Division of Local Assistance
Office of NEPA Delegation and Environmental Compliance

Process Review 09-07: Mitigation Commitment Oversight

FINAL REPORT

Recommended Approval

Original Signed by Margaret Buss Date: 1/7/2010
Chief, NEPA Delegation and
Environmental Compliance Office

Approved

Original Signed by Denix Anbiah Date: 1/7/2010
Chief, Division of Local Assistance

EXECUTIVE SUMMARY

This report presents the findings and recommendations of Process Review 09-07. The purpose of the review was to determine whether measures necessary to mitigate adverse impacts *(23 CFR 771.105(d))* from local agency federal-aid transportation projects are being incorporated into Final Plans, Specifications &Estimates (PS&E) and implemented during project construction. The ultimate goal of the review is to provide a basis for a risk assessment of Local Assistance Program's current procedure of handling Environmental Commitment Compliance (ECCs) on a process review basis rather than a 100 percent PS&E review.

The review involved a 3-step process consisting of (1) data collection to ascertain the relative number, type and location of local assistance projects involving measures necessary to mitigate adverse impacts; (2) district visits to review project files and determine whether mitigation commitments were incorporated into Plans, Specifications and Estimates (PS&E) and where possible, implemented during project construction; and (3) interviews with District Local Assistance engineers, environmental coordinators, and cultural and biological resource staff too gain an understanding of the environmental mitigation commitment development and implementation process.

The process review findings revealed that, of the projects with Final PS&E available, 100% exhibited incorporation of environmental mitigation commitments that were associated with those impacts to biological and cultural resources that might occur during construction. Of those projects constructed, 100% exhibited incorporation of those mitigation commitments that would be apparent post-construction. Evidence of compliance with mitigation commitments occurring pre-construction was not readily attainable, and district environmental staff indicated that they rarely receive post-construction reports or monitoring reports to U.S. Fish and Wildlife Service (FWS).

A separate finding of this review was that district local assistance environmental coordinators are not always aware when Final PS&E is processed by the District Local Assistance Engineer (DLAE).

These findings prompted the following two policy recommendations: (1) Where projects are flagged for PS&E review in LP2000, the DLAE provides District Local Assistance environmental coordinators with a copy of items related to mitigation commitments, including PS&E, and (2) the local agency provides the DLAE with a copy of any post construction mitigation report and all monitoring reports sent to the United States Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS) and the State Historic Preservation Officer (SHPO). The first policy recommendation would accomplish two goals. It would inform district local assistance environmental coordinators of the date of the next major federal action (Request for Authorization (RFA) to Proceed with Construction) triggering the need for a re-validation of the Categorical Exclusion (CE) or environmental document, and, because Final PS&E is a required component of the RFA packet, would also inform district local assistance environmental coordinators that Final PS&E is available. The second policy would provide documentation for the project file that pre-construction commitments, such as the hiring of a USFWS qualified biologist, pre-construction surveys, the purchase of conservation credits, education of construction crews, Historic American Building Survey (HABS) or Historic American Engineering Record (HAER) recordation, etc. had occurred.

A. BACKGROUND

On August 23, 2007, the Federal Highway Administration California Division and the California Department of Transportation issued the Environmental Commitment Compliance Process Review Final Report (FHWA #S50828, CALTANS Division of Local Assistance #07-04). The purpose of that process review was to examine the overall health of the environmental commitment process, including prudent and reasonable expenditure of federal funds, and primarily focused on two surrogate areas of biological resources and cultural resources. This included implementation of biological commitments such as avoidance of environmentally sensitive areas (ESAs); incorporation of exclusionary measures; mitigation compensation; monitoring, etc. For cultural resources, this included the implementation of ESAs; Memorandum of Agreement requirements; and archaeological data recovery plans.

The report found that the Local Assistance Procedures Manual requires local agencies to certify that they have incorporated environmental commitments into their PS&E and that they have implemented all required environmental commitments during construction. Caltrans DLA holds the local agencies responsible for ensuring compliance with environmental commitments.

The report recommended that:

- Caltrans, both CIP and DLA, ensure that environmental commitments are clearly identified and incorporated into local agency PS&E and/or contracts, which may involve additional oversight for contract review
- Caltrans should ensure the completion of all projects and implementation of associated environmental commitments.
- Cross-training on contract language and procedures be provided to staff biologists, cultural resource specialists and contracting personnel so that they can better articulate technical criteria to be achieved in contract and/or mitigation agreements

On May 7, 2008 the Divisions of Environmental Analysis and Local Assistance jointly submitted to FHWA an Implementation Plan and Response to the Environmental Commitment Compliance Process Review (August 2007) outlining how Caltrans will implement and respond to all of the findings and recommendations.

The implementation plan confirmed that DLA currently utilizes the sampling method noted in the Finding to assess local agency compliance with mitigation requirements, and agreed that following one year of mitigation commitment data collection in LP2000, to analyze the information in an effort to characterize 1) the types of projects likely to have mitigation measures; 2) the relative percentage of local assistance projects with mitigation measures; and 3) the level of workload involved in monitoring mitigation measures. The data analysis will be used in a process review of the effectiveness of Local Assistance practices and appropriate level of monitoring and oversight of local assistance projects.

B. PURPOSE AND OBJECTIVES OF REVIEW

The objective of this process review is to determine the percentage of local assistance projects involving adverse impacts under Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act, the nature of mitigation commitments agreed to, and an assessment of local agency compliance with the environmental commitments agreed upon. This process review will provide that basis for a risk assessment of Local Assistance Program's current procedure of handling Environmental Commitment Compliance (ECCs) on a process review basis rather than a 100 percent Plans, Specifications and Estimates (PS&E) review.

C. REVIEW METHOD:

This Process Review involved a three (3) step process.

Step 1: Data collection from the Division of Local Assistance LP2000 database to determine the total number, type and location of local assistance projects requiring a Biological Opinion and/or a Memorandum of Agreement during the period from January 1, 2007 to October 1, 2009. From this data, we were able to determine the relative percentage of local assistance projects involving measures necessary to mitigation adverse impacts.

Step 2: District visits and project file and PS&E reviews for local assistance projects involving a Biological Assessment (BA) submitted to the United States Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) and/or a Memorandum of Agreement (MOA) submitted to the State Historic Preservation Officer (SHPO) between January 1, 2007 and October 31, 2009) to determine whether mitigation commitments were incorporated into PS&E and, where possible, implemented during project construction.

Step 3: Interviews with District Local Assistance engineers, environmental coordinators, professionally qualified staff (PQS), and biologists to ascertain current practice with respect to the establishment of mitigation commitments during the environmental process, the incorporation of mitigation commitments into project Plans, Specifications and Estimates (PS&E) and the implementation of mitigation commitments, pre-construction, during construction and post-construction.

D. REVIEW TEAM

Margaret Buss, DLA, Chief, NEPA Delegation & Environmental Compliance Office
Germaine Belanger, DLA Environmental Specialist
Virginia Denison, NEPA Delegation Coordinator D-1, D-2 and D-3
Haiyan Zhang, NEPA Delegation Coordinator D-4 and D-10
Dawn Kukla, NEPA Delegation Coordinator, D-7 and D-12
Chris Benz-Blumberg, NEPA Delegation Coordinator, D-8

In cooperation with:
Eugene Shy, Process Review Engineer, Caltrans Division of Local Assistance

E. REVIEW SCHEDULE

Data Collection	Oct 1, 2007 – Sep 30, 2009
Review Plan approved	November 5, 2009
Schedule District Visits	November 4, 2009
Conduct District Visits	Nov 16-Dec 9, 2009
Compile results and Schedule Site Visits	December 14, 2009
Prepare draft report	December 15-17, 2009
Committee Meeting to discuss report	December 29, 2009
Final report	January 7, 2010

F. FINDINGS, OBSERVATIONS and RECOMMENDATIONS

FINDING #1:
Between January 1, 2007 and September 30, 2009, the California Department of Transportation district Local Assistance offices processed NEPA approvals for 2002 local assistance projects statewide. Of those 2002 projects, approximately thirty-four (34), or 1.7 percent, required measures to mitigate adverse impacts necessary to comply with Section 7 of the Federal Endangered Species Act (FESA) and/or Section 106 of the National Historic Preservation Act (NHPA). (Attachment 1). Twenty-five (25) of the thirty-four (34) projects required mitigation to comply with FESA and six (6) of the thirty-four (34) projects required mitigation to comply with the NHPA. Several projects required mitigation to comply with both Section 7 and Section 106. The statewide distribution of local assistance projects with adverse impacts under Section 7 (represented by the count of Biological Opinions (BO)) or Section 106 (represented by the count of Memoranda of Agreement (MOA)) is provided below:

Table 1: Statewide Distribution of Local Assistance Projects with Adverse Impacts under Sec 7 and/or Sec 106 between Jan 1, 2007 and Sep 17, 2009

DIST	TOTAL NUMBER OF BOs and /or MOAs
2	2
3	5
4	5
5	8
6	5
7	1
8	5
10	3
Total	34

OBSERVATION #1:
Nature of Projects Involving Adverse Impacts. Of the 34 projects involving adverse impacts, approximately 60% were bridge replacement, bridge rehabilitation projects or seismic retrofit, and 40% were roadway widening or new road projects.

Nature of Adverse Impacts: Of the 34 projects, 75% adversely impacted federally-listed threatened and endangered animals such as the California Red Legged Frog, Giant Garter Snake, Valley Elderberry Long Horned Beetle, San Joaquin Kit Fox, Desert Tortoise, Mohave Ground Squirrel, Fringed Toed Lizard, Milk Vetch, Steelhead and Salmon, and 25% adversely impacted federally-listed historic bridges, houses and properties.

Nature of Mitigation Commitments: A summary of the general types of mitigation commitments required in order to comply with Section 7 and/or Section 106 is provided in Attachment 2. The commitments are grouped by their requirement to be implemented pre-construction, addressed in Contract Specifications and Special Provisions, delineated on Contract Plans and implemented post-construction.

RECOMMENDATION #1:
Finding #1 is a quantification of the relative number of local assistance projects involving adverse impacts under Section 7 and Section 106, and a characterization of the types of local assistance projects involving adverse impacts, the nature of the adverse impacts, and the general mitigation commitments typically associated with local assistance projects involving adverse impacts. Finding #1 satisfies Step 1 of the review process. No recommendation is warranted.

FINDING #2:
100% of the thirty-four (34) projects reviewed had a list of mitigation commitments in the project file. Additionally, while not required for local assistance projects, six (6) out of the eight (8) districts required local agencies to record mitigation commitments on a district-designed Environmental Commitment Report (ECR) form. Examples of the various ECR formats are provided at Attachment 3. In addition to having the mitigation commitments attached to the CE Form, five (5) out of eight (8) districts reviewed had a copy of the mitigation commitments filed behind Tab 275 in the project file.

Seven (7) of the eight (8) district local assistance environmental coordinators interviewed stated that the mitigation commitments are attached to the CE form consistent with the CE form footnote:

> *"Briefly list mitigation commitments on continuation sheet. Reference additional information, as appropriate (e.g., air quality studies, documentation of conformity exemption, FHWA conformity determination if Section 6005 project; §106 commitments; § 4(f); § 7 results; Wetlands Finding; Floodplain Finding; additional studies; and design conditions). Revised September 15, 2008"*

In the one district where the list of mitigation commitments were not attached to the CE Form, corrective measures are being taken to comply with current procedure.

OBSERVATION #2:
During interviews, District Local Assistance environmental coordinators informed us that they require local agencies to submit a list of all mitigation commitments prior to issuing NEPA approval. In addition, the CE is not signed until the local agency submits a complete list of mitigation commitments, consistent with the Local Assistance Procedures Manual (LAPM), Chapter 6, Environmental Procedures:

> (1) Section 1.6, Roles and Responsibilities, Local Agency #13. "*Provides Caltrans with a list of mitigation commitments required to comply with NEPA",*
> (2) Section 6.3, Mitigation Commitments and Plans, Specifications & Estimate: *"The local agency shall develop a list of all mitigation as related to NEPA and provide it along with the technical reports and draft environmental document."*

This was consistent with process review observations. There was district variation in the format of mitigation commitments attached to the CE, but all required mitigation was listed in each case.

RECOMMENDATION #2:
Share various ECR formats statewide for districts to consider adopting if useful in district context. DLA issue memo to the one district where the mitigation commitments were not attached to the CE, informing them that this practice does not comply with current practice and request their compliance. Finding #2 satisfies Step 2 of the Review Process.

FINDING #3:
While 100% of project files reviewed contained a list of mitigation commitments, 0% of the project files reviewed contained a letter to the local agency, transmitting the CE with attached mitigation commitments, consistent with LAPM, Chapter 6, Section 6.6, Step-by-Step Procedures – Categorical Exclusion with Technical Studies, Step 36, informing the local agency that:

> *"NEPA compliance is complete. LA may commence with final design. LA is responsible for incorporating all minimization, avoidance and mitigation measures, and the conditions of all permits agreements and approvals into final design. LA is responsible for fully implementing all minimization, avoidance and mitigation measures, and the conditions of all permits during project construction. A copy of all mitigation commitments and permits shall be sent to the DLAE prior to advertisement."*

The policy of issuing a letter was a result a recommendation from a previous Local Assistance Program process review where it was discovered that local agencies were beginning final design prior to NEPA approval.

OBSERVATION #3:
Districts transmitted approved CEs via email, or via mail with a follow-up telephone call, but none of the project files reviewed contained evidence of discussions regarding commencement with Final Design or environmental requirements during Final Design or Construction. District Local Assistance environmental coordinators stated that a separate formal transmittal letter is not warranted since the mitigation commitments, prepared by the local agency, are part of the CE Determination. In addition, it clearly states that the mitigation commitments attached to the CE will be implemented.

RECOMMENDATION #3:
DLA issue a memo or an Office Bulletin to districts, explaining that, while current procedures require a formal letter transmitting the CE to the local agency, email transmittal is acceptable as long as it includes the same elements as LAPM, Chapter 6, Section 6.6, Step-by-Step Procedures – Categorical Exclusion with Technical Studies, Step 36, cited above.

FINDING #4:
Of the eight (8) projects with Final PS&E completed, 100% of the PS&E packages reviewed included discussions and/or delineations as set forth in the mitigation commitments attached to the CE.

OBSERVATION #4:
The process review team was able to locate the majority of mitigation commitments in the Special Provisions under Sections 4, 5 and 10. Section 4 Beginning of Work, addressed pre-construction conferences, and archaeological finds. Section 5 General, addressed permit requirements, ESA, qualified biological monitors, rinsing of plants with clean water, signs, pre-construction surveys, erosion control silt fencing, temporary dewatering, intake screens, dewatering requirements, and relationships with U.S. Army Corps Of Engineers and U.S. Fish and Wildlife Service. Reference was made, by specific number, to the list of mitigation measures appended to the Special Provisions. Section 10 Construction Details, addressed roadside signs and special signs to protect federally-listed species, order of work, temporary fencing, preservation of property, dust control, clearing and grubbing, watering, special requirements, plant cuttings, and re-vegetation. Conceptual Dewatering Plans, Permits, Mitigation Measures and Mitigation Monitoring Plans were found appended to the Special Provisions and referenced throughout.

Team members also reviewed available Plan Sheets, and found mitigation commitments addressed throughout the Plans. Plan Sheets contained Environmentally Sensitive Areas (ESA) with Construction Notes that reiterated that ESA fences shall be installed and signed in accordance with details provided on this sheet. There were engineering drawing of ESA signs, under Special Sign Detail, with precise sign measurements and text. General Notes on the plan sheets reiterated that project biologist shall inspect the site for evidence of listed species prior to construction and that inspections by project biologist will continue throughout construction. Plans sheets were also found to contain specific dewatering plans. Process review notes for projects with Final PS&E are provided at Attachment 4.

RECOMMENDATION #4:
As all packages were complete and compliant, no recommendation warranted. Finding#4 satisfies Step 2 of the process review.

FINDING #5:
Four (4) of the thirty-four (34) local assistance projects included in this process review had been constructed. (See Attachment 1). Process review team members visited the construction sites to ascertain whether mitigation commitments were discernable in the field. Implementation of those mitigation commitments that would be physically observable post-construction were apparent on 100% of the construction sites visited.

OBSERVATION #5:
Due to the nature of mitigation commitments on the local assistance projects reviewed, only a relatively small portion of the mitigation commitments were observable during construction site visits.

Virtually all of the mitigation commitments on the project reviewed were required to be completed prior to or during construction. For example, in order to comply with the mitigation commitments under Section 106, the local agency was required to hire a qualified consultant to prepare the Recordation (special drawings, photographs, and narrative HAER documentation) in accordance with the MOA, remove the plaques from bridge, and obtain NPS acceptance of all documentation as complete prior to demolition of bridges. In order to comply with the mitigation commitments under Section 7, the local agency was required to hire an on-site service approved biologist, conduct pre-construction surveys, educate construction crews, implement erosion control measures, establish ESAs, monitor in-channel activities, implement Best Management Practices (BMPs) during construction, adhere to construction timing, flag construction limits, purchase conservation credits at a NMFS/FWS Service- approved conservation bank and replant disturbed areas. Process Review Notes for projects that had been constructed are provided at Attachment 5.

With the exception of bridge demolition and re-vegetation of disturbed areas, none of these mitigation commitments would be discernable on the ground once construction is complete.

Because the local agency's project engineer and the resident engineer are responsible for complying with the environmental commitments, there is little if any documentation of mitigation completion in Caltrans district environmental project files.

In one case, the local agency had prepared and submitted a Post Construction Report (Attachment 6) that summarized and documented actions taken, *prior to and during construction*, to implement mitigation commitments. The Post Construction Report discussed:

- the purchase of conservation credits to mitigate impacts to the species, with a copy of the check, that was sent to the conservation bank, attached
- construction crew training, with a copy of the attendees and training handouts
- delineation of the project limits and County right of way
- parking and staging areas
- construction timing
- site clean up and garbage disposal
- speed limits and equipment traffic
- firearms and pets
- borrow material site
- service notification of death or injury of a listed species

The Post Construction Report also included a copy of:

- Environmental Commitment Report (ECR)
- Regional Water Quality Control Board (RWQCB) Storm Water Discharge Permit
- Agreement for Sale of Conservation Credits, signed by the Conservation Bank, the County's Legal Counsel and the USFWS Field Supervisor.
- Bill of Sale for the purchase of preservation credits from conservation bank
- Payment receipt
- Copy of the County's check to the conservation bank.
- Attendance Record for the Worker Environmental Awareness Training
- Copies of handouts and training materials.

The process review team found this document to be strong evidence of the local agency's compliance with the mitigation commitments outlined in the environmental document.

RECOMMENDATION #5:
Consider Post Construction Report as an effective practice that should be shared with district local assistance engineers and environmental staff statewide and solicit input for standardizing its use. Based on input received, DLA develop standardized version for either mandatory or discretionary use statewide and provide in electronic format for local agency access; develop policy and procedures regarding applicability and use; and update Federal Aid Series Course to include demonstrating compliance with mitigation commitments. Finding#5 satisfies Step 3 of the review process.

Attachment 1

Table 1. Local assistance projects with adverse impacts under Section 7 of the Federal Endangered Species Act and Section 106 of the National Historic Preservation Act (1 Jan 07-30 Sep 09)

Dist	Prefix Project	Project Description	Location	Study Type	Agency To Review Env Study	Final PS&E	Construction Complete
02	RPSTPL-5905(036)	New road project	In eastern Weaverville from State Route 299 to State Route 3 - PPNO 2138 - SB45	BA	NMFS		
02	STPLZ-5908(024)	Seismic retrofit	In Tehama County on Bowman Rd. @ S. Fork Cottonwood Creek. Bridge 8C-9.	BA/MOA	FWS/SHPO		
03	BHLS-5002(111)	Bridge rehabilitation	Norwood Avenue at Arcade Creek	BA	FWS		
03	BRLO-5915(048)	Replace structurally deficient bridge	Lenahan Road at Funks Creek	BA	FWS		
03	BRLO-5919(006)	Bridge replacement	Wise Rd. at North Ravine Br. No. 19C-35	BA	FWS	X	
03	STPL-5922(047)	Roadway widening for bike improvements	On County Road 98 from the Solano County Line (Near County Road 29) to Woodland City Limits.	BA	FWS		
03	STPLH-5911(028)	Remove fixed object	County Road 44	BA	FWS		
04	BRLS-5303(003)	Bridge Rehab	Rumrill Blvd. @ San Pablo Crk-Br.#28C-0325	BA	FWS		
04	BROS-0081(011)	Bridge replacement	Skyline Blvd at Crystal Springs Dam	BA	FWS		
04	ER-4433(001)	EO and restoration-Force Account and Contract	Ygnacio Valley Road approx .35 mi. south of Cowell Rd. In the city of Concord. DAF # RMK-CND-001-0	BA	FWS		
04	STPLZ-5920(034)	Seismic retrofit	Russian River 20C-0155	BA	NMFS		
04	STPLZ-5934(080)	Seismic Retrofit/Rehabilitation	In the City of San Francisco County on Fourth St @ China Basin Bridge, Brd. No. 34C-0027	MOA	SHPO	X	
05	BRLK-5031(005)	low water crossing-2 lane lwc	HARKINS SLOUGH ROAD at WATSONVILLE SLOUGH, BRD. NO. 36C-LWC1/00L0011	BA	FWS	X	X
05	BRLO-5007(030)	Bridge replacement	Ortega St @ Mission Creek between Bath & Castillo, Brd. # 51C-0300	BA/MOA	NMFS/SHPO		
05	BRLO-5943(014)	Bridge replacement	LONE TREE RD. @ ARROYO DOS PICACHOS BRD. #43C-0043	BA	FWS/NMFS		X
05	BRLO-6282(002)	Bridge replacement	Cuesta College, Hollister Rd @ Chorro Creek---BR. # 49I-0003	BA	FWS/NMFS		In Construction
05	BRLS-5007(001)	Bridge replacement	De La Vina @ Mission Cr Br #51C-247	BA	NMFS	X	Scheduled for Construction
05	BRLS-5007(034)	Replace road bridge and ped bridge with one bridge	West Cabrillo Blvd @ Mission Creek Br#51c-0326	BA/BA/MOA	FWS/NMFS/SHPO		
05	BRLS-5943(009)	Bridge replacement	Cienega Rd. @ Pescadero Creek, Brd. # 43C-030	BA	FWS	X	X
05	BROS-0083(016)	Reconstruct Bridge & Approaches	51C-0225 Jonata Park Road at ZACA Creek, BR. NO. 51C-225. found under CRP-L089(971) New Bridge #51C-0347	MOA	ACHP	X	X
06	BHLS-5216(028)	Bridge replacement	On the Manning Avenue Bridge (BR# 42C-0010) across the Kings River.	BA	FWS		
06	BRLO-5941(004)	Bridge replacement	Road 28 @ Cottonwood Creek, Br. # 41C-0006	BA/MOA	FWS/SHPO		
06	RPSTPL-5946(029)	widen from two lanes to four lanes expressway	on Avenue 416 from the Fresno County Line to Road 88 (Crawford Avenue) near the City of Dinoba.	BA/MOA	FWS/SHPO		
06	RPSTPL-5946(043)	Roadway widening from 2 lanes to 4 lanes with improvements	on Caldwell Avenue (Avenue 280) from Santa Fe Avenue to Orange Avenue in the City of Visalia	BA	FWS		
06	RPSTPL-5946(047)	Roadway widening	on Scranton Ave (Avenue 136) from State Route 65 to Indiana St (Road 240) and Indiana St from Scranton Ave to Gibbons Ave (Avenue 138).	BA	FWS		
07	039-NBIL(039)	Bridge replacement	100 FT east of SR33 to San Antonio Creek.	BA	NMFS		
08	BRLO-5282(017)	Bridge replacement	Indian Canyon Drive at U.P.R.R. Overhead, Br. No. 56C-0025	BA	FWS		
08	BRLO-5449(015)	Bridge replacement	Greenspot Road over the Santa Ana River, Br. No. 54C-0368	BA	FWS		
08	STPL-5467(004)	Roadway widening and extension	Peyton Drive from Grand Avenue to Chino Hills Parkway (SR 142) and Eucalyptus Avenue from Peyton Drive to Galloping Hills Parkway	BA	FWS		
08	STPLN-5282(016)	Roadway widening	Indian Canyon Drive from Garnet Avenue to one-half mile east of UPRR Overhead	BA	FWS		
08	STPLN-5282(023)	Roadway widening from 2 to 4 lanes	Indian Canyon Drive from Tramview Road to the U.P.R.R. Overhead (Br. No. 56C-0025) near Garnet	BA	FWS		
10	BRLS-5008(055)	Bridge replacement - capacity increasing	Davis Road Bridge over Pixley Slough, Br. 29C-0296 (Stockton Vincity near I-5)	NES	FWS	X	
10	HSIPL-5932(045)	Widen shoulder	Two Locations on Old Priest Grade Rd between Big Oak Flat Rd.	BA	FWS		
10	PLHL-5939(059)	Road rehabilitation and intersection improvements	On sections of Franklin Road, Ladino Avenue and Fox Road from Santa Fe Drive to the Atwater Federal Penitentiary.(Atwater)	BA	FWS	X	

Attachment 2

Sample of Mitigation Commitments from Process Review Projects Occurring Pre-Construction

For biological resources protected under Section 7 of the Federal Endangered Species Act:

- Compensate for permanent and temporary impacts by acquisition of land and creation of habitat or by purchase of preservation and creation credits at a US Fish and Wildlife Service (FWS)-approved conservation bank 3 months prior to groundbreaking
- Submit documentation of purchase to Service prior to groundbreaking
- Erect exclusion fencing
- Conduct construction worker awareness training
- Transplant plants to conservation area or bank
- Hire qualified biologist to conduct pre-construction surveys, monitor during construction and prepare final reports to FWS
- Send biologists credentials to FWS for their approval
- Have biological monitor present during construction
- Continue to monitor placement and removal of protected species
- Prepare written monitoring reports to FWS and National Marine Fisheries Service (NMFS)
- Biologist to remove frog egg masses from ponds before demolition of bridge and maintain frog eggs in ponds during demolition
- Biologist to remove any frogs found during construction and protect pond from disturbance during construction
- Erect fences to exclude frogs and snakes from entering ponds during demolition
- Restore area to pre-construction condition
- Prepare water pollution control plan to protect Shrimp
- Have NMFS review Water Pollution Control Plan before construction
- Use creek diversion measures to minimize mortality of species
- Float all intake pumps
- No construction in flowing water
- Protect large native trees as feasible
- Plant a minimum of 300 replacement trees native to riparian habitat
- Keep copy of FWS/NMFS Biological Opinion, concurring with mitigation, on site during construction
- Check construction equipment daily to see if there are any leaks when working in the channel
- Keep hazardous materials prevention supplies on site
- No pets allowed on site
- Trash removal
- Photograph construction site before, during and after construction to document compliance
- Prepare sediment & turbidity control measures
- Fit dewatering devices with juvenile fish exclusionary features
- No insecticides
- Weed control
- Pesticides provide written description of how buffer areas are to be protected, restored and maintained after construction

- No mowing within 5 feet of plants
- Permanent fencing around compensation area in perpetuity
- Sign compensation area
- Monitor compensation area
- Remove swallow nests
- Protect hawk nests
- 3 months prior to construction, survey to verify the number of Valley Elderberry Long-Horned Beetle (VELB) shrub stems that will be affected
- If the stem count is different from the amount specified in BO, contact Service to adjust the number of plantings required for compensation
- Transplant plants in accordance with ratios set forth in the Programmatic BO.
- Programmatic Biological Opinion conservation measures 1-8
- Services' 1999 Conservation Guidelines for VELB
- Fringe toed lizard fence design specifications
- Fund habitat enhancement to benefit Giant Garter Snake (GGS)
- Cut channel to allow water to flood the site
- Purchase conservation easement
- Commit funding for habitat enhancement and pay the appropriate fees for inclusion in the Conservation Plan for the perpetual management of the easement prior to the start of construction prior to the start of construction
- Negotiate all purchase, funding, commitments and enhancement work with input from the Service
- Identify agency responsible for monitoring site in perpetuity
- No firearms on construction site

For historic resources protected under Section 106 of the National Historic Preservation Act (NHPA):

- Prior to any work involving demolition, recordation in accordance with Memorandum of Agreement (MOA)
- Large-format (4”x5”) photographs showing all elevations, in accordance with the Historic American Engineering Record (HAER)
- Process photos for archival permanence in accordance with the HAER photographic specifics
- Complete written historical and descriptive report on construction and significance under NRHP criteria
- Address historic context for its construction in accordance with HAER Guidelines
- Written report retained by CT
- Offer copies of reports to local and state libraries, university, State Historic Preservation Officer (SHPO)
- Process 2,500 copies for distribution to locations in local agency public offices, libraries, etc.
- Provide pamphlet in electronic format at appropriate world wide web address associated with local agency and it’s historical resources
- One copy of the pamphlet in each language shall be retained by District and libraries.
- Replant all compromised vegetation contributing to setting of property
- Replant with same species removed, at 1:1 ratio
- Prepare deferred ID plan; if positive, develop historic properties treatment plan in coordination with SHPO
- Test area of excavation needed for bridge abutments prior to construction
- If discoveries, treatment of human remains of Native American origin (duration: 10 years)

- Data Recovery Plan (Testing, Archiving, Reporting)
- Phase III Excavation (within identified site, prior to construction)
- Revaluation of NRHP eligibility
- Recordation (special drawings, photographs, and narrative HAER documentation)
- Materials to be distributed to CT and Cal State Library
- Retrofit and rehab to be undertaken in accordance with drawings/plans
- Concurrent notification (CT and SHPO) of any proposed changes in project drawings
- Production/installation of Interpretive panels
- Reuse of paving materials
- If house is moved during construction, return to original location
- New foundation should be of similar appearance to original
- Replant landscaping features in similar layout to original
- Bridge shall be constructed in accordance with what was presented to the SHPO, replication of the original design
- Sandstone curbs that are removed during construction shall be marked and returned to their original location after completion of construction
- Replicate original bridge railing
- Design new deck to simulate original
- Design bike path rail to conform to 1928 bridge railing
- Use stone from mission creek channel to reconstruct
- Produce photos and construction drawings for archival permanence and per HAER specifications
- Contractor shall remove bridge plaque and give to local agency
- Full documentation in accordance with Section 110(b) of the NHPA prior to demolition
- Appropriate recordation standards and procedures for HAER as determined by National Park Service (NPS)
- Contractor shall remove bridge plaque and give to local agency

Sample of Mitigation Commitments from Process Review Projects Occurring in Contract Special Provisions

For biological resources protected under Section 7 of the Federal Endangered Species Act:

- Transplant plants
- Remove swallow nests
- Protect hawk nests
- Sedimentation detention device
- Install rootwad structures
- Make sandbag berms
- Fence design specifications for specific species (i.e., fringe toed lizard)

For historic resources protected under Section 106 of the National Historic Preservation Act:

- Prior to any work involving demolition, recordation in accordance with MOA
- Large-format (4”x5”) photographs showing all elevations, in accordance with the HAER
- Process photos for archival permanence in accordance with the Historic American Engineering Record (HAER) photographic specifics
- Complete written historical and descriptive report on construction and significance under NRHP criteria
- Address historic context for its construction in accordance with HAER Guidelines

- Written report retained by CT
- Offer copies of reports to local and state libraries, university, SHPO
- Process 2,500 copies for distribution to locations in local agency public offices, libraries, etc.
- Provide pamphlet in electronic format at appropriate world wide web address associated with local agency and it's historical resources
- One copy of the pamphlet in each language shall be retained by District and libraries.
- Replant all compromised vegetation, contributing to setting of property
- Replant with same species removed, at 1:1 ratio
- Prepare deferred ID plan; if positive, develop historic properties treatment plan in coordination with SHPO
- Test area of excavation needed for bridge abutments prior to construction
- If discoveries, treatment of human remains of Native American origin (duration: 10 years)
- Data Recovery Plan (Testing, Archiving, Reporting)
- Phase III Excavation (within identified site, prior to construction)
- Revaluation of NRHP eligibility
- Recordation (special drawings, photographs, and narrative HAER documentation)
- Materials to be distributed to CT and Cal State Library
- Retrofit and rehab to be undertaken in accordance with drawings/plans
- Concurrent notification (CT and SHPO) of any proposed changes in project drawings
- Production/installation of Interpretive panels
- Reuse of paving materials
- If house is moved during construction, return to original location
- New foundation should be of similar appearance to original
- Replant landscaping features in similar layout to original
- Bridge shall be constructed in accordance with what was presented to the SHPO, replication of the original design
- Sandstone curbs that are removed during construction shall be marked and returned to their original location after completion of construction
- Replicate original bridge railing
- Design new deck to simulate original
- Design bike path rail to conform to 1928 bridge railing
- Use stone from mission creek channel to reconstruct
- Produce photos and construction. drawings for archival permanence and HAER specs
- Contractor shall remove bridge plaque and give to local agency
- Full documentation in accordance with Section 110(b) of the NHPA prior to demolition
- Appropriate recordation standards and procedures for HAER as determined by NPS

Sample of Mitigation Commitments from Process Review Projects Occurring on Contract Plan Sheets

For biological resources protected under Section 7 of the Federal Endangered Species Act:

- Vehicle storage areas
- Vehicle maintenance & refueling areas
- Settling basins
- Environmental Sensitive Areas (ESAs)
- Exclusionary fencing

- Brightly colored fencing
- Signs posted every 50', reading "threatened species protected by the Fed Endangered Species Act and must not be disturbed. Violators are subject to prosecution, fines, imprisonment;"
- Aquatic habitat.
- Roadways and staging areas
- Riparian habitat or water body
- Re-vegetation areas
- Construction window
- Area to be dewatered
- Wire mesh size for intake value (5mm)
- Delineation of creeks, rivers, ponds

For historic resources protected under Section 106 of the National Historic Preservation Act:

- Replant all compromised vegetation, contributing to setting of property
- Replant with same species removed, at 1:1 ratio
- Retrofit and rehab to be undertaken in accordance with drawings/plans
- Concurrent notification (CT and SHPO) of any proposed changes in project drawings
- Production/installation of Interpretive panels
- Reuse of paving materials
- If house is moved during construction, return to original location
- New foundation should be of similar appearance to original
- Replant landscaping features in similar layout to original
- Bridge shall be constructed in accordance with what was presented to the SHPO, replication of the original design
- Sandstone curbs that are removed during construction shall be marked and returned to their original location after completion of construction
- Replicate original bridge railing
- Design new deck to simulate original
- Design bike path rail to conform to 1928 bridge railing
- Use stone from mission creek channel to reconstruct
- Contractor shall remove bridge plaque and give to local agency

Sample of Mitigation Commitments from Process Review Projects Occurring Post-Construction

For biological resources protected under Section 7 of the Federal Endangered Species Act:

- Monitor and report to USFWS on success of transplanting
- Biologist prepares re-vegetation monitoring report after completion
- Submit annual report to Service
- Restore/re-vegetate disturbed area to pre-project condition
- Maintain for three years
- Manage and monitor for one year
- Monitor for 3-5 years
- Survey species for a period of 5 years after construction
- Provide survey reports to Service prior to commencement of mx activities
- Replace native trees that die within first 5 years

- Provide written monitoring report to Service within 15-20 days following restoration activities
- Photograph site before, during and after construction
- Fish disposition report to Service within 90 days following construction
- Written report on progress and failings of transplants and plants
- Copies of original field notes, raw data, and photographs must be included in report

For historic resources protected under Section 106 of the National Historic Preservation Act:

- Replant all compromised vegetation, contributing to setting of property
- Replant with same species removed, at 1:1 ratio
- Treatment of discovered human remains of Native American origin (duration: 10 years)
- If house is moved during construction, return to original location
- New foundation should be of similar appearance to original
- Replant landscaping features in similar layout to original
- Sandstone curbs that are removed during construction shall be marked and returned to their original location after completion of construction

Attachment 3

3a. District 2 (North Region) Environmental Commitment Record Form

3b. District 10 Environmental Commitment Record Form

3c. Central Region Environmental Commitment Record Form

3d. District 7 Environmental Commitment Record Form

Task and Brief Description	Ref.Doc, & pg #	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
					Initial	Date		Initial	Date
[Insert Project Name and Fed Project No. Here] Environmental Commitments									
Environmental Commitments are summarized NEPA Doc such as an EA or EIS or when NEPA is a CE, Environmental Commitments in Technical Studies and Support Documents									
NOISE ATTENUATION									
Sound Barriers - Order of Work (Also include type, locations, whether temporary or permanent, etc.									
WATER QUALITY REQUIREMENTS *References and updates with RWQCB 401 Certification*									
Stormwater Pollution Prevention Plan (SWPPP)/Water Pollution Control Program (WPCP)									
Erosion Control									
Permanent Storm Water Control Measures including Operations and Maintenance Information									
Monitoring Required									
Critical temporary BMPs									
AIR QUALITY									
Naturally occurring asbestos									
Equipment specifications									
BIOLOGY									
Environmentally Sensitive Areas for Biology									
Pre-Construction Surveys									
Exclusionary Measures (netting, washing, etc.)									
Monitoring Required									

Attachment 3a

Task and Brief Description	Ref.Doc, & pg #	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
Wetland/Riparian/Uplands Mitigation									
Identify if separate project: banking agreement, credits, creation-restoration, fund transfer, etc.									
Other Biological Commitments (tree replacement, etc.)									
ENDANGERED SPECIES									
List commitments discussed in the NES. Actual USFWS & NOAA Sec 7 Terms and Conditions should be listed in the *Permtis & Agreements* section.									
VISUAL/LANDSCAPE									
Landscape and Plant Design									
Plant pallet									
Invasive species considerations (coordination w/biology)									
Erosion Control									
Special Architectural Treatments									
Contour Grading									
Revegetation - Plan Establishment Types and Period									
CULTURAL RESOURCES ***If MOA, then ECR's are covered in SHPO MOA; see permits and agreements section***									
Environmentally Sensitive Areas for Archaeological Resources									
Environmentally Sensitive Areas for Historical Resources									
Cultural Resources Pase 3 Excavation Coordination									
Native American Monitor									

Task and Brief Description	Ref.Doc, & pg #	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
Unearth Human Remains/Cultural Materials Provisions									
Other Requirements set forth in the MOA and or SHPO consultation									
COMMUNITY/SOCIAL IMPACTS									
Farmland									
Parks and Recreation (such as multi-use trails, park improvements needed, etc.)									
ADA Requirements									
Relocation Impacts									
Joint Development Agreement									
Bicyclists & Pedestrains									
CONSTRUCTION									
Special Training for Construction Workers									
Clearing and Grubing									
Construction Windows and Work Hours - For sensitive resources, community impacts and other									
Required Notification With/Reporting to Resource Agencies including contact names									
Air Quality Construction Monitoring									
Noise/Air Quality Specs Related to Construction Activities (such as dust control spec.)									
Detours									
HAZARDOUS MATERIALS INVESTIGATION/TREATMENT									

Task and Brief Description	Ref.Ooc, & pg #	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
Hazardous Waste Clearance Affecting Advertising (Does the Haz Waste need to be moved, removed or processed under the construction contract?)									
ADL Issues and Provisions (Is ADL present or suspected on this project? Does sampling need to be done? Provisions needed?)									
Appropriate Health and Safety Plan									
Bridge-Lead Paint Provisions									
Road Striping Paint Lead Provisions									
Asbestos									
Underground Tanks									
Haz Waste Provisions									
OTHER									
Paleo									
Conservations Easements									
Other Mitigation Requirements									
Traffic and Transportation									
Traffic Management Plan during Construction to manage temporary construction delays or details									
LAND USE									
FLOODPLAIN									
WILD AND SCENIC RIVERS									
ENERGY									
PERMITS AND AGREEMENTS -									

Task and Brief Description	Ref.Doc, & pg #	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
List all permits required for the project, and describe each permit requirement including by not limited to:									
CDFG 1602 Agreement									
Permit Expiration			To be updated upon receipt of permit						
Terms and conditions									
US Army Corps of Engineers (US ACOE) 404: Nationwide [Insert NWP #(s) here]									
Waters of the US Delineation Verification									
Permit Expiration			To be updated upon receipt of permit						
Terms and Conditions									
Regional Water Qualit Control Board (RWQCB): 401 Water Quality Certification									
Certification Expiration			To be updated upon receipt of permit						
Endangered Species Act Section 7 Consultation									
US Fish and Wildlife Service (USFWS)									
National Oceanic and Atmospheric Administration (NOAA) Fisheries									
State Historic Preservation Officer (SHPO) Memorandum of Agreement (MOA)									
Coast Guard									
Structure(s) Demolition Permit (Obtain from local Air Board)									

Task and Brief Description	Ref.Doc, & pg #	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
Other:									

NEPA Environmental Commitment Record

Project Name _____ **Local Agency and Contact Name** _____

Federal Aid Number _____ **Local Agency Phone and E-mail** _____

Project Description (Brief and concise, to fit within the existing text box size.) **Approx. Start Date of Construction** Month, Year

Task and Brief Description	Page of ED or CE	Responsible Party	Timing/ Phase	Specific Action(s) Taken to Comply with Task	Local Agency Certification of Task Completion		Remarks
					Initial	Date	
Biological Commitments	(Could include regulatory permits/agreements; ESAs; preconstruction surveys; species awareness training; bio. monitoring; purchase of mitigation bank credits; etc.)						
Enter description of avoidance/minimization measure, provision, permit, or other environmental commitment here. **Use a separate row for each item – Insert new rows as needed.**		Example: Local Agency Project Manager	Example: Before the start of construction				
Cultural Resource Commitments	(Could include ESAs; archaeo. and/or Native American monitoring; preparation/execution of an MOA; cultural resource excavations; artifact preservation/analysis, etc)						
Same as above							
Hazardous Waste Commitments	(Could include implementing a lead compliance plan and/or health and safety measures; provisions for proper handling/disposal of haz. materials; monitoring wells; etc.)						
Same as above							
Visual/Scenic Commitments	(Could include replacement landscaping; erosion control measures; use of decorative treatments or materials; special lighting; etc)						
Same as above							
Water Quality Commitments	(Could include retention/detention basins; swales; storm water BMPs; rock slope protection; erosion control fabric; etc)						
Same as above							
Air Quality Commitments	(Could include dust control measures; emission control devices; etc.)						
Same as above							

Attachment 3b

Task and Brief Description	Page of ED or CE	Responsible Party	Timing/ Phase	Specific Action(s) Taken to Comply with Task	Local Agency Certification of Task Completion		Remarks
					Initial	Date	
Noise Commitments	(Could include restrictions on nighttime work; portable noise screens; sound walls; public notification; etc.)						
Same as above							
Other Commitments	(Other issues could include community impacts, floodplains, paleontology, etc.)						
Same as above							

Blue text = Guidance and instructions (these can be removed from the final ECR)
Green text = Instructive placeholders for text entries (this text should be changed to black when entered)

Caltrans Local Assistance
NEPA Environmental Commitment Record

Project Name _____ **Name of Local Agency** _____

Federal Aid Number _____ **Local Agency Contact and Phone** _____

Project Description _____

Task and Brief Description	Page of ED or CE	Responsible Party	Timing/ Phase	Specific Action(s) Taken to Comply with Task	Local Agency Certification of Task Completion		Remarks
					Initial	Date	
Biological Commitments	(Could include regulatory permits/agreements; ESAs; preconstruction surveys; species awareness training; bio. monitoring; purchase of mitigation bank credits; etc.)						
Cultural Resource Commitments	(Could include ESAs; archaeo. and/or Native American monitoring; preparation/execution of an MOA; cultural resource excavations; artifact preservation/analysis, etc)						
Hazardous Waste Commitments	(Could include implementing a lead compliance plan and/or health and safety measures; provisions for proper handling/disposal of haz. materials; monitoring wells; etc.)						

Attachment 3c

Task and Brief Description	Page of ED or CE	Responsible Party	Timing/ Phase	Specific Action(s) Taken to Comply with Task	Local Agency Certification of Task Completion		Remarks
					Initial	Date	
Visual/Scenic Commitments	(Could include replacement landscaping; erosion control measures; use of decorative treatments or materials; special lighting; etc)						
Water Quality Commitments	(Could include retention/detention basins; swales; storm water BMPs; rock slope protection; erosion control fabric; etc)						
Air Quality Commitments	(Could include dust control measures; emission control devices; etc.)						
Noise Commitments	(Could include restrictions on nighttime work; portable noise screens; sound walls; public notification; etc.)						
Other Commitments	(Other issues could include community impacts, floodplains, paleontology, etc.)						

ENVIRONMENTAL COMMITMENT RECORD

Dist-County-EA-PM: _____

Originating Date: _____ **Document Type:** _____ **EA:** _____

Current Date: _____ **Local Agency:** _____ **6004:** _____

ECR Last Revised Date: _____ **Post Mile:** 0 **Federal ID:** _____

PROJECT DESCRIPTION:

PROJECT PHASE

PSR	
PROJECT REPORT	
35% PS&E	
65% PS&E	
95% PS&E	
PRECONSTRUCTION	X
CONSTRUCTION	X
POST CONSTRUCTION	X

CALTRANS ENVIRONMENTAL GENERALIST:

CALTRANS ENGINEER:

_____

ENVIRONMENT LIAISON:

_____

ENVIRONMENTAL COMMITMENTS

NO.	DESCRIPTION OF COMMITMENT	NSSP Y/N	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	COMMITENT SOURCE	COMMENTS
1						

PERMITS

Agency: _____ **Type:** _____

Issue Date: _____ **Expiration Date:** _____

_____

Project Engineer

_____

Local Agency

Attachment 4

Process Review Notes for Projects with Final PS&E

District 2: No projects with Final PS&E or Construction Complete.

District 3: One project with Final PS&E, no Construction Complete

Wise Road at North Ravine Bridge. Mitigation commitments required under Sec 7 of the Federal Endangered Species Act.

How was the PS&E Obtained?
The PS&E Checklist, Bid Package and Special Provisions were found in the Project File behind Tab 530. There was a letter forwarding the documents from Placer County to the DLAE. The letter stated that, with submission of an attached PS&E Checklist for the above project, the County (project engineer) certifies that the project was designed and prepared for advertisement in accordance with the LAPM produced by Caltrans. PWD? understand CT may not be performing a review of this PS&E at this time but that FHWA and/or CT in order to verify this PS&E certification. I also understand if deficiencies are found in subsequent review the following actions will be considered. (1) Where minor deficiencies are found, PS&E certification for future projects may be conditioned or not accepted until the deficiencies are corrected, and (2) Where deficiencies are of such magnitude as to create doubt that the policies and objectives of Title 23 of the USC (or other applicable federal and State Laws) will not be accomplished by the project and federal funding may be withdrawn.

Briefly List all Mitigation Commitments, from the BO & MOA that need to be included in PS&E?
No MOA required. Is likely to adversely affect Valley Elderberry Long-Horned Beetle (VELB) and can be appended to the Service's Formal Prog BO permitting Projects with Relatively Small Effects on the VELB1/1/96. Protect elderberry shrubs with brightly colored fencing. The fencing will be installed around the perimeter of each shrub or group of shrubs within a 20 setback and maintained during construction activities A qualified biologist will be present during the installation. The contractor will be briefed on the need to avoid damaging the protected elderberry shrub and the possible penalties associated with damaging the shrub. Work crews will be instructed as to the status of the beetle and the need to protect its elderberry host plant. During construction the protected elderberry shrubs will be rinsed with clean water once a week to remove dust. Signs will be posted every 50 feet along the elderberry avoidance area with a sign that the beetle is a threatened species and must be disturbed Protected by the Fed Endangered Species Act. Violators are subject to prosecution, fines, imprisonment. A qualified biologist will inspect the construction area on a regular basis to assure that the project is not affecting the elderberry shrub. Transplant the two shrubs that cannot be avoided to a service-approved conservation bank and purchase 4 units of credits to compensate for direct effects to the beetle.

Does BA, Adverse Effect Report, Env Doc, BO and MOA provide sufficient detail and maps for LA to transcribe mitigation in PS&E? Yes.
Yes. 5.2.3. VELB. Figure 7 shows an air photo of the entire project area and the location of the Elderberry Shrub to be removed and the elderberry shrubs within 100 feet of grading (next to the project boundary on the NE corner)

Are all mitigation commitments, required in BO or MOA, incorporated into PS&E?
Yes, except for detailed information regarding the transplant of the two elderberry shrubs prior to construction. Since this requirement was to occur prior to construction, it is possible that documentation of when and how this occurred is in the local agency files.

Are all staging areas, planting areas and ESAs (if required) delineated on PS&E?
Yes
Roadside Signs-Special VELB Signs page 7; Installation of VELB ESA temporary fencing, page 72 Order of Work; VELB, Materials-Signs page 95, Measurement and Pavement Roadside Specifications (Special VELB Signs) shall be installed at the locations shown on the plans, page 128. Brightly colored fencing, page 539 under heading Mitigation Measures, they just attached the Table, Section 5-1.38 ESA - Protection of Elderberry Shrubs, a qualified biologist Another reference to the Mitigation Measures Table; Contractor will be briefed also in the Table, 10.1.32 Roadside Signs Special VELB Signs posted with the following info all under the Measurement and Payment Section; Rinsed is addressed in the Table and under Protection of Elderberry Shrubs which is on page 48 under Section 5-1.38 ESA. Transplanting elderberries is addressed in the PS&E.

Are you able to easily discern mitigation locations on PS&E?
Yes.
On the Plans, under Construction, Notes #5 is clearly states: Install ESA fence and place special VELB signs , see detail on this sheet. See sheet 16 for ESA. It also shows the sign measurements and language above Special VELB Sign Detail. The location of the elderberry shrubs on the Plans appear to be in a different location than where shown in the Biological Assessment (BA).

If BO or MOA required reports & photographs, are those in the project file?
Unable to locate any correspondence on the transplanting of the two VELB shrubs to a FWS-approved site, that occurred prior to construction. May be in biology files or possibly even in R/W files?

Are Standard Specification/Special Provisions with the PS&E packet?
Yes

District 4: One project with Final PS&E, no Construction Complete

Seismic Retrofit/Rehabilitation Fourth St @ China Basin Bridge. Mitigation commitments required under Sec 106.

How was the PS&E Obtained?
From the DLAE

Briefly List all Mitigation Commitments, from the BO & MOA that need to be included in PS&E?
Interpretive panels, reuse of paving materials, production of an interpretative panel, re-evaluation of NRHP eligibility. Documentation recording the bridge, special drawings and photographs, however, all of the stipulations in the MOA would occur post-construction and as such would not appear on the PS&E.

Does BA, Adverse Effect Report, Env Doc, BO and MOA provide sufficient detail and maps for LA to transcribe mitigation in PS&E?
Yes.

Are all mitigation commitments, required in BO or MOA, incorporated into PS&E?
Yes, however all stipulations in the MOA would occur post-construction and as such would not appear on the PS&E.

Are all staging areas, planting areas and ESAs (if required) delineated on PS&E?
N/A

Are you able to easily discern mitigation locations on PS&E?
All stipulations in the MOA would occur post-construction and as such would not appear on the PS&E.

If BO or MOA required reports & photographs, are those in the project file?
Yes, 4/7/07. The Notice for Interpretive Panels, provided to SHPO by CT, as stipulated in the MOA is in the project file. 8/2/07 CT Re-Evaluation of the 4th Street Bridge as required in the MOA is in the project file. The requirements for the bridge re-re-evaluation as detailed in Stipulation 2E of the MOA are in the project file. The HAER documentation, including photographs and a narrative is in the project file HAER. That materials would be distributed to CT and Cal State Library. CT would conduct a retrofit and rehab according to drawings submitted in 2000 (the plans). SF shall concurrently notify CT and SHPO of any proposed changes in project drawings.

Are Standard Specification/Special Provisions with the PS&E packet?
Yes. Drawings are not available.

What Special Provisions are there related to the BO and MOA?
All stipulations in the MOA would occur post-construction and as such would not appear on the PS&E.

In what section(s) of the Special Provisions are the mitigation commitments located? (General, Earthwork, etc.)
In the Contract Specs under Contracting Requirements there is a discussion on Archaeological Conditions. The Nationwide Permit is included with a discussion on mitigation #19. The letter from the CRWQCB is included . Under Specification, Division 1, General Requirements, there is a Section on Env Mitigation Measures and Temporary Controls. The section outlines the requirements for work including what the contractor should submit including an Air Pollution Control Plan, Noise Control Plan, Dust Control Plan, Water Plan, etc. There are discussions on biological monitoring and erosion and sediment control, work windows, and no open water work from Dec 1 to Mar 1. Under Division 2 - Site Construction there is a discussion on Environmental Management of Excavated materials. Under Construction Details-Bridge there is discussion regarding rehabilitation of the operator house, however, all stipulations in the MOA would occur post-construction and as such would not appear on the PS&E.

District 5: Seven (7) projects with Final PS&E, four (4) Constructed, one (1) in construction and one (1) scheduled for construction. Following are findings from a review of the project file and the Final PS&E.

D-5 (Project #1): Low water crossing, Harkins Slough Road at Watsonville Slough Bridge. Mitigation commitments required under Sec 7. Project constructed.

How was the PS&E Obtained?
From the LA

Briefly List all Mitigation Commitments, from the BO & MOA that need to be included in PS&E? Pre-const surveys; training of const personnel; on-site service approved biol; erosion control measures; ESAs to confine access rtes; reveg

Does BA, Adverse Effect Report, Env Doc, BO and MOA provide sufficient detail and maps for LA to transcribe mitigation in PS&E?
Yes.

Are all mitigation commitments, required in BO or MOA, incorporated into PS&E?
Yes
.
Are all staging areas, planting areas and ESAs (if required) delineated on PS&E?
Yes

Are you able to easily discern mitigation locations on PS&E?
No

If BO or MOA required reports & photographs, are those in the project file?
Yes

Are Standard Specification/Special Provisions with the PS&E packet?
Yes

What Special Provisions are there related to the BO and MOA?
Pre-const surveys; training of const personnel; on-site service approved biol; erosion control measures; ESAs to confine access routes. Everything except reveg.

In what section(s) of the Special Provisions are the mitigation commitments located? (General, Earthwork, etc.)
Construction Details: Env Mitigation

D-5 (Project #2): Bridge Replacement, Ortega St @ Mission Creek between Bath and Castillo. Mitigation commitments required under Sec 7 and Sec 106.

How was the PS&E Obtained?
From the LA

Briefly List all Mitigation Commitments, from the BO & MOA that need to be included in PS&E?
ESA area upstream/ downstream of the Arroyo do Picachos Creek; work will occur in the nonnative grassland during the dry season; re-vegetation requirements.

Does BA, Adverse Effect Report, Env Doc, BO and MOA provide sufficient detail and maps for LA to transcribe mitigation in PS&E?
Yes.

Are all mitigation commitments, required in BO or MOA, incorporated into PS&E?
Yes

Are all staging areas, planting areas and ESAs (if required) delineated on PS&E?
Yes

Are you able to easily discern mitigation locations on PS&E?
Yes

If BO or MOA required reports & photographs, are those in the project file?
Yes. (biological monitoring report 11/2008).

Are Standard Specification/Special Provisions with the PS&E packet?
Yes. (Special provision- Draft Copy)

What Special Provisions are there related to the BO and MOA?
Everything identified in the BO. ESA area upstream/ downstream of the Arroyo do Picachos Creek; work will occur in the nonnative grassland during the dry season; re-vegetation requirements.

In what section(s) of the Special Provisions are the mitigation commitments located? (General, Earthwork, etc.)
Section 5

What sections are the environmental commitments in?
Section 10 and Section 5

D-5 (Project #3): Bridge Replacement, Lone Tree Road, @ Arroyo Dos Picachos Bridge. Mitigation commitments required under Sec 7. Project constructed.

How was the PS&E Obtained?
From the LA.

Briefly List all Mitigation Commitments, from the BO & MOA that need to be included in PS&E?
Qualified fisheries biologist shall monitor in channel activities; copy of BO shall be kept on site; any NMFS personnel shall be allowed on site; construction equipment shall be checked daily to see if there are any leaks when working in the channel.

Does BA, Adverse Effect Report, Env Doc, BO and MOA provide sufficient detail and maps for LA to transcribe mitigation in PS&E?
Yes

Are all mitigation commitments, required in BO or MOA, incorporated into PS&E?
Yes

Are all staging areas, planting areas and ESAs (if required) delineated on PS&E?
Yes

Are you able to easily discern mitigation locations on PS&E?
Yes

If BO or MOA required reports & photographs, are those in the project file?
Yes (fish relocation and monitoring report 11/2008) DW Alley & Assoc.

Are Standard Specification/Special Provisions with the PS&E packet?
Yes

What Special Provisions are there related to the BO and MOA?
None beyond what was in the BO. Qualified fisheries biologist shall monitor in channel activities; copy of BO shall be kept on site; any NMFS personnel shall be allowed on site;

construction equipment shall be checked daily to see if there are any leaks when working in the channel.

In what section(s) of the Special Provisions are the mitigation commitments located? (General, Earthwork, etc.)
Section 5

What sections are the environmental commitments in?
Sections 5 and 10.

D-5 (Project #4): Bridge Replacement, Cuesta College, Hollister Rd @ Chorro Creek. Mitigation commitments required under Sec 7 (both NMFS and USFWS). Project scheduled for construction.

How was the PS&E Obtained?
From the LA.

Briefly List all Mitigation Commitments, from the BO & MOA that need to be included in PS&E?
USFWS - Flagging of area, biological monitor, hazardous materials prevention supplies on site, Cuesta College will obtain all necessary permits, no pets allowed on site, creek banks impacted by construction will be re-vegetated as soon as possible after construction, erosion control measures, work will be conducted in dry season, stream diversion to be approved by NOAA, cleaning and refueling of equipment in designated areas, trash removal, stream contours to be returned to original condition. Take of Red-legged frog should be minimized, frogs at risk must be removed from work area, biologist must be authorized by the Service before they survey, capture, and move frogs; FHWA and Cuesta College must avoid interfering with the frog dispersal.

NMFS- Biological monitor with expertise in fisheries biology; continual monitoring placement and removal of diversion of steelhead; monitor excavation activities; contact NMFS if dead/injured fish found; provide written monitoring reports to NMFS.

Does BA, Adverse Effect Report, Env Doc, BO and MOA provide sufficient detail and maps for LA to transcribe mitigation in PS&E?
Yes

Are all mitigation commitments, required in BO or MOA, incorporated into PS&E?
Yes

Are all staging areas, planting areas and ESAs (if required) delineated on PS&E?
Yes

Are you able to easily discern mitigation locations on PS&E?
Yes

If BO or MOA required reports & photographs, are those in the project file?
N/A

Are Standard Specification/Special Provisions with the PS&E packet?
Yes

What Special Provisions are there related to the BO and MOA?
None beyond what was in the BO.
USFWS - Flagging of area, biological monitor, hazardous materials prevention supplies on site, Cuesta College will obtain all necessary permits, no pets allowed on site, creek banks impacted by construction will be re-vegetated as soon as possible after construction, erosion control measures, work will be conducted in dry season, stream diversion to be approved by NOAA, cleaning and refueling of equipment in designated areas, trash removal, stream contours to be returned to original condition. Take of Red-legged frog should be minimized, frogs at risk must be removed from work area, biologist must be authorized by the Service before they survey, capture, and move frogs; FHWA and Cuesta College must avoid interfering with the frog dispersal.

NMFS - Biological monitor with expertise in fisheries biology; continual monitoring placement and removal of diversion of steelhead; monitor excavation activities; contact NMFs if dead/injured fish found; provide written monitoring reports to NMFS.

In what section(s) of the Special Provisions are the mitigation commitments located? (General, Earthwork, etc.)
Section 5 and 10.

What sections are the environmental commitments in?
Section 10 – Construction Details.

D-5 (Project #5): Bridge Replacement, De La Vina @ Mission Creek Bridge. Mitigation commitments required under Sec 7. Project scheduled for construction.

How was the PS&E Obtained?
From the DLAE

Briefly List all Mitigation Commitments, from the BO & MOA that need to be included in PS&E?
Timing Constraints; streamflow diversion requirements; monitoring by fish bio; erosion control/sediment detention; photograph site before, during and after const.; re-veg plan; provide written monitoring report to NMFS within 15-20 days following restoration activities

Does BA, Adverse Effect Report, Env Doc, BO and MOA provide sufficient detail and maps for LA to transcribe mitigation in PS&E?
Yes.

Are all mitigation commitments, required in BO or MOA, incorporated into PS&E?
Yes
.
Are all staging areas, planting areas and ESAs (if required) delineated on PS&E?
Yes

Are you able to easily discern mitigation locations on PS&E?
Yes

If BO or MOA required reports & photographs, are those in the project file?
No

Are Standard Specification/Special Provisions with the PS&E packet?
Yes

What Special Provisions are there related to the BO and MOA?
Timing Constraints; streamflow diversion requirements; monitoring by fish bio; erosion control/sediment detention; photograph site before, during and after const.; re-veg plan; provide written monitoring report to NMFS within 15-20 days following restoration activities

In what section(s) of the Special Provisions are the mitigation commitments located? (General, Earthwork, etc.)
Appendix B: Conceptual Dewatering Plan; Appendix C: Permits; Appendix D: Mitigation Measures

D-5(Project #6): Bridge Replacement Cienega Road @ Pescadero Creek. Mitigation commitments required under Sec 7.

How was the PS&E Obtained?

Briefly List all Mitigation Commitments, from the BO & MOA that need to be included in PS&E?
Designated ESAs; re-vegetation - preparation, planting, maintain for 3 yrs, monitoring for 3-5 years, Service-approved biologist to relocate CRLF if necessary

Does BA, Adverse Effect Report, Env Doc, BO and MOA provide sufficient detail and maps for LA to transcribe mitigation in PS&E?
Yes.

Are all mitigation commitments, required in BO or MOA, incorporated into PS&E?
Yes
.
Are all staging areas, planting areas and ESAs (if required) delineated on PS&E?
Yes

Are you able to easily discern mitigation locations on PS&E?
Yes

If BO or MOA required reports & photographs, are those in the project file?
Yes

Are Standard Specification/Special Provisions with the PS&E packet?
Yes

What Special Provisions are there related to the BO and MOA?
None except ESAs

In what section(s) of the Special Provisions are the mitigation commitments located? (General, Earthwork, etc.)
Sec 10-General; Env Req; Misc Provisions; Slope Protection

D-5 (Project #7): Reconstruct Bridge and Approaches. Jonata Park Road at Zaca Creek (New Bridge) Mitigation commitments required under Sec 106. Project constructed.

How was the PS&E Obtained?
Unknown

Briefly List all Mitigation Commitments, from the BO & MOA that need to be included in PS&E?
According to the 9/1/1998 MOA: All historic work carried out shall have PQS standards as described by the Secretary; all draft/final documentation shall adhere to HAER standards, the County of Santa Barbara is responsible for hiring qualified consultant; NPS must accept all documentation as complete prior to demolition of Zaca Creek Bridges; Recordation shall be carried out prior to demolishing bridges; Written historical descriptive report must be completed for each bridge; informal plaques will be removed from bridge and given to County of Santa Barbara; 30 days after demolition of bridges FHWA shall notify SHPO so that bridges are removed from National Register.

Does BA, Adverse Effect Report, Env Doc, BO and MOA provide sufficient detail and maps for LA to transcribe mitigation in PS&E?
Yes.

Are all mitigation commitments, required in BO or MOA, incorporated into PS&E?
Yes
.
Are all staging areas, planting areas and ESAs (if required) delineated on PS&E?
Yes

Are you able to easily discern mitigation locations on PS&E?
Yes

If BO or MOA required reports & photographs, are those in the project file?
Yes, (HAER prepared)

Are Standard Specification/Special Provisions with the PS&E packet?
None found.

What Special Provisions are there related to the BO and MOA?
Removal of bridge plaque and its handling.

In what section(s) of the Special Provisions are the mitigation commitments located? (General, Earthwork, etc.)
Section 10-1.18

What sections are the environmental commitments in?
Section 10-1.18

District 7: No projects with Final PS&E or Construction Complete.

District 8: One project with Final PS&E, no Construction Complete

District 10: Two (2) projects with Final PS&E.

D-10 (Project #1): Bridge Replacement, Davis Road Bridge over Pixley Slough (Stockton vicinity near I-5)

How was the PS&E Obtained?
The plans were obtained from the DLAE. We did not have a copy of the Contract Specifications.

Briefly List all Mitigation Commitments, from the BO & MOA that need to be included in PS&E?
BO states: City agrees to purchase 1.05 acre conservation easement, and fund habitat enhancement to benefit GGS on the ShinKee Tract. Enhancements include cutting a channel into the ShinKee Tract to allow water to flood the site to provide both aquatic and upland habitat for GGS. Purchase conservation easement, commit funding for habitat enhancement and pay the appropriate fees to the SJCOG for inclusion in the Conservation Plan for the perpetual management of the easement for GGS prior to the start of construction. City will negotiate all purchase, funding, commitments and the enhancement work with input from the Service. The SJCOG will be responsible for monitoring the site in perpetuity.

Do BA, Adverse Effect Report, Env Doc, BO and MOA provide sufficient detail and maps for LA to transcribe mitigation in PS&E?
Yes.

Are all mitigation commitments, required in BO or MOA, incorporated into PS&E?
Yes. Sheet EC01, EC02-Temporary Water Pollution and Erosion Control Plan, Dewatering General Notes: Project biologist shall inspect the site for evidence of GGS prior to construction. Inspections by the project biologist will continue throughout construction. We did not have a copy of the Contract Specifications

Are all staging areas, planting areas and ESAs (if required) delineated on PS&E?
Yes. We did not have a copy of the Contract Specifications

Are you able to easily discern mitigation locations on PS&E?
Yes. We did not have a copy of the Contract Specifications

If BO or MOA required reports & photographs, are those in the project file?
No. There was no evidence of the 1.05 acre conservation easement purchase or the funding of habitat enhancement to benefit GGS on the ShinKee Tract. Possibly because the City negotiated all purchase, funding, commitments and the enhancement work. In the Request for Authorization (RFA) to Proceed with Construction, R/W Cert states: "No R/W Cert Local Assistance Project". And for #12 Are environmental mitigation parcels required for this project? No. Signed by Sinaren 8/4/09. The re-evaluation form in the packet doesn't have mitigation commitments attached

Are Standard Specification/Special Provisions with the PS&E packet?
Yes. On the Plans.

What Special Provisions are there related to the BO and MOA?
City agrees to purchase 1.05 acre conservation easement, and fund habitat enhancement to benefit GGS on the ShinKee Tract. Enhancements include cutting a channel into the ShinKee Tract to allow water to flood the site to provide both aquatic and upland habitat for GGS. Purchase conservation easement, commit funding for habitat enhancement and pay the appropriate fees to the SJCOG for inclusion in the Conservation Plan for the perpetual management of the easement for GGS prior to the start of construction. City will negotiate all purchase, funding, commitments and the enhancement work with input from the Service. The SJCOG will be responsible for monitoring the site in perpetuity.

In what section(s) of the Special Provisions are the mitigation commitments located? (General, Earthwork, etc.)
We did not have a copy of the Special Provisions. However, Temporary Water Pollution and Erosion Control Plan, Dewatering General Notes: Project biologist shall inspect the site for evidence of GGS prior to construction. Inspections by the project biologist will continue throughout construction were provided on Plan Sheets EC01, EC02.

D-10 (Project #2): Road rehabilitation and intersection improvements on sections of Franklin Road, Ladino Avenue and Fox Road from Santa Fe Drive to the **Atwater Federal Penitentiary.** Mitigation commitments required under Sec 7.

How was the PS&E Obtained?
From the DLAE.

Briefly List all Mitigation Commitments, from the BO & MOA that need to be included in PS&E?
1) County shall ensure compliance with BO (81420-2008-F-0029). 2) BMPs during construction. 3) County shall follow USFWS Standardized Recommendation for Protection of SJ Kit Fox prior to ground disturbance per BO. 4) employee education for kit fox. 5) mark construction area. 6) construction during dry season May 1 - Oct. 15 to avoid impacts to vernal pool shrimp. 7) to extent possible, nighttime construction should be minimized and should cease 0.5 hr before sunset and should begin 0.5 hr before sunrise. San Joaquin Kit Fox.and Vernal Pool Crustaceans (Fairy and Tadpole Shrimp) Constructions will be timed May 1-Oct 15, Limits of construction area will be flagged in order to avoid adverse impacts to species. ESAs. Education of Construction Crews; follow CT Standards Specs, submit Water Pollution Control Plan to protect Shrimp. No firearms on construction site. Replant disturbed areas. 2:1 preservation of vernal pool habitat. Preservation and creation credits purchased at a Service approved conservation bank which will provide .36 acres of compensation.

Does BA, Adverse Effect Report, Env Doc, BO and MOA provide sufficient detail and maps for LA to transcribe mitigation in PS&E?
Yes.

Are all mitigation commitments, required in BO or MOA, incorporated into PS&E?
In reviewing the Merced County Atwater Penitentiary Access Project Notice to Contractors and Special Provisions, Bid Opening 8/28/08; it appeared that we only had a portion of the PS&E. The portion that we reviewed jumped from Section 9 to Section 12, but we were looking for specific mitigation commitments in Section 10. The Index ended at Section 14, but the text contained a Section 19, 20, 29, and 37. There were no mitigation commitments discussed in that portion of the Contract Specs available for our review. Need to call Randy Bardini (209) 385-7601 and request a complete PS&E.

Are all staging areas, planting areas and ESAs (if required) delineated on PS&E?
Unknown, incomplete packet

Are you able to easily discern mitigation locations on PS&E?
Unknown, incomplete packet

If BO or MOA required reports & photographs, are those in the project file?
Yes

Are Standard Specification/Special Provisions with the PS&E packet?
Unknown, incomplete packet

What Special Provisions are there related to the BO and MOA?
Unknown. Should reference BO (81420-2008-F-0029 and discuss BMPs during construction, employee education for kit fox, delineation of construction area, construction window--during dry season May 1 - Oct. 15 to avoid impacts to vernal pool shrimp; construction timing --to extent possible, nighttime construction should be minimized and should cease 0.5 hr before sunset and should begin 0.5 hr before sunrise. Limits of construction area flagged in order to avoid adverse impacts to species. ESAs. Education of Construction Crews; follow CT Standards Specs for Water Pollution Control Plan to protect Shrimp. No firearms on construction site. Replant disturbed areas. 2:1 preservation of vernal pool habitat. Preservation and creation credits purchased at a Service approved conservation bank which will provide .36 acres of compensation.

In what section(s) of the Special Provisions are the mitigation commitments located? (General, Earthwork, etc.)
Unknown, incomplete packet.

Attachment 5

Process Review Notes for Projects Already Constructed

District 2: No projects with construction complete.

District 3: No projects with construction complete.

District 4: No projects with construction complete.

District 5: Four (4) projects with construction complete. One (1) in construction and one (1) scheduled for construction. Following are findings from construction site visits.

District 5 (Project #1): Low Water Crossing, Harkins Slough Road at Watsonville Slough Bridge. Mitigation commitments required under Sec 7.

Mitigation Commitments from the BO: Pre-const surveys; training of construction personnel; on-site service approved biologist; erosion control measures; ESAs to confine access rtes; re-vegetation

Are there any mitigation commitments that were not completed?
Unknown. There was no evidence in the project file that pre-construction mitigation commitments, such as the hiring of an on-site service-approved biologist, pre-construction surveys, training of construction personnel, designating ESAs to confine access routes, or erosion control measures, had occurred,. There was however, clear evidence of re-vegetation.

Are mitigation commitments easily apparent?
Re-vegetation is apparent

What aspects of mitigation are discernable in the field?
Re-vegetation

D-5 (Project #2): Bridge Replacement, Lone Tree Road, @ Arroyo Dos Picachos Bridge. Mitigation commitments required under Sec 7. Project constructed.

Mitigation Commitments from the BO: Qualified fisheries biologist shall monitor in channel activities; copy of BO shall be kept on site; any NMFS personnel shall be allowed on site; construction equipment shall be checked daily to see if there are any leaks when working in the channel.

Are there any mitigation commitments that were not completed?
Unknown. There was no evidence in the project file that pre-construction mitigation commitments, such as having a qualified fisheries biologist monitor in channel activities; keeping a copy of the BO on-site; allowing NMFS personnel on-site, and checking construction equipment daily for leaks when working in the channel, had occurred.

Are mitigation commitments easily apparent?
None of the mitigation commitments required would be apparent post-construction

What aspects of mitigation are discernable in the field?
None of the mitigation commitments required on this project would be discernable on the ground after construction with the exception of replanting disturbed areas.

D-5(Project #3): Bridge Replacement Cienega Road @ Pescadero Creek. Mitigation commitments required under Sec 7.

Mitigation Commitments from the BO: Designated ESAs; re-vegetation - preparation, planting, maintain for 3 yrs, monitoring for 3-5 years, Service-approved biologist to relocate CRLF if necessary

Are there any mitigation commitments that were not completed?
Unknown. There was no evidence in the project file that pre-construction mitigation commitments, such as the hiring a service-approved biologist to relocated frogs or designating ESAs, had occurred,. There was however, clear evidence of re-vegetation.

Are mitigation commitments easily apparent?
Yes, the re-vegetation component is apparent. It's clear that there had been preparation and planting and maintenance.

What aspects of mitigation are discernable in the field?
Re-vegetation.

D-5 (Project #4): Reconstruct Bridge and Approaches. Jonata Park Road at Zaca Creek (New Bridge) Mitigation commitments required under Sec 106. Project constructed.

Mitigation Commitments from the MOA: According to the 9/1/1998 MOA: All historic work carried out shall have PQS standards as described by the Secretary; all draft/final documentation shall adhere to HAER standards, the County of Santa Barbara is responsible for hiring qualified consultant; NPS must accept all documentation as complete prior to demolition of Zaca Creek Bridges; Recordation shall be carried out prior to demolishing bridges; Written historical descriptive report must be completed for each bridge; informal plaques will be removed from bridge and given to County of Santa Barbara; 30 days after demolition of bridges FHWA shall notify SHPO so that bridges are removed from National Register.

Are mitigation commitments easily apparent?
All mitigation commitments were completed prior to construction. There was no evidence in the project file that pre-construction mitigation commitments, hiring of a qualified consultant, HAER recordation, written historical descriptive report for each bridge, removal of plaques removed from bridge and given to the County of Santa Barbara, notified to the SHPO that bridges had been demolished, or removal of bridges from the National Register, had occurred.

What aspects of mitigation are discernable in the field?
None of the mitigation commitments required on this project would be discernable on the ground after construction with the exception of replanting disturbed areas.

District 7: No projects with Construction Complete.

District 8: No projects with Construction Complete

District 10: One (1) project with Construction Complete.

D-10 (Project #2): Road rehabilitation and intersection improvements on sections of Franklin Road, Ladino Avenue and Fox Road from Santa Fe Drive to the **Atwater Federal Penitentiary.** Mitigation commitments required under Sec 7.

Mitigation Commitments from the BO: 1) County shall ensure compliance with BO (81420-2008-F-0029). 2) BMPs during construction. 3) County shall follow USFWS Standardized Recommendation for Protection of SJ Kit Fox prior to ground disturbance per BO. 4) Employee education for kit fox. 5) Mark construction area. 6) Construction during dry season May 1 - Oct. 15 to avoid impacts to vernal pool shrimp. 7) To extent possible, nighttime construction should be minimized and should cease 0.5 hr before sunset and should begin 0.5 hr before sunrise. San Joaquin Kit Fox and Vernal Pool Crustaceans (Fairy and Tadpole Shrimp) Constructions will be timed May 1-Oct 15, Limits of construction area will be flagged in order to avoid adverse impacts to species. ESAs. Education of Construction Crews; follow CT Standards Specs, submit Water Pollution Control Plan to protect Shrimp. No firearms on construction site. Replant disturbed areas. 2:1 preservation of vernal pool habitat. Preservation and creation credits purchased at a Service approved conservation bank which will provide .36 acres of compensation.

Are there any mitigation commitments that were not completed?
No. This particular project had a Post Construction Report prepared by the County (February 3, 2009), that summarized and documented what actions were taken during construction on the biological portion of the ECR. It specifically covers:
(1) the purchase of conservation credits to mitigate any potential impacts to vernal pool shrimp, and provides a copy of the check for $37,800.00 sent to Wildlands Inc.
(2) the training session with construction personnel outlining the identification and protection of the Kit Fox and provides the date of training and a copy of the attendees and training handouts
(3) a delineating of the project limits and County right of way by the County's surveyors
(4) all construction activity confined to this area
(5) parking and staging areas
(6) project time restrictions (7:00am to 3:30pm) from May 1-Oct 15
(7) site clean up and garbage disposal
(8) speed limits and equipment traffic confined to County right of way
(9) no pets or firearms
(10) borrow material site
(11) for Service notification of any death or injury of a listed species, no listed species were observed while active construction was in progress.
Appendix A: ECR
Appendix B: RWQCB-Storm Water Discharge Permit
Appendix C: The Agreement for Sale of Conservation Credits, signed by Wildlands Conservation Bank, the County's Legal Counsel and the USFWS Field Supervisor, the Bill of Sale for the purchase of vernal pool preservation credits from conservation bank, the payment receipt, and a copy of the County's check for $37, 800.00 to Wildlands.
Appendix D: Attendance Record for the Worker Environmental Awareness Training Program, and copies of handouts (Kit Fox, Burrowing Owl, Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp) and training materials.

Are mitigation commitments easily apparent?
Yes, in the Post-Construction Report.

What aspects of mitigation are discernable in the field?
None of the mitigation commitments required on this project would be discernable on the ground after construction with the exception of replanting disturbed areas.