

**Project Design, Review, and Approval, Implementation and Construction, and Mitigation Requirements for Natural Communities and Covered Species**

**CM CON 3: Best Management Practices to be Implemented During O&M and Construction Activities**

1. Temporary fill/disturbance of coastal marsh habitats shall be avoided to the maximum extent practicable. Any projects resulting in the loss of marsh vegetation for more than one growing season shall be required to mitigate at the ratios specified in Section 6.4.7.
2. Native vegetation trimmed or removed on the project site will be stockpiled during work. After construction activities, when removal of temporary mats and construction-related materials and application of native seed mix have been completed, stockpiled native vegetation will be reapplied over temporarily disturbed wetlands to provide temporary soil protection and as a seed source.
3. Where wetland vegetation removal is required, work will be conducted using hand-held tools, unless other methods are approved by SCWA, USFWS, and CDFW, to enable wildlife to escape. Vegetation will be cut starting at the outside edge (nearest unvegetated or disturbed areas) working toward the project limits to allow wildlife opportunity to escape toward appropriate cover.
4. Removal of vegetation in wetland habitat will be conducted with an Approved Biologist present. This monitor will watch for special-status wildlife species and temporarily stop work if special-status species are encountered. Wildlife will be allowed to escape before work is resumed. Service-approved biologist with appropriate qualifications to handle special-status species will be allowed to move special-status species to safe locations as permitted by the terms of their credentials.
5. Temporarily affected wetlands (restored within 1 year) will be restored by removing construction related debris and trash. Affected areas will be seeded with a ee, site-appropriate native seed mix, as provided in the revegetation plan developed in cooperation with the Resource Agencies. Mulch with certified weed-free mulch. Rice straw may be used to mulch upland areas.
6. Prior to removing upland habitat adjacent to pickleweed-dominated coastal marsh habitat, the upland habitat shall be mowed during the dry season so that vegetative cover has a height of no greater than 2 inches for a period of at least 2 weeks prior to the habitat removal.

**CM CON 4: Use of Riprap**

In order to avoid attracting predators of Covered and Special Management Species associated with salt marsh habitat, the use of rock riprap shall be avoided to the maximum extent practicable within 500 feet of coastal salt marsh habitat. Where such use is



unavoidable, all exposed riprap shall be covered with soil and revegetated with native marsh plants.

**CM CON 8 California Clapper Rail, California Black Rail, Suisun Song Sparrow**

In areas with suitable habitat for these California clapper rail, California black rail, and Suisun song sparrow, work for Covered Activities shall be conducted between September 1 and January 31 to the maximum extent practicable. Covered Activities conducted outside of this time period shall implement the following additional avoidance and minimization measures:

1. An Approved Biologist shall conduct preconstruction protocol surveys to identify and subsequently avoid nesting areas for California clapper rail, California black rail, and Suisun song sparrow. Surveys for these species shall be conducted using standard protocols established by SCWA and the Resource Agencies. Surveys shall be designed and of sufficient intensity to document rail nesting within 500 feet of planned work activities and within 100 feet for Suisun song sparrow nesting activity.
2. If Suisun song sparrow is found to be nesting in the planned work area, a minimum 100 feet wide buffer shall be maintained between construction activities and the nest location. Buffer zones may be reduced if it can be demonstrated to the satisfaction of SCWA and the Resource Agencies, that the birds would be unaffected by project-related activities. Buffers shall be maintained until the young have fledged and are capable of flight or until September 15.
3. If California clapper rail or California black rail are present in the immediate construction area, the following measures will apply during construction activities.
  - a. To minimize or avoid the loss of individual rails, activities within or adjacent to suitable rail habitat will not occur within 2 hours before or after extreme high tides (6.5 feet or above, as measured at the Golden Gate Bridge), when the marsh plain is inundated.
  - b. To minimize or avoid the loss of individual California clapper rails and black rails, activities within or adjacent to tidal marsh areas will be avoided during the breeding season from February 1 through August 31 each year unless surveys are conducted to determine rail locations and rail territories can be avoided.

Exception: Only inspection, maintenance, research, or monitoring activities may be performed during the California clapper rail breeding season in areas within or adjacent to California clapper rail breeding habitat with approval of the USFWS and CDFW under the supervision of a qualified biologist.

4. An Approved Biologist familiar with the habitat and ecology of California clapper rail shall be present on site during all construction activities to ensure that avoidance and minimization measures and construction limits are enforced. The Approved Biologist shall have the authority to stop any construction activity that is not consistent with approved plans and amendments.

#### **CM DES 1: Habitat Avoidance**

Permanent fill of coastal marsh habitat shall be avoided to the maximum extent practicable. Where permanent fill is proposed, the Plan Participant (or third-party applicant) shall provide documentation explaining why avoidance is not practicable and/or would not contribute to the conservation goals and objectives of the HCP, in accordance with the procedures in Section 10.4.1. The determination of compliance with CM DES 1 of any proposed activity that would result in the filling of coastal marsh habitat will be made by SCWA in consultation with the HCP Technical Review Committee (see Section 10.2.6).

#### **CM DES 2: Buffers**

Coastal marsh habitat shall be protected from direct and indirect impacts from Covered Development Activities through establishment of site-specific buffers that are designed to preclude changes to water and soil salinity and the flooding/inundation regime. Buffers shall be preserved in perpetuity and managed consistent with the reserve criteria described in Sections 7.2 and 10.5. Habitats within 500 feet of the boundary of existing (as of the effective date of the HCP) roads or development (includes vacant but graded and filled building pads) shall be considered to be indirectly impacted and subject to the mitigation requirements in Section 6.4.7.

#### **GGs CON 1: Timing of Work**

In-channel and upland work in the Giant Garter Snake Conservation Area shall occur between May 1 and October 1. Between October 2 and April 30, in-channel work that is limited to removal of accumulated sediments and aquatic vegetation may occur in accordance with the following restrictions: (a) all excavation/dredging shall be confined to the channel bed (below the ordinary high water mark); (b) channel banks shall not be disturbed; and (c) any dredged or excavated material shall be hauled off site or placed in areas lacking rodent burrows, riprap, or other material that might provide dormant period cover for giant garter snakes.

**General Measure Requirements:** If a project is located in an area or contains conditions meeting one or more of the criteria identified in VPG DES 1, then VPG DES 2 and VPG DES 3 must be implemented.

#### **SH DES 1: Nest Tree Protection**



Trees with active Swainson's hawk nests or with historically active nests (i.e., occupied within the last 10 years) shall be avoided to the maximum extent practicable. Applicants proposing to remove an otherwise healthy nest tree shall provide written justification for the tree removal to SCWA. Sufficient rationale for tree removal shall be primarily based on declining or poor suitability of the tree as a nesting site for Swainson's hawk and/or to meet public safety needs. The justification letter shall provide a clear analysis of the biological value of the tree to Swainson's hawk under pre-project conditions and post-project conditions (if the tree were to be avoided), and will consider the presence of alternate nest sites in the vicinity of the project site. Nest trees shall only be removed if there is a biological basis that the use of the tree is unlikely under post-project conditions. SCWA, in consultation with the HCP Technical Review Committee, will be responsible for approval of the requests to remove healthy nest trees.

**SMS DES 1: Preconstruction Surveys**

In Valley Floor Grassland and Vernal Pool, Coastal Marsh, and Riparian, Stream, and Freshwater Marsh Natural Communities, preconstruction surveys shall be conducted between February 1 and August 31 to identify and subsequently avoid nesting areas for applicable Special Management Bird Species. An Approved Biologist shall conduct these surveys no more than 15 days before the anticipated start of construction. Surveys shall be designed and of sufficient intensity to document nesting activity within 100 feet of planned work activities for passerine and within 500 feet of planned work activities for raptors. These surveys may be concurrently conducted with surveys for Covered Species.