



ATTACHMENT 3: MITIGATION MONITORING AND REPORTING PLAN

BAHIA RIDGE FIRE ROAD AND TRAIL IMPROVEMENT PROJECT

RUSH CREEK OPEN SPACE PRESERVE

Prepared June 18, 2021

INTRODUCTION

The following mitigation measures were approved as part of the Initial Study-Mitigated Negative Declaration for the Bahia Ridge Fire Road and Trail Improvement Project at Rush Creek Open Space Preserve. This Mitigation Monitoring and Reporting Plan documents the implementation of the approved mitigation measures listed below:

- BIO-1: Special-status and Nesting Birds
- BIO-2: Special-status and Common Bats
- BIO-3: Protect Native Trees

The MCOSD, as the CEQA Lead Agency, would be fully responsible for financing, scheduling, implementation responsibilities, and monitoring of these mitigation measures. None of the mitigation measures include requirements of other agencies.

Mitigation Measure BIO-1: Special-status and Nesting Birds Protection

MCOSD shall implement the following seasonal restrictions to protect nesting birds. If work occurs outside the nesting bird window of January 1 to July 31, surveys and avoidance measures would not be necessary for special-status and nesting birds. The broadest nesting bird window based on Table 6 would be January 01 – October 31. The project area does not include habitat for double-crested cormorant, herons, egrets, bitterns, northern spotted owls and these species would not be affected by implementation of the proposed project; therefore, the nesting bird window of January 1 – July 31 is appropriate for the proposed project.

- Surveys shall be conducted within seven days of the start of active ground-disturbing activities within the general buffers identified in Table 2: Guideline Buffers by Species or Guild. If the work area is left unattended for more than seven days following the initial surveys, additional surveys shall be completed. This timing is standard protocol based on common knowledge of avian biology. Ongoing construction monitoring of active nests shall occur to ensure no nesting activity is disturbed.
- If the biologist finds no active nesting or breeding activity, work can proceed without restrictions.
- If active raptor or owl nests or active nests of other special-status birds are identified within the buffer area guidelines included in Table 2, a qualified biologist shall determine whether construction activities may impact the active nest or disrupt reproductive behavior. If the biologist determines construction would not affect an active nest or disrupt breeding behavior, construction can proceed without restrictions. The determination of disruption shall be based on the species' sensitivity to disturbance, which can vary among species; the level of noise or construction disturbance; and the line of sight between the nest and the disturbance. If the biologist determines activities would be detrimental to the species nest, the buffer area guidelines identified in Table 2: Guideline Buffers by Species or Guild would be established until the nest has been vacated, meaning that the chicks have fledged.
- If state and/or federally listed birds are found breeding within the construction area, activities shall be halted until the chicks have fledged. If construction activities must continue and would incur take of the listed species, MCOSD would consult with the CDFW and USFWS prior to the initiation of work that would result in take. If construction activities must continue and would not incur take of the listed species, MCOSD would establish the buffer area guidelines included in Table 2: Guideline Buffers by Species or Guild, until the nest has been vacated, meaning that the chicks have fledged.

Table 2: Guideline Buffer by Species or Guild

Species/Guild	Recommended Buffer meters/feet	Nesting Season
Diurnal Raptors (i.e.: Cooper's hawk)	76 meters (250 feet)	January 01 – July 31
Owls (except northern spotted owl)	50 meters (160 feet)	January 01 – July 31
Northern Spotted Owl	402 meters (1,320 feet or ¼ mile)	February 01- July 31
Double-crested Cormorant	50 meters (160 feet)	March 01 – October 31
Herons/Egrets/Bitterns	100 meters (330 feet)	January 01 – September 30
Waterfowl (Ducks/Geese/Swans)	30 meters (100 feet)	March 01 – July 31
California black rail	213 meters (700 feet)	February 01 – August 31
Larger Passerines: Corvids (crows, jays), Thrushes	20 meters (65 feet)	March 01 – July 31
Most Songbirds	10 meters (30 feet)	March 01 – July 31
Hummingbirds	10 meters (30 feet)	January 01 – July 31
Woodpeckers	15 meters (50 feet)	March 01 – July 31
Band-tailed Pigeon (BTPI)	30 meters (100 feet)	March 01 – July 31
Pigeons/Doves (except BTPI)	20 meters (65 feet)	March 01 – July 31
Species of Special Concern (olive-sided flycatcher, grasshopper sparrow, San Pablo song sparrow)	22 meters (75 feet)	March 01 – July 31
Blackbirds (tri-colored and red-winged)	30 meters (100 feet)	March 01 – July 31
Turdidae (robins, thrushes)	20 meters (65 feet)	March 01 – July 31
Killdeer	22 meters (75 feet)	March 01 – July 31

Timing: Before construction

Party Responsible for Implementation: Qualified Biologist

Party Responsible for Monitoring: MCOSD Principal Resources Planner or as delegated

Compliance Dates:

Signature:

Notes:

Mitigation Measure BIO-2: Special-status and Common Bats Protection

The MCOSD shall ensure that the following protection measures for special-status and common bat species are implemented during project activities:

- For all trees previously identified as active (non-maternity) roost sites (during project surveys) and subject to pruning or removal, trees shall be taken down in a two-step process – limb removal on day one shall (at the discretion of a qualified biologist) be followed by whole removal on day two. This approach will allow bats an opportunity to move out of the area prior to completing removal of the trees.
- If work is postponed or interrupted for more than two weeks from the date of the initial bat survey, the preconstruction survey shall be repeated.
- Construction shall be limited to daylight hours to avoid interference with the foraging abilities of bats.

Timing: Before construction

Party Responsible for Implementation: Qualified Biologist

Party Responsible for Monitoring: MCOSD Principal Resources Planner or as delegated

Compliance Dates:

Signature:

Notes:

Mitigation Measure BIO-3: Protect Native Trees

MCOSD shall ensure that the following measures are implemented during project activities to protect native trees:

- Minimize pruning. Light pruning may occur at any time of year. Heavy pruning may cause problems due to vigorous sprouting and subsequent witches broom or powdery mildew diseases. Heavy pruning shall be done on deciduous trees in the winter.
- Minimize impacts within the Root Protection Zone (RPZ), which is defined as 1.5 times the dripline radius measured from the tree trunk and extends approximately three feet below the soil surface.
 - Changes in drainage within protected tree perimeters shall be avoided to the extent feasible.
 - Soil compaction within protected tree perimeters shall be avoided to the extent feasible.
 - Heavy equipment, vehicles, and/or construction materials shall not be parked or stored beneath trees or operated within the delineated protected perimeter.

Timing: During construction and maintenance

Party Responsible for Implementation: Construction Manager

Party Responsible for Monitoring: MCOSD Principal Resources Planner or as delegated

Compliance Dates:

Signature:

Notes: