

Mitigation Monitoring and Reporting Program (MMRP) for the Phase II – RD 17 100-Year Levee Seepage Project

Mitigation Measure	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
3.3 Air Quality					
<p>Mitigation Measure AQ-1: Implement SJVAPCD’s Recommended Emissions Reduction Measures. RD 17 shall ensure that the construction contractor(s) implement the following applicable SJVAPCD recommended emission reduction measures per Regulation VIII, “Fugitive Dust PM₁₀ Prohibitions”:</p> <ul style="list-style-type: none"> • Pre-water site sufficient to limit visible dust emissions (VDE) to 20% opacity. • Phase work to reduce the amount of disturbed surface area at any one time. • During active operations, apply water or chemical/organic stabilizers/suppressants sufficient to limit VDE [visible dust emissions] to 20% opacity. • During active operations, construct and maintain wind barriers sufficient to limit VDE to 20% opacity. • During active operations, apply water or chemical/organic stabilizers/suppressants to unpaved haul/access roads and unpaved vehicle/equipment traffic areas sufficient to limit VDE to 20% opacity and meet the conditions of a stabilized unpaved road surface. • Limit the speed of vehicles traveling on uncontrolled unpaved access/haul roads within construction sites to a maximum of 15 miles per hour. • Post speed limit signs that meet state and federal Department of Transportation standards at each construction site’s uncontrolled unpaved access/haul road entrance. At a minimum, speed limit signs shall also be posted at least every 500 feet and shall be readable in both directions of travel along uncontrolled unpaved access/haul roads. 	<p>Before beginning any construction or ground-disturbing activities.</p>	<p>Throughout construction period.</p>	<p>Lead agency and primary construction contractor.</p>	<p>SJVAPCD measures are implemented such that pollutant emissions are minimized.</p>	

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<ul style="list-style-type: none"> • When handling bulk materials, apply water or chemical/organic stabilizers/suppressants sufficient to limit VDE to 20% opacity. • When handling bulk material, construct and maintain wind barriers sufficient to limit VDE to 20% opacity and with less than 50% porosity. • When storing bulk materials, comply with the conditions for a stabilized surface as listed above. • When storing bulk materials, cover bulk materials stored outdoors with tarps, plastic, or other suitable material and anchor in such a manner that prevents the cover from being removed by wind action. • When storing bulk materials, construct and maintain wind barriers sufficient to limit VDE to 20% opacity and with less than 50% porosity. If utilizing fences or wind barriers, apply water or chemical/organic stabilizers/suppressants to limit VDE to 20% opacity or utilize a three-sided structure with a height at least equal to the height of the storage pile and with less than 50% porosity. • Load all haul trucks such that the freeboard is not less than 6 inches when material is transported across any paved public access road sufficient to limit VDE to 20% opacity. • Apply water to the top of the load sufficient to limit VDE to 20% opacity. • Cover haul trucks with a tarp or other suitable cover. • Clean the interior of the cargo compartment or cover the cargo compartment before the empty truck leaves the site. • Prevent carryout and trackout, or immediately remove carryout and trackout when it extends 50 feet or more 					

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<p>from the nearest unpaved surface exit point of a site.</p> <ul style="list-style-type: none"> • Cleanup of carryout and trackout shall be accomplished by manually sweeping and picking up; or operating a rotary brush or broom accompanied or preceded by sufficient wetting to limit VDE to 20% opacity; or operating a PM₁₀-efficient street sweeper that has a pickup efficiency of at least 80%; or flushing with water, if curbs or gutters are not present and where the use of water would not result as a source of trackout material or result in adverse impacts on storm water drainage systems or violate any National Pollutant Discharge Elimination System permit program. • Submit a dust control plan to the air pollution control officer (APCO) prior to the start of any construction activity on any site that will include 5 acres or more of disturbed surface area, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials on at least 3 days. Construction activities shall not commence until the APCO has approved or conditionally approved the dust control plan. Provide written notification to the APCO within 10 days prior to the commencement of earthmoving activities via fax or mail. 					
3.4 Biological Resources					
<p>Mitigation Measure Bio-1: Maintain a Minimum 20-Foot Buffer Around Elderberry Shrubs. RD 17 shall implement the following measures, based on U.S. Fish and Wildlife Service (USFWS) guidelines (USFWS 1999) to reduce impacts on valley elderberry longhorn beetle:</p> <ul style="list-style-type: none"> • Wherever feasible, RD 17 shall establish and maintain a 100-foot buffer around elderberry shrubs through the duration of project construction. The 100-foot distance 	<p>Before beginning any construction or ground-disturbing activities.</p>	<p>Throughout construction period.</p>	<p>Lead agency, design engineer, and primary construction contractor.</p>	<p>Project activities are excluded from identified buffer areas for valley elderberry longhorn beetle, and any necessary monitoring is conducted in accordance with USFWS requirements.</p>	

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<p>shall be measured from the dripline of the shrub. Buffer areas shall be clearly marked in the field. No project activity shall occur within the buffer areas.</p> <ul style="list-style-type: none"> • If a 100-foot buffer cannot be maintained around one or more elderberry shrubs, RD 17 shall establish and maintain a minimum buffer of 20 feet around each elderberry shrub through the duration of project construction. The 20-foot minimum distance shall be measured from the dripline of the shrub. These buffer areas shall be clearly marked in the field with brightly colored temporary construction fencing. No project activity shall occur within the buffer areas. • No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant shall be used in the buffer areas, or within 100 feet of any elderberry plant with one or more stems measuring 1.0 inch or greater in diameter at ground level. • Following USFWS guidelines (USFWS 1999), construction crews shall be informed about the status of the beetle and the need to protect its elderberry host plant. If requested by USFWS, a qualified biologist shall monitor construction activities to ensure that the buffers remain protected throughout the construction period. 					
<p>Mitigation Measure Bio-2: Conduct Preconstruction Surveys for Nesting Raptors. RD 17 shall implement the following measures to reduce potentially significant impacts on Swainson’s hawk and other common and special-status raptors:</p> <ul style="list-style-type: none"> • If project activity is scheduled to occur during the raptor nesting season (March 1–September 15), a focused survey for raptors shall be conducted by a qualified biologist before commencement of activities to identify active nests on the project site and in the vicinity. 	<p><u>Tree-nesting raptors:</u> Before construction begins, and at the beginning of the nesting season or during the nesting</p>	<p><u>Tree-nesting raptors:</u> As considered necessary by a qualified biologist and in accordance with California Department</p>	<p><u>Tree-nesting raptors:</u> Lead agency and primary construction contractor.</p>	<p><u>Tree-nesting raptors:</u> Qualified biologist verifies absence of occupied nests, or, if active nests are located, nest disturbance is</p>	

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<p>Surveys for Swainson’s hawk nests shall include all areas of suitable nesting habitat within 0.25 mile of the project site. Surveys for other raptors shall include suitable nesting habitat within 500 feet of the areas where construction would occur. If no active nests are found, no further mitigation shall be required.</p> <ul style="list-style-type: none"> If active nests are found during the surveys, appropriate buffers shall be established to minimize impacts. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest is no longer active. The size of the buffers may be adjusted, depending on the project activity and stage of the nest, if a qualified biologist determines that activity within a reduced buffer would not be likely to adversely affect the adults or their young. <p>RD 17 shall implement the following measures to reduce potentially significant impacts on burrowing owls:</p> <ul style="list-style-type: none"> Before any ground-disturbing project-related construction activity, a focused survey for burrowing owls shall be conducted by a qualified biologist in accordance with California Department of Fish and Game (DFG) protocol (DFG 1995) to identify active burrows on and within 250 feet of each project segment. The surveys shall be conducted no more than 30 days before the beginning of construction. If no occupied burrows are found in the survey area, the biologist shall document survey methods and findings in a letter report to DFG, and no further mitigation would be required. If an occupied burrow is found, a buffer shall be established for all project-related construction activities. The buffer shall be 165 feet during the nonbreeding season (September 1–January 31) or 250 feet during the breeding season (February 1–August 31). The size of the 	<p>season, depending on when construction is initiated.</p> <p><u>Tree-nesting raptors:</u> Before construction or ground-disturbing activities begin in the vicinity of buffer area(s).</p> <p><u>Burrowing owls:</u> No more than 30 days before construction begins.</p> <p><u>Burrowing owls:</u> As soon as practicable after completion of the surveys and in accordance with DFG protocols.</p> <p><u>Burrowing owls:</u> Before construction or ground-disturbing activities begin within</p>	<p>of Fish and Game (DFG) requirements.</p> <p><u>Tree-nesting raptors:</u> As considered necessary by a qualified biologist and in accordance with DFG requirements.</p> <p><u>Burrowing owls:</u> As considered necessary by a qualified biologist and in accordance with DFG requirements.</p> <p><u>Burrowing owls:</u> During activities identified under “Initiation of Mitigation.”</p> <p><u>Burrowing owls:</u> Throughout construction in the vicinity of occupied</p>	<p><u>Tree-nesting raptors:</u> Lead agency and primary construction contractor.</p> <p><u>Burrowing owls:</u> Lead agency.</p> <p><u>Burrowing owls:</u> Lead agency.</p> <p><u>Burrowing owls:</u> Lead agency and primary construction contractor.</p>	<p>avoided unless otherwise authorized by regulatory agencies.</p> <p><u>Tree-nesting raptors:</u> Qualified biologist monitors all construction activities in the vicinity of the buffer area(s) to ensure that project activity is excluded from the buffer area(s) while nesting raptors are present.</p> <p><u>Burrowing owls:</u> Qualified biologist completes surveys in accordance with DFG protocols.</p> <p><u>Burrowing owls:</u> Qualified biologist verifies absence of active burrowing owl burrows and submits a letter report to DFG.</p> <p><u>Burrowing owls:</u> Qualified biologist monitors all construction activities in the vicinity</p>	

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<p>buffer area may be adjusted if a qualified biologist and DFG determine that project-related construction activities would not be likely to have adverse effects. No project-related construction activity shall commence within the buffer area until a qualified biologist confirms that the burrow is no longer occupied, or consultations with DFG specifically allow certain construction activities to continue.</p> <ul style="list-style-type: none"> If maintenance of acceptable buffer distances is infeasible, passive relocation techniques approved by DFG shall be used to encourage owls to move to alternative burrows outside of the project site. However, relocation efforts shall not be attempted during the burrowing owl nesting season unless a qualified biologist verifies through noninvasive methods that no eggs or chicks are in the burrow. 	<p>the buffer area determined to be adequate by a qualified biologist, in accordance with DFG requirements.</p> <p><u>Burrowing owls:</u> Before construction or ground-disturbing activities begin in areas where occupied burrows are identified, if relocation is approved for the site by DFG.</p>	<p>burrows, at a frequency determined appropriate by a qualified biologist.</p> <p><u>Burrowing owls:</u> During activities identified under “Initiation of Mitigation.”</p>	<p><u>Burrowing owls:</u> Lead agency.</p>	<p>of the buffer area(s) to ensure that project activity is excluded from protected areas while burrowing owls are present.</p> <p><u>Burrowing owls:</u> Qualified biologist prepares and submits a relocation plan to DFG, and the plan is implemented such that disturbance of occupied burrows is avoided, in accordance with DFG guidelines.</p>	
<p>Mitigation Measure Bio-3: Minimize Potential Disturbance to Riparian Brush Rabbit. RD 17 shall implement the following measures in project segments near potential riparian brush rabbit habitat (i.e., Reaches Ic, Id, IVb, VIa.2, and VIa.3) to reduce potentially significant adverse impacts on riparian brush rabbit:</p> <ul style="list-style-type: none"> A worker awareness training program for construction personnel will be conducted by a qualified biologist prior to beginning construction activities in the subject reaches. The program will inform construction personnel about the life history and status of the riparian brush rabbit, requirements to protect the rabbit, and the possible penalties for not complying with these requirements. Construction activity will be maintained as much as possible on the land side of the levee in the subject reaches. If activity must occur on the levee crown or on the water side of the levee, including movement of 	<p>Before beginning any construction or ground-disturbing activity.</p> <p>At initiation of construction.</p>	<p>Whenever new staff is on site.</p> <p>Throughout the construction period.</p>	<p>Lead agency and primary construction contractor.</p> <p>Lead agency and primary construction contractor.</p>	<p>All construction personnel have completed training.</p> <p>Construction work, including mobilization and staging, is limited to the land side of the</p>	

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<p>vehicles, equipment, and personnel, this activity will be minimized to the greatest extent possible.</p> <ul style="list-style-type: none"> During the riparian brush rabbit breeding season (December through May), ground disturbing activities will avoid occupied riparian brush rabbit habitat with a buffer of at least 500 feet. The buffer will be clearly delineated with brightly colored markers or other easily visible temporary fencing. 	<p>Before construction or ground-disturbing activities begin within the buffer area determined to be adequate by a qualified biologist</p>	<p>Throughout the construction period if it intersects with the riparian brush rabbit breeding season, at a frequency determined appropriate by a qualified biologist.</p>	<p>Lead agency and primary construction contractor.</p>	<p>levee, to the maximum extent feasible.</p> <p>Qualified biologist confirms that ground disturbing activities are excluded from the buffer area(s).</p>	
<p>Mitigation Measure Bio-4: Participate in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Consistent with commitments made to the San Joaquin Council of Governments (SJCOG), USFWS, and DFG, RD 17 shall participate in the SJMSCP for the proposed project to mitigate for project impacts and obtain incidental take authorization for SJMSCP-covered species. RD 17 shall pay required impact fees to be used by SJCOG to preserve and enhance habitat and agricultural lands in the area. In addition, RD 17 shall implement applicable SJMSCP incidental take avoidance and minimization measures during project construction to minimize potential adverse affects on SJMSCP-covered species.</p>	<p>Receive approval for participation in the SJMSCP before construction or ground disturbing activities. Implement incidental take avoidance and minimization measures before and during construction, as appropriate.</p>	<p>Throughout the construction period as necessary to comply with applicable incidental take avoidance and minimization measures.</p>	<p>Lead agency.</p>	<p>SJCOG receives payment of impact fees. Written confirmation to SJCOG that all applicable incidental take avoidance and minimization measures have been implemented.</p>	
<p>3.5 Cultural Resources</p>					
<p>Mitigation Measure Cul-1: Immediately Halt Construction Activities if Any Cultural Materials Are Discovered. If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, animal bone, flaked stone, bottle glass, ceramics, structure/building remains) is made during project-related construction activities, ground disturbances in the area of the find shall be halted immediately and a qualified professional archaeologist shall</p>	<p>If cultural materials are discovered during ground-disturbing activities.</p>	<p>Throughout the construction period.</p>	<p>Lead agency and primary construction contractor.</p>	<p>Finds of undocumented archaeological materials are reported and protected until evaluated by an archaeologist. If needed, appropriate protection measures are implemented.</p>	

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<p>be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant in accordance with the California Register of Historic Resources and develop appropriate mitigation. Appropriate mitigation may include no action, avoidance of the resource, and potential data recovery.</p>					
<p>Mitigation Measure Cul-2: Immediately Halt Construction Activities if Any Human Remains Are Discovered. The procedures for the treatment of discovered human remains are contained in Sections 7050.5 and 7052 of the California Health and Safety Code and Section 5097 of the Public Resources Code (PRC).</p> <p>In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, all such activities within the vicinity of the find shall be halted immediately and the project proponent or designated representative shall be notified. The project proponent shall immediately notify the county coroner and a qualified professional archaeologist. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code, Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code, Section 7050[c]). The project proponent’s responsibilities for acting on notification of a discovery of Native American human remains are identified in detail in Section 5097.9 of the PRC. The project proponent or its appointed representative and the professional archaeologist shall consult with a Most Likely Descendant (MLD) determined by the Native American Heritage Commission regarding the removal or preservation and avoidance of the remains and shall determine whether additional burials could be present</p>	<p>If human remains are found during ground-disturbing activities.</p>	<p>Throughout the construction period.</p>	<p>Lead agency and primary construction contractor.</p>	<p>Finds of potential human remains are reported and protected until evaluated by appropriate individuals. Remains are treated in accordance with direction received from the county coroner and from the Native American Heritage Commission (NAHC) and Native American representatives as appropriate.</p>	

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<p>in the vicinity.</p> <p>Assuming that an agreement can be reached between the MLD and the project proponent or the designated representative with the assistance of the archaeologist, these steps would minimize or eliminate adverse impacts on the uncovered human remains.</p>					
<p>3.6 Geology and Soils</p>					
<p>Mitigation Measure Haz-1: Prepare a Storm Water Pollution Prevention Plan and Comply with Other Applicable Regulations.</p>	<p align="center">Implement Mitigation Measure Haz-1, described below.</p>				
<p>3.7 Hazards and Hazardous Materials</p>					
<p>Mitigation Measure Haz-1: Prepare a Storm Water Pollution Prevention Plan and Comply with Other Applicable Regulations. Before the start of any ground-disturbing activities, Reclamation District No. 17 (RD 17) or its primary construction contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP) detailing measures to control soil erosion and waste discharges from construction areas and shall submit a notice of intent to the Central Valley Regional Water Quality Control Board (Central Valley RWQCB) for stormwater discharges associated with general construction activity. RD 17 shall require all contractors conducting construction-related work to implement the SWPPP to control soil erosion and waste discharges of other construction-related contaminants. The general contractor(s) and subcontractor(s) conducting the work shall be responsible for constructing or implementing, regularly inspecting, and maintaining the measures in good working order.</p>	<p>Before beginning any construction or ground-disturbing activity.</p>	<p>Throughout the construction period.</p>	<p>Lead agency, primary construction contractor, and subcontractor(s).</p>	<p>A storm water pollution prevention plan (SWPPP) and a notice of intent (NOI) are completed and submitted to the Central Valley Regional Water Quality Control Board (Central Valley RWQCB). All identified BMPs are implemented and maintained such that contaminants are isolated from drainages to the extent practicable and feasible.</p>	

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<p>The SWPPP shall identify the grading and erosion-control best management practices (BMPs) and specifications necessary to avoid and minimize water quality impacts to the extent practicable. Standard erosion control measures (e.g., management, structural, and vegetative controls) shall be implemented for all construction activities that expose soil. Grading operations shall be conducted to eliminate direct routes for conveying potentially contaminated runoff to any nearby water bodies. Erosion control barriers, such as silt fences and mulching material, shall be installed, and disturbed areas shall be reseeded with grass or other plants, where necessary.</p> <p>The SWPPP shall contain specific measures for stabilizing soils at the construction site before the onset of the winter rainfall season. These standard erosion-control measures shall be designed to reduce the potential for soil erosion and sedimentation of drainage channels.</p> <p>The following specific BMPs are recommended for implementation:</p> <ul style="list-style-type: none"> • Conduct all work according to site-specific construction plans that identify areas for clearing, grading, and revegetation so that ground disturbance is minimized. • Avoid existing vegetation wherever possible and identify vegetation to be retained for habitat maintenance (i.e., as identified through preconstruction biological surveys); cover cleared areas with mulches; install silt fences, if needed to control erosion and trap sediment; and reseed cleared areas with native vegetation. • Stabilize disturbed soils at all construction sites and staging areas before the onset of the winter rainfall season. • Stabilize and protect stockpiles from exposure to erosion 					

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<p>and flooding.</p> <p>The SWPPP also shall specify appropriate hazardous materials handling, storage, and spill response practices to reduce the possibility of adverse impacts from use or accidental spills or releases of contaminants. Specific measures applicable to the project include the following:</p> <ul style="list-style-type: none"> • Develop and implement strict on-site handling rules to keep construction and maintenance materials out of waterways. • Prevent oil or other petroleum products, or any other substances that could be hazardous to aquatic life, from contaminating the soil or entering watercourses. • Maintain spill clean-up equipment in proper working condition. Clean up all spills immediately in accordance with the spill prevention and response plan, and immediately notify the California Department of Fish and Game and the Central Valley RWQCB of any spills and clean-up procedures. 					
<p>Mitigation Measure Haz-2: Ensure that All Employees Handling Hazardous Materials are Trained in the Safe Handling and Storage of Hazardous Materials. Before the commencement of project construction, RD 17 or its contractor shall:</p> <ul style="list-style-type: none"> • ensure that any employee handling hazardous materials is trained in the safe handling and storage of hazardous materials and trained to follow all applicable regulations with regard to such hazardous materials; and • identify staging areas where hazardous materials will be stored during construction, in accordance with applicable state and federal regulations. 	<p>Before beginning any construction or ground-disturbing activity.</p>	<p>Whenever new staff is on-site.</p>	<p>Lead agency and primary construction contractor.</p>	<p>All construction personnel have completed training.</p>	

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3.8 Hydrology and Water Quality					
Mitigation Measure Haz-1: Prepare a Storm Water Pollution Prevention Plan and Comply with Other Applicable Regulations.	Implement Mitigation Measure Haz-1, described above.				
3.11 Noise					
Mitigation Measure Noise-1: Conduct Construction at Times Consistent with Local Noise Regulations. Construction activities shall be conducted during times allowed by construction exceptions in the San Joaquin County and City of Lathrop noise regulations. Within project segments located in unincorporated San Joaquin County (Reaches Ic, Id, VIc, VIId, and VIIf), construction activities will only be permitted between 6:00 a.m. and 9:00 p.m. In project segments within the city of Lathrop (Reaches IVb, VIa.2, VIa.3, and VIa.4), construction activities will only be permitted between 7:00 a.m. and 10:00 p.m. Mondays through Thursdays, 7:00 a.m. and 11:00 p.m. on Fridays, and 9:00 a.m. and 11:00 p.m. on Saturdays and legal holidays. Although no project work is proposed for Sundays, if construction work is conducted on a Sunday in the city of Lathrop, it must occur between 9:00 a.m. and 9:00 p.m.	At initiation of construction.	Throughout the construction period.	Lead agency and primary construction contractor.	Construction activities are conducted in accordance with construction exceptions in the San Joaquin County and City of Lathrop noise regulations. Construction work for the project reaches specified under Mitigation Measure Noise-1 is limited to the hours and days specified under that mitigation measure.	
Mitigation Measure Noise-2: Maintain and Equip Construction Equipment with Noise Control Devices. To minimize overall construction noise, construction equipment shall be properly maintained and equipped with appropriate noise control features, such as mufflers, in accordance with manufacturers' specifications.	At initiation of construction.	Throughout the construction period.	Lead agency and primary construction contractor.	Construction equipment is properly maintained and equipped with noise control features (e.g., mufflers) in accordance with manufacturers' specifications.	
Mitigation Measure Noise-3: Arrange Construction	At initiation of	Throughout the	Lead agency and	Construction access	

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<p>Equipment Travel to Minimize Disturbance to Occupied Residences and Limit Idling Times. Construction equipment travel shall be arranged to minimize disturbance to occupied residences and shall remain in staging areas when not in use. Equipment not in use shall not be left idling for more than 5 minutes.</p>	<p>construction.</p>	<p>construction period.</p>	<p>primary construction contractor.</p>	<p>routes avoid residences to the extent feasible. Idling time limitations are abided by.</p>	
<p>Mitigation Measure Noise-4: Designate a Disturbance Coordinator to Receive All Public Complaints. A disturbance coordinator shall be designated and the person’s telephone number shall be conspicuously posted around the project site and made available to nearby sensitive receptors. The disturbance coordinator shall receive all public complaints and be responsible for determining the cause of the complaint and implementing any feasible measures to alleviate the problem.</p>	<p>Before beginning any construction or ground-disturbing activity near noise-sensitive receptors.</p>	<p>During activities identified under “Initiation of Mitigation.”</p>	<p>Lead agency.</p>	<p>A disturbance coordinator is identified and notices are posted at project construction sites and made available to building occupants in areas that could be adversely affected by construction noise.</p>	



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San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

Phase II-RD 17 100-Year Levee Seepage Project: Reach 1c SJMSCP Incidental Take Minimization Measures

Date: September 14, 2009

Findings: Potential habitat for burrowing owl and Valley elderberry longhorn beetle.

Total Disturbed Acres Anticipated: 3.46 acres

Habitat Types to be Disturbed: C3 – Row and Field Crops (ditched) (1.29 acres); U2—Scraped/Paved Road (0.92 acres); Urban (1.25 acres)

Project Jurisdiction: San Joaquin County

Advisory Statements

After inspecting the project site, and project site conditions, the San Joaquin Council of Governments (SJCOG) provides the following *advisory statements* to the applicant. No further action is required with the SJCOG with respect to the following statements. SJCOG does not accept any liability for the accuracy of these statements since each regulatory agency discussed below must determine the extent of its own regulatory authority with respect to the proposed project. Nonetheless, we are reasonably confident that the advice provided in this paragraph is sound. The proposed project as reviewed will not likely affect areas/habitats that would be regulated by the California Department of Fish and Game (CDFG) pursuant to Section 1602 of the Fish and Game Code (i.e., will not require a streambed alteration agreement).

It should be noted that two important federal agencies (U.S. Army Corps of Engineers and the California Regional Water Quality Control Board) have not issued permits to the SJCOG and so payment of the fee to use the SJMSCP will not modify requirements now imposed by these two agencies. **Potential waters of the United States [pursuant to Section 404 Clean Water Act] may occur on the project site.** It therefore may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would likely be required from each of these resource agencies prior to impacting these features on the project site.

Conditions

Prior to Issuance of a Building Permit:

1. Pay the appropriate fee based on current fee categories and rates to SJCOG Inc.
 - Agriculture Habitat \$14,104.00 X 1.29 AC of disturbance = \$18,194.16
 - Urban Habitat (U2 Scrapped/Paved) 0.92 AC= Fee Exempt Area
 - Urban Habitat (U Urban) 1.25 AC = Fee Exempt Area

Note: If fees are not paid prior to January 1, 2010 this project will be subject to the subsequent fee increase, and the fee above will no longer be applicable.

Initial _____

Between 14 and 30 calendar days before ground disturbance:

2. No applicable conditions

Prior to commencing ground disturbance:

3. Preconstruction surveys are required to verify implementation of the following incidental take minimization measures:

Burrowing owl: The presence of ground squirrels and squirrel burrows are attractive to burrowing owls. Burrowing owls may therefore be discouraged from entering or occupying construction areas by discouraging the presence of ground squirrels. To accomplish this, the Project Proponent should prevent ground squirrels from occupying the project site early in the planning process by employing one of the following practices:

A. The Project Proponent may plant new vegetation or retain existing vegetation entirely covering the site at a height of approximately 36" above the ground. Vegetation should be retained until construction begins. Vegetation will discourage both ground squirrel and owl use of the site.

B. Alternatively, if burrowing owls are not known or suspected on a project site and the area is an unlikely occupation site for red-legged frogs, San Joaquin kit fox, or tiger salamanders:

The Project Proponent may disc or plow the entire project site to destroy any ground squirrel burrows. At the same time burrows are destroyed, ground squirrels should be removed through one of the following approved methods to prevent reoccupation of the project site. Detailed descriptions of these methods are included in Appendix A, *Protecting Endangered Species, Interim Measures for Use of Pesticides in San Joaquin County*, dated March, 2000:

1. Anticoagulants. Establish bait stations using the approved rodenticide anticoagulants Chlorophacinone or Diphacinone. Rodenticides shall be used in compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.
2. Zinc Phosphide. Establish bait stations with non-treated grain 5-7 calendar days in advance of rodenticide application, then apply Zinc Phosphide to bait stations.

Rodenticides shall be used in compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.

3. Fumigants. Use below-ground gas cartridges or pellets and seal burrows. Approved fumigants include Aluminum Phosphide (Fumitoxin, Phostoxin) and gas cartridges sold by the local Agricultural Commissioner's office. NOTE: Crumpled newspaper covered with soil is often an effective seal for burrows when fumigants are used. Fumigants shall be used in compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.

4. Traps. For areas with minimal rodent populations, traps may be effective for eliminating rodents. If trapping activities are required, the use of , shall be consistent with all applicable laws and regulations.

If the measures described above were not attempted or were attempted but failed, and burrowing owls are known to occupy the project site, then the following measures shall be implemented:

C. During the non-breeding season (September 1 through January 31) burrowing owls occupying the project site should be evicted from the project site by passive relocation as described in the California Department of Fish and Game's Staff Report on Burrowing Owls (Oct., 1995)

D. During the breeding season (February 1 through August 31) occupied burrows shall not be disturbed and shall be provided with a 75 meter protective buffer until and unless the TAC, with the concurrence of the Permitting Agencies' representatives on the TAC; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed.

Valley elderberry longhorn beetle: A setback of 20 feet from the dripline of each elderberry bush shall be established. Brightly colored flags or fencing shall be placed surrounding elderberry shrubs throughout the construction process. For all shrubs with stems of 1" or greater in diameter at ground level but without evidence of VELB exit holes which cannot be retained on the project site, compensation for removal shall be provided by the JPA within SJMSCP Preserves as provided in *SJMSCP Section 5.5.4(B)*.

During project construction:

4. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from the construction site.

In reliance on the Section 10(a)(1)(B) Permit issued by the United States Fish and Wildlife Service and the Section 2081(b) Incidental Take Permit issued by the California Department of Fish and Game, San Joaquin County has consulted with and agreed to allow coverage pursuant to the SJMSCP for the Phase II-RD 17 100-Year Levee Seepage Project, its successors, agents and assigns pursuant to the "Implementation Agreement for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan" which will allow the Phase II-RD 17 100-Year Levee Seepage Project, its successors, agents and assigns to construct, operate and maintain the Project commonly known as the Phase II-RD 17 100-Year Levee Seepage Project, which could result in a legally permitted Incidental Take of the SJMSCP Covered Species in accordance with and subject to the terms and conditions of the Phase II-RD 17 100-Year Levee Seepage Project approved by San Joaquin County. This Certification applies only to activities on the subject parcel(s) which are carried out in full compliance with the approved plans for the Phase II-RD 17 100-Year Levee Seepage Project, Section 10(a)(1)(B) Permit, and Section 2081(b) Incidental Take Permit conditions.

I have read, acknowledge, and agree to the preceding conditions:



for Phase II-RD 17 100-Year Levee Seepage Project

9-15-09
Date

HENRY C. LONG
Please Print Name Here



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202

(209) 468-3913 • FAX (209) 468-1084

*San Joaquin County Multi-Species Habitat Conservation &
Open Space Plan (SJMSCP)*

Phase II-RD 17 100-Year Levee Seepage Project: Reach Id

SJMSCP Incidental Take Minimization Measures

Date: September 14, 2009

Findings: Potential habitat for Swainson's hawk, white-tailed kite, burrowing owl, and Valley elderberry longhorn beetle

Total Disturbed Acres Anticipated: 3.41 acres

Habitat Types to be Disturbed: U2—Scraped/Paved Roads (0.86 acres); C3—Row and Field Crops (ditched) (1.04 acres); U—Urban (1.51 acres)

Project Jurisdiction: San Joaquin County

Advisory Statements

After inspecting the project site, and project site conditions, the San Joaquin Council of Governments (SJCOG) provides the following *advisory statements* to the applicant. No further action is required with the SJCOG with respect to the following statements. SJCOG does not accept any liability for the accuracy of these statements since each regulatory agency discussed below must determine the extent of its own regulatory authority with respect to the proposed project. Nonetheless, we are reasonably confident that the advice provided in this paragraph is sound. The proposed project as reviewed will not likely affect areas/habitats that would be regulated by the California Department of Fish and Game (CDFG) pursuant to Section 1602 of the Fish and Game Code (i.e., will not require a streambed alteration agreement).

It should be noted that two important federal agencies (U.S. Army Corps of Engineers and the California Regional Water Quality Control Board) have not issued permits to the SJCOG and so payment of the fee to use the SJMSCP will not modify requirements now imposed by these two agencies. **Potential waters of the United States [pursuant to Section 404 Clean Water Act] may occur on the project site.** It therefore may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would likely be required from each of these resource agencies prior to impacting these features on the project site.

Conditions

Prior to Issuance of a Building Permit:

1. Pay the appropriate fee based on current fee categories and rates to SJCOG Inc.
 - Agriculture Habitat \$14,104.00 X 1.04 AC of disturbance = \$14,668.16
 - Urban Habitat (U2 Scrapped/Paved) 0.82 AC = Fee Exempt Area
 - Urban Habitat (U Urban) 1.51 AC = Fee Exempt Area

Note: If fees are not paid prior to January 1, 2009 this project will be subject to the subsequent fee increase, and the fee above will no longer be applicable.

Initial _____

Between 14 and 30 calendar days before ground disturbance:

2. No applicable conditions

Prior to commencing ground disturbance:

3. Preconstruction surveys are required to verify implementation of the following incidental take minimization measures:

Swainson's hawk: If a nest tree becomes occupied during construction activities, then all construction activities shall remain a distance of two times the dripline of the tree, measured from the nest. If the Project Proponent elects to remove a nest tree, then nest trees may be removed between September 1 and February 15, when the nests are unoccupied.

White-tailed kite: Preconstruction surveys shall investigate all potential nesting trees on the project site (e.g., especially tree tops 15-59 feet above the ground in oak, willow, eucalyptus, cottonwood, or other deciduous trees), during the nesting season (February 15 to September 15) whenever white-tailed kites are noted on site or within the vicinity of the project site during the nesting season.

Burrowing owl: The presence of ground squirrels and squirrel burrows are attractive to burrowing owls. Burrowing owls may therefore be discouraged from entering or occupying construction areas by discouraging the presence of ground squirrels. To accomplish this, the Project Proponent should prevent ground squirrels from occupying the project site early in the planning process by employing one of the following practices:

A. The Project Proponent may plant new vegetation or retain existing vegetation entirely covering the site at a height of approximately 36" above the ground. Vegetation should be retained until construction begins. Vegetation will discourage both ground squirrel and owl use of the site.

B. Alternatively, if burrowing owls are not known or suspected on a project site and the area is an unlikely occupation site for red-legged frogs, San Joaquin kit fox, or tiger salamanders:

The Project Proponent may disc or plow the entire project site to destroy any ground squirrel burrows. At the same time burrows are destroyed, ground squirrels should be

removed through one of the following approved methods to prevent reoccupation of the project site. Detailed descriptions of these methods are included in Appendix A, *Protecting Endangered Species, Interim Measures for Use of Pesticides in San Joaquin County*, dated March, 2000:

1. Anticoagulants. Establish bait stations using the approved rodenticide anticoagulants Chlorophacinone or Diphacinone. Rodenticides shall be used in compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.
2. Zinc Phosphide. Establish bait stations with non-treated grain 5-7 calendar days in advance of rodenticide application, then apply Zinc Phosphide to bait stations. Rodenticides shall be used in compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.
3. Fumigants. Use below-ground gas cartridges or pellets and seal burrows. Approved fumigants include Aluminum Phosphide (Fumitoxin, Phostoxin) and gas cartridges sold by the local Agricultural Commissioner's office. NOTE: Crumpled newspaper covered with soil is often an effective seal for burrows when fumigants are used. Fumigants shall be used in compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.
4. Traps. For areas with minimal rodent populations, traps may be effective for eliminating rodents. If trapping activities are required, the use of , shall be consistent with all applicable laws and regulations.

If the measures described above were not attempted or were attempted but failed, and burrowing owls are known to occupy the project site, then the following measures shall be implemented:

C. During the non-breeding season (September 1 through January 31) burrowing owls occupying the project site should be evicted from the project site by passive relocation as described in the California Department of Fish and Game's Staff Report on Burrowing Owls (Oct., 1995)

D. During the breeding season (February 1 through August 31) occupied burrows shall not be disturbed and shall be provided with a 75 meter protective buffer until and unless the TAC, with the concurrence of the Permitting Agencies' representatives on the TAC; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed.

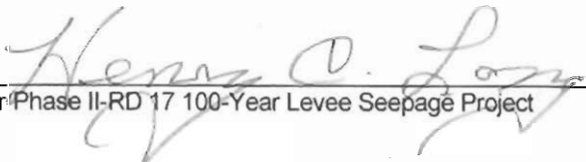
Valley elderberry longhorn beetle: A setback of 20 feet from the dripline of each elderberry bush shall be established. Brightly colored flags or fencing shall be placed surrounding elderberry shrubs throughout the construction process. For all shrubs with stems of 1" or greater in diameter at ground level but without evidence of VELB exit holes which cannot be retained on the project site, compensation for removal shall be provided by the JPA within SJMSCP Preserves as provided in *SJMSCP Section 5.5.4(B)*.

During project construction:

4. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from the construction site.

In reliance on the Section 10(a)(1)(B) Permit issued by the United States Fish and Wildlife Service and the Section 2081(b) Incidental Take Permit issued by the California Department of Fish and Game, San Joaquin County has consulted with and agreed to allow coverage pursuant to the SJMSCP for the Phase II-RD 17 100-Year Levee Seepage Project, its successors, agents and assigns pursuant to the "Implementation Agreement for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan" which will allow the Phase II-RD 17 100-Year Levee Seepage Project, its successors, agents and assigns to construct, operate and maintain the Project commonly known as the Phase II-RD 17 100-Year Levee Seepage Project, which could result in a legally permitted Incidental Take of the SJMSCP Covered Species in accordance with and subject to the terms and conditions of the Phase II-RD 17 100-Year Levee Seepage Project approved by San Joaquin County. This Certification applies only to activities on the subject parcel(s) which are carried out in full compliance with the approved plans for the Phase II-RD 17 100-Year Levee Seepage Project, Section 10(a)(1)(B) Permit, and Section 2081(b) Incidental Take Permit conditions.

I have read, acknowledge, and agree to the preceding conditions:


for Phase II-RD 17 100-Year Levee Seepage Project

9-15-09
Date

HENRY C. LONG
Please Print Name Here



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202

(209) 468-3913 • FAX (209) 468-1084

*San Joaquin County Multi-Species Habitat Conservation &
Open Space Plan (SJMSCP)*

Phase II-RD 17 100-Year Levee Seepage Project: Reach IVb

SJMSCP Incidental Take Minimization Measures

Date: September 14, 2009

Findings: Potential habitat for Valley elderberry longhorn beetle.

Total Disturbed Acres Anticipated: 4.72 acres

Habitat Types to be Disturbed: U—Urban (4.72 acres)

Project Jurisdiction: San Joaquin County

Advisory Statements

After inspecting the project site, and project site conditions, the San Joaquin Council of Governments (SJCOG) provides the following *advisory statements* to the applicant. No further action is required with the SJCOG with respect to the following statements. SJCOG does not accept any liability for the accuracy of these statements since each regulatory agency discussed below must determine the extent of its own regulatory authority with respect to the proposed project. Nonetheless, we are reasonably confident that the advice provided in this paragraph is sound. The proposed project as reviewed will not likely affect areas/habitats that would be regulated by the California Department of Fish and Game (CDFG) pursuant to Section 1602 of the Fish and Game Code (i.e., will not require a streambed alteration agreement).

It should be noted that two important federal agencies (U.S. Army Corps of Engineers and the California Regional Water Quality Control Board) have not issued permits to the SJCOG and so payment of the fee to use the SJMSCP will not modify requirements now imposed by these two agencies. **Potential waters of the United States [pursuant to Section 404 Clean Water Act] may occur on the project site.** It therefore may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would likely be required from each of these resource agencies prior to impacting these features on the project site.

Conditions

Prior to Issuance of a Building Permit:

1. No fee payment to SJCOG, Inc. is required for the disturbance of 4.72 acres of Urban Habitat (U) because the project is within the Category A No pay zone.

Note: If fees are not paid prior to January 1, 2010 this project will be subject to the subsequent fee increase, and the fee above will no longer be applicable.

Initial _____

Between 14 and 30 calendar days before ground disturbance:

1. No applicable conditions

Prior to commencing ground disturbance:

2. Preconstruction surveys are required to verify implementation of the following incidental take minimization measures:

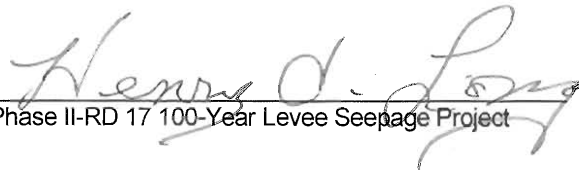
Valley elderberry longhorn beetle: A setback of 20 feet from the dripline of each elderberry bush shall be established. Brightly colored flags or fencing shall be placed surrounding elderberry shrubs throughout the construction process. For all shrubs with stems of 1" or greater in diameter at ground level but without evidence of VELB exit holes which cannot be retained on the project site, compensation for removal shall be provided by the JPA within SJMSCP Preserves as provided in *SJMSCP Section 5.5.4(B)*.

During project construction:

3. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from the construction site.

In reliance on the Section 10(a)(1)(B) Permit issued by the United States Fish and Wildlife Service and the Section 2081(b) Incidental Take Permit issued by the California Department of Fish and Game, San Joaquin County has consulted with and agreed to allow coverage pursuant to the SJMSCP for the Phase II-RD 17 100-Year Levee Seepage Project, its successors, agents and assigns pursuant to the "Implementation Agreement for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan" which will allow the Phase II-RD 17 100-Year Levee Seepage Project, its successors, agents and assigns to construct, operate and maintain the Project commonly known as the Phase II-RD 17 100-Year Levee Seepage Project, which could result in a legally permitted Incidental Take of the SJMSCP Covered Species in accordance with and subject to the terms and conditions of the Phase II-RD 17 100-Year Levee Seepage Project approved by San Joaquin County. This Certification applies only to activities on the subject parcel(s) which are carried out in full compliance with the approved plans for the Phase II-RD 17 100-Year Levee Seepage Project, Section 10(a)(1)(B) Permit, and Section 2081(b) Incidental Take Permit conditions.

I have read, acknowledge, and agree to the preceding conditions:



for Phase II-RD 17 100-Year Levee Seepage Project

9-15-09
Date

HENRY C. LONG
Please Print Name Here



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202

(209) 468-3913 • FAX (209) 468-1084

*San Joaquin County Multi-Species Habitat Conservation &
Open Space Plan (SJMSCP)*

Phase II-RD 17 100-Year Levee Seepage Project: Reach VIa2

SJMSCP Incidental Take Minimization Measures

Date: September 14, 2009

Findings: Potential habitat for Swainson's hawk, white-tailed kite, and Valley elderberry longhorn beetle

Total Disturbed Acres Anticipated: 9.72 acres

Habitat Types to be Disturbed: U—Urban (9.72 acres)

Project Jurisdiction: San Joaquin County

Advisory Statements

After inspecting the project site, and project site conditions, the San Joaquin Council of Governments (SJCOG) provides the following *advisory statements* to the applicant. No further action is required with the SJCOG with respect to the following statements. SJCOG does not accept any liability for the accuracy of these statements since each regulatory agency discussed below must determine the extent of its own regulatory authority with respect to the proposed project. Nonetheless, we are reasonably confident that the advice provided in this paragraph is sound. The proposed project as reviewed will not likely affect areas/habitats that would be regulated by the California Department of Fish and Game (CDFG) pursuant to Section 1602 of the Fish and Game Code (i.e., will not require a streambed alteration agreement).

It should be noted that two important federal agencies (U.S. Army Corps of Engineers and the California Regional Water Quality Control Board) have not issued permits to the SJCOG and so payment of the fee to use the SJMSCP will not modify requirements now imposed by these two agencies. **Potential waters of the United States [pursuant to Section 404 Clean Water Act] may occur on the project site.** It therefore may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would likely be required from each of these resource agencies prior to impacting these features on the project site.

Conditions

Prior to Issuance of a Building Permit:

1. No fee payment to SJCOG, Inc. is required for the disturbance of 9.72 acres of Urban Habitat (U) because the project is within the Category A No pay zone.

Note: If fees are not paid prior to January 1, 2010 this project will be subject to the subsequent fee increase, and the fee above will no longer be applicable.

Initial _____

Between 14 and 30 calendar days before ground disturbance:

1. No applicable conditions

Prior to commencing ground disturbance:

2. Preconstruction surveys are required to verify implementation of the following incidental take minimization measures:

Swainson's hawk: If a nest tree becomes occupied during construction activities, then all construction activities shall remain a distance of two times the dripline of the tree, measured from the nest. If the Project Proponent elects to remove a nest tree, then nest trees may be removed between September 1 and February 15, when the nests are unoccupied.

White-tailed kite: Preconstruction surveys shall investigate all potential nesting trees on the project site (e.g., especially tree tops 15-59 feet above the ground in oak, willow, eucalyptus, cottonwood, or other deciduous trees), during the nesting season (February 15 to September 15) whenever white-tailed kites are noted on site or within the vicinity of the project site during the nesting season.

Valley elderberry longhorn beetle: A setback of 20 feet from the dripline of each elderberry bush shall be established. Brightly colored flags or fencing shall be placed surrounding elderberry shrubs throughout the construction process. For all shrubs with stems of 1" or greater in diameter at ground level but without evidence of VELB exit holes which cannot be retained on the project site, compensation for removal shall be provided by the JPA within SJMSCP Preserves as provided in *SJMSCP Section 5.5.4(B)*.

During project construction:

3. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from the construction site.

In reliance on the Section 10(a)(1)(B) Permit issued by the United States Fish and Wildlife Service and the Section 2081(b) Incidental Take Permit issued by the California Department of Fish and Game, San Joaquin County has consulted with and agreed to allow coverage pursuant to the SJMSCP for the Phase II-RD 17 100-Year Levee Seepage Project, its successors, agents and assigns pursuant to the "Implementation Agreement for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan" which will allow the Phase II-RD 17 100-Year Levee Seepage Project, its successors, agents and assigns to construct, operate and maintain the Project commonly known as the Phase II-RD 17 100-Year Levee Seepage Project, which could result in a legally permitted Incidental Take of the SJMSCP Covered Species in accordance with and subject to the terms and conditions of the Phase II-RD 17 100-Year Levee Seepage Project approved by San Joaquin County. This Certification applies only to activities on the subject parcel(s) which are carried out in full compliance with the approved plans for the Phase II-RD 17 100-Year Levee Seepage Project, Section 10(a)(1)(B) Permit, and Section 2081(b) Incidental Take Permit conditions.

I have read, acknowledge, and agree to the preceding conditions:



for Phase II-RD 17 100-Year Levee Seepage Project

9-15-09
Date

HENRY C. LONG
Please Print Name Here



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202

(209) 468-3913 • FAX (209) 468-1084

*San Joaquin County Multi-Species Habitat Conservation &
Open Space Plan (SJMSCP)*

Phase II-RD 17 100-Year Levee Seepage Project: Reach VIa3

SJMSCP Incidental Take Minimization Measures

Date: September 14, 2009

Findings: Potential habitat for burrowing owl and Valley elderberry longhorn beetle.

Total Disturbed Acres Anticipated: 6.40 acres

Habitat Types to be Disturbed: U-Urban (6.40 acres)

Project Jurisdiction: San Joaquin County

Advisory Statements

After inspecting the project site, and project site conditions, the San Joaquin Council of Governments (SJCOG) provides the following *advisory statements* to the applicant. No further action is required with the SJCOG with respect to the following statements. SJCOG does not accept any liability for the accuracy of these statements since each regulatory agency discussed below must determine the extent of its own regulatory authority with respect to the proposed project. Nonetheless, we are reasonably confident that the advice provided in this paragraph is sound. The proposed project as reviewed will not likely affect areas/habitats that would be regulated by the California Department of Fish and Game (CDFG) pursuant to Section 1602 of the Fish and Game Code (i.e., will not require a streambed alteration agreement).

It should be noted that two important federal agencies (U.S. Army Corps of Engineers and the California Regional Water Quality Control Board) have not issued permits to the SJCOG and so payment of the fee to use the SJMSCP will not modify requirements now imposed by these two agencies. **Potential waters of the United States [pursuant to Section 404 Clean Water Act] may occur on the project site.** It therefore may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would likely be required from each of these resource agencies prior to impacting these features on the project site.

Conditions

Prior to Issuance of a Building Permit:

1. No fee payment to SJCOG, Inc. is required for the disturbance of 6.40 acres of Urban Habitat (U) because the project is within the Category A No pay zone.

Note: If fees are not paid prior to January 1, 2010 this project will be subject to the subsequent fee increase, and the fee above will no longer be applicable.

Initial _____

Between 14 and 30 calendar days before ground disturbance:

1. No applicable conditions

Prior to commencing ground disturbance:

2. Preconstruction surveys are required to verify implementation of the following incidental take minimization measures:

Valley elderberry longhorn beetle: A setback of 20 feet from the dripline of each elderberry bush shall be established. Brightly colored flags or fencing shall be placed surrounding elderberry shrubs throughout the construction process. For all shrubs with stems of 1" or greater in diameter at ground level but without evidence of VELB exit holes which cannot be retained on the project site, compensation for removal shall be provided by the JPA within SJMSCP Preserves as provided in *SJMSCP Section 5.5.4(B)*.

Burrowing owl: The presence of ground squirrels and squirrel burrows are attractive to burrowing owls. Burrowing owls may therefore be discouraged from entering or occupying construction areas by discouraging the presence of ground squirrels. To accomplish this, the Project Proponent should prevent ground squirrels from occupying the project site early in the planning process by employing one of the following practices:

A. The Project Proponent may plant new vegetation or retain existing vegetation entirely covering the site at a height of approximately 36" above the ground. Vegetation should be retained until construction begins. Vegetation will discourage both ground squirrel and owl use of the site.

B. Alternatively, if burrowing owls are not known or suspected on a project site and the area is an unlikely occupation site for red-legged frogs, San Joaquin kit fox, or tiger salamanders:

The Project Proponent may disc or plow the entire project site to destroy any ground squirrel burrows. At the same time burrows are destroyed, ground squirrels should be removed through one of the following approved methods to prevent reoccupation of the project site. Detailed descriptions of these methods are included in Appendix A, *Protecting Endangered Species, Interim Measures for Use of Pesticides in San Joaquin County*, dated March, 2000:

1. Anticoagulants. Establish bait stations using the approved rodenticide anticoagulants Chlorophacinone or Diphacinone. Rodenticides shall be used in

compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.

2. Zinc Phosphide. Establish bait stations with non-treated grain 5-7 calendar days in advance of rodenticide application, then apply Zinc Phosphide to bait stations. Rodenticides shall be used in compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.

3. Fumigants. Use below-ground gas cartridges or pellets and seal burrows. Approved fumigants include Aluminum Phosphide (Fumitoxin, Phostoxin) and gas cartridges sold by the local Agricultural Commissioner's office. NOTE: Crumpled newspaper covered with soil is often an effective seal for burrows when fumigants are used. Fumigants shall be used in compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.

4. Traps. For areas with minimal rodent populations, traps may be effective for eliminating rodents. If trapping activities are required, the use of , shall be consistent with all applicable laws and regulations.

If the measures described above were not attempted or were attempted but failed, and burrowing owls are known to occupy the project site, then the following measures shall be implemented:

C. During the non-breeding season (September 1 through January 31) burrowing owls occupying the project site should be evicted from the project site by passive relocation as described in the California Department of Fish and Game's Staff Report on Burrowing Owls (Oct., 1995)

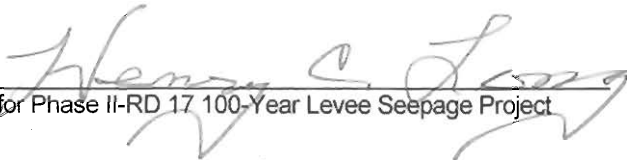
D. During the breeding season (February 1 through August 31) occupied burrows shall not be disturbed and shall be provided with a 75 meter protective buffer until and unless the TAC, with the concurrence of the Permitting Agencies' representatives on the TAC; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed.

During project construction:

3. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from the construction site.

In reliance on the Section 10(a)(1)(B) Permit issued by the United States Fish and Wildlife Service and the Section 208(b) Incidental Take Permit issued by the California Department of Fish and Game, San Joaquin County has consulted with and agreed to allow coverage pursuant to the SJMSCP for the Phase II-RD 17 100-Year Levee Seepage Project, its successors, agents and assigns pursuant to the "Implementation Agreement for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan" which will allow the Phase II-RD 17 100-Year Levee Seepage Project, its successors, agents and assigns to construct, operate and maintain the Project commonly known as the Phase II-RD 17 100-Year Levee Seepage Project, which could result in a legally permitted Incidental Take of the SJMSCP Covered Species in accordance with and subject to the terms and conditions of the Phase II-RD 17 100-Year Levee Seepage Project approved by San Joaquin County. This Certification applies only to activities on the subject parcel(s) which are carried out in full compliance with the approved plans for the Phase II-RD 17 100-Year Levee Seepage Project, Section 10(a)(1)(B) Permit, and Section 208(b) Incidental Take Permit conditions.

I have read, acknowledge, and agree to the preceding conditions:


for Phase II-RD 17 100-Year Levee Seepage Project

9-15-09
Date

HENRY C. LONG
Please Print Name Here



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202

(209) 468-3913 • FAX (209) 468-1084

*San Joaquin County Multi-Species Habitat Conservation &
Open Space Plan (SJMSCP)*

Phase II-RD 17 100-Year Levee Seepage Project: Reach VIa4

SJMSCP Incidental Take Minimization Measures

Date: September 14, 2009

Findings: No potential occupied habitat present on the project site.

Total Disturbed Acres Anticipated: 0.04 acres

Habitat Types to be Disturbed: C2—Multi-Purpose (0.02 acres); U2—Scraped/Paved Road (0.02 acres)

Project Jurisdiction: San Joaquin County

Advisory Statements

After inspecting the project site, and project site conditions, the San Joaquin Council of Governments (SJCOG) provides the following *advisory statements* to the applicant. No further action is required with the SJCOG with respect to the following statements. SJCOG does not accept any liability for the accuracy of these statements since each regulatory agency discussed below must determine the extent of its own regulatory authority with respect to the proposed project. Nonetheless, we are reasonably confident that the advice provided in this paragraph is sound. The proposed project as reviewed will not likely affect areas/habitats that would be regulated by the California Department of Fish and Game (CDFG) pursuant to Section 1602 of the Fish and Game Code (i.e., will not require a streambed alteration agreement).

It should be noted that two important federal agencies (U.S. Army Corps of Engineers and the California Regional Water Quality Control Board) have not issued permits to the SJCOG and so payment of the fee to use the SJMSCP will not modify requirements now imposed by these two agencies. **Potential waters of the United States [pursuant to Section 404 Clean Water Act] may occur on the project site.** It therefore may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would likely be required from each of these resource agencies prior to impacting these features on the project site.

Conditions

Prior to Issuance of a Building Permit:

1. Pay the appropriate fee based on current fee categories and rates to SJCOG Inc.
 - Multi-Purpose Habitat \$7,052.00 X 0.02 AC of disturbance = \$141.04
 - Urban Habitat (U Urban) 0.02 AC = Fee Exempt Area

Note: If fees are not paid prior to January 1, 2010 this project will be subject to the subsequent fee increase, and the fee above will no longer be applicable.

Initial _____

Between 14 and 30 calendar days before ground disturbance:

2. No applicable conditions

Prior to commencing ground disturbance:

3. No additional preconstruction surveys are required.

During project construction:

4. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from the construction site.
-

In reliance on the Section 10(a)(1)(B) Permit issued by the United States Fish and Wildlife Service and the Section 208(b) Incidental Take Permit issued by the California Department of Fish and Game, San Joaquin County has consulted with and agreed to allow coverage pursuant to the SJMSCP for the Phase II-RD 17 100-Year Levee Seepage Project, its successors, agents and assigns pursuant to the "Implementation Agreement for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan" which will allow the Phase II-RD 17 100-Year Levee Seepage Project, its successors, agents and assigns to construct, operate and maintain the Project commonly known as the Phase II-RD 17 100-Year Levee Seepage Project, which could result in a legally permitted Incidental Take of the SJMSCP Covered Species in accordance with and subject to the terms and conditions of the Phase II-RD 17 100-Year Levee Seepage Project approved by San Joaquin County. This Certification applies only to activities on the subject parcel(s) which are carried out in full compliance with the approved plans for the Phase II-RD 17 100-Year Levee Seepage Project, Section 10(a)(1)(B) Permit, and Section 208(b) Incidental Take Permit conditions.

I have read, acknowledge, and agree to the preceding conditions:


for Phase II-RD 17 100-Year Levee Seepage Project

9-15-09
Date

HENRY C. LONG
Please Print Name Here



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202

(209) 468-3913 • FAX (209) 468-1084

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

Phase II-RD 17 100-Year Levee Seepage Project: Reach VIIc

SJMSCP Incidental Take Minimization Measures

Date: September 14, 2009

Findings: Potential habitat for Swainson's hawk, white-tailed kite, and burrowing owl

Total Disturbed Acres Anticipated: 10.81 acres

Habitat Types to be Disturbed: U—Urban (5.67 acres); C3—Row and Field Crops (ditched) (3.69 acres); C2—Multi-purpose (1.45 acres)

Project Jurisdiction: San Joaquin County

Advisory Statements

After inspecting the project site, and project site conditions, the San Joaquin Council of Governments (SJCOG) provides the following *advisory statements* to the applicant. No further action is required with the SJCOG with respect to the following statements. SJCOG does not accept any liability for the accuracy of these statements since each regulatory agency discussed below must determine the extent of its own regulatory authority with respect to the proposed project. Nonetheless, we are reasonably confident that the advice provided in this paragraph is sound. The proposed project as reviewed will not likely affect areas/habitats that would be regulated by the California Department of Fish and Game (CDFG) pursuant to Section 1602 of the Fish and Game Code (i.e., will not require a streambed alteration agreement).

It should be noted that two important federal agencies (U.S. Army Corps of Engineers and the California Regional Water Quality Control Board) have not issued permits to the SJCOG and so payment of the fee to use the SJMSCP will not modify requirements now imposed by these two agencies. **Potential waters of the United States [pursuant to Section 404 Clean Water Act] may occur on the project site.** It therefore may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would likely be required from each of these resource agencies prior to impacting these features on the project site.

Conditions

Prior to Issuance of a Building Permit:

1. Pay the appropriate fee based on current fee categories and rates to SJCOG Inc.
 - Agriculture Habitat \$14,104.00 X 3.69 AC of disturbance = \$52,043.76
 - Multi-Purpose Habitat \$7,052.00 X 1.45 AC of disturbance = \$10,225.40
 - Urban Habitat (U Urban) 5.67 AC = Fee Exempt Area

Note: If fees are not paid prior to January 1, 2010 this project will be subject to the subsequent fee increase, and the fee above will no longer be applicable.

Initial _____

Between 14 and 30 calendar days before ground disturbance:

2. No applicable conditions

Prior to commencing ground disturbance:

3. Preconstruction surveys are required to verify implementation of the following incidental take minimization measures:

Swainson's hawk: If a nest tree becomes occupied during construction activities, then all construction activities shall remain a distance of two times the dripline of the tree, measured from the nest. If the Project Proponent elects to remove a nest tree, then nest trees may be removed between September 1 and February 15, when the nests are unoccupied.

White-tailed kite: Preconstruction surveys shall investigate all potential nesting trees on the project site (e.g., especially tree tops 15-59 feet above the ground in oak, willow, eucalyptus, cottonwood, or other deciduous trees), during the nesting season (February 15 to September 15) whenever white-tailed kites are noted on site or within the vicinity of the project site during the nesting season.

Burrowing owl: The presence of ground squirrels and squirrel burrows are attractive to burrowing owls. Burrowing owls may therefore be discouraged from entering or occupying construction areas by discouraging the presence of ground squirrels. To accomplish this, the Project Proponent should prevent ground squirrels from occupying the project site early in the planning process by employing one of the following practices:

A. The Project Proponent may plant new vegetation or retain existing vegetation entirely covering the site at a height of approximately 36" above the ground. Vegetation should be retained until construction begins. Vegetation will discourage both ground squirrel and owl use of the site.

B. Alternatively, if burrowing owls are not known or suspected on a project site and the area is an unlikely occupation site for red-legged frogs, San Joaquin kit fox, or tiger salamanders:

The Project Proponent may disc or plow the entire project site to destroy any ground squirrel burrows. At the same time burrows are destroyed, ground squirrels should be removed through one of the following approved methods to prevent reoccupation of the

project site. Detailed descriptions of these methods are included in Appendix A, *Protecting Endangered Species, Interim Measures for Use of Pesticides in San Joaquin County*, dated March, 2000:

1. Anticoagulants. Establish bait stations using the approved rodenticide anticoagulants Chlorophacinone or Diphacinone. Rodenticides shall be used in compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.
2. Zinc Phosphide. Establish bait stations with non-treated grain 5-7 calendar days in advance of rodenticide application, then apply Zinc Phosphide to bait stations. Rodenticides shall be used in compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.
3. Fumigants. Use below-ground gas cartridges or pellets and seal burrows. Approved fumigants include Aluminum Phosphide (Fumitoxin, Phostoxin) and gas cartridges sold by the local Agricultural Commissioner's office. NOTE: Crumpled newspaper covered with soil is often an effective seal for burrows when fumigants are used. Fumigants shall be used in compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.
4. Traps. For areas with minimal rodent populations, traps may be effective for eliminating rodents. If trapping activities are required, the use of , shall be consistent with all applicable laws and regulations.

If the measures described above were not attempted or were attempted but failed, and burrowing owls are known to occupy the project site, then the following measures shall be implemented:

C. During the non-breeding season (September 1 through January 31) burrowing owls occupying the project site should be evicted from the project site by passive relocation as described in the California Department of Fish and Game's Staff Report on Burrowing Owls (Oct., 1995)

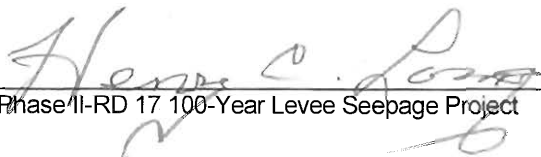
D. During the breeding season (February 1 through August 31) occupied burrows shall not be disturbed and shall be provided with a 75 meter protective buffer until and unless the TAC, with the concurrence of the Permitting Agencies' representatives on the TAC; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed.

During project construction:

4. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from the construction site.

In reliance on the Section 10(a)(1)(B) Permit issued by the United States Fish and Wildlife Service and the Section 2081(b) Incidental Take Permit issued by the California Department of Fish and Game, San Joaquin County has consulted with and agreed to allow coverage pursuant to the SJMSCP for the Phase II-RD 17 100-Year Levee Seepage Project, its successors, agents and assigns pursuant to the "Implementation Agreement for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan" which will allow the Phase II-RD 17 100-Year Levee Seepage Project, its successors, agents and assigns to construct, operate and maintain the Project commonly known as the Phase II-RD 17 100-Year Levee Seepage Project, which could result in a legally permitted Incidental Take of the SJMSCP Covered Species in accordance with and subject to the terms and conditions of the Phase II-RD 17 100-Year Levee Seepage Project approved by San Joaquin County. This Certification applies only to activities on the subject parcel(s) which are carried out in full compliance with the approved plans for the Phase II-RD 17 100-Year Levee Seepage Project, Section 10(a)(1)(B) Permit, and Section 2081(b) Incidental Take Permit conditions.

I have read, acknowledge, and agree to the preceding conditions:



for Phase II-RD 17 100-Year Levee Seepage Project

9-15-09
Date

HENRY C. LONG
Please Print Name Here



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202

(209) 468-3913 • FAX (209) 468-1084

*San Joaquin County Multi-Species Habitat Conservation &
Open Space Plan (SJMSCP)*

Phase II-RD 17 100-Year Levee Seepage Project: Reach VIIId

SJMSCP Incidental Take Minimization Measures

Date: September 14, 2009

Findings: Potential habitat for Swainson's hawk, white-tailed kite, and burrowing owl

Total Disturbed Acres Anticipated: 2.87 acres

Habitat Types to be Disturbed: U—Urban (2.87 acres)

Project Jurisdiction: San Joaquin County

Advisory Statements

After inspecting the project site, and project site conditions, the San Joaquin Council of Governments (SJCOG) provides the following *advisory statements* to the applicant. No further action is required with the SJCOG with respect to the following statements. SJCOG does not accept any liability for the accuracy of these statements since each regulatory agency discussed below must determine the extent of its own regulatory authority with respect to the proposed project. Nonetheless, we are reasonably confident that the advice provided in this paragraph is sound. The proposed project as reviewed will not likely affect areas/habitats that would be regulated by the California Department of Fish and Game (CDFG) pursuant to Section 1602 of the Fish and Game Code (i.e., will not require a streambed alteration agreement).

It should be noted that two important federal agencies (U.S. Army Corps of Engineers and the California Regional Water Quality Control Board) have not issued permits to the SJCOG and so payment of the fee to use the SJMSCP will not modify requirements now imposed by these two agencies. **Potential waters of the United States [pursuant to Section 404 Clean Water Act] may occur on the project site.** It therefore may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would likely be required from each of these resource agencies prior to impacting these features on the project site.

Conditions

Prior to Issuance of a Building Permit:

1. No fee payment to SJCOG, Inc. is required for the disturbance of 2.87 acres of Urban Habitat (U) because the project is within the Category A No pay zone.

Note: If fees are not paid prior to January 1, 2010 this project will be subject to the subsequent fee increase, and the fee above will no longer be applicable.

Initial _____

Between 14 and 30 calendar days before ground disturbance:

1. No applicable conditions

Prior to commencing ground disturbance:

2. Preconstruction surveys are required to verify implementation of the following incidental take minimization measures:

Swainson's hawk: If a nest tree becomes occupied during construction activities, then all construction activities shall remain a distance of two times the dripline of the tree, measured from the nest. If the Project Proponent elects to remove a nest tree, then nest trees may be removed between September 1 and February 15, when the nests are unoccupied.

White-tailed kite: Preconstruction surveys shall investigate all potential nesting trees on the project site (e.g., especially tree tops 15-59 feet above the ground in oak, willow, eucalyptus, cottonwood, or other deciduous trees), during the nesting season (February 15 to September 15) whenever white-tailed kites are noted on site or within the vicinity of the project site during the nesting season.

Burrowing owl: The presence of ground squirrels and squirrel burrows are attractive to burrowing owls. Burrowing owls may therefore be discouraged from entering or occupying construction areas by discouraging the presence of ground squirrels. To accomplish this, the Project Proponent should prevent ground squirrels from occupying the project site early in the planning process by employing one of the following practices:

A. The Project Proponent may plant new vegetation or retain existing vegetation entirely covering the site at a height of approximately 36" above the ground. Vegetation should be retained until construction begins. Vegetation will discourage both ground squirrel and owl use of the site.

B. Alternatively, if burrowing owls are not known or suspected on a project site and the area is an unlikely occupation site for red-legged frogs, San Joaquin kit fox, or tiger salamanders:

The Project Proponent may disc or plow the entire project site to destroy any ground squirrel burrows. At the same time burrows are destroyed, ground squirrels should be removed through one of the following approved methods to prevent reoccupation of the project site. Detailed descriptions of these methods are included in Appendix A, *Protecting*

Endangered Species, Interim Measures for Use of Pesticides in San Joaquin County, dated March, 2000:

1. Anticoagulants. Establish bait stations using the approved rodenticide anticoagulants Chlorophacinone or Diphacinone. Rodenticides shall be used in compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.
2. Zinc Phosphide. Establish bait stations with non-treated grain 5-7 calendar days in advance of rodenticide application, then apply Zinc Phosphide to bait stations. Rodenticides shall be used in compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.
3. Fumigants. Use below-ground gas cartridges or pellets and seal burrows. Approved fumigants include Aluminum Phosphide (Fumitoxin, Phostoxin) and gas cartridges sold by the local Agricultural Commissioner's office. NOTE: Crumpled newspaper covered with soil is often an effective seal for burrows when fumigants are used. Fumigants shall be used in compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.
4. Traps. For areas with minimal rodent populations, traps may be effective for eliminating rodents. If trapping activities are required, the use of , shall be consistent with all applicable laws and regulations.

If the measures described above were not attempted or were attempted but failed, and burrowing owls are known to occupy the project site, then the following measures shall be implemented:

C. During the non-breeding season (September 1 through January 31) burrowing owls occupying the project site should be evicted from the project site by passive relocation as described in the California Department of Fish and Game's Staff Report on Burrowing Owls (Oct., 1995)

D. During the breeding season (February 1 through August 31) occupied burrows shall not be disturbed and shall be provided with a 75 meter protective buffer until and unless the TAC, with the concurrence of the Permitting Agencies' representatives on the TAC; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed.

During project construction:

3. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from the construction site.

In reliance on the Section 10(a)(1)(B) Permit issued by the United States Fish and Wildlife Service and the Section 2081(b) Incidental Take Permit issued by the California Department of Fish and Game, San Joaquin County has consulted with and agreed to allow coverage pursuant to the SJMSCP for the Phase II-RD 17 100-Year Levee Seepage Project, its successors, agents and assigns pursuant to the "Implementation Agreement for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan" which will allow the Phase II-RD 17 100-Year Levee Seepage Project, its successors, agents and assigns to construct, operate and maintain the Project commonly known as the Phase II-RD 17 100-Year Levee Seepage Project, which could result in a legally permitted Incidental Take of the SJMSCP Covered Species in accordance with and subject to the terms and conditions of the Phase II-RD 17 100-Year Levee Seepage Project approved by San Joaquin County. This Certification applies only to activities on the subject parcel(s) which are carried out in full compliance with the approved plans for the Phase II-RD 17 100-Year Levee Seepage Project, Section 10(a)(1)(B) Permit, and Section 2081(b) Incidental Take Permit conditions.

I have read, acknowledge, and agree to the preceding conditions:

Henry C. Long
for Phase II-RD 17 100-Year Levee Seepage Project

9-15-09
Date

Henry C Long
Please Print Name Here



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202

(209) 468-3913 • FAX (209) 468-1084

*San Joaquin County Multi-Species Habitat Conservation &
Open Space Plan (SJMSCP)*

Phase II-RD 17 100-Year Levee Seepage Project: Reach VIIf

SJMSCP Incidental Take Minimization Measures

Date: September 14, 2009

Findings: Potential habitat for Swainson's hawk, white-tailed kite, and burrowing owl

Total Disturbed Acres Anticipated: 12.27 acres

Habitat Types to be Disturbed: U—Urban (12.27 acres)

Project Jurisdiction: San Joaquin County

Advisory Statements

After inspecting the project site, and project site conditions, the San Joaquin Council of Governments (SJCOG) provides the following *advisory statements* to the applicant. No further action is required with the SJCOG with respect to the following statements. SJCOG does not accept any liability for the accuracy of these statements since each regulatory agency discussed below must determine the extent of its own regulatory authority with respect to the proposed project. Nonetheless, we are reasonably confident that the advice provided in this paragraph is sound. The proposed project as reviewed will not likely affect areas/habitats that would be regulated by the California Department of Fish and Game (CDFG) pursuant to Section 1602 of the Fish and Game Code (i.e., will not require a streambed alteration agreement).

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Conditions

Prior to Issuance of a Building Permit:

1. No fee payment to SJCOG, Inc. is required for the disturbance of 12.27 acres of Urban Habitat (U) because the project is within the Category A No pay zone.

Note: If fees are not paid prior to January 1, 2010 this project will be subject to the subsequent fee increase, and the fee above will no longer be applicable.

Initial _____

Between 14 and 30 calendar days before ground disturbance:

1. No applicable conditions

Prior to commencing ground disturbance:

2. Preconstruction surveys are required to verify implementation of the following incidental take minimization measures:

Swainson's hawk: If a nest tree becomes occupied during construction activities, then all construction activities shall remain a distance of two times the dripline of the tree, measured from the nest. If the Project Proponent elects to remove a nest tree, then nest trees may be removed between September 1 and February 15, when the nests are unoccupied.

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A. The Project Proponent may plant new vegetation or retain existing vegetation entirely covering the site at a height of approximately 36" above the ground. Vegetation should be retained until construction begins. Vegetation will discourage both ground squirrel and owl use of the site.

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If the measures described above were not attempted or were attempted but failed, and burrowing owls are known to occupy the project site, then the following measures shall be implemented:

C. During the non-breeding season (September 1 through January 31) burrowing owls occupying the project site should be evicted from the project site by passive relocation as described in the California Department of Fish and Game's Staff Report on Burrowing Owls (Oct., 1995)

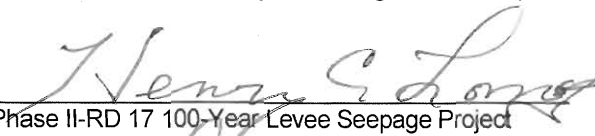
D. During the breeding season (February 1 through August 31) occupied burrows shall not be disturbed and shall be provided with a 75 meter protective buffer until and unless the TAC, with the concurrence of the Permitting Agencies' representatives on the TAC; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed.

During project construction:

3. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from the construction site.

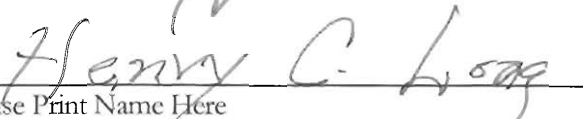
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I have read, acknowledge, and agree to the preceding conditions:



for Phase II-RD 17 100-Year Levee Seepage Project

9-15-09
Date



Please Print Name Here

RECLAMATION DISTRICT NO. 17
RESOLUTION NUMBER 2009-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF
RECLAMATION DISTRICT NO. 17
APPROVING THE PHASE II – RD 17 100-YEAR LEVEE SEEPAGE PROJECT IS/MND,
ADOPTING FINDINGS, APPROVING THE PROJECT, AND AUTHORIZING
FILING OF A NOTICE OF DETERMINATION

WHEREAS, the California Department of Water Resources has expressed concern over seepage gradients along portions of the Reclamation District No. 17 levees;

WHEREAS, hydrologic and geologic analysis indicates new or expanded seepage berms would achieve desired seepage gradients in many areas of concern;

WHEREAS, Reclamation District No. 17 has proposed to construct new or expanded seepage berms in Reaches Ic, Id, IVb, VIa.2, VIa.3, VIa.4, VIIc, VIIf, and to obtain a maintenance easement and conduct maintenance activities in Reach VIId, which together comprise the Phase II – RD 17 100-Year Levee Seepage Project;

WHEREAS, Reclamation District No. 17 arranged for the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) describing the project and its potential environmental impacts,

WHEREAS, the IS/MND was circulated for public review from June 4, 2009 through July 6, 2009, and public comments were received from five sources;

WHEREAS, a mitigation monitoring program was prepared to provide for the implementation of the mitigation measures identified in the IS/MND; and

WHEREAS, it is the professional judgment of Reclamation District No. 17's environmental consultant that the potential impacts identified in the IS/MND would be mitigated to a less than significant level through implementation of the mitigation monitoring program;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF RECLAMATION DISTRICT NO. 17 FINDS AS FOLLOWS:

1. Reclamation District No. 17 has independently reviewed and analyzed the IS/MND and has considered all of the comments received.
2. The IS/MND has been prepared in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and reflects the independent judgment of Reclamation District No. 17.
3. The project will have no impact on land use and planning and population and housing.
4. The project will have no impact or a less-than-significant impact on aesthetics, agricultural resources, public services, utilities and service systems, and recreation.
5. The project will have a less-than-significant impact on mineral resources and transportation and traffic.

6. With the inclusion of the proposed mitigation measures, the project will have a less-than significant impact on air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise.
7. All mitigation measures identified in the IS/MND as feasible mitigation measures are adopted and incorporated into the project, and the mitigation monitoring program is adopted.
8. The project is approved.
9. The Secretary and Counsel of Reclamation District No. 17 is authorized, on behalf of Board, to sign and directed to file with the Clerk of San Joaquin County a Notice of Determination for the project.

ADOPTED as resolution of the Board of Directors of Reclamation District No. 17 at a meeting duly held on the 10th day of July, 2009.


CHAIRMAN

APPROVED AS TO FORM:

ATTEST:



DANTE JOHN NOMEILLINI, SECRETARY

STATE OF CALIFORNIA)
COUNTY OF SAN JOAQUIN) ss
RECLAMATION DISTRICT NO. 17)

I, Dante John Nomellini, Secretary of the Board of Directors of Reclamation District No. 17, do hereby certify that the foregoing is true and correct copy of Resolution No. _ adopted by the Board of Directors of Reclamation District No. 17, San Joaquin County, California , at a regular meeting thereof, held on the 10th day of July, 2009 by the following vote:

AYES: Long, Widmer
NOES: None
ABSENT: Robinson



DANTE JOHN NOMEILLINI, SECRETARY



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Quality

1001 I Street Sacramento, California 95814 (866) 563 3107
Mailing Address: P.O. Box 1977 Sacramento, California 95812-1977
FAX (916) 341-5543 Internet Address: <http://www.waterboards.ca.gov>
Email Address: stormwater@waterboards.ca.gov

RECEIVED
OCT 30 2009



Arnold Schwarzenegger
Governor

Approved Date: 10/15/2009

Dante John Nomellini Sr
Reclamation District #17
PO Box 1461
Stockton CA 95201

RECEIPT OF YOUR NOTICE OF INTENT (NOI)

The State Water Resources Control Board (State Water Board) has received and processed your NOI to comply with the terms of the General Permit to Discharge Storm Water Associated with Construction Activity. Accordingly, you are required to comply with the permit requirements.

The Waste Discharger Identification (WDID) number is: **5S39C356513**. Please use this number in any future communication regarding this permit.

OWNER:	SITE DESCRIPTION
DEVELOPER:	Reclamation District #17
SITE INFORMATION:	Reclamation District #17
	RD 17 Levee Project Elements I c d IV b VI a 2 4 VII c d and
	Eastern landside levee for San Joaquin River between French Camp
	French Camp
TOTAL DISTURBED ACRES:	20
START DATE:	10/01/2009
COMPLETION DATE:	12/01/2010
COUNTY:	San Joaquin

When the Owner changes , a new NOI, site map, and fee must be submitted by the new Owner. As the previous owner, you are required to submit a Notice of Termination (NOT) to the local Regional Water Board stating you no longer own or operate the Site and coverage under the General Permit is not required. Unless notified, you will continue and are responsible to pay the annual fee invoiced each October.

If you have any questions regarding permit requirements, please contact your Regional Water Board at 916-464-4764 . Please visit the storm water web site at http://www.waterboards.ca.gov/water_issues/programs/stormwater/ to obtain an NOT and other storm water related information and forms.

Sincerely,

Storm Water Section
Division of Water Quality

**NOMELLINI, GRILLI & McDANIEL
PROFESSIONAL LAW CORPORATIONS**

235 East Weber Avenue

P. O. Box 1461

STOCKTON, CALIFORNIA 95201

TELEPHONE: 209/465-5883

TELECOPIER 209/465-3956

DANTE JOHN NOMELLINI
DAVID L. GRILLI
DANIEL A. McDANIEL
DANTE JOHN NOMELLINI, JR.

Via UPS Overnight Delivery

TO: State Water Resources Control Board
Division of Water Quality
Attn: Stormwater 15th Floor
1001 I Street
Sacramento, CA 95814

DATE: October 7, 2009

Re: RD 17

Enclosed please find NOI along with the District's check in the amount of \$869.00.

- As per your request.
 For your information.
 For your signature and return in enclosed envelope.
 Filing of original and return of enclosed file copy(ies) to the undersigned.
 Recording and return to the undersigned.

From: Dante John Nomellini/ju



State Water Resources Control Board
NOTICE OF INTENT
 TO COMPLY WITH THE TERMS OF THE
 GENERAL PERMIT TO DISCHARGE STORM WATER
 ASSOCIATED WITH CONSTRUCTION ACTIVITY (WQ ORDER No. 2008-XX-DWQ)



I. NOI STATUS (SEE INSTRUCTIONS)

MARK ONLY ONE ITEM 1. <input checked="" type="checkbox"/> New Construction 2. <input type="checkbox"/> Change of Information for WDID#
--

II. PROPERTY OWNER

Name Reclamation District No. 17		Contact Person Dante John Nomellini Sr.	
Mailing Address P.O. BOX 1461		Title Secretary and Attorney, RD-17	
City Stockton	State Ca	Zip 95201	Phone 209-465-5883

III. DEVELOPER/CONTRACTOR INFORMATION

Name Reclamation District No. 17		Contact Person Dante John Nomellini Sr.	
Mailing Address P.O. BOX 1461		Title Secretary and Attorney, RD-17	
City Stockton	State Ca	Zip 95201	Phone 209-465-5883

IV. CONSTRUCTION PROJECT INFORMATION

Site/Project Name RD-17 Levee Project Elements; I-c-d, IV-b, VI-a.2-4, VII-c-d and VII-f		Site Contact Person Dante John Nomellini Sr.	
Physical Address/Location Eastern landside levee of the San Joaquin River between French Camp and Manteca		Latitude 37.87°	Longitude -121.33°
County San Joaquin			
City (or nearest City) French Camp		Zip 95231	Site Phone Number 209-465-5883
		Emergency Phone Number 209-465-5883	
A. Total size of construction site area: 20 Acres	C. Percent of site imperviousness (including rooftops): Before Construction: %0 After Construction: %0		D. Tract Number(s): n/a
B. Total area to be disturbed: 20 (100) Acres (% of total 100)			E. Mile Post Marker: n/a
F. Is the construction site part of a larger common plan of development or sale? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		G. Name of plan or development: RD-17 Levee System	
H. Construction commencement date: Fall 2009		J. Projected construction dates: Complete grading: Summer 2009 Complete project: Winter 2009/2010	
I. % of site to be mass graded: 100			
K. Type of Construction (Check all that apply): 1. <input type="checkbox"/> Residential 2. <input type="checkbox"/> Commercial 3. <input type="checkbox"/> Industrial 4. <input type="checkbox"/> Reconstruction 5. <input type="checkbox"/> Transportation 6. <input type="checkbox"/> Utility Description: 7. <input checked="" type="checkbox"/> Other (Please List): Levee Repair			

V. BILLING INFORMATION

SEND BILL TO: <input checked="" type="checkbox"/> OWNER (as in II. above)	Name	Contact Person	
<input type="checkbox"/> DEVELOPER (as in III. above)	Mailing Address	Phone/Fax	
<input type="checkbox"/> OTHER (enter information at right)	City	State	Zip

VI. REGULATORY STATUS

A. Has a local agency approved a required erosion/sediment control plan?..... YES NO
Does the erosion/sediment control plan address construction activities such as infrastructure and structures?..... YES NO
Name of local agency: _____ Phone: _____

B. Is this project or any part thereof, subject to conditions imposed under a CWA Section 404 permit of 401 Water Quality Certification?..... YES NO
If yes, provide details:

VII. RECEIVING WATER INFORMATION

A. Does the storm water runoff from the construction site discharge to (Check all that apply):

1. Indirectly to waters of the U.S.

2. Storm drain system - Enter owner's name:

3. Directly to waters of U.S. (e.g. river, lake, creek, stream, bay, ocean, etc.)

B. Name of receiving water: (river, lake, creek, stream, bay, ocean): Oakwood Lake, San Joaquin River

VIII. IMPLEMENTATION OF NPDES PERMIT REQUIREMENTS

A. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) (check one)

A SWPPP has been prepared for this facility and is available for review: Date Prepared: April 20, 2009 Date Amended:

A SWPPP will be prepared and ready for review by (enter date):

A tentative schedule has been included in the SWPPP for activities such as grading, street construction, home construction, etc.

B. MONITORING PROGRAM

A monitoring and maintenance schedule has been developed that includes inspection of the construction BMPs before anticipated storm events and after actual storm events and is available for review.

If checked above: A qualified person has been assigned responsibility for pre-storm and post-storm BMP inspections to identify effectiveness and necessary repairs or design changes..... YES NO
Name :Richard Gandolfo, ENGEO Phone: 209-321-2665

C. PERMIT COMPLIANCE RESPONSIBILITY

A qualified person has been assigned responsibility to ensure full compliance with the Permit, and to implement all elements of the Storm Water Pollution Prevention Plan including:

1. Preparing an annual compliance evaluation..... YES NO
Name: Dante John Nomellini Sr. Phone: 209-465-5883

2. Eliminating all unauthorized discharges..... YES NO

IX. VICINITY MAP AND FEE (must show site location in relation to nearest named streets, intersections, etc.)

Have you included a vicinity map with this submittal? YES NO

Have you included payment of the annual fee with this submittal?..... YES NO

X. CERTIFICATIONS

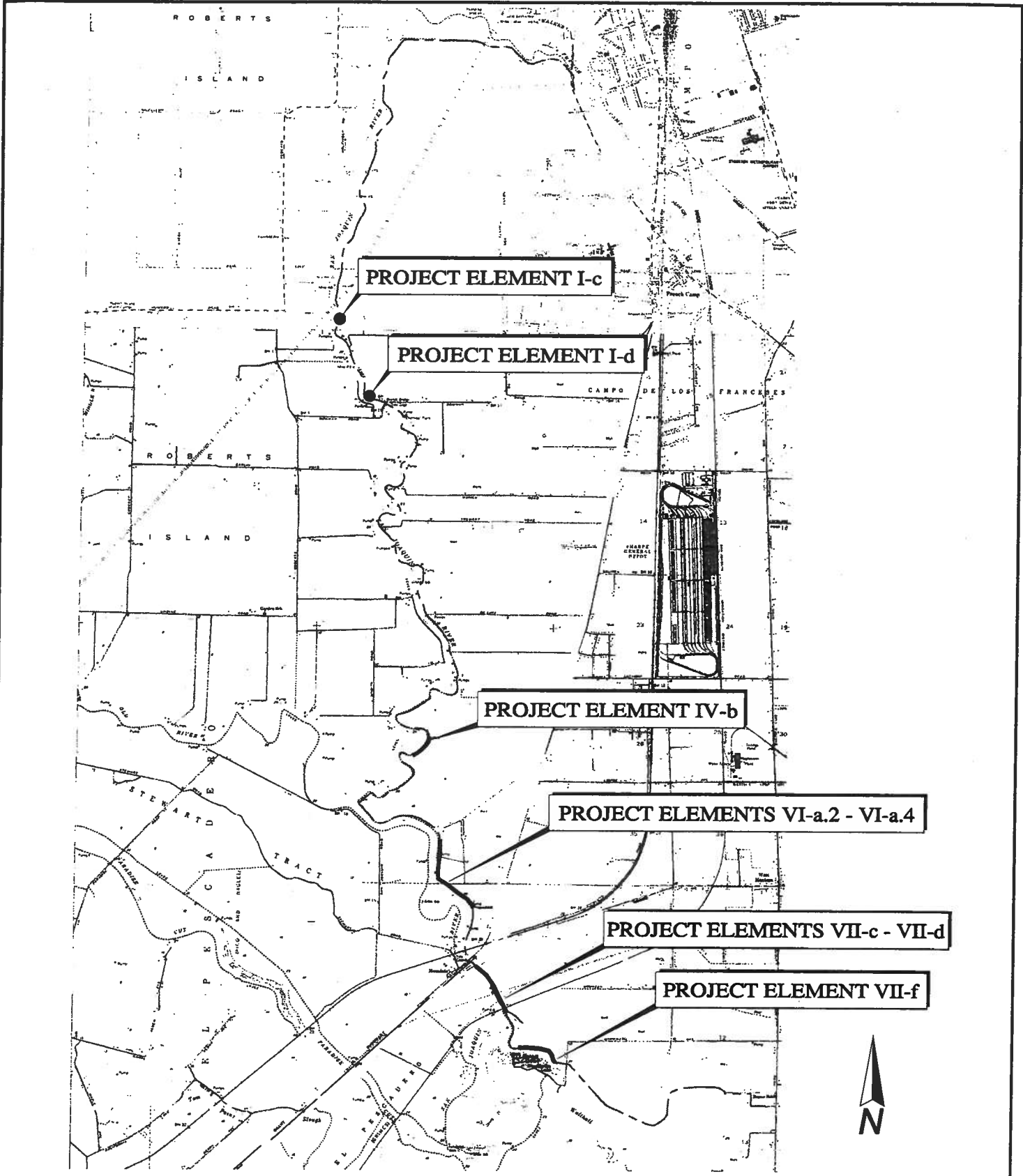
"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. In addition, I certify that the provisions of the permit, including the development and implementation of a Storm Water Pollution Prevention Plan and a Monitoring Program Plan will be complied with."

Printed Name: Dante John Nomellini Sr.

Signature: [Handwritten Signature] Date: 10-6-09

Title: Secretary + Attorney

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BASE MAP SOURCE: USGS



VICINITY MAP
RECLAMATION DISTRICT 17
ELEMENTS I-c, I-d, IV-b, VI-a.2-4, VII-c-d, AND VII-d
SAN JOAQUIN COUNTY, CALIFORNIA

PROJECT NO.: 5747.000.000
DATE: APRIL 2009
DRAWN BY: PC CHECKED BY: MS

FIGURE NO.
1

RECLAMATION DISTRICT NO. 17
STOCKTON, CA 95201

1104

DATE October 7, 2009

90-103/1211

PAY TO THE ORDER OF State Water Resources Control Board

\$ 869.00

DOLLARS

Security Features
Required on Checks
Ordered by FRB.

--Eight hundred sixty-nine and 00/100----

Bank of Stockton
HEADQUARTERS
P.O. Box 1110, 501 E. Miller Ave., Stockton, CA 95201

FOR _____



⑆001104⑆⑆⑆2110103⑆⑆ 21110940⑆⑆

MP

Notice of Determination

ASSESSOR RECORDER
COUNTY CLERK
KENNETH J. BREMORE

Appendix D

2009 JUL 10 AM 11:29

To:

Office of Planning and Research
For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

SAN JOAQUIN COUNTY
Street Address:
1400 Tenth Street
BY [Signature] DEPUTY
Sacramento, CA 95814

From:

Public Agency: Reclamation District No. 17
Address: c/o Nomellini, Grilli & McDaniel
235 E. Weber Avenue Stockton, CA 95202
Contact: Dante John Nomellini
Phone: (209) 465-5883

County Clerk

County of: San Joaquin County Recorder
Address: P.O. Box 1968
Stockton, CA 95201

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2009062021

Project Title: Phase II - RD 17 100-Year Levee Seepage Project

Project Location (include county): Land side of the east bank levee of the San Joaquin River near Stockton, Lathrop, and Manteca in San Joaquin County

Project Description:

The project involves work at nine levee reaches along the landside of the east bank levee of the San Joaquin River, from the southern boundary of the city of Stockton and to the western boundary of the city of Manteca. At eight of the nine reaches, seepage berms would be constructed along the landside levee toe. At one site, acquisition of an easement on land along the levee toe is needed to perform various maintenance and site cleanup activities. Construction of seepage berms will increase the RD 17 levee system's resistance to underseepage.

This is to advise that the Reclamation District (RD) No. 17 has approved the above described project on July 10, 2009 and has made the following determinations regarding the above described project:
(Date) Lead Agency or Responsible Agency

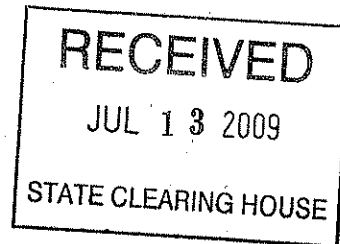
1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: RD 17 office (address above); Weston Ranch Branch Library, 1453 W. French Camp Rd, Stockton; Lathrop Branch Library, 15461 7th St, Lathrop

Signature (Public Agency) [Signature] Title Secretary & Counsel

Date 7-10-09 Date Received for filing at OPR _____

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.



Revised 2005



State of California—The Resources Agency
 DEPARTMENT OF FISH AND GAME
2009 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT# **376424**
 STATE CLEARING HOUSE # (if applicable)
 2009 0722

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY: **Reclamation Dist No. 17** DATE: **7/10/09**
 COUNTY/STATE AGENCY OF FILING: **San Joaquin County** DOCUMENT NUMBER:
 PROJECT: **Phase II - RDM 100 Year Levee Seepage Project**
 PROJECT APPLICANT NAME: **Reclamation Dist No. 17** PHONE NUMBER: **(209) 465-578**
 PROJECT APPLICANT ADDRESS: **25 S Weber Ave** CITY: **Stockton** STATE: **CA** ZIP CODE: **95202**

PROJECT APPLICANT (Check appropriate box):
 Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report	\$2,768.25	\$	
<input checked="" type="checkbox"/> Negative Declaration	\$1,993.00	\$	1993.00
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only)	\$850.00	\$	
<input type="checkbox"/> Projects Subject to Certified Regulatory Programs	\$941.25	\$	
<input checked="" type="checkbox"/> County Administrative Fee	\$50.00	\$	50.00
<input type="checkbox"/> Project that is exempt from fees			
<input type="checkbox"/> Notice of Exemption			
<input type="checkbox"/> DFG No. Effect Determination (Form Attached)			
<input type="checkbox"/> Other		\$	

PAYMENT METHOD: **5997, 5998**
 Cash Credit Check Other
 TOTAL RECEIVED \$ **2043.00**

SIGNATURE: **Sheena** TITLE: **Deputy Co. Clerk**

WHITE - PROJECT APPLICANT YELLOW - DFG/ASB PINK - LEAD AGENCY GOLDEN ROD - COUNTY CLERK FG763.5a (Rev. 7/08)

San Joaquin County Recorders
 6 S. El Dorado 2nd Floor
 Stockton, Ca 95202
 Receipt: 0141173

Product	Name	Extended
CCA	Clerk Admin Fee	\$50.00
CND	Clerk Negative Declaration	\$1,993.00
Total		\$2,043.00
Tender (Check)		\$1,993.00
Check#	5997	
Paid By	reclamation dist no 17	
Tender (Check)		\$50.00
Check#	5998	

Thank You!

7/10/09 11:35 AM sheenak