

**MITIGATION MONITORING AND REPORTING PROGRAM  
VALENCIA COMPANY  
REVISED NATURAL RIVER MANAGEMENT PLAN  
November 18, 1998**

Mitigation Measure	Timing of Mitigation	Monitoring Action, Party, and Method of Documentation	Timing of Reporting	Enforcement Agency/ Status
<b>WATER QUALITY</b>				
<p><b>WQ-1</b> The engineering design and operational criteria of the proposed water quality wetlands and filters shall be reviewed by the Regional Board staff during the 401 certification review for individual projects. The final designs should consider optimal size, retention time, internal flow patterns, use of a forebay, selection of appropriate plants, and location of inlets and outlets.</p>	401 certification process	Corps confirms issuance of 401 certification or waiver from Regional Water Quality Control Board to the applicant	Upon issuance of 401 certification or waiver	Corps and RWQCB
<p><b>WQ-2</b> The design of the proposed treatment control BMPs must meet the requirements of any similar treatment control BMP that is formally adopted by the Regional Board for the then current municipal stormwater permit for Los Angeles County or the City of Santa Clarita.</p>	Approval of Verification Request Letter by the Corps	Corps confirms that the treatment control BMPs included in each project meets the current requirements of NPDES municipal stormwater permit for Los Angeles County and the City of Santa Clarita	Upon approval of each Verification Request Letter	Corps and RWQCB
<b>BIOLOGY, AQUATIC HABITAT AND WATER QUALITY DURING CONSTRUCTION</b>				
<p><b>BIO-1 (a)</b> Construction activities shall be limited to the following areas of temporary disturbance: (1) an 85-foot-wide zone that extends into the river from the base of the rip-rap or gunite bank protection where it intercepts the river bottom; (2) 60 feet on either side of the outer edge of a new bridge or bridge to be modified; (3) 50-foot-wide corridor for all utility lines; and (4) 20-foot-wide temporary access ramps and roads to reach construction sites. The locations of these temporary construction sites and the routes of all access roads shall be shown on maps submitted with the <u>Verification Request Letters</u> for individual projects that are submitted to the CDFG and Corps. Any variation from these limits shall be noted, with a justification for a variation. The construction plans should indicate what type of vegetation, if any, would be temporarily disturbed, and the post-construction activities to facilitate natural revegetation of the</p>	During plan preparation and construction	Permittee shows initial compliance on project plans and in the Verification Request Letter. Permittee documents compliance based on field observations by permittee's compliance personnel. Compliance documented in Annual Permit Status Letter Report.	Upon receipt of Verification Request Letter, and after construction of a project is completed, and Corps and CDFG have received monitoring documentation from permittee.	Corps and CDFG

<p>temporarily disturbed areas. The boundaries of the construction site and any temporary access roads within the riverbed shall be marked in the field with stakes and flagging. No construction activities, vehicular access, equipment storage, stockpiling, or significant human intrusion shall occur outside the work area and access roads.</p>				
<p><b>BIO-1 (b)</b> Equipment shall not be operated in areas of ponded or flowing water unless there are no practicable alternative methods to accomplish the construction work, and only after prior approval by the CDFG and the Corps. Approval shall be acquired by submitting a request to CDFG and Corps no later than 30 days prior to construction. The request must contain a biological evaluation demonstrating that no sensitive fish, amphibians, and/or reptiles are currently present, or likely to be present during construction, at the construction site or along access roads. This request may be included in the <u>Verification Request Letters</u> for individual projects that are submitted to the CDFG and Corps.</p>	<p>During plan preparation and construction</p>	<p>Permittee shows initial compliance on project plans and in the Verification Request Letter. Permittee documents compliance based on field observations by permittee's compliance personnel. Compliance documented in Annual Permit Status Letter Report.</p>	<p>Upon receipt of Verification Request Letter, and after construction of a project is completed, and Corps and CDFG have received monitoring documentation from permittee.</p>	<p>Corps and CDFG</p>
<p><b>BIO-1 (c)</b> Temporary sediment retention ponds shall be constructed downstream of construction sites that are located in the riverbed under the following circumstances: (1) the construction site contains flowing or ponded water that drains off-site into the undisturbed streamflow or ponds, as allowed for certain areas under BIO-1a above; or (2) streamflow is diverted around the construction site, but the work is occurring in the period November 1st through April 15th when storm flows could inundate the construction site. The sediment ponds shall be constructed of riverbed material and shall prevent sediment-laden water from reaching undisturbed ponds or streamflows. To the extent feasible, ponds shall be located in barren or sandy riverbottom areas devoid of existing riparian scrub, riparian woodland, or aquatic habitat. The ponds shall be maintained and repaired after flooding events, and shall be restored to pre-construction grades and substrate conditions within 30 days after construction has ended at that particular site. The location and design of sediment retention ponds shall be included in the Storm Water Pollution Prevention Plan (SWPPP) prepared by Valencia Company for all construction activities that require a NPDES General Construction Activity Storm Water Permit.</p>	<p>During plan preparation and construction</p>	<p>Permittee shows initial compliance on project plans and in the Verification Request Letter. Permittee documents compliance based on field observations by permittee's compliance personnel. Compliance documented in Annual Permit Status Letter Report.</p>	<p>Upon receipt of Verification Request Letter, and after construction of a project is completed, and Corps and CDFG have received monitoring documentation from permittee.</p>	<p>Corps and CDFG</p>
<p><b>BIO-1 (d)</b> Installation of bridges, culverts, or other structures shall not impair movement of fish and aquatic life. Bottoms of temporary culverts shall be placed at or below channel grade. Bottoms of permanent culverts shall be placed below</p>	<p>During construction of individual</p>	<p>Permittee documents compliance based on field observations by permittee's</p>	<p>After construction of a project is completed, and</p>	<p>Corps and CDFG</p>

channel grade.	projects	compliance personnel. Compliance documented in Annual Permit Status Letter Report.	Corps and CDFG have received monitoring documentation from permittee.	
<b>BIO-1 (e)</b> Water containing mud, silt, or other pollutants from construction activities shall not be allowed to enter a flowing stream or placed in locations that may be subject to normal storm flows during periods when storm flows can reasonably be expected to occur.	During construction of individual projects	Permittee documents compliance based on field observations by permittee's compliance personnel. Compliance documented in Annual Permit Status Letter Report.	After construction of a project is completed, and Corps and CDFG have received monitoring documentation from permittee.	Corps and CDFG
<b>BIO-1 (f)</b> Vehicles shall not be driven or equipment operated in areas of ponded or flowing water, or where wetland vegetation, riparian vegetation, or aquatic organisms may be destroyed, except as otherwise provided for in the 404 permit or 1603 Agreement.	During construction of individual projects	Permittee documents compliance based on field observations by permittee's compliance personnel. Compliance documented in Annual Permit Status Letter Report.	After construction of a project is completed, and Corps and CDFG have received monitoring documentation from permittee.	Corps and CDFG
<b>BIO-1 (g)</b> Silt settling basins, installed during the construction process, shall be located away from areas of ponded or flowing water to prevent discolored, silt-bearing water from reaching areas of ponded or flowing water during normal flow regimes.	During construction of individual projects	Permittee documents compliance based on field observations by permittee's compliance personnel. Compliance documented in Annual Permit Status Letter Report.	After construction of a project is completed, and Corps and CDFG have received monitoring documentation from permittee.	Corps and CDFG
<b>BIO-1 (h)</b> If a stream channel has been altered during the construction and/or maintenance operations, its low flow channel shall be returned as nearly as practical to pre-project topographic conditions without creating a possible future bank erosion problem, or a flat wide channel or sluice like area. The gradient of the streambed shall be returned to pre-project grade, to the extent practical, unless it represents a wetland restoration area.	During construction of individual projects	Permittee documents compliance based on field observations by permittee's compliance personnel. Compliance documented in Annual Permit Status Letter Report.	After construction of a project is completed, and Corps and CDFG have received monitoring documentation from permittee.	Corps and CDFG
<b>BIO-1 (i)</b> Temporary structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the high water	During construction of	Permittee documents compliance based on field	After construction of a project is	Corps and CDFG

mark before such flows occur.	individual projects	observations by permittee's compliance personnel. Compliance documented in Annual Permit Status Letter Report.	completed, and Corps and CDFG have received monitoring documentation from permittee.	
<b>BIO-1 (j)</b> Staging/storage areas for construction equipment and materials shall be located outside of the ordinary high water mark.	During construction of individual projects	Permittee documents compliance based on field observations by permittee's compliance personnel. Compliance documented in Annual Permit Status Letter Report.	After construction of a project is completed, and Corps and CDFG have received monitoring documentation from permittee.	Corps and CDFG
<b>BIO-1 (k)</b> Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life.	During construction of individual projects	Permittee documents compliance based on field observations by permittee's compliance personnel. Compliance documented in Annual Permit Status Letter Report.	After construction of a project is completed, and Corps and CDFG have received monitoring documentation from permittee.	Corps and CDFG
<b>BIO-1 (l)</b> Stationary equipment such as motors, pumps, generators, and welders which may be located within the riverbed construction zone shall be positioned over drip pans. No fuel storage tanks shall be allowed in the riverbed.	During construction of individual projects	Permittee documents compliance based on field observations by permittee's compliance personnel. Compliance documented in Annual Permit Status Letter Report.	After construction of a project is completed, and Corps and CDFG have received monitoring documentation from permittee.	Corps and CDFG
<b>BIO-1(m)</b> No debris, bark, slash sawdust, rubbish, cement or concrete or washing thereof, oil, petroleum products, or other organic material from any construction, or associated activity of whatever nature, shall be allowed to enter into, or be placed where it may be washed by rainfall or runoff into, watercourses included in the permit. When construction operations are completed, any excess materials or debris shall be removed from the work area.	During construction of individual projects	Permittee documents compliance based on field observations by permittee's compliance personnel. Compliance documented in Annual Permit Status Letter Report.	After construction of a project is completed, and Corps and CDFG have received monitoring documentation from permittee.	Corps and CDFG
<b>BIO-1 (n)</b> No equipment maintenance shall be done within or near any stream	During	Permittee documents	After construction	Corps and

where petroleum products or other pollutants from the equipment may enter these areas with stream flow.	construction of individual projects	compliance based on field observations by permittee's compliance personnel. Compliance documented in Annual Permit Status Letter Report.	of a project is completed, and Corps and CDFG have received monitoring documentation from permittee.	CDFG
<b>BIOLOGY SENSITIVE AQUATIC SPECIES AVOIDANCE DURING CONSTRUCTION</b>				
<b>BIO-2 (a)</b> Prior to initiating construction for the installation of bridges, storm drain outlets, utility lines, and/or bank protection, all construction sites and access roads within the riverbed, as well as all riverbed areas within 300 feet of the construction site and access road, shall be inspected at the appropriate season, as determined in consultation with CDFG, by a qualified biologist for the presence of the unarmored three-spine stickleback, arroyo chub, Santa Ana sucker, arroyo toad, two-striped garter snake, and southwestern pond turtle. The Corps and the CDFG shall be notified of the inspection and shall have the option of attending. If either agency is not represented, the biologist shall file a written report of the inspection with the agency not in attendance within 14 days of the survey and no sooner than 30 days prior to any construction work in the riverbed.	Prior to and during construction of individual projects	Biologist conducts field survey and documents in a report to the agencies.	No sooner than 30 days prior to construction.	Corps and CDFG
<b>BIO-2 (b)</b> Construction work areas and access roads shall be cleared of the species listed in BIO-2a immediately before the prescribed work is to be carried out, immediately before any equipment is moved into or through the stream or habitat areas, and immediately before diverting any stream water. The removal of such species shall be conducted by a qualified biologist using procedures approved by the Corps and CDFG, and with the appropriate collection and handling permits. Species shall be relocated to nearby suitable habitat areas. A plan to relocate these species shall be submitted to the Corps and CDFG for review and approval no later than 30 days prior to construction. This plan can also be included in the <u>Verification Request Letters</u> submitted to the Corps and CDFG for individual project approvals. Under no circumstances shall the unarmored three-spine stickleback be collected or relocated, unless USFWS personnel or their agents implement this measure.	Prior to and during construction of individual projects	Plan to relocate species submitted to agencies with Verification Request Letter. Biologist conducts relocation and documents in a report to the agencies.	Upon receipt of the relocation plan in the Verification Request Letter and upon receipt of the Annual Permit Status Report, documenting final compliance.	Corps and CDFG
<b>BIO-2 (c)</b> All stream flows traversing a construction site or temporary access road shall be diverted around the site and under access roads (using a temporary culverts or crossings that allow fish passage). A temporary diversion channel shall be constructed using the least damaging method possible, such as blading a narrow pilot channel through an open sandy river bottom. The removal of wetland and riparian vegetation to construct the channel shall be avoided to the greatest extent feasible. The temporary channel shall be connected to a natural	Prior to and during construction of individual projects	Plans for diversion submitted to agencies with Verification Request Letter. Permittee's compliance personnel monitor during construction, then document compliance in Annual Permit Status Letter	Upon receipt of the plans in the Verification Request Letter and upon receipt of the Annual Permit Status	Corps and CDFG

<p>channel downstream of the construction site prior to diverting the stream. The integrity of the channel and diversion shall be maintained throughout the construction period. The stream channel alignment shall be restored after construction, in consultation with CDFG. A temporary stream diversion plan shall be included in the <u>Verification Request Letters</u> submitted to the Corps and CDFG for individual project approvals. This procedure can only be implemented if: (1) there are assurances by Valencia Company that the fully protected unarmored three-spine stickleback will not be taken or possessed, or (2) if USFWS personnel or their agents implement this measure.</p>		<p>Report.</p>	<p>Report, documenting final compliance.</p>	
<p><b>BIO-2 (d).</b> A qualified biologist shall be present when any stream diversion takes place, and shall patrol the areas both within, upstream, and downstream of the work area to rescue any species stranded by the diversion of the stream water. Species that are collected shall be relocated to suitable downstream of the work area. Under no circumstances shall the unarmored three-spine stickleback be collected or relocated, unless USFWS personnel or their agents implement this measure.</p>	<p>During construction of individual projects</p>	<p>Permittee's compliance personnel monitor stream diversion and species relocation, then document compliance in Annual Permit Status Letter Report.</p>	<p>Upon receipt of the plans in the Verification Request Letter and upon receipt of the Annual Permit Status Report, documenting final compliance.</p>	<p>Corps and CDFG</p>
<p><b>BIOLOGY SENSITIVE BIRD SPECIES AVOIDANCE DURING CONSTRUCTION</b></p>				
<p><b>BIO-3 (a)</b> Existing maps of suitable riparian habitat for the least Bell's vireo, southwestern willow flycatcher, western yellow-billed cuckoo, yellow warbler, and yellow-breasted chat shall be updated on an as-needed basis, and submitted to the Corps and CDFG for review and approval as part of the annual riparian breeding bird status report submitted to the Corps and CDFG on October 1<sup>st</sup> of each year. The removal of any riparian habitat suitable for breeding, nesting, foraging, and temporary usage during migration by the species of interest from the project footprint (i.e., boundaries of temporary and permanent impacts) shall be mitigated through the creation or enhancement of similar riparian habitat at an approved mitigation site, or by the removal of exotic species from an area of existing similar habitat. The requirement for replacing suitable habitat by either creating new habitat or removing exotic species from existing habitat shall follow the replacement ratios and timing requirements in BIO-5. Habitat to be created to mitigate for the loss of riparian habitat that is suitable for the species of interest shall be designed specifically to replicate the appropriate species mixture and vegetative structure for these species. Existing habitat to be weeded as mitigation for the loss of riparian habitat suitable for the species of interest must be located adjacent to habitat occupied by these species and infested with invasive weeds. The first priority for habitat mitigation for sensitive bird species will be the</p>	<p>Restoration can occur at any time before a project, but no later than concurrent with the project.</p>	<p><u>Maps of suitable habitat:</u> Issued to agencies as part of Annual Riparian Breeding Bird Status Report. <u>Replacement of riparian habitat:</u> Plans reviewed as part of Verification Request Letter, and success monitored through Annual Mitigation Status Report.</p>	<p>Upon receipt of Annual Breeding Bird Status Report, Verification Request letter, and Annual Mitigation Status Report.</p>	<p>Corps and CDFG</p>

<p>creation or restoration of habitat rather than weed removal. If weed removal is used for mitigation for sensitive species habitat replacement, the weed removal must result in habitat conditions suitable for the affected sensitive species. The final habitat replacement or exotic removal plans for impacts to these types of habitats shall be reviewed by the Corps and CDFG as described in BIO-5.</p>				
<p><b>BIO-3 (b)</b> Beginning thirty (30) or more days prior to the removal of any suitable riparian habitat (mapped under BIO-3a) that will occur during the riparian bird breeding and nesting season of March 15th through September 1st, Valencia Company shall arrange for weekly bird surveys to detect the sensitive riparian bird species listed in BIO-3a in the habitats to be removed, and any other such habitat within 300 feet of the construction work areas. The surveys shall be conducted by a qualified biologist using CDFG and/or USFWS survey protocols. The surveys shall continue on a weekly basis, with the last survey being conducted no more than 7 days prior to the initiation of construction work.</p> <p>In the event that one of the species listed in BIO-3a is observed in the habitats to be removed or in other habitats within 300 feet of the construction work areas, Valencia Company has the option of delaying all construction work in the suitable habitat or within 300 feet of the suitable habitat until after September 1st, or continuing the surveys in order to locate any nests. If an active nest is found, clearing and construction within 300 feet of the nest shall be postponed until the nest is vacated and juveniles have fledged, and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest site shall be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the ecological sensitivity of the area.</p> <p>Locating and determining the status of a nest shall be performed in accordance with approved procedures by the USFWS and CDFG, including the possible need for an endangered species permit to accurately observe and monitor a nest of a listed or proposed species. The Corps and CDFG shall be notified at least 14 days prior to the first scheduled survey and shall have the option of attending. Results of the surveys, including surveys to locate nests, shall be provided to the Corps and CDFG no later than 5 days prior to construction. The results shall include a description of any nests located and measures to be implemented to avoid nest sites. No surveys will be necessary if the work is completed outside of the riparian bird breeding and nesting season, i.e., from September 1<sup>st</sup> through March 15th.</p>	<p>Prior to construction.</p>	<p>Permittee's qualified biologist will prepare a report based on field surveys, and submit to agencies.</p>	<p>Upon receipt of permittee's bird survey report.</p>	<p>Corps and CDFG</p>
<p><b>BIO-3 (c)</b> As new land development projects included in the NRMP are</p>	<p>Ongoing, as new</p>	<p>Compliance to be documented</p>	<p>Upon receipt of</p>	<p>Corps and</p>



<p>constructed adjacent to the Santa Clara River or San Francisquito Creek, Valencia Company shall use best efforts (within the control of Valencia Company, taking into consideration land ownership) to restrict public access into the bottom of the Santa Clara River and San Francisquito Creek that could adversely affect sensitive fish and wildlife resources, particularly listed or proposed species. These actions shall include, among other things, posting signs identifying an ecologically sensitive area, promoting public education and awareness of such ecological sensitivities, coordinating with the City of Santa Clarita on the placement of trails and public access routes to and along the river to avoid conflicts with sensitive biological resources, and the maintenance of fences and barricades to prevent unauthorized or unrestricted access to the river bottom.</p>	<p>projects are constructed</p>	<p>in Annual Permit Status Letter Report.</p>	<p>Annual Permit Status Letter Report.</p>	<p>CDFG</p>
<p><b>BIOLOGY RESTORATION OF TEMPORARILY DISTURBED AREAS</b></p>				
<p><b>BIO-4 (a)</b> Construction activities in the riverbed shall be restricted to the following areas of temporary disturbance: (1) an 85-foot-wide zone that extends into the river from the base the rip-rap or gunite bank protection where it intercepts the river bottom; (2) 60 feet on either side of the outer edge of a new bridge or bridge to be modified; (3) 50-foot-wide corridor for all utility lines; and (4) 20-foot-wide temporary access ramps and roads to reach construction sites. The locations of these temporary construction sites and the routes of all access roads shall be shown on maps submitted with the <u>Verification Request Letter</u> submitted to the Corps and CDFG for individual project approval. Any variation from these limits shall be noted, with a justification for a variation. The construction plans should indicate what type of vegetation, if any, would be temporarily disturbed and the post-construction activities to facilitate natural revegetation of the temporarily disturbed areas.</p>	<p>During plan preparation and construction</p>	<p>Permittee shows initial compliance on project plans and in the Verification Request Letter. Permittee documents compliance based on field observations by permittee's compliance personnel. Compliance documented in Annual Permit Status Letter Report.</p>	<p>Upon receipt of Verification Request Letter, and after construction of a project is completed, and Corps and CDFG have received monitoring documentation from permittee.</p>	<p>Corps and CDFG</p>
<p><b>BIO-4 (b)</b> All native riparian trees in temporary construction areas with a 4-inch dbh or greater shall be replaced at a 3:1 ratio using 1 or 5 gallon container plants in the temporary construction areas in the winter following the construction disturbance. The growth and survival of the replacement trees shall meet the performance standards specified in BIO-5(e) and (f). In addition, the growth and survival of the planted trees shall be monitored for five years in accordance with the methods and reporting procedures specified in Mitigation Measure BIO-5.</p>	<p>After construction is completed.</p>	<p>Tree replacement plans to be reviewed as part of Verification Request Letter, and success monitored through Annual Mitigation Status Report.</p>	<p>Upon receipt of Verification Request Letter, and Annual Mitigation Status Report.</p>	<p>Corps and CDFG</p>
<p><b>BIO-4 (c)</b> Native vegetation within temporary construction areas shall be mulched and spread over the temporary impact areas once construction is completed in order to facilitate revegetation. Areas temporarily disturbed by construction activities shall also be weeded annually, as needed, for up to five years following construction. These areas shall be annually monitored for five years after construction to document colonization by weeds and native plants. Weeds shall be removed by hand, an approved herbicide application, and/or by equipment. In the</p>	<p>After construction is completed.</p>	<p>Mulching plans to be reviewed as part of Verification Request Letter. Weeding to be monitored annual by the permittee and documented in the Annual Mitigation Status Report.</p>	<p>Upon receipt of Verification Request Letter, and Annual Mitigation Status Report.</p>	<p>Corps and CDFG</p>



<p>event that native plant cover does not reach 50 percent of the pre-construction native plant cover within three years, Valencia Company shall revegetate the temporary construction area in accordance with the methods specified in BIO-5. Annual monitoring reports on the status of the natural recovery of temporarily disturbed areas shall be submitted to the Corps and CDFG as part of the <u>Annual Mitigation Status Report</u> and <u>Mitigation Accounting Form</u> to be submitted to the Corps and CDFG by April 1st of each year.</p>				
<b>BIOLOGY RIPARIAN HABITAT MITIGATION PROGRAM</b>				
<p><b>BIO-5 (a)</b> The permanent removal of riparian habitats (EIS mapping units 1 - 4, and 5-8) in the riverbed and "upland impact zone" (as defined in the EIR/EIS) shall be replaced by creating riparian habitats of similar functions and values in the project area. Wetland restoration shall be in-kind and at a 1:1 replacement ratio (except as indicated in BIO-5d) for new habitat installed two years in advance of the removal of habitat at the construction site. If replacement habitat cannot be installed two years in advance of the project, the ratios listed below will apply. As described in BIO-5d, lower replacement ratios may be appropriate if a Corps-approved hydrogeomorphic method (HGM) of assessing replacement ratios indicates lower ratios would ensure replacement of habitat values and functions.</p> <ul style="list-style-type: none"> <li>▪ Habitat installation completed 2 years or more prior to construction impact, for all habitats = 1:1 ratio.</li> <li>▪ Habitat installation completed less than 2 years in advance of impact. Low value habitat = 1:1 ratio, moderate value habitat = 2:1 ratio, high value habitat = 3:1 ratio.</li> </ul> <p>High value habitat = EIS/EIR mapping units 1,2,3,6; Medium value habitat = EIS/EIR mapping units 4,7; and Low value habitat = EIS/EIR mapping units 5, 8.</p> <p><b>BIO-5 (b)</b> Valencia Company shall mitigate for the removal of riparian habitats contiguous with riverbed riparian habitat (EIS/EIR mapping units 2, 3, 4, 6, and 7) that may occur outside the "upland impact zone." The replacement of these types of habitats would occur in association with the development of a project identified in the NRMP, and shall follow the procedures for the replacement of in-channel habitats, as described in this mitigation measure.</p> <p><b>BIO-5 (c)</b> Creation of new riparian habitats shall occur at suitable sites in or</p>	<p>Restoration or weed removal can occur at any time before a project, but no later than concurrent with the project.</p>	<p>Restoration or weeding plans reviewed as part of Verification Request Letter, and success monitored through Annual Mitigation Status Report and Mitigation Accounting Form.</p>	<p>Upon receipt of Annual Verification Request Letter, Annual Mitigation Status Report, and Mitigation Accounting Form</p>	<p>Corps and CDFG</p>

adjacent to the watercourses included in the NRMP. Habitat restoration sites in the riverbed shall only be located in areas where the predominant habitats present are dry open floodplain (EIS/EIR mapping unit 5), weedy herbaceous (EIS/EIR mapping unit 9), or their functional equivalent. The highest priority habitat restoration sites should be new riverbed areas created during the excavation of uplands for bank protection projects in the NRMP. Restoration sites may also occur at locations outside the riverbed where there is appropriate hydrologic conditions to create a self-sustaining riparian habitat and where upland and riparian habitat values are absent or very low. All sites shall contain suitable hydrological conditions and surrounding land uses to ensure a self-sustaining functioning riparian habitat. Candidate restoration sites shall be selected by Valencia Company and described in the Annual Mitigation Status Report that will be submitted to the Corps by April 1st of each year. Sites will be approved when restoration plans are submitted to the Corps and CDFG as part of the Verification Request Letters submitted for individual projects, or as part of the Annual Mitigation Status Report and Mitigation Accounting Form.

**BIO-5 (d)** Replacement habitat shall be designed to replace the functions and values of the habitats being removed. The replacement habitat shall be restored in accordance with the acreage replacement ratios described in BIO-5a. The replacement habitats shall have similar dominant trees and understory shrubs and herbs as the affected habitats. In addition, the replacement habitats shall be designed to replicate the density and structure of the affected habitats once the replacement habitats have reached mature status. Replacement ratios that are lower than those listed in BIO-5a may be used if a Corps-approved hydrogeomorphic method (HGM) is applied in which habitat functions and values of both affected habitat and the replacement habitat are quantified to ensure adequate replacement of habitat values and functions.

**BIO-5 (e)** Average plant spacing shall be determined based on an analysis of habitats to be replaced. Typical plant spacing is presented below for use in developing willow-cottonwood woodland habitat (EIS/EIR mapping unit 3) as an example only. Valencia Company shall develop similar tree spacing specifications for other habitats to be restored, such as wet mixed scrub (EIS/EIR mapping unit 2), dry willow scrub (EIS/EIR mapping unit 4), cottonwood woodland (EIS/EIR mapping unit 6), scalebroom scrub (EIS/EIR mapping unit 7), and wet herbaceous (EIS/EIR mapping unit 1). Plant spacing specifications shall be reviewed and approved by the Corps and CDFG when restoration plans are submitted to the Corps as part of the Verification Request Letters submitted to

the Corps and CDFG for individual projects or as part of the Annual Mitigation Status Report and Mitigation Accounting Form.

Average spacing (feet), height (feet) after 3 years, and height (feet) after 5 years, respectively:

Arroyo willow	8	10	15
Black willow	8-10	12	18
Sandbar willow	8	4	6
Red willow	8	9	15
Cottonwood	20	7	12

**BIO-5 (f)** Each tree and shrub species used in restoration shall have a minimum of 80% survival after three years and 70% survivorship after five years. Key indicator tree species to be used in the riparian restoration program shall achieve a minimum growth at the end of three years and five years as described above in BIO5e. Performance standards for cover shall be developed by Valencia Company for each individual habitat type being created, based on the observed natural cover in undisturbed habitats in the project area. Performance standards shall be established by Valencia Company for each habitat type to be replaced and shall require approval of the Corps and CDFG after these agencies have reviewed the Annual Mitigation Status Report and Mitigation Accounting Form. Minimum growth, survivorship, and cover performance at the mitigation sites shall be measured based on random samples taken during years three and five at each individual mitigation site, or at other sampling intervals if the Corps' hydrogeomorphic methodology is used by Valencia Company.

**BIO-5 (g)** If the minimum growth, survivorship, and/or cover are not achieved at the time of the three and five year evaluations, then Valencia Company shall be responsible for taking the appropriate corrective measures as to achieve the specified growth, survivorship, and/or cover criteria. Valencia Company shall be responsible for any costs incurred during the revegetation or in subsequent corrective measures. If acts of God (flood, fires, or drought) occur after the vegetation has met the three-year criteria for growth, survival, and cover, Valencia Company will not be responsible for replanting damaged areas. If these events occur prior to the plants meeting the three-year criteria, Valencia Company shall be responsible for replanting the area one time only.

**BIO-5 (h)** Valencia Company shall be responsible for weeding all restoration

sites to prevent an infestation of non-native weeds for a period of five years after the initial habitat restoration, regardless of the success of the planted species. The cover of non-native plant species at the mitigation sites shall not exceed 10 percent at any time, within this five year period.

**BIO- 5 (i)** Temporary irrigation shall be installed, as necessary, for plant establishment. Irrigation shall continue as needed to meet the three and five year performance criteria regarding survivorship and growth. Irrigation shall be terminated in the winter to provide the least stress to plants. Removal of the irrigation system shall occur in conjunction with an appropriate "weaning" procedures to minimize plant stress in consultation with CDFG. Irrigation shall be terminated at the earliest opportunity after achieving the five-year criteria.

**BIO-5 (j)** As an alternative to the restoration of habitats to compensate for permanent removal of riparian habitats, Valencia Company (at the discretion of the Corps and CDFG on a project-by-project basis) may remove exotic plant species from the project area in locations: (1) where there is an infestation of exotics such as *Arundo* such that the natural habitat functions and values are substantially degraded and at risk, and where the cover of exotics is equal to or exceeds 25 percent of the ground; or (2) other areas where exotic removal would be strategic in a watershed approach to weed management, as determined by the Corps and CDFG. The weed removal sites shall be selected in logical manner to ensure that the eradication of weeds from specific sites will contribute to the overall control of exotics in the NRMP watercourses. Removal areas shall be kept free of exotic plant species for five years after initial treatment. In addition, native riparian vegetation must become established through natural colonization and meet the revegetation plant cover goals established by the Corps and CDFG under BIO-5f after five years.

**BIO-5 (k)** The removal program shall utilize methods and procedures approved by the Corps and CDFG to remove exotics, including but not limited to, mechanical equipment in specific areas, handcutting, and the application of herbicides to stumps. Exotic plant species removal credit will be given as shown below (except when weed removal is used to mitigate for loss of habitat for sensitive riparian bird species where the Corps and CDFG may require higher ratios). Weed eradication plans shall be submitted to the Corps and CDFG for approval as part of the Verification Request Letters submitted to the Corps and CDFG for individual projects or as part of the Annual Mitigation Status Report and Mitigation Accounting Form. The plans shall describe the proposed methods

and the conditions of the site to be treated. A monitoring program shall be implemented to document the effectiveness of the removal and the natural establishment of native vegetation in the weeded area.

Value of Riparian Habitat to be Removed	Mitigation Ratios for Exotic Removal	
	2 yrs in advance	< 2 yrs in advance
High (EIS/EIR mapping units 1,2,3,6)	3:1	4:1
Medium (EIS/EIR mapping units 4,7)	2:1	3:1
Low (EIS/EIR mapping unit 5,8)	1:1	2:1

**BIO-5 (l)** In order to provide an accurate and reliable accounting system for mitigation, Valencia Company shall file a Mitigation Accounting Form annually with the Corps and CDFG by April 1st. This form shall document the amount of vegetation planted during the past year, the status of all mitigation credits to date, and any credits subtracted by projects implemented during the past year. Valencia Company will keep detailed records and provide the Mitigation Accounting Form to the Corps and CDFG annually for review for the life of the permit, or until all credits have been used up for individual projects. The Corps and CDFG shall provide concurrence within 30 working days, including written verification for all restoration and weed removal sites that meet the specified performance criteria. If there are any question regarding the accounting, a meeting with will be scheduled between Valencia Company, the Corps, and the CDFG.

**BIO-5 (m)** If Valencia Company does not have sufficient mitigation credits for an upcoming project, and is therefore planning to restore habitat or remove exotics concurrent with project implementation, project-specific plans for restoring riparian habitats or for removing exotics from existing habitats shall be submitted to the Corps and CDFG as part of the Verification Request Letters for individual project approvals.

**BIO-5 (n)** An Annual Mitigation Status Report shall be submitted to the Corps and CDFG by April 1st of each year for the life of the permit, or until five years

<p>after all mitigation has been completed. This report shall include any required plans for plant spacing, locations of candidate restoration and weed removal sites, restoration methods, weed removal plans, and habitat restoration performance standards. For active habitat creation sites, the report shall include the survival, percent cover, and height of planted species, the number by species of plants replaced, an overview of the revegetation effort and its success in meeting performance criteria, the method used to assess these parameters, and photographs. For active exotics removal sites, the report shall include an assessment of weed removal; a description of the relative cover of native vegetation, bare areas, and exotic vegetation; colonization by native plants; and photographs. The report shall also include the <u>Mitigation Accounting Form</u> (see BIO-5I above) which outlines accounting information related to species planted or exotic removed, and mitigation credit remaining.</p> <p><b>BIO-5 (o)</b> The mitigation program shall incorporate applicable principles in the interagency "Federal Guidance for the Establishment, Use, and Operation of Mitigation Banks" (FR 60; 58605-58614), to the extent feasible and appropriate, particularly the guidance on administration and accounting. Nothing in the 404 permit shall preclude Valencia Company from selling mitigation credits to other parties wishing to use the 404 permit for a project and/or maintenance activity included in the 404 permit.</p>				
<b>BIOLOGY ROUTINE MAINTENANCE GENERAL MEASURES</b>				
<p><b>BIO-6 (a)</b> Temporary access roads to the work site shall be routed to avoid, to the extent feasible, riparian vegetation, live streams, and wetted areas. The boundaries of the maintenance site and any temporary access roads within the riverbed shall be marked in the field with stakes and flagging. No maintenance activities, vehicular access, equipment storage, stockpiling, or human intrusion shall occur outside the work area and access roads. If a live stream or pond is located within the maintenance site or access roads, the procedures described below in Measure BIO-7 to identify and relocate endangered species from live streams or ponded water would be followed.</p> <p><b>BIO-6 (b)</b> Equipment shall not be operated in areas of ponded or flowing water unless there are no practicable alternative methods to accomplish the maintenance work, and only after prior approval by the CDFG and the Corps based on a request included in the <u>Maintenance Notification</u> submitted to these agencies 30 days before the planned maintenance work.</p> <p><b>BIO-6 (c)</b> Temporary sediment retention ponds shall be constructed downstream</p>	<p>Prior to, during, and after maintenance events</p>	<p>LACDPW describes compliance plans in Maintenance Notification to the agencies, then monitors compliance in the field, and reports results to the agencies in a report completed after the maintenance event.</p>	<p>Upon receipt of the Maintenance Notification, and then the post-maintenance compliance report</p>	<p>Corps and CDFG</p>

of maintenance sites which involve grading or excavating and that contain flowing or ponded water that drains off-site into the undisturbed streamflow or ponds. The sediment ponds shall be constructed of riverbed material and shall prevent sediment-laden water from reaching undisturbed ponds or streamflows. To the extent feasible, ponds shall be located in barren or sandy riverbottom areas devoid of existing riparian scrub, riparian woodland, or aquatic habitat. The ponds shall be maintained and repaired after flooding events, and shall be restored to pre-disturbance grades and substrate conditions within 30 days after maintenance work has ended.

**BIO-6 (d)** Repair of in-channel facilities shall not impair movement of fish and aquatic life. Bottoms of temporary culverts shall be placed at or below channel grade.

**BIO-6 (e)** Water containing mud, silt, or other pollutants from maintenance activities shall not be allowed to enter a flowing stream or placed in locations that may be subject to normal storm flows during the period November 1st through April 15th.

**BIO-6 (f)** If a stream channel has been altered during maintenance, the low flow channel shall be returned as nearly as practical to pre-project topographic conditions.

**BIO-6 (g)** Temporary structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the high water mark before such flows occur.

**BIO-6 (h)** Staging/storage areas for maintenance equipment and materials shall be located outside of the ordinary high water mark.

**BIO-6 (i)** Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life.

**BIO-6 (j)** Stationary equipment such as motors, pumps, generators, and welders, located within the riverbed maintenance zone shall be positioned over drip pans. No fuel tanks shall be allowed in the riverbed.

**BIO-6 (k)** No debris, bark, slash sawdust, rubbish, cement or concrete or washing



<p>thereof, oil, petroleum products, or other organic material from any maintenance activity shall be allowed to enter into, or be placed where it may be washed by rainfall or runoff into, watercourses included in the NRMP. When maintenance is completed, any excess materials or debris shall be removed from the work area.</p> <p><b>BIO-6 (f)</b> No equipment maintenance shall be conducted within 50 feet of a watercourse.</p>				
<b>BIOLOGY ROUTINE MAINTENANCE SENSITIVE AQUATIC SPECIES AVOIDANCE</b>				
<p><b>BIO-7 (a)</b> Prior to initiating in-channel maintenance activities, all work sites and access roads within the riverbed, as well as all riverbed areas within 300 feet of the maintenance site and access road, shall be inspected by a qualified biologist for the presence of the unarmored three-spine stickleback, arroyo chub, Santa Ana sucker, arroyo toad, two-striped garter snake, and southwestern pond turtle. The Corps and the CDFG shall be notified of the inspection and shall have the option of attending.</p> <p><b>BIO-7 (b)</b> Except in portions of the river or creek where the unarmored three-spine stickleback is present, maintenance work areas and access roads shall be cleared of the species listed in BIO-7a immediately before the prescribed work is to be carried out, immediately before any equipment is moved into or through the stream or habitat areas, and immediately before diverting any stream water. The removal of such species shall be conducted by a qualified biologist using procedures approved by the Corps and CDFG, and with the appropriate collection and handling permits. Species shall be relocated to nearby suitable habitat areas. A plan to relocate these species shall be submitted to the Corps and CDFG with the <u>Maintenance Notification</u>.</p> <p><b>BIO-7 (c)</b> All stream flows traversing a maintenance work site or temporary access road shall be diverted around the site and under access roads (using a temporary culverts or crossings that allow fish passage). A temporary diversion channel shall be constructed using the least damaging method possible, such as blading a narrow pilot channel through an open sandy river bottom. The removal of wetland and riparian vegetation to construct the channel shall be avoided to the greatest extent feasible. The temporary channel shall be connected to a natural channel downstream of the maintenance site prior to diverting the stream. The original stream channel alignment shall be restored after maintenance work.</p> <p><b>BIO-7 (d)</b> A qualified biologist shall be present when any stream diversion takes place, and shall patrol the areas both within, upstream, and downstream of the</p>	<p>Prior to, during, and after maintenance events</p>	<p>LACDPW describes compliance plans in Maintenance Notification to the agencies, then monitors compliance in the field, and reports results to the agencies in a report completed after the maintenance event.</p>	<p>Upon receipt of the Maintenance Notification, and then the post-maintenance compliance report</p>	<p>Corps and CDFG</p>

work area to rescue any species stranded by the diversion of the stream water. Species that are collected shall be relocated to suitable area downstream of the work area.				
<b>BIOLOGY ROUTINE MAINTENANCE SENSITIVE BIRD AVOIDANCE</b>				
<b>BIO-8</b> All maintenance and repair work, excluding emergency work, shall occur between August 1st and March 15th (which is outside of the breeding season for sensitive riparian birds such as the least Bell's vireo) for facilities along the Santa Clara River downstream of Bouquet Canyon Bridge, and along San Francisquito Creek between Newhall Ranch Road and its confluence with the Santa Clara River. In-channel maintenance work that must occur between March 15th through August 1st in these areas shall follow the procedures in Mitigation Measure BIO-3.	Prior to and during maintenance events	LACDPW describes compliance plans in Maintenance Notification to the agencies, then monitors compliance in the field, and reports results to the agencies in a report completed after the maintenance event.	Upon receipt of the Maintenance Notification, and then the post-maintenance compliance report	Corps and CDFG
<b>BIOLOGY ROUTINE MAINTENANCE RESTORATION OF TEMPORARILY DISTURBED AREAS</b>				
<b>BIO-9</b> Native vegetation within temporary maintenance work areas shall be mulched and spread over the temporary impact areas once maintenance work is complete in order to facilitate revegetation.	After maintenance events	LACDPW monitors compliance in the field, and then reports results to the agencies in a report completed after the maintenance event.	Upon receipt of the post-maintenance compliance report	Corps and CDFG
<b>BIOLOGY ROUTINE MAINTENANCE CHANNEL CLEARING NEAR BRIDGES</b>				
<b>BIO-10</b> Vegetation and/or debris will be removed from around the following bridges, on an as-needed basis, as determined by LACDPW: Bouquet Canyon Road Bridge - 50 feet upstream and 50 feet downstream; McBean Parkway Bridge - 50 feet upstream and 50 feet downstream; The Old Road Bridge - 50 feet upstream and 50 feet downstream. Vegetation and debris may be removed by heavy equipment. Equipment within the river shall be operated within the above-described removal areas which shall be demarcated with temporary fencing or staking.	Prior to maintenance events	LACDPW describes compliance plans in Maintenance Notification to the agencies.	Upon receipt of the Maintenance Notification.	Corps and CDFG
<b>BIOLOGY ROUTINE MAINTENANCE REMOVAL OF VEGETATION FROM RIP-RAP</b>				
<b>BIO-11</b> For existing and new rip-rap constructed under the 404 permit and 1603 Agreement, LACDPW may remove trees that grow in levees, and may remove large trees, defined as trees with trunks 4 inches in diameter at breast height (dbh), within 15 feet of the levee toe in order to maintain the structural integrity of the levees. Whenever possible this work shall be performed from the levee access road. If access to the bottom of the river is required, the work area shall be limited to a 30-foot-wide zone extending outward from the levee at the invert and 15 feet upstream and downstream on either side of the tree to be removed. Hand held equipment shall be used.	Prior to and during maintenance events	LACDPW describes compliance plans in Maintenance Notification to the agencies, then monitors compliance in the field, and reports results to the agencies in a report completed after the maintenance event.	Upon receipt of the Maintenance Notification, and then the post-maintenance compliance report	Corps and CDFG

<b>BIOLOGY ROUTINE MAINTENANCE CLEANING STORM DRAIN OUTLETS</b>				
<p><b>BIO-12</b> Sediment buildup at existing side drains shall be removed on an as needed basis as determined by the LACDPW. The County shall use light equipment to create a swale up to 75 feet long and 10 feet wide, to allow water to drain. Light equipment such as a Caterpillar D-8 or equivalent may enter areas of the river as long as they avoid areas of ponded or flowing water (not including water discharging from the side drain) to remove sediment. Large riparian trees defined as trees with trunks in excess of four inches in diameter at breast height (dbh) shall be avoided. The maintenance area shall be demarcated with flagging. New side drains shall be designed with a rock apron to maintain a clear area large enough to provide hydraulic capacity to maintain flow from a side drain. Equipment shall be introduced into the river by means of an earth ramp constructed on the sideslope in the immediate vicinity, or from an adjacent invert access ramp if within 1,000 feet of the area to be maintained. If the equipment must access the riverbed, care will be taken to minimize impacts to vegetation and to avoid destruction of large trees, defined as trees with trunks in excess of four inches in diameter.</p>	<p>Prior to and during maintenance events</p>	<p>LACDPW describes compliance plans in Maintenance Notification to the agencies, then monitors compliance in the field, and reports results to the agencies in a report completed after the maintenance event.</p>	<p>Upon receipt of the Maintenance Notification, and then the post-maintenance compliance report</p>	<p>Corps and CDFG</p>
<b>BIOLOGY ROUTINE MAINTENANCE CONTROL OF ODOR FROM PONDS</b>				
<p><b>BIO-13</b> In order to drain stagnant water that is causing an odor problem, LACDPW shall dig a swale using a Caterpillar D-6 or its equivalent or may hand shovel a swale, up to 75 feet long and 10 feet wide to allow ponded water to percolate. LACDPW shall notify the Corps and CDFG prior to performing this work. The procedures described in Measure BIO-7 to identify and relocate endangered species from live streams and ponded water shall be followed.</p>	<p>Prior to and during maintenance events</p>	<p>LACDPW describes compliance plans in Maintenance Notification to the agencies, then monitors compliance in the field, and reports results to the agencies in a report completed after the maintenance event.</p>	<p>Upon receipt of the Maintenance Notification, and then the post-maintenance compliance report</p>	<p>Corps and CDFG</p>
<b>BIOLOGY ROUTINE MAINTENANCE BRIDGE REPAIR</b>				
<p><b>BIO-14</b> Whenever practical, repairs to bridges shall be made from the bridge deck. If this is not practical, minimum encroachment upstream and/or downstream of the bridge will be acceptable. The maintenance work area for structural repairs shall be limited to 30 feet on either side of the bridge and under the bridge itself. Equipment shall be introduced into the river by means of an earth ramp constructed on the sideslope in the immediate vicinity, or from an adjacent invert access ramp if within 1,000 feet of the bridge. If the equipment must access the river bed, care shall be taken to minimize impacts to vegetation and to avoid destruction of large trees, defined as trees with trunks in excess of four inches in diameter at breast height (dbh).</p>	<p>Prior to and during maintenance events</p>	<p>LACDPW describes compliance plans in Maintenance Notification to the agencies, then monitors compliance in the field, and reports results to the agencies in a report completed after the maintenance event.</p>	<p>Upon receipt of the Maintenance Notification, and then the post-maintenance compliance report</p>	<p>Corps and CDFG</p>

<b>BIOLOGY ROUTINE MAINTENANCE REPAIRS TO BANK PROTECTION</b>				
<p><b>BIO-15</b> Structural repairs to levees, side drains, water quality facilities, utility crossings, etc. shall be performed on an as-needed basis to maintain the integrity of the structures. The work area shall be limited to the section of the structure, plus a 30-foot work area extending out from the levee at the invert and upstream and downstream within the 30-foot width of the structure to be repaired.</p>	<p>Prior to and during maintenance events</p>	<p>LACDPW describes compliance plans in Maintenance Notification to the agencies, then monitors compliance in the field, and reports results to the agencies in a report completed after the maintenance event.</p>	<p>Upon receipt of the Maintenance Notification, and then the post-maintenance compliance report</p>	<p>Corps and CDFG</p>
<b>BIOLOGY ROUTINE MAINTENANCE MAINTENANCE OF WATER QUALITY FILTERS AND WETLANDS</b>				
<p><b>BIO-16</b> Water quality wetland basins and filters shall be installed outside of the river. These facilities shall be planted with wetland plants. The water quality wetland basins and filters shall be maintained on a regular basis, including periodic sediment removal and harvesting removal of wetland plants. Maintenance of these facilities shall occur between August 1st and March 15th. For those basins and filters constructed in areas not subject to Corps or CDFG jurisdiction, and that have not been abandoned or otherwise unmaintained, the Corps and CDFG will not exert jurisdiction unless other circumstances require otherwise.</p>	<p>Prior to and during maintenance events</p>	<p>LACDPW describes compliance plans in Maintenance Notification to the agencies, then monitors compliance in the field, and reports results to the agencies in a report completed after the maintenance event.</p>	<p>Upon receipt of the Maintenance Notification, and then the post-maintenance compliance report</p>	<p>Corps and CDFG</p>
<b>BIOLOGY ROUTINE MAINTENANCE NOTIFICATION PROCEDURES</b>				
<p><b>BIO-17</b> The Corps and CDFG shall be notified of individual maintenance activities on an ongoing basis, using the notification procedures described in Section 2.13.2. Prior to any maintenance activities, LACDPW shall submit a <u>Maintenance Notification</u> to the Corps and CDFG containing the following information: map showing the maintenance area, current vegetation and impacts, limits of construction disturbance, stream diversions and any pertinent environmental protection measures; description of maintenance activities and schedule; statement on the consistency with NRMP, EIS/EIR, and 404 permit, including compliance with environmental protection measures for threatened and endangered species, water quality, and riparian habitat; description of post-construction restoration efforts. The notification shall be submitted to the Corps and CDFG at least 30 calendar days prior to the planned activities. The Corps and CDFG must respond within the 30 day period, either notifying LACDPW that: (1) the maintenance activities can proceed as planned because they are consistent with the NRMP, EIS/EIR, and conditions of the 404 permit or 1603 Agreement; or (2) the activities cannot proceed as planned. In the latter circumstance, the Corps and CDFG shall encourage LACDPW to submit a revised notification, and/or meet with the Corps and CDFG staffs to discuss inconsistencies or problems. The Corps and CDFG have the discretion to add conditions to the</p>	<p>Prior to maintenance events</p>	<p>LACDPW describes compliance plans in Maintenance Notification to the agencies</p>	<p>Upon receipt of the Maintenance Notification</p>	<p>Corps and CDFG</p>

<p>authorization for any maintenance activities if needed to ensure compliance with the applicable state and federal laws, regulations, and codes.</p>				
<b>BIOLOGY PROTECTION FOR UPLAND SPECIES AND HABITATS</b>				
<p><b>BIO-18</b> Thirty days prior to construction activities in areas of the "upland impact zone" associated with individual NRMP projects, a qualified biologist shall conduct a survey to capture and relocate individual coast horned lizards and coastal western whiptails in order to avoid or minimize take of these sensitive species. Individuals shall be relocated to nearby undisturbed areas with suitable habitat. Pre-construction surveys shall only be conducted in areas dominated by coastal sage scrub or Great Basin sage scrub or if construction will occur within 300 feet of native upland habitat. Results of the surveys and relocation efforts shall be provided to CDFG in the <u>Annual Mitigation Status Report</u>. Collection and relocation of animals shall only occur with the proper scientific collection and handling permits.</p>	<p>Prior to construction</p>	<p>Permittee's biologist conducts surveys and relocation efforts, then documents results in Annual Mitigation Status Report to the agencies.</p>	<p>Upon receipt of Annual Mitigation Status Report</p>	<p>CDFG</p>
<p><b>BIO-19</b> Thirty days prior to construction activities in areas of the "upland impact zone" associated with individual NRMP projects, a qualified biologist shall conduct a survey to determine if loggerhead shrike and/or horned lark are nesting. If no nesting is occurring, construction work can proceed. If nesting is occurring, construction work within 300 feet shall be delayed until fledglings have left the nest. Pre-construction surveys shall only be conducted in areas dominated by coastal sage scrub, grassland, or Great Basin sage scrub, or if such habitats would occur within 300 feet of the construction zone. Results of the surveys and relocation efforts shall be provided to CDFG in the <u>Annual Mitigation Status Report</u>.</p>				
<p><b>BIO-20</b> Thirty days prior to construction activities in areas of the "upland impact zone" associated with individual NRMP projects, a qualified biologist shall conduct a survey to determine if the burrowing owl is present at the site, and the nesting status of the individuals at the site. If nesting is not occurring, construction work can proceed after any owls have been evacuated from the site using CDFG-approved burrow closure procedures and after alternative nest sites have been provided in accordance with the CDFG Staff Report on Burrowing Owl Mitigation (10-17-95). If nesting is occurring, construction work within 500 feet shall be delayed until fledglings have left the nest. Pre-construction surveys shall only be conducted in areas dominated by field crops and grassland, or if such habitats occur within 500 feet of a construction zone. Results of the surveys and relocation efforts shall be provided to CDFG in the <u>Annual Mitigation Status Report</u>.</p>				

<p><b>BIO-21</b> Thirty days prior to construction activities in all riparian areas within or adjacent to the riverbed, a qualified biologist shall conduct a survey to determine if any tri-colored blackbirds are present at the site, and the status of nesting. If no nesting is occurring, construction work can proceed. If nesting is occurring, construction work shall be delayed until fledglings have left the nest. Results of the surveys shall be provided to CDFG in the <u>Annual Mitigation Status Report</u>. If a riparian or wetland habitat used by blackbirds for nesting is to be removed, it shall be replaced per the procedures in Mitigation Measure BIO-5.</p> <p><b>BIO-22</b> Thirty days prior to construction activities in all riparian areas within or adjacent to the riverbed, a qualified biologist shall conduct a survey to determine if any of the following raptors are nesting in large trees: golden eagle, sharp-shinned hawk, white-tailed kite, northern harrier, and Cooper's hawk. If nesting is not occurring, construction work can proceed. If an active nest is present, construction work within 500 feet shall be delayed until fledglings have left the nest. Results of the surveys and relocation efforts shall be provided to CDFG in the <u>Annual Mitigation Status Report</u>. If an area of riparian woodland used by raptors for nesting is to be removed, it shall be replaced per the procedures and replacement ratios for such woodlands described in Mitigation Measure BIO-5.</p> <p><b>BIO-23</b> Thirty days prior to construction activities in areas of the "upland impact zone" associated with individual NRMP projects, a qualified biologist shall conduct a survey to determine if the San Diego black-tailed jackrabbit is present at the site. If the species is present, a qualified biologist shall capture and relocate individuals to avoid or minimize impacts to this species. Individuals shall be relocated to nearby undisturbed areas with suitable habitat. Pre-construction surveys shall only be conducted in areas dominated by coastal sage scrub or grassland. Results of the surveys and relocation efforts shall be provided to CDFG in the <u>Annual Mitigation Status Report</u>. Collection and relocation of animals shall only occur with the proper scientific collection and handling permits.</p>				
<p><b>BIO-24</b> All upland habitats to be permanently removed that support the upland sensitive species noted in measures BIO-18, 19, 20, 21, 22, and 23 shall be replaced on a 1:1 basis concurrent with construction of the project at one of the following locations: (1) in the upland buffer zone at any location within the NRMP project area; or (2) at another disturbed or unvegetated upland locations, such as within utility rights of way, subject to approval by the Corps and CDFG. A restoration and monitoring plan for upland habitat replacement shall be submitted with each <u>Verification Request Forms</u> indicating the nature and</p>	<p>During construction</p>	<p>Upland restoration plans to be reviewed as part of Verification Request Letter.</p>	<p>Upon receipt of Verification Request Letter</p>	<p>CDFG</p>

location of the proposed upland habitat restoration. If some or all of the upland buffer zone is planted with native plants to create upland habitats as part of adjacent land development projects, this habitat can be used for mitigating losses of upland habitats for subsequent projects, subject to the approval of the Corps and CDFG.				
<b>VISUAL RESOURCES</b>				
<b>VS-1</b> Valencia Company shall utilized ungrouted rip-rap with colors and textures that are harmonious with the natural riverbed and bank materials. The same type, color, and size or rip-rap shall be used throughout the project area, as feasible.	Prior to construction	Permittee includes information on rip-rap design in Verification Request Letter	Upon receipt of Verification Request letters	Corps and CDFG
<b>CULTURAL RESOURCES</b>				
<b>CR-1</b> Under the Corps' procedures for considering historic properties (33 CFR 325, Appendix C, 5(f)), the Corps is only required to <u>identify, but not evaluate</u> , potentially eligible historic properties within the "permit area" that would be directly affected by upland activities related to the proposed permit. Site CA-LAN-351 occurs in upland portions of the "permit area." Hence, there is no immediate requirement to assess the site's eligibility for listing on the National Register.  However, prior to authorizing the installation of bank protection in the vicinity of the site, the Corps shall require Valencia Company to conduct a Phase II evaluation of the site's eligibility. This evaluation must be conducted in coordination with the SHPO and Corps. If the site is determined to be ineligible for listing on the National Register or California Register, no further investigation or data recovery shall be required.  If the site appears to be eligible for listing, the Corps shall formally consult with the SHPO to assess the magnitude and type of potential effect. This coordination shall result in a determination of "no effect," "no adverse effect," or "adverse effect." If an adverse effect is identified, the Corps shall notify the Advisory Council for Historic Preservation (ACHP) and coordinate with the SHPO to seek ways to mitigate the impact, such as capping, data recovery, and archival research. Under this circumstance, Corps shall develop a Memorandum of Agreement among the SHPO and ACHP regarding treatment of the site. Upon successful completion of the terms of the MOA, the Corps may proceed with authorizing the installation of bank protection at the site as proposed, or re-locating the bank protection to reduce impacts to the site, as appropriate.	Prior to construction	Permittee provides results of study in Verification Request Letter for this particular area	Upon receipt of the Verification Request Letter	Corps
<b>AIR QUALITY</b>				
<b>AO-1</b> A construction traffic and vehicular emissions management plan shall be prepared that incorporates the elements listed below. Copies of the plans must	Prior to construction	Permittee provides plans to local lead agency, Corps, and	Upon receipt of the Verification	Corps and CDFG



<p>also be submitted to the local lead agency for information purposes each time the applicant notifies the Corps and CDFG of an individual project under the permit. At anytime during the construction of the projects under the permit, the applicant must provide reasonable documentation or other evidence of compliance with the plan elements.</p> <ul style="list-style-type: none"> <li>a. Provide temporary traffic control during all phases of construction activities that affect circulation on public roads to maintain traffic flow</li> <li>b. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours</li> <li>c. Maintain equipment and vehicle engines in good condition and in proposed tune as per manufacturers' specifications and per AQMD rules</li> <li>d. Use electricity from existing nearby power lines rather than from temporary diesel- or gasoline-powered generators, to the extent feasible</li> <li>e. Use propane- or butane-powered on-site mobile equipment instead of gasoline-powered equipment, to the extent feasible</li> </ul> <p><b>AQ-2</b> A fugitive dust control plan shall be prepared that incorporates the elements listed below. Copies of the plans must also be submitted to the local lead agency for information purposes each time the applicant notifies the Corps and CDFG of an individual project under the permit. At anytime during the construction of the projects under the permit, the applicant must provide reasonable documentation or other evidence of compliance with the plan elements.</p> <ul style="list-style-type: none"> <li>a. Apply USEPA approved non-toxic chemical soil stabilizers to all inactive construction areas (i.e., previously graded areas inactive for 5 days or more)</li> <li>b. Water active grading and parking areas at least twice daily during dry season of the year (May 1st through November 1st)</li> <li>c. Enclose, cover, water twice daily, or apply approved soil binders to</li> </ul>		<p>CDFG with each Verification Request Letter</p>	<p>Request Letter</p>	
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<p>all inactive construction areas (i.e., previously graded areas inactive for 5 days or more)</p> <p>b. Water active grading and parking areas at least twice daily during dry season of the year (May 1<sup>st</sup> through November 1<sup>st</sup>)</p> <p>c. Enclose, cover, water twice daily, or apply approved soil binders to exposed stockpiles</p> <p>d. Suspend all excavation and grading operations when instantaneous wind speeds reach 25 mph</p> <p>e. All trucks hauling dirt, sand, silt or other loose materials should be covered or should maintain at least two feet of freeboard</p> <p>f. Sweep paved streets at the end of the day if visible soil material is carried over to adjacent paved roads</p> <p>g. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off mud from trucks leaving the site</p>				
<b>BIOLOGY-CUMULATIVE</b>				
<p>A wildlife conservation easement shall be recorded over approximately 1200 acres on the Santa Clara River from its confluence with Castaic Creek to one-half mile above the Los Angeles Aqueduct and those portions of San Francisquito Creek and the South Fork of the Santa Clara River under Valencia Company's and/or Newhall's ownership, in accordance with and as further described in Section 8 and Exhibit 12 of the Streambed Alteration Agreement, no later than November 1, 2018 to protect existing fish and wildlife resources in perpetuity.</p>	<p>Possibly in phases, but not later than November 1, 2018.</p>	<p>CDFG will approve the form and content of the wildlife conservation easement(s). The conservation easement(s) will be recorded with the Los Angeles County Clerk.</p>	<p>Reporting will be performed at the time the conservation easement is transferred to CDFG.</p>	<p>CDFG</p>