ATTACHMENT A

PROPOSED AMENDED MITIGATION MEASURES ~~AS ADOPTED~~

Mitigation Measure 3.2-1: Prior to commencement of initial grading activities for any individual development project in the Specific Plan area, the project applicant shall retain a qualified biologist to conduct pre-construction surveys for the presence of CTS and suitable habitat for CTS. The surveys, assessments, and genetic testing that has already been performed, in addition to any additional survey needs, will be reported to the City's Community Development Director.

If these surveys, assessments, and genetic testing indicate the presence of suitable CTS habitat, impacts to this habitat shall be mitigated in a manner that results in no net loss of habitat value and functions (though not necessarily acreage), as determined by the Community Development Director with input from the applicant's qualified biologist and any other knowledgeable individual whose advice the Community Development Director seeks. This performance standard can be achieved through a combination of conservation, enhancement, restoration, or re-creation of habitat, either on-site, off-site, or a combination of both, or through the purchase of mitigation credits at a USFWS and/or CDFW approved conservation bank, and must be satisfied prior to any grading within the impacted portion of the property. One means of achieving this "no net loss" performance standard is to demonstrate to the Community Development Director that a sufficient mitigation program has already been required by an approved incidental take authorization issued by the USFWS pursuant to the Endangered Species Act and/or by the CDFW pursuant to the California Endangered Species Act.

.

Mitigation Measure 3.2-2: The following actions shall be taken to minimize or avoid any adverse effects on suitable CTS habitat that may be identified through pre-construction surveys required by Mitigation Measure 3.2-1: 1) conducting environmental education training for all construction personnel, 2) having a biologist with an incidental take permit (ITP) for CTS to be responsible for overseeing any hand excavation of burrows using hand-trowels and spades per the regulatory agency protocols, 3) erecting drift fencing around the work areas if occurring during the migration/breeding season, 4) inspection of drift fencing by biologist with an ITP every 72 hours during the migration/breeding season 5) installation of pit traps to capture CTS migrating during

the rain events with a check twice daily (morning prior to construction start and evening after construction ends), 6) relocation of any CTS found immediately to a site designated by the USFWS and CDFW per protocol; and 7) post construction report. Any disturbance/decommissioning of the basin that is a known breeding site, shall be performed under the direction of the USFWS and/or CDFW. The decommissioning of this basin shall be performed during the non-breeding season.

Mitigation Measure 3.2-3: Prior to commencement of initial grading activities for any individual development project in the Specific Plan area, the project applicantshall retain a qualified biologistto conduct pre-construction surveys for the presence of CRLF and suitable habitat for CRLF. The project applicant's qualified biologist shall report its conclusions to the City's Community Development Director. If these surveys indicate the presence of suitable CRLF habitat, impacts to this habitat shall be mitigated in a manner that results in no net loss of habitat values and functions (though not necessarily acreage), as determined by the Community Development Director with input from the applicant's qualified biologist and any other knowledgeable individual whose advice the Community Development Director seeks. This performance standard can be achieved through a combination of conservation, enhancement, restoration, or re-creation of habitat, either on-site, off-site, or a combination of both, or through the purchase of mitigation credits at a USFWS-approved conservation bank, and must be satisfied prior to any grading within the impacted portion of the property. One means of achieving this "no net loss" performance standard is to demonstrate to the Community Development Director that a sufficient mitigation program has already been required by an approved incidental take authorization issued by the USFWS pursuant to the Endangered Species act. **Mitigation Measure 3.2-4**: The following actions shall be taken to minimize or avoid any adverse effects on suitable CRLF habitat that may be identified through the pre-construction surveys required by Mitigation Measure 3.2-3: 1) conducting environmental education training for all construction personnel, 2) having a biologist with a scientific collecting permit for CRLF to be responsible for overseeing any hand excavation of burrows using hand-trowels and spades per the regulatory agency protocols, 3) erecting drift fencing around the work areas if occurring during the migration/breeding season, 4) inspection of drift fencing by biologist with a scientific collecting permit every 72 hours during the migration/breeding season 5) installation of pit traps to capture CRLF migrating during the rain events with a check twice daily (morning prior to construction start and evening after construction ends), 6) relocation of any CRLF found immediately

to a site designated by the USFWS and CDFW per protocol; and 7) post construction report.

Mitigation Measure 3.2-5: Prior to issuance of grading and/or building permits, in order to avoid and minimize impacts to WPT to the extent feasible, the proposed project activities shall be compliant with the following Avoidance and Minimization Measures: 1) conduct environmental education training for all construction personnel, 2) conduct western pond turtle surveys within creek corridors, ponded/basin areas, and irrigation ditches by a qualified biologist, 3) survey upland areas within 0.5 miles of the aquatic features for evidence of nests as well as individual turtles, 4) make a reasonable effort to capture and relocate as many western pond turtles as possible to minimize take, 5) if a nest is observed, move eggs to a suitable location or facility for incubation, and release hatchlings into the creek corridor the following autumn, 6) design habitat elements within the creek corridor to benefit western pond turtle (i.e. include logs or rafts for emergent basking sites, and upland areas adjacent to ponds in a relatively open condition), and 7) post construction report. All survey and/or handling of WPT shall be performed by a qualified biologist who shall report its conclusions to the City's Community Development Director.

Mitigation Measure 3.2-6: Building and grading permits and plans issued for development in the project area shall note the following: If construction activities occur during the avian breeding season (February 1 – September 15) then the project proponent shall conduct pre-construction surveys to prevent impacts to special status nesting birds protected by the federal and state ESA, MBTA, and CFGC. No more than 15 days prior to the start of construction a bird survey shall be conducted by a qualified biologist to identify any active nests within the Specific Plan Area, and shall be submitted to the City's Community Development Director. If construction stops for a period of 15 days or more during the avian breeding season than an additional bird survey shall be conducted. The qualified biologist will conduct a survey in the Specific Plan Area for all special-status birds protected by the federal and state ESA, MBTA and CFGC. The biologist shall map all nests that are within, and visible from, the Specific Plan Area. If nests are identified, the biologist shall map the location and establish a minimum 300-foot buffer zone around active special-status nests. Construction activity shall be prohibited within the buffer zones until the young have fledged. Active special-status nests shall be monitored at least

twice per week during the nesting season and a report submitted to the City's Community Development Director monthly.

Mitigation Measure 3.2-7: Grading and/or building permits and plans issued for development in the project area shall note the following:

- Monterey Dusky-Footed Woodrat: Any vegetation/ground disturbance to Gabilan Creek associated with the crossings or restoration should be conducted when woodrats are least likely to breed in October through November. No more than 30 days prior to construction within 50-feet of Gabilan Creek, a qualified biologist shall conduct a preconstruction survey for Monterey dusky-footed woodrat middens. At the discretion of a qualified biologist, an exclusion buffer shall be established around any woodrat middens that can be avoided, and these exclusion zones shall be fenced as Environmentally Sensitive Areas to protect the nest. If a woodrat midden cannot be avoided, potential dismantling and relocation strategies shall be developed and presented to the City's Community Development Director by a qualified biologist for review and/or approval. Potential dismantling and relocation strategies may include hiring a qualified biologist to dismantle the middens by hand for relocation within the restored/created habitat along Gabilan and Natividad Creeks, or outside of the project site as appropriate. If approved by the City, a qualified wildlife biologist may dismantle only middens within the project site that would be disturbed by construction activities. If young are encountered during dismantling of the midden, any removed material will be replaced and a 50-foot no-disturbance buffer will be established around the active midden. The buffer will remain until young are weaned and are able to disperse on their own accord (typically for a period of 14 days). Following dispersal of the young, all removed midden substrate will be collected and relocated to suitable woodland habitat outside of the project footprint. Appropriate personal protective equipment (e.g., respirator, gloves, and Tyvek suit) shall be used while dismantling and relocating woodrat nest material to protect against disease carried by rodents (e.g. hantavirus).

- Bats: Fifteen days prior to construction activities within 200 feet of potential bat roosting habitat, the project applicant shall retain a qualified biologist familiar with bat biology to perform a preconstruction survey for roosting special-status bats, which shall be submitted to the City's Community Development Director. The areas with potential bat roosting habitat include: 1) the three residential complexes located between Natividad Road and Gabilan Creek, 2) the outbuildings/structures located throughout

the Specific Plan Area, and 3) Gabilan Creek. The survey shall include a minimum of one daytime and one evening survey. The survey shall cover the trees, structures, and debris located within these complexes. If active roosting is observed, removal of the tree or building shall be avoided until the special-status bats can be excluded. All active non-maternity special-status roosting sites shall be fitted with passive exclusion devices, such as one-way flaps or doors, and all bats shall be allowed to leave voluntarily. Once it is confirmed that all special-status bats have left the roost (minimum of five days), crews shall be allowed to continue work in the area. If a special-status maternity roosting site is discovered, a minimum 50-foot buffer shall be established around the roost. The project applicant shall consult with the qualified biologist in order to determine if a greater buffer is warranted based on the bat species, roost location, and specific construction activities to be performed in the vicinity. The buffer shall stay in effect until all young are determined to be volant (i.e., able to fly and feed independently) by a qualified biologist. Once it is determined that all young are volant (generally by August 1st), passive exclusion devices shall be installed and all bats shall be allowed to leave voluntarily. Once it is determined by the qualified biologist that all special-status bats have left the roost (minimum of five days), crews shall be allowed to work within the buffer zone. Project Improvement Plans will include this measure as a note in the plans.

Mitigation Measure 3.2-8: Prior to grading/building permit issuance in an area that would disturb the Gabilan Creek, Natividad Creek (and its tributaries), the project applicant shall obtain jurisdictional determinations from the USACE, RWQCB, and CDFW for the creeks that are proposed to be disturbed. The creeks are confirmed jurisdictional and authorization for fill from the regulatory agencies (USACE-404 permit, RWQCB-Procedures for the Discharge of Dredged or Fill Material to Waters of the State and 401 certification, CDFW-1600 Streambed Alteration Agreement) will be necessary. The irrigation ditches are anticipated to be exempt. Prior to the commencement of initial grading activities for any individual development project in the Specific Plan area and in an area that would disturb the irrigation ditches, the project applicant shall retain a qualified wetland consultant to evaluate whether such ditches may be subject to the regulatory authority of either the USACE, RWQCB, or CDFW. If the qualified wetland consultant determines that any or all of these agencies are likely to have regulatory authority over these ditches, then the project applicant shall obtain a jurisdictional determination from the appropriate agencies for the ditches that are proposed to be disturbed. If it is determined that these ditches are subject to such regulatory authority

and will be impacted, then authorization for fill from the regulatory agencies for example, USACE-404 permit, RWQCB-401 certification, or-1600 Streambed Alteration Agreement) will be necessary and shall be adhered to throughout the construction phase. If such authorization is required, then ata minimum, the project applicant shall replace on a "no net loss" basis (minimum 1:1 ratio) the acreage and function of all wetlands and other waters that would be removed, lost, or degraded as a result of project implementation or operations,required by the USACE, RWQCB, and CDFW through their permitting processes. It is anticipated that the restoration of Gabilan and Natividad Creeks will result in up to 104 acres of wetland and riparian habitat creation (net of any recreational amenities and public facilities required to facilitate the project), which will serve as onsite mitigation; however, a mitigation plan must be submitted and approved by the USACE, RWQCB, and CDFW through the permitting processes conducted pursuant to Clean Water Act Sections 401 and 404, Fish and Game Code Section 1600, and State Water Board Procedures for the Discharge of Dredged or Fill Material to Waters of the State. Alternatively, if authorized pursuant to any such permitting processes, the applicant may satisfy these mitigation requirements by purchasing credits at an approved USACE, RWQCB, and/or CDFW mitigation bank, as applicable.