biologist will conduct a field investigation to determine if existing or potential roosting sites are present within the project footprint and adjacent areas within 0.5 mile of the project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. Roosting sites within the Plan Area are often associated with flooded fields, seasonal wetlands, and freshwater marsh. The Third-Party Project Proponent will map all existing or potential roosting sites and provide these maps to the Local Land Use Permittees and Implementing Entity. Roosting sites must also be noted on plans that are submitted to a Local Land Use Permittee. See Chapter 10 for the process to conduct and submit survey information.

GSC-2 (Greater Sandhill Crane Pre-Construction Surveys): Pre-construction surveys will be required to determine if active roosting sites are present within a project footprint or within 0.5 mile of a project footprint if existing or potential roosting sites were found during initial surveys and construction activities will occur when wintering flocks are present within the Plan Area (September 1 through March 15). An approved biologist will conduct pre-construction surveys within 15 days of ground-disturbing activities, and within 0.5 mile of a project footprint, to determine presence of roosting greater sandhill cranes. Pre-construction surveys will be conducted September 1 through March 15, when wintering flocks are present within the Plan Area. If birds are present, then GSC-3, GSC-4, and GSC-5 will be implemented. The approved biologist will inform the Land Use Authority Permittee and Implementing Entity of species locations, and they in turn will notify the Wildlife Agencies.

GSC-3 (Greater Sandhill Crane Roosting Buffer): If active roosting sites are found within the project footprint or within 0.5 mile of any project-related Covered Activity, the Third-Party Project Proponent will establish a 0.5 mile temporary roosting disturbance buffer around the roosting site until the cranes have left.

GSC-4 (Greater Sandhill Crane Visual Barrier): Greater sandhill cranes have low tolerance for human disturbance, and such disturbance has caused cranes to abandon foraging and roosting sites. Repeat disturbance affects their ability to feed and store energy needed for survival. If project-related activities occur within 0.5 mile of a known roosting site as identified by surveys conducted during implementation of GSC-1 or GSC-2, a visual barrier will be constructed.

GSC-5 (Greater Sandhill Crane Roosting Buffer Monitoring): If roosting sites are found within the project footprint or within 0.50 mile of any project-related Covered Activity, an

Final South Sacramento Habitat Conservation Plan

approved biologist experienced with greater sandhill crane behavior will be retained by the Third-Party Project Proponent to monitor the roosting site throughout the roosting season and to determine when the birds have left. The approved biologist will be on site daily while construction-related activities are taking place within the disturbance buffer. Work within the temporary disturbance buffer can only occur with the written permission of the Implementing Entity and Wildlife Agencies. If greater sandhill cranes are abandoning their roosting and/or forage sites, the approved biologist will have the authority to shut down construction activities. If roost abandonment occurs, the approved biologist, Third-Party Project Proponent, Implementing Entity, and Wildlife Agencies will meet to determine the best course of action to avoid harm and harassment of individuals. The approved biologist will also train construction personnel on the avoidance procedures, buffer zones, and protocols in the event that greater sandhill cranes move into an active construction zone (i.e., outside the buffer zone).

Western Burrowing Owl

To avoid direct and indirect effects of Covered Activities on western burrowing owl (*Athene cunicularia*), the following AMMs will be implemented.

WBO-1 (Western Burrowing Owl Surveys): Surveys within modeled habitat are required for both the breeding and non-breeding season. If the project site falls within modeled habitat, an approved biologist will survey the project site and map all burrows, noting any burrows that may be occupied. Occupied burrows are often (but not always) indicated by tracks, feathers, egg shell fragments, pellets, prey remains, and/or excrement. Surveying and mapping will be conducted by the approved biologist while walking transects throughout the entire project site plus all accessible areas within a 250-foot radius from the project site. The centerline of these transects will be no more than 50 feet apart and will vary in width to account for changes in terrain and vegetation that can preclude complete visual coverage of the area. For example, in hilly terrain with patches of tall grass, transects will be closer together, and in open areas with little vegetation, they can be 50 feet apart. This methodology is consistent with current survey protocols for this species (California Burrowing Owl Consortium 1993). Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. If suitable habitat is identified during the initial survey, and if the project does not fully avoid the habitat, pre-construction surveys will be required. Burrowing owl habitat is fully avoided if project-related activities do not impinge on a 250-foot buffer established by the approved biologist around suitable burrows. See Chapter 10 for the process to conduct and submit survey information.

Final South Sacramento Habitat Conservation Plan

WBO-2 (Western Burrowing Owl Pre-Construction Surveys): Prior to any Covered Activity ground disturbance, an approved biologist will conduct pre-construction surveys in all areas that were identified as suitable habitat during the initial surveys. The purpose of the pre-construction surveys is to document the presence or absence of burrowing owls on the project site, particularly in areas within 250 feet of construction activities. To maximize the likelihood of detecting owls, the pre-construction survey will last a minimum of 3 hours. The survey will begin 1 hour before sunrise and continue until 2 hours after sunrise (3 hours total), or begin 2 hours before sunset and continue until 1 hour after sunset. Additional time may be required for large project sites. A minimum of two pre-construction surveys will be conducted (if owls are detected on the first survey, a second survey is not needed). All owls observed will be counted and their location will be mapped. Surveys will conclude no more than 2 calendar days prior to construction. Therefore, the Third-Party Project Proponent must begin surveys no more than 4 days prior to construction (2 days of surveying plus up to 2 days between surveys and construction). To avoid last-minute changes in schedule or contracting that may occur if burrowing owls are found, the Third-Party Project Proponent may also conduct a preliminary survey up to 15 days before construction. This preliminary survey may count as the first of the two required surveys as long as the second survey concludes no more than 2 calendar days in advance of construction.

WBO-3 (Burrowing Owl Avoidance): If western burrowing owl or evidence of western burrowing owl is observed on the project site or within 250 feet of the project site during pre-construction surveys, then the following will occur:

During Breeding Season: If the approved biologist finds evidence of western burrowing owls within a project site during the breeding season (February 1 through August 31), all project-related activities will avoid nest sites during the remainder of the breeding season or while the nest remains occupied by adults or young (nest occupation includes individuals or family groups foraging on or near the site following fledging). Avoidance is establishment of a minimum 250-foot buffer zone around nests. Construction and other project-related activities may occur outside of the 250-foot buffer zone. Construction and other project-related activities may be allowed inside of the 250-foot non-disturbance buffer during the breeding season if the nest is not disturbed, and the Third-Party Project Proponent develops an avoidance, minimization, and monitoring plan that is approved by the Implementing Entity and Wildlife Agencies prior to project construction based on the following criteria:

- The Implementing Entity and Wildlife Agencies approve of the avoidance and minimization plan provided by the project applicant.

Final South Sacramento Habitat Conservation Plan

- An approved biologist monitors the owls for at least 3 days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction).
- The same approved biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities.

If there is any change in owl nesting and foraging behavior as a result of construction activities, the approved biologist will have authority to shut down activities within the 250-foot buffer. Construction cannot resume within the 250-foot buffer until any owls present are no longer affected by nearby construction activities, and with written concurrence from the Wildlife Agencies.

If monitoring by the approved biologist indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in use, the non-disturbance buffer zone may be removed if approved by the Wildlife Agencies. The approved biologist will excavate the burrow in accordance with the latest California Department of Fish and Wildlife guidelines for burrowing owl to prevent reoccupation after receiving approval from the Wildlife Agencies.

The Implementing Entity and Wildlife Agencies will respond to a request from the Third-Party Project Proponent to review the proposed construction monitoring plan within 21 days.

During Non-Breeding Season: During the non-breeding season (September 1 through January 31), the approved biologist will establish a minimum 250-foot non-disturbance buffer around occupied burrows. Construction activities outside of this 250-foot buffer will be allowed. Construction activities within the non-disturbance buffer will be allowed if the following criteria are met to prevent owls from abandoning overwintering sites:

- An approved biologist monitors the owls for at least 3 days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
- The same approved biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.
- If there is any change in owl foraging behavior as a result of construction activities, the approved biologist will have authority to shut down activities within the 250-foot buffer.
- If the owls are gone for at least 1 week, the Third-Party Project Proponent may request approval from the Implementing Entity and Wildlife Agencies that an approved biologist excavate usable burrows and install one-way exclusionary

Final South Sacramento Habitat Conservation Plan

devices to prevent owls from re-occupying the site. After all usable burrows are excavated, the buffer zone will be removed and construction may continue.

Monitoring must continue as described above for the non-breeding season as long as the burrow remains active.

WBO-4 (Burrowing Owl Construction Monitoring): During construction of Covered Activities, 250-foot construction buffer zones will be established and maintained around any occupied burrow. An approved biologist will monitor the site to ensure that buffers are enforced and owls are not disturbed. The approved biologist will also train construction personnel on avoidance procedures, buffer zones, and protocols in the event that a burrowing owl flies into an active construction zone.

WBO-5 (Burrowing Owl Passive Relocation): Passive relocation is not allowed without the express written approval of the Wildlife Agencies. Passive owl relocation may be allowed on a case-by-case basis on project sites during the non-breeding season (September 1 through January 31) with the written approval of the Wildlife Agencies if the other measures described in this condition preclude work from continuing. Passive relocation must be done in accordance with the latest California Department of Fish and Wildlife guidelines for burrowing owl. Passive relocation will only be proposed if the burrow needing to be removed or with the potential to collapse from construction activities is the result of a Covered Activity. If passive relocation is approved by the Wildlife Agencies, an approved biologist can passively exclude birds from their burrows during the non-breeding season by installing one-way doors in burrow entrances. These doors will be in place for 48 hours to ensure that owls have left the burrow, and then the biologist will excavate the burrow to prevent reoccupation. Burrows will be excavated using hand tools only. During excavation, an escape route will be maintained at all times. This may include inserting an artificial structure into the burrow to avoid having materials collapse into the burrow and trap owls inside. Other methods of passive relocation, based on best available science, may be approved by the Wildlife Agencies over the 50-year Permit Term.

WBO-6 (Burrowing Owl Timing of Maintenance Activities): All activities adjacent to existing or planned Preserves, Preserve Setbacks, or Stream Setback areas will be seasonally timed, when safety permits, to avoid or minimize adverse effects on occupied burrows.

WBO-7 (Rodent Control): Rodent control will be allowed only in developed portions of a Covered Activity project site within western burrowing owl modeled habitat. Where rodent control is allowed, the method of rodent control will comply with the methods of

Final South Sacramento Habitat Conservation Plan

rodent control discussed in the 4(d) Rule published in the U.S. Fish and Wildlife Service's (2004) final listing rule for tiger salamander.

Covered Raptor Species

To avoid direct and indirect effects of Covered Activities on covered raptor species, the following AMMs will be implemented. This measure applies to Cooper's hawk (*Accipiter cooperii*), loggerhead shrike (*Lanius ludovicianus*), northern harrier (*Circus cyaneus*), and white-tailed kite (*Elanus leucurus*). The following AMMs do not apply to ferruginous hawk (*Buteo regalis*), as they do not nest in the Plan Area. The following AMMs also do not apply to Swainson's hawk or burrowing owl, as specific AMMs have been developed for these covered raptor species.

RAPTOR-1 (Raptor Surveys): If modeled habitat for a covered raptor species (Figures 3-20, 3-23, 3-24, or 3-28) is present within a Covered Activity's project footprint or within 0.25 mile of a project footprint, then an approved biologist will conduct a field investigation to determine if existing or potential nesting sites are present within the project footprint and adjacent areas within 0.25 mile of the project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. The Third-Party Project Proponent will map all existing or potential nesting sites and provide these maps to the Local Land Use Permittees and Implementing Entity. Nesting sites must also be noted on plans that are submitted to a Local Land Use Permittee. See Chapter 10 for the process to conduct and submit survey information.

RAPTOR-2 (Raptor Pre-Construction Surveys): Pre-construction surveys will be required to determine if active nests are present with a project footprint or within 0.25 mile of a project footprint if existing or potential nest sites are found during initial surveys and construction activities will occur during the raptor breeding season. An approved biologist will conduct pre-construction surveys within 30 days and 3 days of ground-disturbing activities within the proposed project footprint and within 0.25 mile of the proposed project footprint to determine presence of nesting covered raptor species. Pre-construction surveys will be conducted during the raptor breeding season. If a nest is present, then RAPTOR-3 and RAPTOR-4 will be implemented. The approved biologist will inform the Land Use Authority Permittee and Implementing Entity of species locations, and they in turn will notify the Wildlife Agencies.

RAPTOR-3 (Raptor Nest/Roost Buffer): If active nests are found within the project footprint or within 0.25 mile of any project-related Covered Activity, the Third-Party Project

Final South Sacramento Habitat Conservation Plan

Proponent will establish a 0.25 mile temporary nest disturbance buffer around the active nest until the young have fledged.

RAPTOR-4 (Raptor Nest/Roost Buffer Monitoring): If project-related Covered Activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an approved biologist experienced with raptor behavior will be retained by the Third-Party Project Proponent to monitor the nest throughout the nesting season and to determine when the young have fledged. The approved biologist will be on site daily while construction-related activities are taking place within the disturbance buffer. Work within the temporary nest disturbance buffer can occur with the written permission of the Implementing Entity and Wildlife Agencies. If nesting raptors begin to exhibit agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, the approved biologist/monitor will have the authority to shut down construction activities. If agitated behavior is exhibited, the biologist, Third-Party Project Proponent, Implementing Entity, and Wildlife Agencies will meet to determine the best course of action to avoid nest abandonment or take of individuals. The approved biologist will also train construction personnel on the required avoidance procedures, buffer zones, and protocols in the event that a covered raptor species flies into an active construction zone (i.e., outside the buffer zone).

Western Red Bat

To avoid direct and indirect effects of Covered Activities on western red bat (*Lasiurus blossevillii*), the following AMMs will be implemented.

BAT-1 (Winter Hibernaculum Surveys): If modeled habitat (Figure 3-30) for western red bat is present within 300 feet of a Covered Activity's project footprint, then an approved biologist will conduct a field investigation of the project footprint and adjacent areas within 300 feet of a project footprint to determine if a potential winter hibernaculum is present, and to identify and map potential hibernaculum sites. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. If potential hibernaculum sites are found, the Third-Party Project Proponent will note their locations on project designs and will design the project to avoid all areas within a 300-foot buffer around the potential hibernaculum sites. Winter hibernaculum habitat is fully avoided if project-related activities do not impinge on a 300-foot buffer established by the approved biologist around an existing or potential winter hibernaculum site. See Chapter 10 for the process to conduct and submit survey information.

BAT-2 (Winter Hibernaculum Pre-Construction Surveys): If the Third-Party Project Proponent elects not to avoid potential winter hibernaculum sites within the project footprint plus a 300-foot buffer, additional surveys are required. Prior to any ground disturbance related to Covered Activities, an approved biologist will conduct a pre-construction survey within 3 days of ground-disturbing activities within the project footprint and 300 feet of the project footprint to determine the presence of winter hibernaculum sites. Pre-construction surveys will be conducted during the winter hibernaculum season (November 1 through March 31). If a winter hibernaculum is present, then BAT-3 and BAT-4 will be implemented. The approved biologist will inform the Land Use Authority Permittee and Implementing Entity of species locations, and they in turn will notify the Wildlife Agencies.

BAT-3 (Winter Hibernaculum Buffer): If active winter hibernaculum sites are found within the project footprint or within 300 feet of the project footprint, the Third-Party Project Proponent will establish a 300-foot temporary disturbance buffer around the active winter hibernaculum site until bats have vacated the hibernaculum and the Implementing Entity and Wildlife Agencies concur.

BAT-4 (Bat Eviction Methods): An approved biologist will determine if non-maternity and non-hibernaculum day and night roosts are present on the project site. If necessary, an approved biologist will use safe eviction methods to remove bats if direct impacts to non-maternity and non-hibernaculum day and night roosts cannot be avoided. If a winter hibernaculum site is present, Covered Activities will not occur until the hibernaculum is vacated, or, if necessary, safely evicted using methods acceptable to the Wildlife Agencies.

5.5 How Conditions on Covered Activities are Applied to Various Urban Development Permit Types Approved by the Land Use Authority Permittees

Covered Activities can be approved by Land Use Authority Permittees at different scales. For example, master plans (including specific plans, comprehensive plans, and special planning areas) generally include large areas of land, and other permit types (conditional use permits, grading permits, and building permits) can apply over a range of project footprints. The process that Land Use Authority Permittees will use to approve Covered Activities in these planning documents is described in Chapter 10. See Table 5-2 for a list of projects and activities that are considered Covered Activities.