

**EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY**

DATE: May 10, 2012
TO: Governing Board
FROM: Conservancy Staff
SUBJECT: Agreement Amendment with the California Department of Transportation

RECOMMENDATION

AUTHORIZE staff to execute a Second Amendment to the Participating Special Entity Agreement with the California Department of Transportation for the State Route 4 Median Buffer and Shoulder Widening Project.

DISCUSSION

At the March 17, 2010 meeting, the Board authorized staff to execute a Participating Special Entity (“PSE”) Agreement with the California Department of Transportation (“Caltrans”) for take coverage of the State Route 4 Median Buffer and Shoulder Widening Project (“Project”). The Project is a safety improvement project which includes the installation of standard shoulders and a median buffer zone on State Route 4 from Marsh Creek Road to the San Joaquin County line. On June 2, 2010, the PSE Agreement was executed. Caltrans paid all mitigation fees and the contribution to recovery as required in the Agreement, and was issued a Certificate of Inclusion on December 21, 2010.

Shortly after the PSE Agreement was executed, the applicant discovered a potential conflict with avoidance measures set in the approved Planning Survey Report (“PSR”). The conflict related to avoidance and minimization measures for Swainson’s hawk, Giant garter snake and other nesting birds. To address the conflict alternative provisions were incorporated into the Wildlife Agency concurrence of the PSE Agreement. In order to solidify the alternative provisions, the PSE Agreement had to be modified by way of a First Amendment to the PSE Agreement. At the March 21, 2011 meeting the Board authorized staff to execute the First Amendment and on April 27, 2011 the Conservancy and Caltrans executed the First Amendment.

CONTINUED ON ATTACHMENT: Yes
 ACTION OF BOARD ON: May 10, 2012 APPROVED AS RECOMMENDED: _____
 OTHER _____

VOTE OF BOARD MEMBERS

___ UNANIMOUS
 AYES: _____
 NOES: _____
 ABSENT: _____
 ABSTAIN: _____

I HEARBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MEETING RECORD OF THE CONSERVANCY GOVERNING BOARD ON THE DATE SHOWN.

ATTESTED _____
*Catherine Kutsuris, SECRETARY OF THE EAST CONTRA COSTA COUNTY
 HABITAT CONSERVANCY*

BY: _____, DEPUTY

Caltrans sent a letter to the Conservancy dated March 22, 2012 requesting another amendment to the PSE Agreement in order to extend take coverage to one additional construction staging area not originally anticipated. The new staging area entails a 0.51-acre temporary impact to lands northeast and northwest of Kellogg Creek. In the original project description Caltrans anticipated the contractor would conduct all pile driving work on the roadway of the existing bridge. However, due to the load capacity of the heavy equipment and limited work space on the existing bridge the contractor requested additional staging area in order to complete this part of the Project. This new staging area will be used to store the cranes and other heavy machinery required to conduct the pile driving into Kellogg Creek for the proposed bridge extension.

The modifications in the project description require a Second Amendment to the terms of the Participating Special Entity Agreement between the Conservancy and Caltrans. The Second Amendment reflects the change in the project description, an increase in the development fees (from \$13,228.36 to \$14,404.58 - temporary impact fees only), an increase in the contribution to recovery (from \$60,000.00 to \$61,176.22), and an increase in the cap on administrative fees from the First Amendment (from \$27,000.00 to \$32,000.00). An Addendum reflecting the modifications to the original Planning Survey Report Application as a result of the Second Amendment was prepared and is attached. This Addendum 1.0 will be added to and incorporated within the PSE Agreement.

Attachments:

- **PSE Agreement Second Amendment, including:**
 - Main body of amendment
 - Addendum 1.0
 - Main body of Addendum
 - Updated Project Vicinity Maps, Impact and Land Cover Maps and Tables
 - Updated Fee Calculators

SECOND AMENDMENT

TO THE PARTICIPATING SPECIAL ENTITY AGREEMENT OF THE EAST CONTRA COSTA COUNTY HABITAT CONSERVATION PLAN/ NATURAL COMMUNITY CONSERVATION PLAN AND GRANTING TAKE AUTHORIZATION

Between

the EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY, the Implementing
Entity, and CALIFORNIA DEPARTMENT OF TRANSPORTATION,
a Participating Species Entity

RECITALS

The Participating Special Entity Agreement between the East Contra Costa County Habitat Conservancy (“Conservancy”) and California Department of Transportation (the “Participating Special Entity” or the “PSE”) was entered into June 2, 2010 (the “PSE Agreement”) and amended on April 27, 2011 by the First Amendment to the Participating Special Entity Agreement. The Participating Special Entity Agreement, as amended by the First Amendment, is referred to herein as the “PSE Agreement”.

The PSE Agreement provides, in Section 10.4, that it may be amended with the written consent of both parties.

The Conservancy and PSE wish to amend the terms of the PSE Agreement by way of this Second Amendment (the “Second Amendment”).

AMENDMENT

A. The Conservancy and the PSE agree to amend the PSE Agreement as follows:

1. Section 2.7 of the PSE Agreement is amended as follows:

PSE is responsible for the State Route 4 Median Buffer and Shoulder Widening Project which seeks an extension of the Conservancy’s permit coverage for improving safety along the corridor by installing standard shoulders and a median buffer zone on State Route 4 from Marsh Creek Road to the San Joaquin county line, [as further described in Exhibit 1 and Addendum 1.0.](#)

2. Section 2.8 of the PSE Agreement is amended as follows:

The Conservancy has concluded, based on the terms of this Agreement and the application submitted by PSE (the “Application”), that PSE has provided adequate assurances that it will comply with all applicable terms and conditions of the IA, the HCP/NCCP, and the Permits. The Application is attached hereto as Exhibit 1 [and Addendum 1.0](#) and is hereby incorporated into this Agreement by reference.

- 3.. Section 3.2 of the PSE Agreement is amended as follows:

“**Application**” means the application submitted by the PSE in accordance with Chapter 8.4 of the HCP/NCCP, and which is attached hereto as Exhibit 1 [and Addendum 1.0 which addresses the additional temporary impacts associated with an additional construction staging area](#). The Application contains a cover sheet, the results of required planning surveys and the avoidance, minimization and mitigation measures that will be a condition of the PSE using Conservancy’s Permits.

4. Section 3.24 of the PSE Agreement is amended as follows:

“**Proposed Activities**” means the activities described in Exhibit 1 [and Addendum 1.0](#) that will be covered by the extension of the Conservancy’s take authorization.

5. Section 5.6 is of the PSE Agreement is amended as follows:

As set forth in the Application, PSE agrees to pay the Conservancy [\\$389,988.06](#) ~~\$387,635.62~~ which amount includes all HCP/NCCP mitigation fees necessary for the Proposed Activities as well as a contribution to recovery of endangered species. The overall payment amount is based on a summation of individual HCP/NCCP mitigation fees and a contribution to recovery as follows:

Development fees: \$78,766.31

Wetland mitigation fees: \$68,340.95

Temporary impact fees: [\\$14,404.58](#) ~~\$13,228.36~~

Giant Garter Snake Compensation Fund: \$167,300.00

Contribution to recovery of endangered species: [\\$61,176.22](#) ~~\$60,000.00~~

[The Participating Special Entity submitted payment for \\$387,635.62 on June 11, 2010. The remainder ~~All fees and the contribution to recovery~~ must be paid in full before any ground-disturbance associated with the ~~Proposed Activities~~ \[new construction staging area described in Addendum 1.0\]\(#\) occurs. If any fee or the contribution toward recovery is not paid in full during the current calendar year \(~~2012~~ \[2014\]\(#\)\), the amount of all fees and the contribution to recovery will be increased or decreased each following year, beginning in \[2013\]\(#\) ~~2014~~, until such time as all fees and the contribution to recovery are paid in full. All fees and the contribution to recovery will be increased or decreased according to the fee adjustment provisions of Chapter 9.3.1 of the HCP/NCCP. The contribution to recovery will be adjusted according to the formula set forth in Chapter 9.3.1 for the wetland mitigation fee. Fee and contribution to recovery amounts will be adjusted](#)

annually on March 15, beginning in ~~2013~~ ~~2011~~. If PSE pays all fees and the contribution to recovery during the period from January 1 to March 14 in the year ~~2012~~ ~~2011~~ all fee and contribution to recovery amounts will be subject to the March 15 fee adjustments unless construction of the Proposed Activities has commenced by March 14. If payment is made during this period and construction does not commence before March 15, PSE will be required to submit an additional payment for any increases to fees or the contribution to recovery and will be entitled to a refund without interest for any decreases to fees or the contribution to recovery.

5. Section 7.6 of the PSE Agreement is amended as follows:

PSE shall compensate the Conservancy for its direct costs associated with this Agreement, including but not limited to, staff, consultant and legal costs incurred as a result of the review of the Application, drafting and negotiating this Agreement, monitoring and enforcement of this Agreement, and meetings and communications with PSE (collectively, Conservancy's "Administrative Costs"). Conservancy's Administrative Costs shall not exceed ~~\$27,000.00~~ ~~\$32,000~~. Conservancy shall provide PSE with invoices detailing its Administrative Costs monthly or quarterly, at Conservancy's discretion. PSE shall remit payment of each invoice within thirty (30) days of receiving it.

- B. This Second Amendment may be executed in counterparts.
- C. All other terms and conditions of the PSE Agreement shall remain as originally agreed.
- D. The Conservancy shall issue a Certificate of Inclusion pursuant to Section 6.1 of the PSE Agreement that is revised to incorporate reference to this Second Amendment.
- E. This Second Amendment shall take effect on the date after both of the following have occurred:
 - 1. The Conservancy and PSE have executed the Second Amendment; and
 - 2. The Conservancy has delivered written notice to PSE that the Conservancy has received written concurrence from the Wildlife Agencies regarding the Second Amendment in accordance with Section 6.1 of the PSE Agreement.

IN WITNESS WHEREOF, the Conservancy and PSE hereto execute this Second Amendment.

**THE EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY**

Dated: _____

By: _____
JOHN KOPCHIK, Executive Director

**CALIFORNIA DEPARTMENT OF
TRANSPORTATION**

Recommended for Approval:

Dated: _____

By: _____
MAXIMO ANASCO, JR., Project Manager

Dated: _____

By: _____
JASPREET SINGH
District Branch Chief
R/W Acquisition Services

Approved:

Dated: _____

By: _____
R.A. MACPHERSON
Deputy District Director
Right of Way

East Contra Costa County
Habitat Conservation Plan/Natural Community Conservation Plan
Participating Special Entity-Planning Survey Report
Second Amendment: Addendum 1.0

For the
State Route 4-Median Buffer and Shoulder Widening Project
(04-0A8401)

May 2, 2012



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Attachments

Temporary Fee Calculation Exhibit

Summary

The purpose of this filing is to request the East Contra Costa County Habitat Conservancy’s (Conservancy) approval to amend the approved March 2010 Planning Survey Report (PSR) to address a modification to the Median Buffer and Shoulder Widening Project description for the Kellogg Creek Bridge Widening. The proposed change requires utilizing additional areas, east and west of the Kellogg Creek banks, in order to conduct construction activities for the proposed bridge widening.

The modification in the project area results in an additional 0.51-acres of temporary impact on the east and west of Kellogg Creek to be utilized for bridge construction. The proposed modifications to the project area will only result in temporary impacts; there will be no new permanent impacts. Table A presents the summary of the total acreages involved in the proposed modification to the various landcover types to be impacted by way of this addendum.

The resulting mitigation requirement would increase the mitigation fees by \$1,176.22. Table B provides a cumulative summary of the original mitigation fees paid and the additional mitigation fees associated with Addendum 1.0.

Areas of temporary ground disturbance will be restored to pre-project conditions. Caltrans’ best management practices (BMPs) including environmentally sensitive area (ESA)/silt fencing and erosion control BMPs will be utilized during construction as appropriate.

Table A

Summary of Acreages Involved in the Proposed Modification

Project Element	Land Cover/Habitat	Additional Temporary Impacts (Acres)
Access Areas East and West of Kellogg Creek	Riparian Woodland/Scrub (All Riparian is GGS Upland Habitat)	0.06
Access Areas East and West of Kellogg Creek	Ruderal (Total: non-GGS and GGS Habitat)	0.01
Access Areas East and West of Kellogg Creek	Ruderal GGS Upland Habitat (Only)	0.44
TOTAL		0.51

Table B

Summary of East Contra Costa County HCP/NCCP Fees for the Kellogg Creek Bridge Construction

OVERVIEW	Development fees:	Wetland mitigation fees:	Temporary impact fees:	Giant Garter Snake Compensation Fund:	Contribution to recovery of endangered species:	TOTAL
Original PSR	\$78,766.31	\$68,340.95	\$13,228.36	\$167,300.00	\$60,000.00	\$387,635.62
First Amendment[1]	N/A	N/A	N/A	N/A	N/A	N/A
Second Amendment						
Addendum 1.0	N/A	N/A	\$1,176.22	N/A	\$1,176.22	
TOTAL	\$78,766.31	\$68,340.95	\$14,404.58	\$167,300.00	\$61,176.22	\$389,988.06

[1] First Amendment captured modifications to the species specific monitoring and avoidance requirements for Swainson's Hawk within the project area. The First Amendment did not result in any changes to the mitigation fees but rather only to the administrative fees to process the First Amendment.

1 Proposed Modifications (PSR Section I)

1.1 Background

The California Department of Transportation (Caltrans) proposes the Contra Costa 4 Median Buffer and Shoulder Widening Project a safety project, to widen State Route 4 (SR-4) from Marsh Creek Road at post mile (PM) 43.9 to the Contra Costa/San Joaquin County line at PM 48.3. The project is located within two U.S. Geological Survey (USGS) 7.5 Quadrangles: Brentwood (Township 1N, Range 3E, 37°52.5'N/121°38.5'W) and Woodward Island (Township 1N, Range 3E, 37°53.79'N/121°36.5'W). The region is characterized primarily by suburban residential developments, areas of open space, and agricultural land interspersed with major industrial and oil refinery sites.

To improve safety on SR-4 between Marsh Creek Road and 0.2 mile west of the San Joaquin County Line, several improvements are proposed, including the addition of a 12-foot lane along the westbound direction; installation of a paved yellow-striped median buffer zone between the westbound and eastbound lanes; shoulder widening between Marsh Creek Road and 0.2 mile west of the San Joaquin County Line; and bridge widening at Kellogg Creek.

On June 2, 2010, Caltrans received permit coverage as a Participating Special Entity (PSE) under the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) and was issued a Certificate of Inclusion on October 29, 2010. The terms of the PSE agreement were amended (first amendment) On April 27, 2011. The first amendment was required to modify the species specific monitoring and avoidance requirements for Swainson's Hawk within the project area. A Certificate of Inclusion with first amendment was issued on May 5, 2011.

1.2 Purpose of the Addendum

The purpose of the Second Amendment to the Participating Special Entity Agreement, by way of this Addendum 1.0, is to request the Conservancy's approval to modify the Planning Survey Report (PSR) to include additional areas of temporary impact for the CC4 Median Barrier and Shoulder Widening Project description. The need for the proposed change was not known to Caltrans when the PSE Agreement and Certificate of Inclusion were issued because equipment specifications to be used for bridge construction were determined at a later date. The original project description stated that pile-driving in the creek would be performed from the existing

bridge deck and that creek access would occur from limited areas east and west of the creek. However, it was later determined that the size and weight of the crane to be used for pile-driving in the creek would exceed the load capacity and area of the existing bridge; subsequently, the crane will be staged from the areas adjacent to the creek banks, necessitating utilization of a larger area to the east and west of the creek banks than previously anticipated.

1.3 Proposed Project Description Modifications for the Bridge Widening at Kellogg Creek

As previously described in the March 2010 PSR, Caltrans was permitted to conduct the pile driving from the bridge deck and utilize limited areas east and west of creek banks which required the accommodation of a 20 foot buffer between the top of bank of the creek and the Environmentally Sensitive Area (ESA) fence/work area. In order to house the crane, and because of the nature of the project area (as a narrow corridor) in which the existing distance between the top of creek bank and the edge of shoulder is 40 feet, Caltrans needs to utilize a larger area both east and west of the creek banks (see Figure 1) which consist of ruderal/gravel roadside area (see Figure 2). Therefore, the resulting change in the buffer between the top of bank to the ESA fence/work area will be reduced from a 20 foot width to a 5 foot width. The length will remain the same as originally proposed. Because staging will be adjacent to a waterway, Kellogg Creek, Best Management Practices (BMPs) and ESA/reinforced silt fencing will be utilized (see Figures: 3a, 3b).

SECTION 2

2 Land Cover Types (PSR Section II)

As a result of the modification to the areas of temporary impact around Kellogg Creek, the acreage of land cover types in Table 1 (of the March 2010 PSR) will be revised (Table 1, Revision 1) to include additional areas of temporary impact. The modifications will increase the acreage of Riparian Woodland/Scrub (All Riparian is GGS Upland Habitat) from 0.25 acres to 0.31 acres, Ruderal (Total: non-GGS and GGS Habitat) from 5.54 acres to 5.98 acres, and Ruderal GGS Upland Habitat (Only) from 3.02 acres to 3.03 acres.

The proposed modifications would not affect jurisdictional wetland and waters nor would they change the species specific planning survey requirements.

See updated Figures 3a, Sheet 7-Rev 1 and 3a Sheet 8-Rev1, Land Cover Impacts.

Table 1, Rev 1

Revised Land Cover Types Acreages

Land Cover Type (acres, except where noted)	Acreage of Land to be "Permanently Disturbed" by Project	Acreage of "Temporarily Disturbed" for 1 dry season by Project	Acreage of Land to be "Temporarily Disturbed" for 2 dry seasons by Project (staging areas)	Relocation of Agricultural Ditch
Grassland^a				
<input type="checkbox"/> Annual grassland				
<input type="checkbox"/> Alkali grassland				
<input checked="" type="checkbox"/> Ruderal (Total: non-GGS and GGS Habitat)	5.11	8.56 <u>9.01</u>	0.22	
<input checked="" type="checkbox"/> Ruderal GGS Upland Habitat (Only)	4.72	5.54 <u>5.98</u>	0.22	
<input type="checkbox"/> Chaparral and scrub				
<input type="checkbox"/> Oak savannah				
<input type="checkbox"/> Oak woodland				
Jurisdictional wetlands and waters				
<input checked="" type="checkbox"/> Riparian woodland/scrub (All)	0.05	0.25 <u>0.31</u>		

Land Cover Type (acres, except where noted)	Acreage of Land to be "Permanently Disturbed" by Project	Acreage of Land to be "Temporarily Disturbed" for 1 dry season by Project	Acreage of Land to be "Temporarily Disturbed" for 2 dry seasons by Project (staging areas)	Relocation of Agricultural Ditch
Riparian is GGS Upland Habitat)				
<input type="checkbox"/> Permanent wetland ^a				
<input checked="" type="checkbox"/> Seasonal wetland ^a (Total: non-GGS and GGS Habitat)	0.29	0.01		
<input checked="" type="checkbox"/> Seasonal wetland GGS Aquatic Habitat (Only)		0.01		
<input type="checkbox"/> Alkali wetland ^a				
<input type="checkbox"/> Aquatic/Open Water ^a				
<input checked="" type="checkbox"/> Slough/Channel ^a (Total: non-GGS and GGS Habitat)	0.07	0.14		0.19
<input checked="" type="checkbox"/> Slough/Channel ^a GGS Aquatic Habitat (Only)	0.01	0.07		0.19
<input type="checkbox"/> Pond ^a				
<input type="checkbox"/> Stream (acres) ^{a, d}				
<input checked="" type="checkbox"/> Total stream length (feet) ^{a, d}	6			
Stream length by width category				
<input type="checkbox"/> ≤ 25 feet wide				
<input checked="" type="checkbox"/> > 25 feet wide	6			
Stream length by type and order ^e				
<input type="checkbox"/> Perennial				
<input checked="" type="checkbox"/> Intermittent	6			
<input type="checkbox"/> Ephemeral, 3 rd or higher order				
<input type="checkbox"/> Ephemeral, 1 st or 2 nd order				

Land Cover Type (acres, except where noted)	Acreage of Land to be "Permanently Disturbed" by Project	Acreage of Land to be "Temporarily Disturbed" for 1 dry season by Project	Acreage of Land to be "Temporarily Disturbed" for 2 dry seasons by Project (staging areas)	Relocation of Agricultural Ditch
Irrigated agriculture^a				
<input checked="" type="checkbox"/> Cropland (Total: non-GGS and GGS Habitat)	1.82	5.88	0.22	
<input checked="" type="checkbox"/> Cropland GGS Upland Habitat (Only)		1.23		
<input type="checkbox"/> Pasture				
<input type="checkbox"/> Orchard				
<input type="checkbox"/> Vineyard				
Other				
<input type="checkbox"/> Nonnative woodland				
<input type="checkbox"/> Wind turbines				
Developed				
<input checked="" type="checkbox"/> Urban	2.86	34.54	0.55	
<input type="checkbox"/> Aqueduct				
<input type="checkbox"/> Turf				
<input type="checkbox"/> Landfill				
Uncommon Vegetation Types (subtypes of above land cover types)				
<input type="checkbox"/> Purple needlegrass grassland				
<input type="checkbox"/> Wildrye grassland				
<input type="checkbox"/> Wildflower fields				
<input type="checkbox"/> Squirreltail grassland				
<input type="checkbox"/> One-sided bluegrass grassland				
<input type="checkbox"/> Serpentine grassland				
<input type="checkbox"/> Saltgrass grassland (= alkali grassland)				

Land Cover Type (acres, except where noted)	Acreage of Land to be "Permanently Disturbed" by Project	Acreage of Land to be "Temporarily Disturbed" for 1 dry season by Project	Acreage of Land to be "Temporarily Disturbed" for 2 dry seasons by Project (staging areas)	Relocation of Agricultural Ditch
<input type="checkbox"/> Alkali sacaton bunchgrass grassland				
<input type="checkbox"/> Other uncommon vegetation types (please describe)				
Uncommon Landscape Features or Habitat Elements				
<input type="checkbox"/> Rock outcrop				
<input type="checkbox"/> Cave ^a				
<input type="checkbox"/> Springs/seeps				
<input type="checkbox"/> Scalds				
<input type="checkbox"/> Sand deposits				
<input type="checkbox"/> Mines ^a				
<input type="checkbox"/> Buildings (bat roosts) ^a				
<input type="checkbox"/> Potential nest sites (trees or cliffs) ^a				
Total (Including Urban)	10.2	49.38	0.99	0.19
Total (Excluding Urban)	7.34	14.84 <u>15.35</u>	0.44	0.19
Total GGS Upland	4.77	7.02 <u>7.52</u>	0.22	0
Total GGS Aquatic	0.01	0.08	0	0.19
Total GGS	4.78	7.10 <u>7.60</u>	0.22	0.19

SECTION 3

**3 Species-Specific Monitoring and Avoidance Requirements:
Preconstruction Surveys for Selected Covered Wildlife and
Construction Monitoring and Avoidance for Selected
Covered Species (PSR Section III)**

The proposed modifications would not alter the preconstruction surveys nor the construction monitoring and avoidance and minimization measure requirements for selected covered wildlife. Preconstruction surveys and construction monitoring for selected covered species will be conducted as described in the Planning Survey Report.

SECTION 4

4 Landscape and Natural Community-Level Avoidance and Minimization Measures (PSR Section IV)

The proposed project changes will modify the following Conservation Measures:

- **HCP/NCCP Conservation Measure 1.7. Establish Stream Setbacks**

The March 2010 PSR describes that work at the bridge including pile driving will be performed from the roadway (the bridge deck) and limited areas east and west of the creek banks. Caltrans was permitted to reduce stream setback from 75 feet to 20 feet on the west side of the creek bank due to the nature of the project area (narrow corridor), where the distance between the top of creek bank and the edge of shoulder is 40 feet.

The proposed modifications requires further reduction of the stream setback to 5 feet around Kellogg Creek due to the fact that the size and weight of the crane to be used for pile-driving would exceed the load capacity of the existing bridge. Therefore, additional areas are needed to stage the crane and to perform various construction activities on the bridge.

The need for the additional areas was not known to Caltrans when the PSE Agreement and Certificate of Inclusion were issued because equipment specifications were determined at a later date.

- **HCP/NCCP Conservation Measure 2.12 Wetland, Pond, and Stream Avoidance and Minimization**

Kellogg Creek

Additional areas east and west of the creek banks need to be utilized to accommodate the large equipments and to perform the bridge construction activities including pile driving. Work within Kellogg Creek will be restricted to August 1 through October 1 in order to comply with the delta smelt and in giant garter snake work windows as described in the PSR. Caltrans BMPs and ESA/reinforced silt fencing will also be utilized as described in the PSR.

Various HCP/NCCP Conservation Measures

The proposed modifications would not alter the implementation of the following HCP/NCCP conservation measures listed in the March 2010 PSR:

- Conservation Measure 1.10-Maintain Hydrologic Conditions and Minimize Erosion
- Conservation Measure 1.11-Avoid Direct Impacts on Extremely Rare Plants, Fully Protected Wildlife Species, or Covered Migratory Birds.

- Conservation Measure 1.6-Minimize Development Footprint Adjacent to Open Space
- Conservation Measure 1.8-Establish Fuel Management Buffer to Protect Preserves and Property
- Conservation Measure 1.9-Incorporate Urban-Wildland Interface Design Elements
- Conservation Measure 1.12-Implement Best Management Practices for Rural Road Maintenance
- Conservation Measure 1.13-Implement Best Management Practices for Flood Control Facility Maintenance
- Conservation Measure 1.14-Design Requirements for Covered Roads outside the Urban Development Area.

SECTION 5

5 Mitigation Measures (PSR Section V)

The fees associated with Addendum 1.0 are as follows: the temporary impact fees for the additional 0.51 acres of impact are \$1,176.22. The Contribution to Recovery of endangered species is \$1,176.22. The new total mitigation fees owed for this Second Amendment: Addendum 1.0 is \$2352.44. (See Table B and Exhibit 2, the fee calculator, attached).

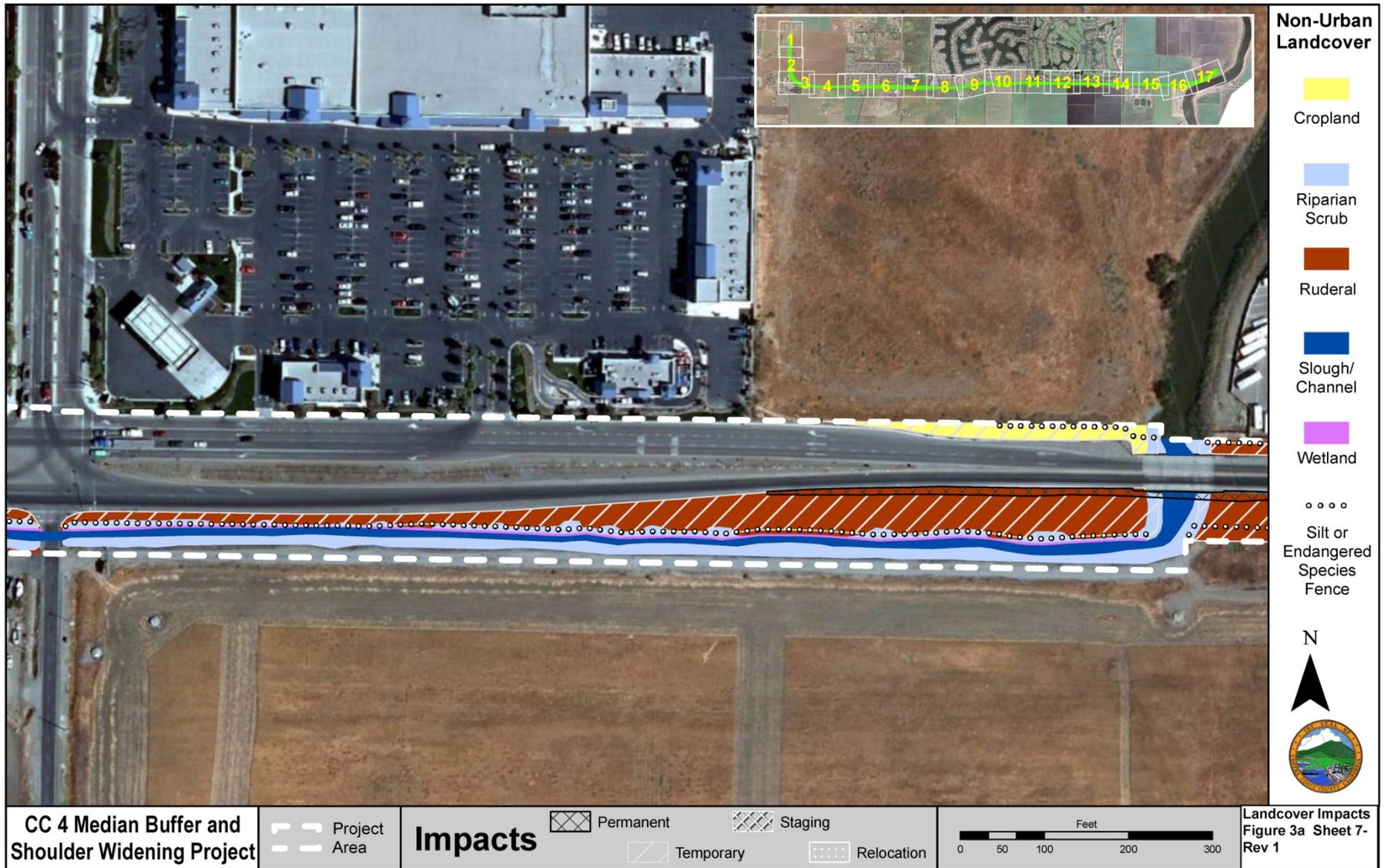
There will be no additional permanent impacts as a result of the modifications to the project reflected in this Addendum 1.0. Therefore, no additional permanent mitigation fees are required.

Caltrans plans to restore areas of temporary ground disturbance including the new additional areas to pre-project conditions. Caltrans BMPs including ESA/silt fencing and erosion control BMPs will be utilized during construction as appropriate.

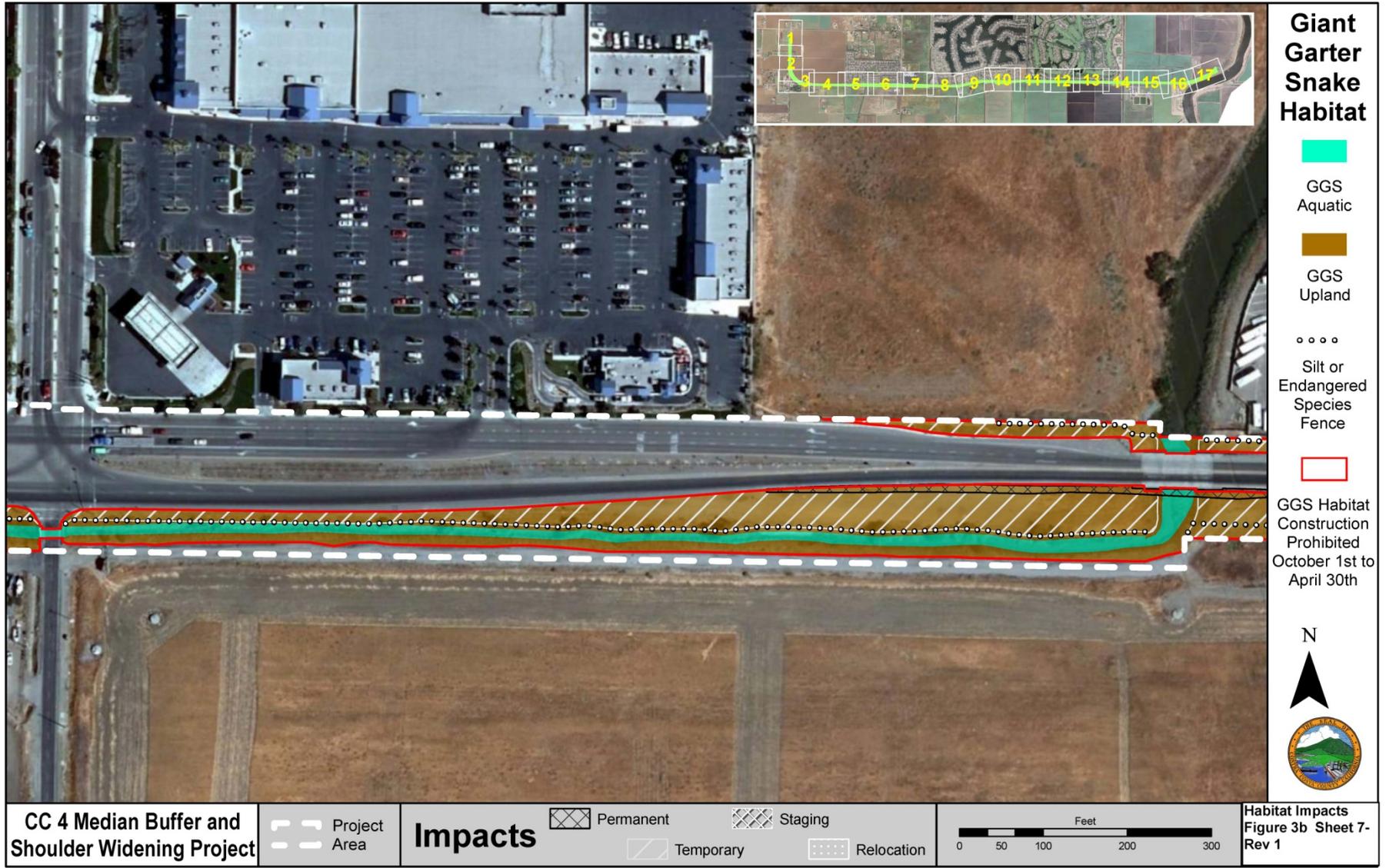
FIGURES

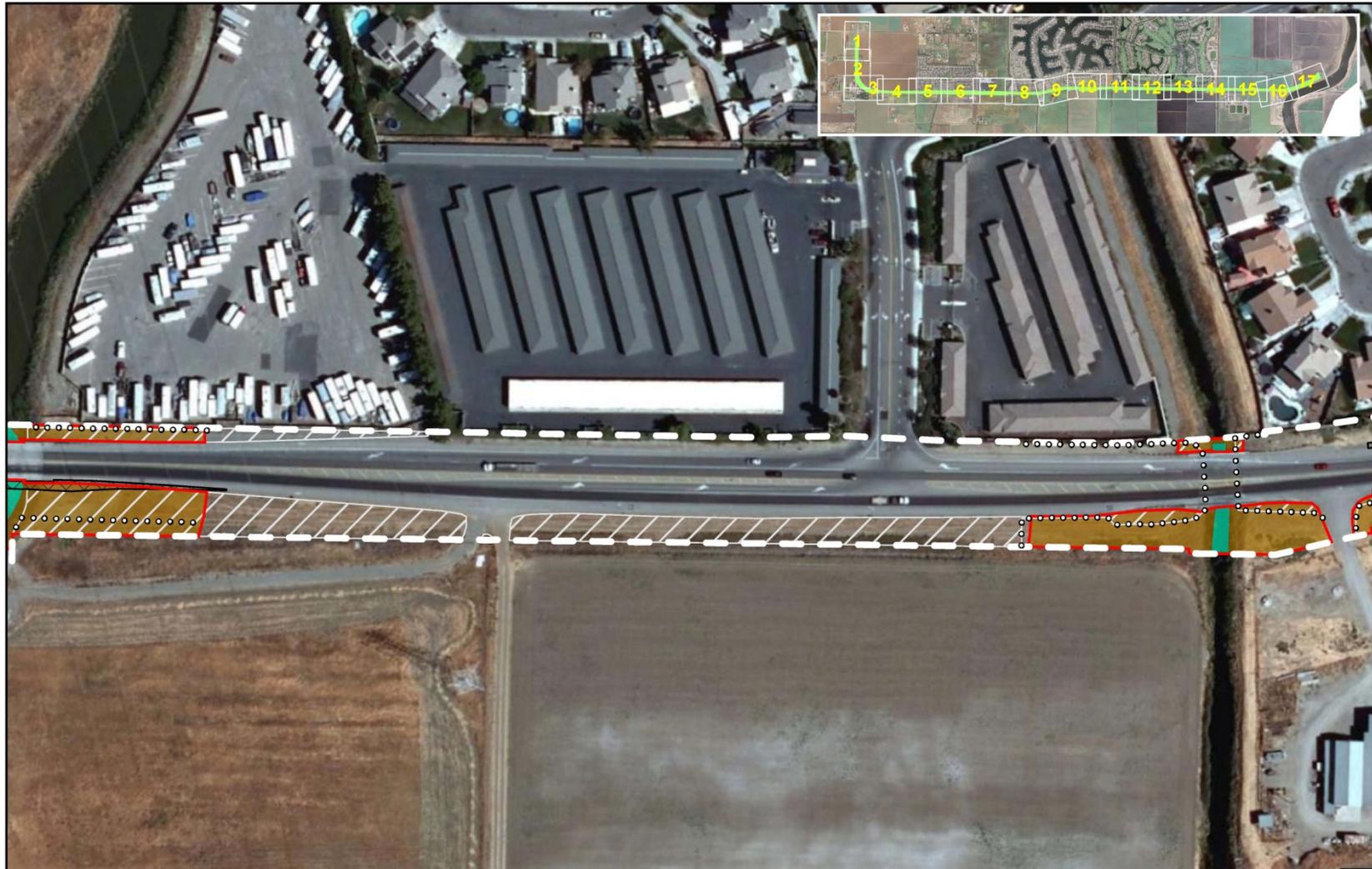


Area west of Kellogg creek









Giant Garter Snake Habitat

- GGS Aquatic
- GGS Upland
- Silt or Endangered Species Fence
- GGS Habitat Construction Prohibited October 1st to April 30th



CC 4 Median Buffer and Shoulder Widening Project

- Project Area

Impacts

- Permanent
- Staging
- Temporary
- Relocation



Habitat Impacts
Figure 3b Sheet 8-
Rev 1

Map Created 03/21/2012 by Contra Costa County Department of Conservation and Development GIS Group

Imagery source: DigitalGlobe ImageConnect Service, 8/1/2008

ATTACHMENTS

Exhibit 2: TEMPORARY IMPACT FEE CALCULATOR WORKSHEET

PROJECT APPLICANT INFO:

Project Applicant: California Department of Transportation

Project Name: CC4 Median Buffer and Shoulder Windeing Project - Second Amendment

APN (s): N/A

Date: May 2, 2012

Jurisdiction: Participating Special Entity

TEMPORARY DEVELOPMENT IMPACT FEE (see appropriate ordinance or HCP/NCCP Figure 9-1 to determine Fee Zone)

	Acreage of land to be temporarily disturbed (from Table 1) ¹		Years of Disturbance (2 years is the minimum for ground-disturbing)		Fee per Acre (subject to change on 3/15/13)	
Fee Zone 1	<u>0.45</u>	X	<u>3</u>	/30	X	<u>\$10,584.32 = \$476.29</u>
Fee Zone 2		X		/30	X	<u>\$21,168.64 = \$0.00</u>
Fee Zone 3		X		/30	X	<u>\$5,292.61 = \$0.00</u>
Fee Zone 4 ²		X		/30	X	<u>\$15,876.48 = \$0.00</u>

Temporary Impact Fee Total = \$476.29

**TEMPORARY WETLAND MITIGATION FEE

	Acreage of wetland		Yrs. Of Disturbance (minimum shown)		Fee per Acre (subject to change on 3/15/13)	
Riparian woodland / scrub	<u>0.06</u>		<u>5.00</u>	X	<u>\$69,992.40 = \$ 699.92</u>	
Perennial Wetland			<u>2.00</u>	X	<u>\$120,428.10 = \$ -</u>	
Seasonal Wetland			<u>2.00</u>	X	<u>\$252,178.50 = \$ -</u>	
Alkali Wetland			<u>2.00</u>	X	<u>\$234,680.40 = \$ -</u>	
Ponds			<u>2.00</u>	X	<u>\$120,428.10 = \$ -</u>	
Aquatic (open water)			<u>2.00</u>	X	<u>\$59,699.40 = \$ -</u>	
Slough / Channel			<u>2.00</u>	X	<u>\$127,633.20 = \$ -</u>	

Linear Feet

Streams

Streams 25 Feet wide or less (Fee is per Linear Foot)	<u>0.00</u>	2.00	X	<u>\$418.93 = \$0.00</u>
Streams greater than 25 feet wide (Fee is per Linear Foot)		2.00	X	<u>\$630.96 = \$0.00</u>

Wetland Mitigation Fee Total = \$ 699.92

FEE REDUCTION

Development Fee reduction (authorized by Implementing Entity) for land in lieu of fee _____
 Development Fee reduction (up to 33%, but must be approved by Conservancy) for permanent assessments _____
 Wetland Mitigation Fee reduction (authorized by Implementing Entity) for wetland restoration/creation performed by applicant _____

Reduction Total = \$0.00

CALCULATE FINAL TEMPORARY IMPACT FEES

Development Fee Total \$476.29
 Wetland Mitigation Fee Total + \$699.92
Fee Subtotal = \$1,176.22

Contribution to Recovery + \$1,176.22

TOTAL TEMPORARY IMPACT FEES TO BE PAID = \$2,352.44

Notes:

1 City/County Planning Staff will consult the land cover map in the Final HCP/NCCP and will reduce the acreage subject to the Development Fee by the acreage of the subject property that was identified in the Final HCP/NCCP as urban, turf, landfill or aqueduct land cover.

2 "Fee Zone 4" is not shown on Figure 9.1 of the HCP/NCCP but refers to the fee applicable to those few covered activities located in northeastern Antioch (see page 9-21 of the HCP).

Template date: March 15, 2012