Appendix D Minimization and Mitigation Summary

Appendix D: Minimization and Mitigation Summary

This appendix includes a summary of minimization and mitigation measures for the Build Alternative. Since the No Build Alternative does not include a construction component and is not anticipated to alter the existing conditions, no minimization or mitigation measures are proposed for the No Build Alternative.

Summary of Impacts and Avoidance, Minimization, and Mitigation Measures
For the Build Alternative

Impact Category	Build Alternative	Avoidance, Minimization & Minimization Measures
Land Use	No Impact	None proposed
Growth	No Impact	None proposed
Community Impacts	The implementation of the project may result in minor property acquisition.	Property owners would be compensated for fair market value and damages for market vaqlue and damages for property acquisition.
Traffic & Circulation	Traffic exiting the minor street and attempting to turn left onto westbound SR-74 would incur long delays due to lack of gaps in the through traffic. During construction localized congestion, traffic delays and queing are anticipated. Temporary lane closures would be required.	• The project shall provide eastbound left-turn lanes at the unsignalized intersections and allow U-turns at these locations to alleviate side-street delays. This would facilitate the movement of minor street traffic onto the SR-74/Ortega Highway via a right turn and then a U-turn at the next available intersection. • The Traffic Management Plan (TMP), a standard condition placed on all construction projects, is designed to minimize construction-activity-related motorist delays, queuing, and accidents by the effective application of traditional traffic-handling practices and innovative approaches. The TMP aims to relieve congestion and maintain traffic flow throughout the alternative routing and surrounding area within Riverside and Orange Counties. The preliminary Traffic Management Plan includes proposed Lane Closure Charts and Detour Plans. The TMP will be finalized by the time final designs are prepared. However, it is certain that one lane in each direction would be kept open at all times • The TMP evaluates traffic mitigation strategies for the duration of construction, addresses lane closure requirements, and seeks to inform the public and motorists. The TMP strategies include: project phasing, a detour plan, provision of temporary lanes/shoulders, and reversible lanes. Traffic management strategies will also include a public awareness campaign, traffic systems and signage, and traffic support and safety elements. The public awareness element usually involves brochures, mailers, and/or media releases to educate and inform the public of the construction activities. The motorist information strategies include message signage and a highway advisory radio to alert the

Impact Category	Build Alternative	Avoidance, Minimization & Minimization Measures
		motorists of road closures and/or detours. Construction Alerts, detailing the project information, alternative routes, and the Transportation Helpline Telephone number, would be made available to residents, businesses, local officials, City Halls, and the Chambers of Commerce throughout local communities. • The traffic support and safety elements involve incident management. The Transportation Management Center (TMC) aids in facilitating communication between construction personnel, the traffic management team, traffic-control officers, and the TMP Coordinator. The TMP would include provisions to minimize delays and give access to emergency personnel like police and fire departments. Serving as a communications center, the TMC would help expedite the removal of minor and major incidents, help make decisions concerning the closing and opening of lanes, and manage traffic by providing traffic information to the media.
Visual/ Aesthetics Visual/ Aesthetics (continued)	Removal of trees and the addition of sound walls and retaining walls will change the visual setting throughout the project area.	• On the south side, a preliminary tree survey was prepared indicating that, within the area of the sound wall, the removal of approximately 41 trees was anticipated for a modular panel sound wall. The sound wall can be either a natural light penetrating sound wall to maintain view corridors or a sound-absorbing wall. Both walls require construction methods that would greatly reduce the amount of tree removal and retain the rural character of the area. A sound wall that permits light penetration maintains view corridors, and minimally disturbs the existing landscaped vegetation. The sound wall construction can be with Plexiglas panels built on top of the existing garden walls, or with a combination of aesthetically treated concrete and/or Plexiglas panels. The selection of a sound wall that absorbs sound needs consideration to blend with the area and to meet City requirements. Planting of vines on the walls and small street trees can help to minimize the harshness of a sound wall. • On the north side, a preliminary survey anticipated the removal of 70 trees for widening and adding retaining walls. Any tree removal needs replacement with boxed-sized trees within the project limits. Where there are space limitations, trees would be planted near the project area within the City limits. Where speeds are posted at greater than 35 mph, large trees (trees with trunks over 4 inches in diameter when mature) shall be placed outside the clear recovery zone. Small trees (trees with trunks 4 inches diameter and less when mature) should be used to replace the trees within the clear recovery zone. Tree spacing for small trees can be adjusted to account for the removal of existing mature trees. • Underground utilities, which would be installed to reduce the visual impact of these dominant features within the residential neighborhood. • Retaining walls need aesthetic treatments or textures applied to the wall finish. Wall finishes may

Impact Category	Build Alternative	Avoidance, Minimization & Minimization Measures
		include simulated rock, stone veneer, slump block veneer, or an aesthetic committee recommendation finish to give the walls a natural appearance to blend with the existing terrain or with the residential neighborhood. • Small trees, shrubs, groundcovers, and vines would be planted in front of the walls, where possible, to enhance visual quality. • Replacement planting can be constructed as a separate landscape project complying with mitigation recommendations and City concurrence (See Appendix B for County's Landscaping Commitment, email from Harry Persaud to Smita Deshpande on March 7, 2007).
Cultural Resources	The Hankey-Rowse house and Manriquez Adobe are both adjacent to the project. It is not anticipated that the construction of the wall would affect the house or adobe if proper measures are taken.	• While adjacent to a proposed sound wall, the Hankey-Rowse House would not be affected by construction given that the sound wall would be constructed in a manner that would not require the removal of the existing mature trees which act as a buffer between the modern highway and surrounding development. Since the portion of the Manriquez Adobe site within the proposed area of direct impact is not expected to contain information-bearing deposits and thus are non-contributing elements to the larger property, the project's finding is "ESA." Through the establishment of an ESA Action Plan, potentially significant subsurface deposits will not be impacted. The ESA Action Plan includes: safety fencing along the direct APE to ensure no equipment inadvertently impacts information-bearing portions of the site; education of project personnel on archaeological sensitivity and expected remains; incorporation of the ESA Action Plan in the Final Plans, Special Provisions, and RE's Pending Construction File; and periodic monitoring by Department Archaeologists to ensure protections are enforced. • It is the Department's policy to avoid impacts to cultural resources whenever possible. If buried cultural materials are encountered during construction, it is the Department's policy that work in the immediate vicinity of the find halt until a qualified Archaeologist can evaluate the nature and significance of the find. Additional survey will be required if the project changes to include unsurveyed areas. • If human remains are discovered, State Health and Safety Code §7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Pursuant to Public Resources Code §5097.98, if the remains are thought to be Native American, the Coroner will notify the NAHC who will then notify the MLD. At this time, the person who discovered the remains will contact District 12 Environmental Branch so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of Public Resources Code §5097.98 are to be followed as applicable.

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Hydrology and Floodplain	No impact	None proposed
Water Quality and Storm Water Runoff Water Quality and Storm Water Runoff (continued)	During Construction the Build Alternative would involve approximately 4.54 acres (1.84 hectares) of soil disturbance. The overall increase in road (impervious) surface would be about 2.3 acres (0.93 hectares). Erosion and siltation in the drainage area may temporarily increase during project construction. The proposed highway widening is also expected to increase traffic volume. Consequently, the amount of motor vehicle related pollutants discharged into the watershed and drainage channels from the highway are expected to increase with or without implementation of the proposed project.	• The Contractor shall conform to the requirements of the Department's Statewide NPDES Storm Water Permit, Order No. 99-06-DWQ, NPDES No. CAS000003, adopted by the State Water Resources Control Board (SWRCB) on July 15, 1999, in addition to the BMPs specified in the Caltrans *Storm Water Management Plan* (SWMP). When applicable, the Contractor shall also conform to the requirements of the General NPDES Permit for Construction Activities, Order No. 99-08-DWQ, NPDES No. CAS000002, and any subsequent General Permit in effect at the time of project construction. • An SWPPP shall be prepared by the Contractor and reviewed by the Department for approval prior to the commencement of any soil-disturbing activities. The SWPPP shall address all state and federal storm water control requirements and regulations. The SWPPP shall address all construction-related activities, equipment, and materials that have the potential to impact water quality. The SWPPP shall include best management practices (BMPs) to control pollutants, sediment from erosion, storm water runoff, and other construction-related impacts. In addition, the SWPPP shall include the provisions of *SWRCB Resolution No. 2001-046,* which requires implementation of specific Sampling Analysis Procedures (SAP) to ensure that the implemented BMPs are effective in preventing exceedance of any water quality standards. • A Notification of Construction (NOC) form shall be filed with the San Diego Regional Water Quality Control Board at least 30 days prior to any soil-disturbing activities. • All work shall conform to the Construction Site BMP (Category II) requirements specified in the latest edition of the Caltrans *Storm Water Management Plan* (SWMP) to control and minimize the impacts of construction and construction-related activities, materials, and pollutants on the watershed. These include, but are not limited to, temporary sediment control, temporary soil stabilization, scheduling, waste management, materials handling, and other non-storm water BMPs. For a complete list, refer to Section 2 of the Department's SWMP (May 2003) and Section 4 of the Caltrans Statewide Storm Water Quality Practice Guidelines (May 2003). • Construction activities shall give special attention to storm water pollution control during the "Rainy Season" (defined by the RWQCB as October 1st through May 1st). No work will be conducted whenever rain is predicted. Water Pollution Control BMPs shall be used to minimize impact to receiving waters. Measures shall be incorporated to contain all vehicle loads and to avoid any tracking of materials, which may fall or blow onto the Department's right–of-way. • If dewatering is required, the project shall fully conform to the requirements of the San Diego RWQCB. A Dewatering/DeMinimus Permit shall be obtained and the RWQCB shall be notified at least 60 days prior to any dewatering discharges. Dewatering BMPs shall be used to control

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		sediments and pollutants. An EPA-certified laboratory shall test and monitor the discharge for compliance with the requirements of the RWQCB.
Geology/Soils/ Seismic/ Topography	A temporary increase in erosion may occur during construction	• Erosion control measures discussed in Water Quality and Storm Water Runoff, also apply to geology and soils to minimize erosion.
Paleontology	There is low potential for sensitive paleontological resources in the non-marine terrace deposits, as well as the Quaternary alluvium and Colluvium deposits There is a high potential for encountering sensitive resources within the Miocene Monterey formation and the Upper Miocene Capistrano Formation	• Because of the potential for excavations in the Capistrano and Monterey Formation where sensitive fossils could occur, monitoring by a qualified Paleontological Monitor shall be required when excavations in these formations take place. After geotechnical borings occur, a determination would be made about whether these formations may be encountered during excavation activities, particularly in the large cut between Stations 85+30 and 111+54. • If any vertebrate or plant paleontological resources are discovered during construction, construction shall be halted in the immediate vicinity of the discovery (33 ft. radius), until the Department Archaeologist, Paleontology Coordinator, or the designated Paleontological Monitor have the opportunity to review the discovery. • Remediation of any sensitive resources encountered before or during construction can include removal, preparation, and curation of any significant remains.
Hazardous Waste/Materials	No Impact	None proposed
Air Quality	Construction activities associated with the Build Alternative are temporary and would last the duration of construction. Short-term impacts to air quality would occur during minor grading/trenching, new pavement construction and the restriping phase. No long term impacts to air quality are anticipated as a result of this project	• In order to minimize construction-related emissions, all construction vehicles and construction equipment shall be required to be equipped with the State-mandated emission control devices pursuant to State emission regulations and standard construction practices. Short-term construction PM10 emissions shall be further reduced with the implementation of required dust suppression measures outlined within SCAQMD Rule 403. Note that Caltrans Standard Specifications for construction [Section 10 and 18 (Dust Control) and Section 39-3.06 (Asphalt Concrete Plants)] shall also be adhered to.
Noise	Additional traffic could cause an increase in noise impacts. Construction noise will vary depending upon the location and type of construction activities.	• Based on the studies completed to date, the Department proposes to incorporate noise abatement in the form of a sound wall at two locations. The recommended height of the soundwalls is 14 feet, though precise soundwall height and design will be determined during the Plans, Specifications, and Estimates (PS&E) phase of the project. The soundwalls would be located at the following locations: – Sound wall #2, from Via Cordova to Via Cristal

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		– Sound wall #3, from Via Cristal to Via Errecarte Calculations based on preliminary design data indicate that the barrier would reduce noise by a minimum of 5 dBA. Based on a 2007 cost estimate, the cost of the sound walls, if built at 14 ft., would be: – Sound wall #2: $529,626 – Sound wall #3: $870,753 However, if conditions have substantially changed during final design, noise abatement may not be necessary. The final decision of the noise abatement would be made upon completion of the project design and the public involvement processes. • During the construction period, the Contractor shall be required to comply with local sound control and noise level rules, as outlined in the Department's standard specification Section 7-1.01I. Also, internal combustion engines shall be equipped with a muffler to reduce noise.
Biological Resource (Natural Communities)	Direct effects to natural communities of concern involve the direct removal or fill of riparian/atypical wetland (0.134 acre, of this 0.052 acre is riparian vegetation) in Drainage Systems (DS) 7, 8, and 10. As culverts are improved and/or vegetation removed for roadway widening, these impacts will occur. Direct effects may also occur as ground disturbance activities occur within the drip line of the oak trees at "The Oaks" property. Indirect effects to natural communities would extend throughout the duration of construction. Indirect effects may include increased susceptibility of adjacent native habitats to invasion by non-native species; increased erosion, siltation, and runoff.	• The County of Orange shall be responsible for mitigation of the project impacts. At the time of preparation of project plans, the County will determine appropriate project mitigation, in coordination with the resource agencies. The County will serve as the Applicant for resource agency permits. • It is anticipated the County shall implement applicable conditions of the SAMP and NCCP/MSAA/HCP. • The project shall comply with applicable conditions of the SAMP and the NCCP/MSAA/HCP. In order to minimize and avoid effects to natural communities, the Build Alternative includes the following measures. • The permittee shall perform initial vegetation clearing in Waters of the U.S. between September 15 and March 15. Work in waters may occur between March 15 and September 15 if breeding bird surveys indicate the absence of any nesting birds within a 50-ft. radius. • Protective fencing shall be placed around the dripline of oaks to prevent compaction of the root zone (ESA). In addition, oaks that occur in container plants will be relocated prior to the start of construction. • Any impacts to oak trees shall be mitigated within proximity to the BSA, as coordinated with the City of San Juan Capistrano's Tree Removal Guidelines. • A qualified Biologist shall monitor all appropriate ground disturbance activities to ensure that all conservation measures are being implemented.

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		• Prior to the initiation of the project, the boundaries of the project's impact area shall be delineated by the placement of temporary construction fencing, staking, and/or signage. Any additional acreage impacted outside the approved project footprint shall be mitigated at a 5:1 ratio. • All Best Management Practices (BMPs) would be in place during construction according to the SWPPP. BMPs shall be employed to minimize erosion from the construction of project facilities and deposition of soil and/or sediment into drainage areas of the BSA. • No fueling, lubrication, storage, or maintenance of construction equipment within CDFG or ACOE jurisdictional areas is permitted. Spoil sites shall not be located within the CDFG or ACOE jurisdictional areas, or in areas where it could be washed into a drainage channel that outlets at San Juan Creek.
Biological Resources (Wetlands & Other Waters) Biological Resources (Wetlands & Other Waters) (continued	Direct effects on wetlands and other waters involve the loss of vegetation from filling of DS 7, 8, and 10 for SR-74 north-side widening, and direct removal of habitat due to site preparation such as vegetation clearing, grubbing, and grading. Indirect effects to wetlands and other waters may include: (1) changes in hydrology from increased sediment entering drainage areas after vegetation clearing, and/or (2) invasive, non-native plants transported into areas along the roadway with the movement of soil and/or placement of fill material, present on construction equipment brought on-site or taken offsite, and inadvertently included in seed mixes.	• The County of Orange shall be responsible for mitigation of the project impacts. At the time of preparation of project plans, the County will determine appropriate project mitigation, in coordination with the resource agencies. The County will serve as the Applicant for resource agency permits. • It is anticipated that the County shall implement applicable conditions of the SAMP and NCCP/MSAA/HCP. The following elements have been agreed to but may not be limited to the following, per conditions of the SAMP and Caltrans Construction Requirements: • The project would result in 0.134 acre of permanent impacts to Waters of the United States (WoUS) requiring a Letter of Permission (LOP) from the ACOE to authorize the discharge of dredged and/or fill materials into WoUS, pursuant to Section 404 of the Clean Water Act. A Compensatory Mitigation Plan addressing unavoidable impacts to WoUS and the program goal of no net loss of wetlands shall be prepared and approved by the ACOE prior to the issuance of the first grading permit. Mitigation ratios shall be determined by the ACOE. Conditions of the LOP are expected to include the following: a. When feasible, erosion and siltation controls, such as siltation or turbidity curtains, sedimentation basins, and/or hay bales or other means designed to minimize exacerbating turbidity in the watercourse above background levels existing at the time of project implementation shall be used and maintained during project implementation. All exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be stabilized at the earliest practicable date to preclude additional damage to the project area through erosion or siltation and no later than November of the year the work is conducted to

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Biological Resources (Wetlands & Other Waters) (continued)		avoid erosion from storm events. b. Heavy equipment working in or crossing wetlands shall be placed on temporary construction mats (timber, steel, geotextile, rubber, etc.) or other measures must be taken to minimize soil disturbance such as using low pressure equipment. Temporary construction mats shall be removed promptly after construction. c. No discharge of dredged or fill materials (even if temporary) shall consist of unsuitable materials (e.g., trash, debris) and material discharged shall be free from pollutants in toxic amounts, per Section 307 of the CWA. d. To the maximum extent practicable, the activity shall be designed to maintain pre-project downstream flow conditions. e. Exotic Species Management: All giant reed (*Arundo donax*), salt cedar (*Tamarix* spp.), and castor bean (*Ricinus communis*) must be removed from the project site to ensure that the site remains free from these non-native species for a period of five years from project completion. f. Any temporary fills must be removed in their entirety and the affected areas returned to their pre-existing conditions, including any native riparian and/or wetland vegetation. g. Measures shall be adopted to prevent potential pollutants from entering the watercourse. Construction materials and debris (including fuels, oil, and other liquid substances) will not be stored in the project areas in a manner so as to prevent any runoff from entering jurisdictional areas. h. Staging, storage, fueling, and maintenance of equipment must be located outside the waters in areas where potential spilled materials will not be able to enter any waterway or other body of water. i. Prior to initiation of the project, the boundaries of the project's impact area shall be delineated by the placement of temporary construction fencing, staking, and/or signage. Any additional acreage impacted outside the approved project footprint shall be mitigated at a 5:1 ratio. In the event that additional mitigation is required, the type of mitigation shall be determined by the ACOE and may include wetland enhancement, restoration, creation, or preservation. j. With regard to federally listed avian species, avoidance of breeding season requirements shall be those specified in the programmatic Section 7 consultation for the LOP procedures. For all other species, initial vegetation clearing in WoUS must occur between September 15 and March 15. Work in waters may occur between March 15 and September 15 if bird surveys indicate the absence of any nesting birds within a 50-ft. radius. k. The ACOE shall be allowed to inspect the site at any time during and immediately after project implementation provided 24-hour advanced notice is given to the permittee. In addition, compliance inspections of all mitigation sites must be allowed at any time.

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		l. A copy of the LOP conditions shall be included in all bid packages for the project; shall be available at the work site at all times during periods of work; and must be presented upon request by any ACOE or other agency personnel with a reasonable reason for making such a request. m. Within 60 days of completion of impacts to waters, as-built drawings with an overlay of waters that were impacted and avoided shall be submitted to the ACOE. Post-project photographs shall also be provided which documents compliance with permit conditions. n. An individual Section 401 Water Quality Certification shall be obtained [33 CFR 325.2(b)(1)].
Biological Resources (Plant Species)	A total of 8 oak trees (*Quercus agrifolia)* may be impacted by ground disturbance activities within the dripline of the trees, associated with roadway widening. Some of these oak trees occur in containers.	• Protective fencing shall be placed around the dripline of oaks to prevent compaction of the root zone (ESA). In addition, oaks that occur in containers will be relocated prior to the start of construction. • Any impacts to oak trees will be mitigated within proximity to the BSA, as coordinated with the City of San Juan Capistrano's Tree Removal Guidelines. • A qualified Biologist shall be designated responsible for overseeing biological monitoring, regulatory compliance, and restoration activities associated with the proposed project in accordance with the adopted mitigation measures and applicable laws. • All BMPs will be in place during construction according to the SWPPP. BMPs shall be employed to minimize erosion from the construction of project facilities and deposition of soil or sediment into drainage channels of the BSA. • Prior to the initiation of the project, the boundaries of the project's impact area must be delineated by the placement of temporary construction fencing, staking, and/or signage. • If any sensitive plants are observed within the BSA during pre-construction surveys, the locations of the populations and an estimation of the population size shall be mapped and shown on construction drawings. This information shall be used for appropriate avoidance during construction. If this species is to be avoided during construction, it shall be shown as ESA on the plans. If the population cannot be avoided during construction, this information shall be used for appropriate seed collection and salvage measures.
Biological Resources (Animal Species)	Direct effects involve the physical loss of habitat, possibly used by wildlife, due to site clearing, grubbing, culvert improvements, and road widening. Construction of the Build Alternative would result in the removal of habitat that may provide nesting and foraging opportunities for a variety of species including riparian/atypical	• Vegetation removal in upland areas should not occur during the primary nesting season for local birds (February 15 through September 1) and most raptors, as protected by the Migratory Bird Treaty Act and Section 3503.5 of the CDFG Code, respectively. If vegetation removal must occur during this period, then pre-construction surveys shall be conducted in the appropriate habitats within and up to approximately 100 feet (33 meters) from the project boundary or an area coordinated with the resource agencies, in order to identify nesting birds and/or raptors within or adjacent to the proposed project. In the event of discovery of active nests in the areas to be cleared,

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	wetland, species dependent on tall trees (oaks), and non-native species. During construction, there may be indirect effects to riparian-dependent species including minimal changes in increased sediment in tributary drainages to San Juan Creek, water temperature, flow velocity, chemistry, or associated terrestrial/aquatic vegetation that would reduce the habitat quality for riparian-dependent species. Construction noise may affect nesting birds in the following ways: (1) reduce communication distance, (2) distort sounds, and/or (3) cause an avoidance pattern due to annoyance. With implementation of the project sound walls, noise levels pre- and post- construction will remain similar.	protective measures as outlined by the qualified Biologist shall be taken, as coordinated with the resource agencies. Clearing and grubbing limits may be established up to approximately 500 ft. (150 m) in any direction of nests, or buffer distance coordinated with the resource agencies. • In order to avoid and minimize the effects of lighting on wildlife, construction lighting shall be shielded away from natural areas. • Biological resources shall be protected during construction. To ensure this protection, a Biological Resources Construction Plan (BRCP) that provides for the protection of the resource and establishes the monitoring requirements will be completed. • A qualified Biologist shall monitor all appropriate ground disturbance activities to ensure that all conservation measures are being implemented. • To reduce impacts to these species, all construction-related activities shall be confined to the proposed impact boundaries by installing fencing along the boundary to prevent any construction activities from encroaching into adjacent areas. In addition, construction access points shall be limited in proximity to the potential habitat for these species to the maximum extent feasible. • All BMPs shall be in place during construction according to the SWPPP. • ESAs will be flagged prior to the start of ground disturbance activities. • Construction of two project sound walls will result in post-construction noise levels similar to pre-construction levels, in the BSA.
Biological Resources (Threatened and Endangered Species)	No impact.	None proposed.
Biological Resources (Invasive Species) Biological Resources (Invasive Species) Continued	Invasive species have the potential to be imported to the project culverts by contaminated construction equipment or imported materials such as soils. Invasive species have the potential to be imported to the project culverts by contaminated construction equipment or imported materials such as soils. The dispersal of invasive species propagules in the BSA may be furthered by roadway vehicles, with	• Prior to the initiation of the project, the boundaries of the project's impact area must be delineated by the placement of temporary construction fencing, staking, and/or signage. • A qualified Biologist shall be designated responsible for overseeing biological monitoring, regulatory compliance, and restoration activities associated with the proposed project in accordance with the adopted mitigation measures and applicable laws. • All BMPs will be in place during construction according to the SWPPP. • In order to comply with Executive Order 13112 on *Invasive Species*, no invasive species will be

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	inadvertent mixing of invasive species in seed mixes applied adjacent to the highway and the spread of invasive species during weed control programs such as mowing.	planted within the State right-of-way or in areas in proximity to drainage areas where the species may enter a drainage.