

Protected Species Plan

Devil's Gate Sediment Removal and Management Project

Los Angeles County, California

Submitted to:

County of Los Angeles
Flood Control District
900 South Fremont Avenue
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Submitted by:

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1.0 INTRODUCTION

This document has been prepared in accordance with Conditions 2.10, 2.45, and 4.10 in the California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement (SAA) that was issued for the Devil’s Gate Sediment Removal and Management Project (Project) on March 21, 2017. The purpose of this document is to provide The County of Los Angeles Flood Control District (LACFCD) with the guidance necessary to protect the 14 protected species listed in the SAA. According to the SAA, protected species are defined as “a species fully protected under state law; a species listed under the California Endangered Species Act (Fish and Game Code § 2050 et seq.) and/or Endangered Species Act (16 U.S.C. § 1531 et seq.); a species identified by CDFW as a species of special concern; or any other species for which take is prohibited under state or federal law” (page 10). The 14 species found in the SAA that are also addressed in this document are found in Table 1.

Table 1. Protected Species in SAA

Common Name	Scientific Name	Special-Status Designation*
Slender-horned spineflower	<i>Dodecahema leptoceras</i>	Fed: END CA: END
Two-striped garter snake	<i>Thamnophis hammondi</i>	Fed: none CA: SSC
Coast range newt	<i>Taricha tarosa tarosa</i>	Fed: none CA: SSC
Western pond turtle	<i>Actinemys marmorata</i>	Fed: none CA: SSC
Burrowing owl	<i>Athene cunicularia</i>	Fed: none CA: SSC
Yellow warbler	<i>Dendroica petechia</i>	Fed: none CA: SSC
Pallid bat	<i>Antrozous pallidus</i>	Fed: none CA: SSC
Western mastiff bat	<i>Eumops perotis californicus</i>	Fed: none CA: SSC
Western yellow bat	<i>Lasiurus xanthinus</i>	Fed: none CA: SSC
Coast patch-nosed snake	<i>Salvadora hexalepis</i>	Fed: none CA: SSC
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	Fed: END CA: END
Least Bell’s vireo	<i>Vireo bellii pusillus</i>	Fed: END CA: END
Yellow breasted chat	<i>Icteria virens</i>	Fed: none CA: SSC
Loggerhead shrike	<i>Lanius ludovicianus</i>	Fed: none CA: SSC

* END – endangered; SSC – Species of Special Concern

Two other guiding documents that have been prepared for the Project that outline protection measures for some of the special-status species in Table 1 are an Incidental Take Permit (ITP) from CDFW and the Mitigation Measures presented in the Environmental Impact Report (EIR). The relevant protection measures from those documents are also included in this plan.

1.1 Designated Biologists

Prior to the start of project activities, Designated Biologists (DBs) shall be identified and the DBs' names, qualifications, business address, contact information, and proposed disciplines/species for which they are proposed to provide monitoring shall be submitted to CDFW for review and approval, in accordance with Condition 1.8 of the SAA. The DBs will be responsible for conducting pre-construction surveys, monitoring project activities, will have authority to report noncompliance issues observed with the project, and will have the ability to recommend reasonable measures to avoid or minimize impacts to fish and wildlife resources in accordance with SAA Condition 1.9. For monitoring purposes consistent with the conditions outlined in the ITP pertaining to least Bell's vireo, the DB must be a trained ornithologist with at least 40 hours of supervised experience surveying for and mapping locations of the species (ITP Condition 5.2.1).

The DB shall be present daily during initial ground- or vegetation-disturbing activities and/or when protected species may be present to ensure no unauthorized impacts occur to the protected species (SAA Condition 2.10; SAA Condition 2.14; ITP Condition 6.6; EIR Mitigation Measure BIO-1). The DB will have the following responsibilities:

- Report any dead or injured protected species found along roads or in project areas to CDFW within 48 hours (SAA Condition 2.10b)
- Submit a California Native Species Field Survey Form and survey map to the Natural Diversity Database within 5 working days of sightings of protected species (SAA Condition 2.10d)
- Verify pregnant female bats or young in non-volant stage are not present in trees and/or structures determined to be maternity roosts, prior to removal of roost (SAA Condition 2.14a)
- Conduct a pre-construction reconnaissance survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula, roosting, or nursery colony habitat for bats (SAA Condition 2.14g)
- Help minimize and fully mitigate or avoid the incidental take of the individual Covered Species identified in the ITP (least Bell's vireo) and to minimize disturbance of Covered Species' habitat (ITP Condition 5.2)
- Be present as necessary to maintain the implemented protection measures and monitor for additional species in harm's way. Protection measures may include identifying areas that may require exclusionary devices (e.g., fencing), or capturing and relocating wildlife outside the work area (EIR Mitigation Measure BIO-1).
- Be responsible for monitoring at specifically designated locations and conducting other project activities, including, but not limited to, pre-construction surveys (EIR Mitigation Measure BIO-1).

2.0 General Protection Measures

The Mitigation Measures presented in the EIR and the Measures to Protect Fish and Wildlife Resources presented in the SAA provide guidelines that shall be followed prior to and during activities to provide adequate protection to the protected species listed in the SAA (Table 1). Table 2 lists the relevant measures from the SAA, ITP, and EIR as well as the protected species for which they are applicable.

Table 2. General Protection Measures

Document	Measure	Protected Species Covered
Temporal		
SAA	2.1 Work Period. Initial Vegetation Removal work within the Initial Sediment Removal Area shall be confined to the period starting September 15 to February 1, in the year(s) of 2017 to 2019, unless otherwise requested by Permittee and approved by CDFW in writing. Excavation shall be confined to April 15 to December 31 Monday through Friday from 0700 to 1800 hours Standard Time (1900 hours during Daylight Savings Time), and on Saturday between 0800 to 1700 hours during Standard and Daylight Savings Time.	Burrowing owl, yellow warbler, southwestern willow flycatcher, least Bell's vireo, yellow-breasted chat, loggerhead shrike, pallid bat, western mastiff bat, western yellow bat.
SAA	2.12 Initial Vegetation Removal Seasonal Restrictions. The Permittee shall not conduct Initial Vegetation Removal within areas regulated by this Agreement from February 1st to September 15 to avoid impacts to bird nesting season. Permittee may conduct ground disturbing activities including Excavation and on-site habitat restoration between February 1st to September 15th.	Burrowing owl, yellow warbler, southwestern willow flycatcher, least Bell's vireo, yellow-breasted chat, loggerhead shrike
SAA	2.16 Project Lighting. Permittee's work activities shall be limited to daylight hours. If lighting is required to complete project activities or to illuminate equipment storage/staging areas at night, the lighting shall not illuminate adjacent Suitable Habitat. Light fixtures near streams shall incorporate shields to direct light away from Suitable Habitat.	Pallid bat, western mastiff bat, western yellow bat.
Monitoring and Best Management Practices (BMPs)		
SAA	2.4 Leave Wildlife Unharmd. If any Protected Species are encountered and do not passively relocate, the Permittee shall contact CDFW immediately or proceed as described in Incidental Take Permits or Protected Species Plan that may authorize impacts or relocation. To greatest extent practicable, if any non-protected wildlife is encountered during the course of project, said wildlife shall be allowed to leave the construction area unharmed including relocation by a Designated Biologist.	All Protected Species
ITP	5.7 Trash Abatement. Permittee shall initiate a trash abatement program concurrently with Covered Activities. Trash abatement program shall continue for the duration of the Covered Activities. Permittee shall install and use fully covered trash receptacles with secure lids (wildlife proof) to contain all food, food scraps, food wrappers, beverage and other miscellaneous trash. During Initial Sediment Removal phase, trash containers shall be emptied daily and excess containers removed from the project site when Initial Sediment Removal is complete. During other phases of the Project trash abatement shall be conducted periodically and where necessary based on Compliance monitoring (see Condition 6.6).	All Protected Species
ITP	5.8 Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed.	All Protected Species
ITP	5.9 Erosion Control Measures. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control	All Protected Species

Document	Measure	Protected Species Covered
	matting) or similar material, in potential Covered Species' habitat.	
ITP	5.10 Demarcate Work Boundary. Before starting the Covered Activities, the Permittee or assignee, in consultation with the Designated Biologist, shall demarcate the outer perimeter of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags in place during all periods of Covered Activities. All persons employed or otherwise working on the project site shall be instructed about the restrictions that the marking represents for Covered Activities in that area.	All Protected Species
ITP	5.11 Delineation of Covered Species Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	All Protected Species
ITP	5.12. Project Access. Project-related personnel shall access the Project Area using existing routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	All Protected Species
ITP	7.4.1 Use of Existing Access Roads. Permittee shall ensure all Routine Maintenance activities use existing access routes and turnarounds.	All Protected Species
ITP	7.4.2 Vehicle Speed Limits. During Routine Maintenance activities that follow initial construction, all personnel working at the site shall obey speed limits and shall have participated in the education program.	All Protected Species
ITP	7.4.5 Herbicide Use. Permittee shall ensure that all herbicide use (mixing, application and clean-up) conforms to all applicable federal, State, and local regulations...Great care shall be taken to avoid contact with any native vegetation, and it shall only be applied on calm days (wind less than 5 miles per hour) to prevent airborne transfer of herbicide. No herbicide shall be used where Covered Species would be directly exposed to wetted spray.	All Protected Species
Additional BMPs (General)	The Designated Biologist should ensure the following Best Management Practices (BMPs) are followed: <ul style="list-style-type: none"> • Work shall remain within demarcated boundaries. • Restricted access to work site. • Covering/fencing of trenches and other excavations. • Use and daily emptying of wildlife proof trash receptacles. • New fencing and structures shall allow free movement of wildlife. 	All Protected Species
Additional BMPs	The Designated Biologist should ensure the following BMPs are followed: <ul style="list-style-type: none"> • Stockpiled vegetation shall remain outside of low flow channels in upland areas. 	Two-striped garter snake, coast range newt, western pond turtle

Document	Measure	Protected Species Covered
(Aquatic)	<ul style="list-style-type: none"> • Surface water diversion around work areas, allowing continuous flow. • CDFW approval of temporary dams. • Staging/storage areas outside of low-flow channels. • No cement and concrete poured within 150 feet of stream during rainy season. Pouring of concrete only within a 7-day window of clear skies. • No equipment maintenance near water. • All equipment entering streambed or riparian habitat shall be clean and dry. • No excavation work during rainfall event of > ¼ -inch per 24 hours, including 24 hour dry-out period. • No discharge of silty/turbid water. • Sufficient water allowed to bypass dam to maintain aquatic life below, except when dam operation is necessary to prevent flooding. 	
Worker and Public Education		
EIR	MM BIO – 2: Within 90 days prior to ground-disturbing activities, a sensitive species educational briefing shall be conducted by a qualified biologist for construction personnel. The biologist will identify all sensitive resources that may be encountered onsite, and construction personnel will be instructed to avoid and report any sightings of sensitive species to LACFCD or the monitoring biologist. Educational briefings shall be repeated annually for the duration of the sediment removal.	All Protected Species
ITP	5.4 Worker Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area prior to performing any work on site. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for the long-term and/or permanent employees that will be conducting work in the Project Area.	All Protected Species
SAA	2.15 Educational Program. Permittee shall conduct an Education Program for all persons employed or otherwise working on the Initial Sediment Removal prior to performing any work on site. The program shall consist of a presentation from a Designated Biologist that includes a discussion of the biology of the habitats and species identified in the SAA, including invasive species, and present at this site. The Designated Biologist shall also include as part of the education program information about the distribution and habitat needs of any Protected Species that may be present, legal	All Protected Species

Document	Measure	Protected Species Covered
	<p>protections for those species, penalties for violations and project-specific protective measures included in this Agreement. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing work on site. The Permittee shall prepare and distribute wallet sized cards or a fact sheet that contains this information for workers to carry on site. Upon completion of the education program, employees shall sign a form stating they attended the program and understand all protection measures. These forms shall be filed at the worksite offices and be available to CDFW upon request. The Education Program shall be repeated annually for part of the project extending more than one (1) year. Copies of program materials shall be maintained at the project site for workers to reference as needed.</p>	
ITP	<p>5.5 Public Education Program. Permittee shall conduct public outreach and education prior to, during, and after Covered Activities to inform the public about trail closures and the purpose of benefitting sensitive habitats and Covered Species.</p>	All Protected Species
Pre-Construction Activities		
EIR	<p>MM BIO – 3: Within 90 days prior to ground-disturbing activities, a pre-construction survey shall be conducted by a qualified biologist for the presence of any sensitive species in harm's way, including coast range newt, the western pond turtle, and the two-striped garter snake. If sensitive species are observed in harm's way, the qualified biologist will develop and implement appropriate protection measures for that species. These protection measures shall include, as appropriate: redirecting the species, constructing exclusionary devices (e.g., fencing), or capturing and relocating wildlife outside the work area. Pre-construction surveys shall be repeated annually for the duration of the sediment removal. Observations of special status species made during these surveys shall be recorded onto a CNDDDB field data sheet and submitted to CDFW for inclusion into the CNDDDB.</p>	All Protected Species
EIR	<p>MM BIO – 4: LACFCD, in consultation with a qualified biologist, will employ bird exclusionary measures (e.g., mylar flagging) prior to the start of bird breeding season to prevent birds nesting within established boundaries of the project. Prior to commencement of sediment removal activities within bird breeding season (March 1-August 31), a pre-construction bird nesting survey shall be conducted by a qualified biologist for the presence of any nesting bird within 300 feet of the construction work area. The surveys shall be conducted 30 days prior to the disturbance of suitable nesting habitat by a qualified biologist with experience in conducting nesting bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. Pre-construction surveys shall be repeated annually for the duration of the sediment removal. If an active nest is found, the qualified biologist will develop and implement appropriate protection measures for that nest. These protection measures shall include, as appropriate, construction of exclusionary devices (e.g., netting) or avoidance buffers. The biologist shall have the discretion to adjust the buffer area as appropriate based on the proposed construction activity, the bird species involved, and the status of the nest and nesting activity; but shall be no less than 30 feet. Work in the buffer area can resume once the nest is determined to be inactive by the monitoring biologist.</p>	Burrowing owl, yellow warbler, southwestern willow flycatcher, least Bell's vireo, yellow-breasted chat, loggerhead shrike

Document	Measure	Protected Species Covered
ITP	7.2. Vegetation Clearing. The Permittee and Designated Biologist(s) shall ensure that Vegetation Removal (initial, routine, and episodic) in Covered Species suitable habitat are conducted outside of the Covered Species breeding season (March 1 to September 15). One week prior to vegetation removal outside the Covered Species breeding season, a minimum of three (3) surveys shall be conducted on separate days with last survey completed no more than one (1) day prior to proposed vegetation removal. Surveys shall be conducted to determine Covered Species status within 300 feet of Project Area. If Covered Species observations result in no observations of nest building, completed nest(s), egg laying, incubation, hatchlings, fledglings, or attempted territory establishment activities, then work may commence.	All Protected Species
SAA	2.3 General Pre-construction Survey. Prior to Project Start a Designated Biologist shall conduct a pre-construction survey no more than three (3) days and no less than one (1) day before proposed activities for the presence of fish, wildlife, or plants within the Initial Sediment Removal Area and adjacent areas with accessible Suitable Habitat and establish protective measures in accordance with other conditions of the Agreement hereunder.	All Protected Species
SAA	2.13 Nesting Bird Avoidance and Impact Minimization. The Permittee shall not take or destroy nests (or eggs) of birds that are designated under Federal and California State laws, MBTA and FGC Section 3503, 3503.5, 3505, 3513. The Permittee in consultation with Designated Biologist shall employ bird exclusionary devices prior to February 1st and maintain through September 15th. If Excavation, on-site habitat restoration, or other ground disturbing activities must occur from February 1st through September 15th, the Designated Biologist shall begin bird nesting surveys 30 days prior to the direct or indirect disturbance of Suitable Nesting Habitat and continue the surveys on a weekly basis, with the last survey being conducted no more than three (3) days prior to the proposed ground disturbance. If Excavation, on-site habitat restoration, or other ground disturbing activities must occur from February 1st to September 15th, Permittee shall implement a Nesting Bird Management Plan (see condition 4.9) to facilitate avoidance and minimization of impacts to nesting birds. The Nesting Bird Management Plan shall be submitted to CDFW for review and comment no less than 30 days before the start of Excavation, on-site habitat restoration, or other ground disturbing activities within the breeding season.	Burrowing owl, yellow warbler, southwestern willow flycatcher, least Bell's vireo, yellow-breasted chat, loggerhead shrike
Routine Annual and Episodic Maintenance Activities		
SAA	2.46 Nesting Birds. a. To avoid impacts to nesting birds, no vegetation management shall occur during February 1st through September 15th, the "restricted work period." Other Routine Annual and Episodic Maintenance authorized activities should not take place within areas regulated by [the SAA] within the "restricted work period." b. If avoidance of the restricted work period is not feasible, vegetation management and other authorized activities may occur between February 1st through September 15th if a Designated Biologist, approved by CDFW pursuant to Condition 1.8, conducts focused surveys for active nests within seven (7) days of the proposed activity, the final survey no more than 48 hours prior to work in	Burrowing owl, yellow warbler, southwestern willow flycatcher, least Bell's vireo, yellow-breasted chat, loggerhead shrike

Document	Measure	Protected Species Covered
	<p>the area. The study area shall extend into Suitable Habitat adjacent to construction limits.</p> <p>c. The results of the survey shall be retained by the Permittee prior to any project activities in the form of a written report and shall include the following information: i) dates of survey; ii) total field time of survey efforts; iii) map of survey routes, names of investigators; and iv) location of any active nests that were found.</p> <p>d. If the survey identifies an active nest, a buffer shall be established between the construction activities and the active nest so that nesting activities are not interrupted. The buffer shall be delineated by temporary fencing if site conditions allow and does not create additional disturbance and shall be in effect throughout construction or until the nest is no longer active.</p> <p>e. The buffer shall be a minimum of 300 feet (500 feet for raptors) of a non-CESA/ESA listed nesting migratory bird nest. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.</p> <p>f. Absent a 300/500 foot no impact buffer, the Permittee shall prepare and submit to CDFW a Nesting Bird Management Plan that includes survey results and establishes the necessary buffers to avoid take of nests as defined in FGC 3503 and 3503.5, see Condition 4.9.</p> <p>g. The Nesting Bird Management Plan design shall be based upon site conditions, project activities, and species present or likely to be present during all construction activities. The buffer(s) shall be determined based upon the life history of the individual species, species sensitivity to noise, vibration and general disturbance, current site conditions (screening vegetation, terrain, etc.), ambient levels of human activity, the various project-related activities necessary to construct the project, and other features.</p> <p>h. Permittee, or any person acting on behalf of Permittee, is not relieved from complying with FGC sections 3503 (bird nests and eggs) and 3503.5 (birds of prey).</p>	
SAA	<p>2.48 Leave Wildlife Unharmd. If any Protected Species (see Condition 2.43) are encountered and do not passively relocate, the Permittee shall contact CDFW immediately or proceed as described in Incidental Take Permits or Protected Species Plan that may authorize impacts or relocation (see Condition 2.45a). To greatest extent practicable, if any nonprotected wildlife is encountered during the course of project (as defined in Project Description), said wildlife shall be allowed to leave the construction area unharmed including relocation by a Designated Biologist.</p> <p>a. Minimization of Stranding During Reservoir Draining. Once Permanent Maintenance Program is initiated (i.e. all Initial Sediment Removal is completed), and at the end of the storm season (October 1- April 15), any pool of surface water behind the dam should be released downstream at a rate such that the water elevation within the reservoir should be gradually reduced over a 30-45 day period, if feasible. This requirement shall not apply during periods when Dam operation is necessary to regulate flows to prevent downstream flooding.</p>	

3.0 Species-Specific Protection Measures

This section identifies the protection measures in the SAA and ITP that are specific to least Bell's vireo and bat species.

Least Bell's Vireo

The following measures have been derived from the Conditions in the SAA and the ITP to avoid and/or minimize impacts to least Bell's vireo:

- Protocol presence/absence surveys shall be conducted within the previous 12-month period before Initial Sediment Removal. The results of these surveys shall be provided to CDFW, along with copies of all field notes, within 30 days of completion. (ITP Condition 6.1)
 - In accordance with ITP Condition 6.6, the Designated Biologist shall be on site daily when Covered Activities occur and when least Bell's vireo are present (spring and summer months), and weekly when the species has potential to be present (late winter and early fall months). Compliance inspections shall be conducted to minimize incidental take and prevent unlawful take of the species, document compliance with project permits, ensure that fencing and signs are intact, and to ensure that Covered Activities are only occurring within designated areas. Written documentation shall be maintained on oversight activities, compliance inspections, observations of least Bell's vireo, survey results and monitoring activities.
- If a least Bell's vireo is injured as a result of project-related activities, then the individual shall be taken immediately to a CDFW-approved wildlife rehabilitation or veterinary facility in accordance with ITP Condition 7.1.
- Vegetation clearing shall be conducted outside of the breeding season (March 1 to September 15). One week prior to the start of vegetation removal activities, three surveys shall be conducted on separate dates with the last survey being conducted no more than one day prior to the vegetation removal activities in accordance with ITP Condition 7.2
- Covered Activities are restricted during the breeding season within 500 feet of suitable least Bell's vireo habitat. Restricted activities are outlined in ITP Condition 7.3 and include:
 - No initial vegetation clearing activities during the breeding season (ITP Condition 7.3.1).
 - Pre-construction surveys beginning 30 days prior to the start of Covered Activities and continue on a weekly basis with one survey conducted no more than three days prior to start of activities within the breeding season (ITP Condition 7.3.2).
 - All least Bell's vireo occurrences, active nests, and territories shall be mapped and documented by the Designated Biologist (ITP Condition 7.3.3).
 - Weekly focused surveys in suitable least Bell's vireo habitat within 500 feet of Covered Activities shall be conducted during the breeding season to determine presence (ITP Condition 7.3.4).

- Establishing a 300-foot buffer around active least Bell's vireo nests (ITP Condition 7.3.5).
- Clearly demarcate and identify to workers the work area boundaries so vegetation removal does not occur outside of approved work areas (ITP Condition 7.3.6).
- The Designated Biologist shall ensure that the disturbance and removal of vegetation does not occur outside the approved work areas (ITP Condition 7.3.7).
- Pre-construction surveys shall be conducted no more than 7 days prior to initiating Routine Maintenance activities between March 1 and September 15 in accordance with ITP Condition 7.4.3.
- A 300-foot buffer shall be implemented from active least Bell's vireo nests (ITP Condition 7.4.4).

Bats (Pallid Bat, Western Mastiff Bat, Western Yellow Bat)

The measures below have been derived from the Mitigation Measures presented in EIR Mitigation Measure BIO-5 and SAA Condition 2.14 to avoid the direct loss of bats that could result from removal of trees and/or structures that may provide day or night roost habitat (e.g., in tree cavities or under loose bark). It should be noted that there are no bridge structures capable of supporting roosting bats within or adjacent to the work areas.

- No less than 30 days prior to commencement of vegetation or structure removal activities, a pre-construction bat survey shall be conducted by the Designated Biologist for the presence of any roosting bats. Acoustic recognition technology shall be used if feasible and appropriate. If trees and/or structures proposed for disturbance are determined to provide hibernacula, roosting, or nursery colony habitat for bats, the Designated Biologist will develop and implement appropriate protection measures for that maternity roost or hibernacula. These protection measures shall include, as appropriate: safely evicting non-breeding bat hibernacula, establishment of avoidance buffers, or replacement of roosts at a suitable location. These measures shall also include as appropriate:
 - To the extent feasible, trees that have been identified as roosting sites shall be removed or relocated between October 1 and February 28.
 - When trees must be removed during the maternity roost season (March 1 to September 30), the Designated Biologist (bat specialist) shall conduct a pre-construction survey to identify those trees proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats.
 - Trees and/or structures determined to be maternity roosts shall be left in place until the end of maternity season or until the Designated Biologist verifies no pregnant females and young in non-volant stage are present.
 - Trees identified as having day-roosting habitat shall be inspected by the Designated Biologist no greater than 7 days prior to tree disturbance to determine presence or absence of roosting bats. If bats are not detected in a tree, but the Designated Biologist determined that roosting bats may still be present at any time of year, trees shall be removed as follows:

- Slowly push the tree down with heavy machinery under operators control instead of felling the tree with a chainsaw
 - In order to ensure the optimum warning for any roosting bats that may still be present, first push the tree lightly 2 to 3 times with a pause of 30 seconds in between each nudge to allow bats to become active, then push the tree to the ground slowly
 - Trees that are observed to have bat roosts shall not be sawed up or mulched immediately. A period of at least 24 hours, and preferably 48 hours at discretion of Designated Biologist and/or CDFW, shall elapse prior to such operations to allow bats to escape.
 - The Designated bat biologist shall document all pre-construction reconnaissance survey activities and prepare a summary report including a map of confirmed locations of bat roosts to CDFW upon completion of pre-construction reconnaissance survey. The Designated bat biologist shall document all bat survey, monitoring, and protection measure activities and prepare a summary report for LACFCD.
- In addition to the measures specific to vegetation or structure removal activities, the following measures shall be implemented during project activities regardless of time of year:
 - To minimize disturbance to night roosts the Permittee shall not allow tree removal activities or conduct work activities within 100 feet of bridges between 0700 hours and 1800 hours Standard Time (1900 hours during Daylight Savings Time) at any time of the year work is conducted.
 - Bird exclusion netting shall not be used on underside of bridges, unless agreed to in writing (email, letter, fax) by CDFW.
 - Lights shall not be used under bridges.
 - Combustion equipment, such as generators, pumps, and vehicles, shall not be parked or operated under bridges.
 - Personnel shall not be present under bridges from ½ hour before sunset to ½ hour after sunrise.

4.0 Reporting

Reporting requirements identified in the SAA, ITP, and the Mitigation Measures in the EIR are described below.

Survey Reporting

- Prepare brief memos documenting results of pre-construction and weekly surveys outlined in SAA Conditions 2.3, 2.10, 2.13, and 2.45; ITP Conditions 7.3.2 and 7.3.4; and EIR Mitigation Measures BIO-3 and BIO-4. Results of the surveys and field notes shall be included in each memo prepared.
- In accordance with SAA Condition 2.46, a pre-construction nesting bird survey report shall be prepared prior to any Routine Annual or Episodic Maintenance activities. The

- Report shall include the dates of survey, total field time of survey efforts, map of survey routes, names of surveyors, and location of any active nests that were found.
- Prepare a report in accordance with ITP Condition 7.4.3 documenting the results of least Bell's vireo pre-construction surveys conducted between March 1 and September 15. The report shall be submitted to CDFW within 30 days of the survey(s) and included in the Annual Status Reports discussed in ITP Condition 6.8.
 - The Designated bat biologist shall document all pre-construction reconnaissance survey activities and prepare a summary report including a map of confirmed locations of bat roosts to CDFW upon completion of pre-construction reconnaissance survey in accordance with SAA Condition 2.14 and EIR Mitigation Measure BIO-5. The Designated bat biologist shall document all bat survey, monitoring, and protection measure activities and prepare a summary report for LACFCD.

CNDDDB Reporting

- In accordance with SAA Conditions 2.10d and 2.47, ITP Condition 6.9, and EIR Mitigation Measure BIO-3, observations of special-status species and least Bell's vireo will need to be submitted to the CNDDDB within 60 days of observation.

Compliance Reporting

- No less than five (5) days prior to the start of Covered Activities, notification to CDFW shall be made documenting compliance with all pre-Project Conditions of Approval in the ITP and SAA in accordance with ITP Condition 6.2 and SAA Condition 1.6.
- Prepare a Quarterly Compliance Report documenting compliance with project permits during the Initial Sediment Removal and Habitat Restoration Activities in accordance with the guidelines in ITP Condition 6.7.
- Prepare an Annual Status Report, due by July 31 of each year, documenting activities occurring within the previous 12 months. Annual reports are to be prepared during the life of the ITP and in accordance with the guidelines in ITP Condition 6.8.
- Notification of anticipated or actual non-compliance with the Conditions of Approval in the ITP shall be made to CDFW within 24 hours in accordance with ITP Condition 6.3.

Take or Injury Reporting

- In accordance with SAA Conditions 2.10 and 2.44, any dead or injured protected species shall be reported to CDFW within 48 hours. The report shall include the location, cause of death, species found, and any other relevant information.
- In accordance with ITP Condition 6.11, CDFW shall be notified if a least Bell's vireo individual has been taken or injured by a project-related. A report shall be prepared and submitted to CDFW within two calendar days that includes the date and time of the finding or incident, location of the animal or carcass, a photograph (if possible), an explanation as to cause of take or injury, and any other pertinent information.