

SSHCP Avoidance and Minimization Measures

PLNP2024-00003

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 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.

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.

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 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.

5.4.2 Covered Species Take Avoidance and Minimization Measures

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, 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.

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 Land Use Authority Permittees and Implementing Entity. Nesting sites must also be noted on plans that are submitted to a Land Use Authority Permittee. See Chapter 10 for the process to conduct and submit survey information.

SWHA-2 (Swainson's Hawk Pre-Construction Surveys): If existing or potential nest sites are found, and construction activities will occur during the breeding season (March 1 through September 15), 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. An approved biologist will conduct pre-construction surveys within 30 days and again within 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).

SWHA-5 (Swainson's Hawk Nest Tree Avoidance): Project proponents shall avoid removal of Swainson's hawk nest trees active within the last 5 years, to the maximum extent practicable. Removal of occupied nest trees shall be timed outside of the Swainson's hawk nesting season, which would limit removal to October 1 through February 1, and shall not remove any occupied nest trees until the last young have fledged, as verified by the approved biologist. The Implementing Entity shall provide the number of Swainson's hawk nest trees removed each year, along with nest locations, in each Annual Report submitted to CDFW.

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 Land Use Authority Permittees and Implementing Entity. Nesting sites must also be noted on plans that are submitted to a Land Use Authority 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, a Third-Party Project 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(Maternity Roost Surveys): If modeled habitat (Figure 3-30) for western red bat is present within 300 feet of a Covered Activity's project footprint, and a Covered Activity is proposed between May 1 and August 31 (when pre-flight/nursing young may be present), then an approved biologist will conduct a field investigation of the project footprint and adjacent areas within 300 feet of the project footprint to determine if a potential maternity roost is present, and to identify and map potential maternity roost 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 maternity roost 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 maternity roost sites. As discussed in AMM BAT-3, maternity roost 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 maternity roost site. See Chapter 10 for the process for Covered Activity projects to conduct and submit project survey information.

BAT-2(Maternity Roost Pre-Construction Surveys): If the Third-Party Project Proponent elects not to avoid potential maternity roost sites within the project footprint plus a 300-foot buffer during May through August, additional western red bat surveys are required. Prior to any ground disturbance related to Covered Activities or staging of equipment in the project footprint, 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 maternity roost sites. Pre-construction surveys will be conducted during the roosting season when pre-flight/nursing young may be present (May 1 through August 31). If a maternity roost is present, then AMM BAT-3 shall be implemented. The approved biologist will inform the Land Use Authority Permittee and SSHCP Implementing Entity (the South Sacramento Conservation Agency) of all roost sites and species locations, and they in turn will notify the Wildlife Agencies (USFWS and CDFW), and provide all survey information to the Wildlife Agencies.

BAT-3(Maternity Roost Buffer): If active maternity roost sites are found within the project footprint or within 300 feet of the project footprint between May 1 and August 31, the Third-Party Project Proponent will establish a 300-foot temporary disturbance buffer around the active maternity roost site until bats have vacated the roost and the Wildlife Agencies concur that the roost is vacant.

Very few western red bats are expected to be present in the Action Area in the winter months (November 1 through March 31). However, if active winter hibernaculum sites are found within the project footprint or within 300 feet of the project footprint between November 1 and March 31, the Third-Party Project Proponent will establish the same

300-foot temporary disturbance buffer around the active winter hibernaculum site until bats have vacated the hibernaculum and the Wildlife Agencies concur that the hibernaculum is vacant.

BAT-4 (Bat Eviction Methods for Non-Maternity and Non-Hibernation Roosts): An approved biologist will determine if non-maternity and non-hibernaculum day and night roosts are present on the project site. If direct impacts to non-maternity and non-hibernaculum day and night roosts cannot be avoided, the Third-Party Project Proponent will prepare a bat eviction plan, and inform the Land Use Authority Permittee and the SSHCP Implementing Entity (the South Sacramento Conservation Agency). They in turn shall inform the Wildlife Agencies, and provide the bat eviction plan for review. If necessary, the approved biologist may be allowed to remove the bats using safe-eviction methods acceptable to the Wildlife Agencies.