

LATE REVISIONS – 19 August 2016

- Item 22 b. Sierra Foothill Conservancy, Bean Creek Meadow Restoration Project - Consideration of a Resolution Approving an Initial Study and Mitigated Negative Declaration**

Mitigated Negative Declaration

Page 2. Edit Mitigation Measure BIO-2, BIO-3, and BIO-5 as follows.

- BIO-2. Avoid or Minimize Impacts to Threatened, Endangered, Sensitive, or Special-Status Wildlife and Plant Species. **Pre-activity surveys for potential rare, listed, or other sensitive species shall be conducted by a qualified biologist within 30 days prior to commencement of Project activity unless specified in species-specific measures below.** Any detection of threatened, endangered, sensitive, or special-status wildlife species or of nests, roost sites, and other areas of concentrated use of these species, before or during project implementation will be reported to ~~a professional biologist~~ **the California Department of Fish and Wildlife (CDFW)** for consultation and instruction on appropriate protection measures.
- BIO-3. Implement Limited Operating Period (LOP) to avoid disturbances to breeding activities and habitat of special-status wildlife species. LOPs will be implemented around nests, roost sites, and other areas of concentrated use by these species, if present. A LOP constitutes a period during which project activities will not occur and is enforced in project implementation contracts. **The seasonal restrictions listed for special status and nesting birds in mitigation measures CDFW 1-6 shall be considered LOPs for the project.**
- BIO-5. Mulch and revegetate disturbed areas. Soils lacking adequate ground cover because of exposure or other disturbances caused by the proposed action will be mulched with available forest materials such as pine needles, tree bark, and branches; or with imported mulch such as ~~certified wood-free straw~~ or tub-ground wood chips. In addition, areas denuded during construction will be actively revegetated. To ensure fastest possible site stabilization any disturbed sites will be treated for erosion control and re-vegetated as the work is done, and such measures will continue as construction of each site is completed. The stabilization measures will include transplanting vegetation that is excavated as a result of construction work, mulching bare areas as the work is complete, seeding native species as recommended by our botanist, monitoring for soil stability and re-vegetation success, and taking other appropriate actions to meet the goals of site rehabilitation.

Page 3. Edit Mitigation Measure BIO-6 as follows.

- BIO-6. Control noxious and invasive weeds. Measures to control the introduction and spread of noxious weeds in the action area will be implemented during project implementation. The management requirements incorporated into the proposed action are designed to reduce the risk of noxious weed invasion from a moderate to a low level by using prevention measures to mitigate the risks. **Risk will be further reduced by post-project monitoring and removal of non-native and invasive weeds.**

Page 4. Insert Mitigation Measure CDFW-6 as follows.

- CDFW-6. Nesting Birds. To protect nesting birds, no Project activity shall be completed from March 1 through August 31 unless the following Avian Nesting Surveys are completed by a qualified biologist within 30 days prior to commencing Project activities:**

Raptors: Survey for nesting activity of raptors within a 500-foot radius of the site. Surveys shall be conducted at appropriate nesting times and concentrate on trees with the potential to support raptor nests. If any active nests are observed, these nests and nest trees shall be designated an Environmental Sensitive Areas (ESA) and protected with a minimum 500-foot buffer until young have fledged and are no longer reliant on the nest site or parental care.

Other Avian Species: Survey for nesting activity within a 250-foot radius of the defined work area. If any nesting activity is found, these nests shall be designated an ESA and protected with a minimum 250-foot buffer until young have fledged and are no longer reliant on the nest site or parental care.

Page 5. Edit Mitigation Measure SOIL-2, SOIL-3 and SOIL-5 as follows.

- SOIL-2. After completion, permanent BMPs would be installed where needed. Permanent BMPs include re-vegetation, mulching with native or imported ~~weed-free~~ materials, and use of erosion control fabric to protect bare areas until revegetation ~~is~~ is completed.
- SOIL-3. Implement erosion and sediment control BMPs on temporarily delayed project elements. Appropriate erosion and sediment control BMPs will be applied to all disturbed ground during temporary construction delays caused by inclement weather or other circumstances. Measures applied

will vary with conditions, but will include (1) the placement of readily available mulch materials (e.g., pine needles, branches, coarse woody debris) ~~and/or imported mulch materials (e.g., certified weed-free rice straw)~~ to protect disturbed surfaces from raindrop impact, reduce runoff velocity, and reduce erosion, and (2) the installation of straw wattles, silt fences, and/or straw/hay bales to reduce runoff velocity and intercept sediment.

- SOIL-5. Mulch and revegetate disturbed areas. Soils lacking adequate ground cover because of exposure or other disturbances caused by the proposed action will be mulched with available forest materials such as pine needles, tree bark, and branches; or with imported mulch such as ~~certified weed-free straw~~ or tub-ground wood chips. In addition, areas denuded during construction will be actively revegetated. To ensure fastest possible site stabilization any disturbed sites will be treated for erosion control and re-vegetated as the work is done, and such measures will continue as construction of each site is completed. The stabilization measures will include transplanting vegetation that is excavated as a result of construction work, mulching bare areas as the work is complete, seeding native species as recommended by our botanist, monitoring for soil stability and re-vegetation success, and taking other appropriate actions to meet the goals of site rehabilitation.

Page 6. Edit Mitigation Measures SOIL-6 and HYDRO-2 as follows.

- SOIL-6. Decommission abandoned staging areas. Equipment staging areas used during construction and abandoned as a result of the proposed work will be restored to natural conditions by loosening or scarifying the soil, seeding or planting with native species, and mulching with native ~~and/or weed-free~~ material.
- HYDRO-2. Control sediment and revegetate within wetlands and flood plains. Ground disturbance will be minimized and confined to the marked project area. All disturbed areas will be mulched with native material ~~or weed-free straw (e.g., rice straw)~~ and seeded with native species. Where needed, excavation sites will have perimeter containment installed around the site's lower perimeter to contain any eroded material. Native vegetation such as willows and sedges would be transplanted if they need to be removed as part of the project. All disturbed areas will be revegetated with approved native vegetation.

Initial Study

Page 18. Correct the taxonomy and State and Federal Status for the Sierra Nevada yellow-legged frog.

<p>Mountain Sierra Nevada Yellow-legged Frog (<i>Rana muscosa sierrae</i>)</p>	<p>GSC CT, FC FE</p>	<p>Absent Unlikely. The study area is below the typical elevational range of this species. In addition, the seasonal drainage does not provide suitable habitat for this species</p>
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Page 20. Correct the taxonomy for the Sierra Nevada yellow-legged frog as follows.

Potential Impacts. Of the 20 special status animal species potentially occurring in the region, eight species would be absent or unlikely to occur on the site due to the absence of suitable habitat or the project site's being situated outside of their range. These species include the valley elderberry longhorn beetle, ~~mountain~~ **Sierra Nevada** yellow-legged frog, foothill yellow-legged frog, limestone salamander, bald eagle, Sierra Nevada red fox, San Joaquin roach, and burrowing owl.

Page 21. Change the Project dates to time period outside of the avian nesting season and add language regarding nesting birds as follows.

Disturbance to Special Status Bird Species and Other Migratory Birds That May Nest on or Immediately Adjacent to the Site

Potential Impacts. The project ~~will~~ **is planned to** occur in the fall **between August 31 and October 31**, outside the avian nesting season (~~February 1 through September 15~~ **August 31**) and at a time when summer migrants will have left the area. ~~Therefore~~ **Under this schedule**, impacts to all nesting birds, including special status species, will be absent. No mitigation ~~is~~ **would be** required. **Should ground-disturbing activities occur within the nesting season, the project might impact trees shrubs and grasses within and in the vicinity of the project site that likely provide nesting habitat for songbirds and raptors. Mitigation measures that protect nesting birds are warranted. Therefore, the project applicant will implement the measures indicated in CDFW-6 below to ensure that adverse impacts to nesting birds from project construction are avoided.**

Page 22. Added language to mitigation measure BIO-2 as follows.

BIO-2. Avoid or Minimize Impacts to Threatened, Endangered, Sensitive, or Special-Status Wildlife and Plant Species. **Pre-activity surveys for potential rare, listed, or other sensitive species shall be conducted by a qualified biologist within 30 days prior to commencement of Project activity unless specified in species-specific measures below.** Any detection of threatened, endangered, sensitive, or special-status wildlife species or of nests, roost sites, and other areas of concentrated use of these species, before or during project implementation will

be reported to ~~a professional biologist~~ **the California Department of Fish and Wildlife** for consultation and instruction on appropriate protection measures.

Page 23. Modify language in mitigation measures BIO-3, BIO-4, and BIOS-6 as follows.

BIO-3. Implement Limited Operating Period (LOP) to avoid disturbances to breeding activities and habitat of special-status wildlife species. LOPs will be implemented around nests, roost sites, and other areas of concentrated use by these species, if present. A LOP constitutes a period during which project activities will not occur and is enforced in project implementation contracts. **The seasonal restrictions listed for special status and nesting birds in mitigation measures CDFW 1-6 shall be considered LOPs for the project.**

BIO-5. Mulch and revegetate disturbed areas. Soils lacking adequate ground cover because of exposure or other disturbances caused by the proposed action will be mulched with available forest materials such as pine needles, tree bark, and branches; or with imported mulch such as ~~certified weed-free straw~~ or tub-ground wood chips. In addition, areas denuded during construction will be actively revegetated. To ensure fastest possible site stabilization any disturbed sites will be treated for erosion control and re-vegetated as the work is done, and such measures will continue as construction of each site is completed. The stabilization measures will include transplanting vegetation that is excavated as a result of construction work, mulching bare areas as the work is complete, seeding native species as recommended by our botanist, monitoring for soil stability and re-vegetation success, and taking other appropriate actions to meet the goals of site rehabilitation.

BIO-6. Control noxious and invasive weeds. Measures to control the introduction and spread of noxious weeds in the action area will be implemented during project implementation. The management requirements incorporated into the proposed action are designed to reduce the risk of noxious weed invasion from a moderate to a low level by using prevention measures to mitigate the risks. **Risk will be further reduced by post-project monitoring and removal of non-native and invasive weeds.**

Page 24. Insert mitigation measure CDFW-6 as follows.

CDFW-6. Nesting Birds. To protect nesting birds, no Project activity shall be completed from March 1 through August 31 unless the following Avian Nesting Surveys are completed by a qualified biologist within 30 days prior to commencing Project activities:

Raptors: Survey for nesting activity of raptors within a 500-foot radius of the site. Surveys shall be conducted at appropriate nesting times and concentrate on trees with the potential to support raptor nests. If any active nests are observed, these nests and nest trees shall be designated an Environmental

Sensitive Areas (ESA) and protected with a minimum 500-foot buffer until young have fledged and are no longer reliant on the nest site or parental care.

Other Avian Species: Survey for nesting activity within a 250-foot radius of the defined work area. If any nesting activity is found, these nests shall be designated an ESA and protected with a minimum 250-foot buffer until young have fledged and are no longer reliant on the nest site or parental care.

Page 28. Modify language in mitigation measures SOIL-2, SOIL -3, and SOIL-5 as follows.

SOIL-2. After completion, permanent best management practices (BMP) would be installed where needed. Permanent BMPs include re-vegetation, mulching with native ~~or imported weed-free~~ materials, and use of erosion control fabric to protect bare areas until revegetation ~~is~~ **is** completed.

SOIL-3. Implement erosion and sediment control BMPs on temporarily delayed project elements. Appropriate erosion and sediment control BMPs will be applied to all disturbed ground during temporary construction delays caused by inclement weather or other circumstances. Measures applied will vary with conditions, but will include (1) the placement of readily available mulch materials (e.g., pine needles, branches, coarse woody debris) ~~and/or imported mulch materials (e.g., certified weed-free rice straw)~~ to protect disturbed surfaces from raindrop impact, reduce runoff velocity, and reduce erosion, and (2) the installation of straw wattles, silt fences, and/or straw/hay bales to reduce runoff velocity and intercept sediment.

SOIL-5. Mulch and revegetate disturbed areas. Soils lacking adequate ground cover because of exposure or other disturbances caused by the proposed action will be mulched with available forest materials such as pine needles, tree bark, and branches; or with imported mulch such as ~~certified weed-free straw~~ tub-ground wood chips.

Page 34. Modify language in mitigation measure HYDRO-2 as follows.

HYDRO-2. Control sediment and revegetate within wetlands and flood plains. Ground disturbance will be minimized and confined to the marked project area. All disturbed areas will be mulched with native material ~~or weed-free straw (e.g., rice straw)~~ and seeded with native species. Where needed, excavation sites will have perimeter containment installed around the site's lower perimeter to contain any eroded material. Native vegetation such as willows and sedges would be transplanted if they need to be removed as part of the project. All disturbed areas will be revegetated with approved native vegetation.

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Resolution

Page 1, Finding 6. Remove Finding 6 and re-number the subsequent findings accordingly.