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SAN FRANCISCO BAYKEEPER, SHINGLE SPRINGS BAND OF MIWOK INDIANS, CALIFORNIA INDIAN ENVIRONMENTAL ALLIANCE, RESTORE THE DELTA, GOLDEN STATE SALMON ASSOCIATION, and THE BAY INSTITUTE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

SAN FRANCISCO BAYKEEPER, SHINGLE SPRINGS BAND OF MIWOK INDIANS, CALIFORNIA INDIAN ENVIRONMENTAL ALLIANCE, RESTORE THE DELTA, GOLDEN STATE SALMON ASSOCIATION, and THE BAY INSTITUTE,

Petitioners,

vs.

CALIFORNIA DEPARTMENT OF WATER RESOURCES,

Respondent.

Case No.: 24WM000017

DECLARATION OF HARRISON BECK IN SUPPORT OF PETITIONERS' MOTION FOR PRELIMINARY INJUNCTION

I, Harrison Beck, do hereby declare as follows:

1. The facts set forth in this declaration are based upon my personal knowledge, and if called as a witness in these proceedings, I could and would testify competently thereto under oath. As to those matters that reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

2. I am co-counsel for the Petitioners in this matter and thereby represent San Francisco Baykeeper, the Shingle Springs Band of Miwok Indians, California Indian Environmental Alliance, Restore the Delta, Golden State Salmon Association, and the Bay Institute.

3. I am aware of the Delta Conveyance Project and the California Department of Water Resources' current plan to begin geotechnical investigations throughout the Sacramento-San Joaquin Delta to begin implementation of that project.

4. I am further aware that such investigations will entail the boring of many boreholes, some of which will be over hundreds of feet deep, the dredging of several massive trenches, and multiple vibration tests.

5. I am also aware that the California Department of Water Resources has not submitted a written statement to the Delta Stewardship Council certifying that the Delta Conveyance Project is consistent with the Delta Reform Act of 2009 and the 2013 Delta Plan issued by the Delta Stewardship Council, as required by that Act.

6. I participated in a meet-and-confer meeting with counsel for the California Department of Water Resources and counsel for the other petitioners in related cases on April 12, 2024.

7. Before that meeting, the California Department of Water Resources sent a document entitled "2024 Preconstruction Field Investigations – Environmental Compliance, Clearance, and Monitoring Plan" to the petitioners' counsel. A copy of that document is attached to hereto.

8. Among other things, this document stated that the California Department of Water Resources plans to begin geotechnical investigations in May 2024 and stated further that the Final Environmental Impact Report for the Delta Conveyance Project that these investigations would include geotechnical, hydrogeologic, agronomic testing, and construction test projects.

9. In addition, the California Department of Water Resources also provided counsel for petitioners with a map of where the Department planned to undertake geotechnical investigations in May 2024. A copy of that document is also attached to hereto.

Executed this Second day of May 2024 in Shingle Springs, California.

Harrison Beck

Preconstruction Field Investigations Environmental Compliance, Clearance, and Monitoring Plan

1.0 Introduction

Preconstruction field investigations (hereafter referred to as geotechnical investigations, preconstruction field investigations, or field investigations) are scheduled to begin in April 2024 (site clearance activities) and May 2024 (geotechnical investigations). Data collected from preconstruction field investigations is used to inform planning and design studies prior to implementing and constructing the Delta Conveyance Project (DCP). As these preconstruction field investigations were described and evaluated as part of the DCP Final Environmental Impact Report (FEIR) (December 2023 – SCH # 2020010227), compliance with the DCP Mitigation Monitoring and Reporting Program (MMRP) is required (FEIR Section 3.15). This document constitutes the activity-specific environmental compliance monitoring plan (Plan) required by DCP FEIR Environmental Commitment (EC) – 14 (*Construction Best Management Practices for Biological Resources*) for the 2024 preconstruction field investigations. As project planning proceeds, DWR will prepare separate activity-specific environmental compliance monitoring plans for other project activities. As discussed further below, this Plan includes the document objectives, the primary objectives of 2024 preconstruction field investigations, the study area, and monitoring commitments proposed to satisfy the needs of EC–14.

2.0 Document Objectives

Prior to commencing preconstruction field investigations, EC-14 requires DWR to develop an activity specific environmental compliance monitoring plan to monitor, enforce and document measures to protect special-status fish, wildlife, plant species, and their habitats, designated critical habitat, and sensitive natural communities. This document provides the information that will be collected prior to, during, and then following preconstruction field investigations. Follow-up documentation will be required in the form of preconstruction site clearance survey documentation, daily monitoring logs, and quarterly monitoring reports. As per EC-14, this activity specific plan includes information and documentation collection protocols to satisfy the following elements (Refer to Section 6.0 – *Compliance with EC-14 Elements*).

- Reference to or inclusion of the Stormwater Pollution Prevention Plan (SWPPP) prepared under the Construction General Permit (CGP) (Order WQ 2022-0057-DWQ; NPDES NO. CAS000002), where one is needed. (See EC-4b, Develop and Implement Stormwater Pollution and Prevention Plans.)

- Summaries or copies of planning and preconstruction surveys (if applicable) for natural communities and special-status species.
- Description of mitigation measures to be implemented, including a description of site or activity specific Best Management Practices (BMPs) or additional measures not otherwise included in the project.
- Descriptions of monitoring parameters (e.g., turbidity), including the specific activities to be monitored (e.g., dredging, grading activities) and monitoring frequency and duration as well as parameters and reporting criteria (e.g., turbidity is not to exceed 10 nephelometric turbidity units (NTUs) above background. Exceedances will be reported, and the contractor must identify and correct the cause.).
- Description of roles and responsibilities of the monitors and protocols for notifying CDFW, NMFS, and USFWS, if needed.
- A daily monitoring log prepared by the monitor, which documents the day's activities, notes any problems identified and solutions implemented to rectify those problems, and document notifications of the superintendent and/or the fish and wildlife agencies regarding any exceedances of specific parameters (i.e., turbidity) or observations of special-status species. The monitoring log will also document activity start/end times, weather and general site conditions, and any other relevant information.

3.0 Preconstruction Field Investigations – Purpose and Background

FEIR Chapter 3 – *Description of the Proposed Project and Alternatives* describes the project evaluated in the FEIR. Section 3.15 – Field Investigations explains that 'work related to geotechnical, hydrogeologic, agronomic testing, and construction test projects (geotechnical investigations) would occur during the preconstruction and construction periods following the adoption of the EIR, identification of an approved project footprint, and acquisition of all required permits.' The preconstruction field investigations will 'more specifically identify appropriate construction methods addressed in the final design documents. These investigations would also address the establishment of geological and groundwater monitoring programs that could extend during the design and construction phases of the [Approved] project' (TM 14B – Potential Future Field Investigations – Bethany Reservoir Alternative, 2022b).

To support the project description and environmental analysis in the FEIR, the Delta Conveyance Design and Construction Authority (DCA) working under the direction of DWR developed Engineering Project Reports (EPRs) and associated technical memoranda (TMs) (DCA 2022a, 2022b) to detail project engineering considerations. The Bethany Reservoir Alternative (Approved Project) EPR contains a detailed description of the Approved Project and the TMs that informed its design. Among other information, TM 14B – Potential Future

Field Investigations – Bethany Reservoir Alternative details the geotechnical explorations (or field investigations) that constitute preconstruction field investigations necessary to support continued development of the project design documents. TM 14B Attachments A-C provide additional information related to field investigations used in the FEIR analysis of impacts for the Project (Option B2B or B2).

4.0 Preconstruction Field Investigations – FEIR Description

The FEIR provides precise zones where field investigations would occur, and an approximated acreage and maximum number of each type of exploration was used for the FEIR impact analysis. This information was utilized to identify and disclose potential direct and indirect environmental effects that may result from the field investigations as analyzed in the FEIR. TM 14B, Attachment A (Option B2) provides total estimates for preconstruction field investigations.

FEIR Mapbook 3-3 for the Bethany Alternative (Approved Project) depicts the zones in which geotechnical investigations would occur (i.e., geotechnical investigation zone). Each map further indicates that geotechnical investigations would be conducted within all project feature construction boundaries.

5.0 Preconstruction Field Investigations – General Terms

As proposed, the 2024 preconstruction field investigations will *not* include overwater activities, activities that involve trenching, activities within the West Tracy Fault or Bethany Fault, pile driving, vibratory testing of dynamic properties, geodetic mapping, potholing, monument installation, test fills for settlement studies, 800 ft. inclined boreholes, or ground improvement test zones. Consistent with the protocols used for the geotechnical activities completed between 2020 - 2023[1], the 2024 preconstruction field investigations will adhere to the following general terms:

[1] DWR approved, and completed, the prior geotechnical activities between 2020 - 2023 in reliance on the July 2020 Soil Investigations for Data Collection in the Delta Final Initial Study and Mitigated Negative Declaration (Soil Investigations IS/MND) and associated addenda adopted in February 2021 and June 2022 (SCH# 2019119073).

Table 1: General Terms for 2024 Preconstruction Field Investigations

General Terms for 2024 Preconstruction Field Investigations[2]:
Geologic activities shall occur for no more than 10.5 hours each day between 7:00 am to 7:00 pm Monday through Friday only
No entries or inspections shall occur between Wednesday and Sunday of Thanksgiving week and between December 23 and January 1, or on the 4th of July, Labor Day, or the Memorial Day holidays
On vineyards and other planted land, there shall be no entries or inspections between September 1 and October 15 unless authorized by the landowner in writing
Between October 1 and February 25 there shall be no entries or inspections on hunting lands
DWR, its Contractors, and/or Representatives, will adhere to all access restrictions related to pesticides in use on the parcels where field investigations are proposed
DWR may access a parcel for up to 2 days to undertake preliminary identification activities to designate the exact locations of the boring, and CPT sites
Entry for CPT shall be for no more than 2 days per CPT site
Entry for borings shall be permitted for up to 11 days per soil boring
Tribal representatives (2) and DWR (up to 4) have two (2) additional full days and two (2) half days to do pre-drilling site clearances prior to the commencement of drilling activities
DWR shall give 14 days' verbal notice of intended date to drill or CPT test by telephone and email to the owner's designated representative or, if none, to the owner; the notice will include a description of the activities that will be conducted on the property and a general description of the area where activities will take place
DWR shall give 10 days' written notice to confirm the information provided in the 14-day verbal notification and to provide the owner's designated representative or, if none, the owner with information pertaining to the purpose of the several types of studies to be conducted on the property and the point of contact(s) for DWR
DWR shall give 72-hour notice by telephone and email to the owner's designated representative or, if none, to the owner for entries
DWR should make all reasonable efforts to accommodate reasonable requests to alter the dates based on the owner's necessary use of the property
Maximum soil boring depth is limited to 300 feet[3]
DWR shall not enter closed structures on the property, including, specifically, office buildings, garages, fully enclosed sheds, and buildings not considered open to the public
DWR shall comply with any general rules or regulations of a reclamation district applicable to the underlying property owner regarding use or weight of vehicles on its easement area, or restricted access to pumping stations, digging near levees, and the like

[2] DWR developed the terms in Table 1 in consideration of conditions included in prior court ordered entries for geotechnical activities, including the November 21, 2023, Order Permitting Entry and Investigation of Real Property for Environmental, Cultural, Geological and Drilling Investigations entered by the San Joquin County Superior Court in Judicial Council Coordination Proceedings (JCCP) Case No. 4594, as well as the terms of the proposed Temporary Entry Permits (TEPs) provided to landowners by DWR for the 2024 preconstruction field investigations.

[3] Prior Court Ordered Entries have authorized, and DWR has completed, soil borings up to a depth of 300 feet. The 2024 preconstruction field investigations propose a maximum depth of 250 feet.

General Terms for 2024 Preconstruction Field Investigations[2]:
DWR shall coordinate with Fish and Game regarding entry to all areas covered by a conservation easement or grant
DWR personnel and its contractors shall have identity cards and be prepared to show them to any owner who requests to see such
DWR personnel shall use their best efforts not to needlessly block or impede any activity by the owner or his or her agents on the property
DWR shall contact railways prior to entry and shall comply with reasonable conditions of special visible clothing near the railroad tracks and shall cross the railroad tracks with vehicles only at designated public crossings or in consultation with railroad personnel
DWR personnel should not linger or loiter or perform work within 25 feet of the railway tracks
DWR shall use designated crossing points for pedestrian crossing where reasonably available and shall cross only when no trains are observable
DWR shall not fence any area of property or to prevent access of the owners to their properties, except when DWR personnel are actually utilizing that specific area of the property
DWR vehicles or equipment shall not unreasonably block access by other vehicles on levee roads or other reclamation district-operated roadways
DWR shall not perform any borings or CPT holes within three hundred (300) feet of a landside levee toe, without first giving ten (10) days' notice of the change of site plan and proposed work to both the affected reclamation district and the landowner
DWR shall follow the guidelines in its Bulletin 74-90 with respect to the method by which the exploratory borings will be sealed
DWR shall restore the property, as near as possible, to its original condition after the activities are completed
Upon request by an owner, DWR shall promptly provide a copy of the Delta Conveyance Design and Construction Authority's “Delta Conveyance Project Steps in Soil Drilling and CPT Sounding” Field Work Manual that DWR is using for the geologic and drilling activities
Following compilation of the data gathered and within one hundred fifty (150) days of a written request by the landowner, DWR will provide the landowner with all data, including, but not limited to notes, surveys, reports, and photographs, obtained from any investigation on the landowner’s property

6.0 Compliance with EC-14 Elements

6.1 Reference to or inclusion of the SWPPP prepared under the CGP, where one is needed. (See EC-4b, Develop and Implement Stormwater Pollution and Prevention Plans.)

- Federal statutes and regulations require discharges to waters of the United States comprised of stormwater associated with construction activity to obtain NPDES permit coverage (except operations that result in disturbance of less than one acre of total land area and that are not part of a larger common plan of development or sale). (Order WQ 2022-0057-DWQ NPDES NO. CAS000002). A SWPPP is not required for the 2024 preconstruction field investigations because all 2024 preconstruction field investigations will disturb less than one acre of total land area.

6.2 Summaries or copies of planning and preconstruction surveys (if applicable) for natural communities and special-status species

- FEIR Chapter 13: Terrestrial Biological Resources includes a set of mapbooks specific to the approved project providing the distribution of natural communities (within the project area) and species-specific habitat models, used for the impact analyses. Summaries and/or copies of planning and preconstruction surveys, in compliance with the DCP Mitigation Monitoring and Reporting Program (MMRP), and measures in this document, will be developed once authorization is received to enter private properties. Preparation for preconstruction field investigation site clearance surveys typically involve a desktop review of aerial imagery which would include a California Natural Diversity Database (CNDDB) search, along with in-field surveys and verifications by qualified biologists and resource specialists. Information from on the ground surveys will be used to adjust preconstruction filed investigation locations so as to avoid impacts to special status species, their habitats, as well as cultural and Tribal resources ascertained from California Historical Resources Information System (CHRIS) cultural resources records searches as well as field surveys. Daily monitoring reports and clearance survey information will be compiled into quarterly monitoring reports. Examples of daily logs and quarterly reports are attached to this report (See Attachments 1 and 2).

- Planning and preconstruction survey checklists will include elements from this document.

6.3 Description of mitigation measures to be implemented, including a description of site or activity specific BMPs or additional measures not otherwise included in the project.

- The 2024 preconstruction field investigations will comply with a) the general terms for preconstruction field investigations (See Table 1), b) the DCP MMRP measures (See Table 2), and c) an additional list of activity-specific measures informed by the protocols utilized by DWR in completing geotechnical activities from 2020-2023 (See Table 3).

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Table 2: DCP MMRP Measures

DCP MMRP Measures[4] [5]

Title	Description/Purpose
EC-1	Conduct Environmental Resources Worker Awareness Training
EC-2	Develop and Implement Hazardous Materials Management Plans
EC-3	Develop and implement spill prevention, containment, and countermeasure plans
EC-4a	Develop and implement Erosion and sediment control plans
EC-4b	Develop and Implement Stormwater Pollution Prevention Plans
EC-5	Develop and Implement a Fire Prevention and Control Plan
EC-6	Conduct Cultural Resources Awareness Training
EC-7	Off-Road Heavy-Duty Engines
EC-8	On-Road Haul Trucks
EC-9	On-Site Locomotives
EC-10	Marine Vessels
EC-11	Fugitive Dust Control
EC-12	On-Site Concrete Batching Plants
EC-13	DWR Best Management Practices to Reduce GHG Emissions
EC-14	Construction best Management practices for biological resources (Appendix 3B)
EC-15	Sediment Monitoring, Modeling, and Reintroduction Adaptive Management
EC-16	Provide Notification of Construction and Maintenance Activities in Waterways
EC-17	Pursue Solar Electric Power Options at Conveyance Facility Sites
EC-18	Minimize Construction-Related Disturbances to Delta Community Events and Festivals
AES-1a	Install Visual Barriers between Construction Work Areas and Sensitive Receptors
AES-1b	Apply Aesthetic Design Treatments to Project Structures
AES-1c	Implement Best Management Practices in Project Landscaping Plan

[4] For the complete descriptions of the MMRP measures, please go to: https://cadwr.app.box.com/s/qct5ey81zeyaxouccc25yyrotzfh2wq8

[5] Part of documenting compliance with mitigation measures in the MMRP includes confirming whether specific measures are applicable to an activity. Based on the scope of the proposed 2024 preconstruction field investigations, some of the mitigation measures in the MMRP are not applicable. For example, the 2024 preconstruction field investigations do not include overwater activities therefore mitigation measures specific to over water activities do not apply.

DCP MMRP Measures[4] [5]

Title	Description/Purpose
AES-4a	Limit construction outside of daylight hours within 0.25 miles of residents at the intakes
AES-4b	Minimize fugitive light from portable sources used for construction
AES-4c	Install visual barriers along access routes, where necessary, to prevent light spill from truck headlights toward residences
AG-1	Preserve Agricultural Land
AG-3	Replacement or relocation of affected infrastructure supporting agricultural properties
AQ-1	Offset construction-generated criteria pollutants in the Sacramento Valley Air Basin
AQ-2	Offset construction-generated criteria pollutants in the San Joaquin Valley Air Basin
AQ-3	Offset construction-generated criteria pollutants in the San Francisco Bay Area Air Basin
AQ-5	Avoid Public Exposure to localized particulate matter and nitrogen dioxide concentrations
AQ-9	Develop and implement a Greenhouse Gas (GHG) Reduction Plan to Reduce GHG Emissions from Construction and Net CVP Operational Pumping to Net Zero
AQUA-1a	Develop and Implement an Underwater Sound Control and Abatement Plan
AQUA-1b	Develop and Implement a Barge Operations Plan
AQUA-1c	Develop and Implement a Fish Rescue and Salvage Plan
BIO-2a	Avoid or minimize impacts on special-status natural communities and special-status plants
BIO-2b	Avoid or minimize impacts on terrestrial biological resources from maintenance activities
BIO-2c	Electrical Power Line Support Placement
BIO-14	Avoid and Minimize Impacts on Vernal Pool Aquatic Invertebrates and Critical Habitat for Vernal Pool Fairy Shrimp
BIO-18	Avoid and Minimize impacts on Valley Elderberry Longhorn Beetle (VELB)
BIO-21	Avoid and minimize impacts on bumble bees
BIO-22a	Avoid and minimize impacts on California Tiger Salamander (CTS)
BIO-22b	Avoid and minimize operational traffic impacts on wildlife
BIO-23	Avoid and minimize impacts on Western Spadefoot Toad
BIO-24a	Avoid and minimize impacts on California Red-legged frog (CRLF) and critical habitat
BIO-24b	Compensate for impacts on California Red-Legged Frog Habitat Connectivity
BIO-25	Avoid and minimize impacts on Western Pond Turtle (WPT)
BIO-26	Avoid and minimize impacts on special-status reptiles

DCP MMRP Measures[4] [5]

Title	Description/Purpose
BIO-30	Avoid and minimize impacts on Giant Garter Snake (GGS)
BIO-31	Avoid and minimize impacts on Western Yellow-Billed Cuckoo
BIO-32	Conduct preconstruction surveys and implement protective measures to avoid disturbance of California Black Rail
BIO-33	Avoid and minimize disturbance of Sandhill Cranes
BIO-34	Avoid California Least Tern Nesting Colonies and minimize indirect effects on colonies
BIO-35	Avoid and minimize impacts on Cormorant, Heron, and Egret Rookeries
BIO-36a	Conduct nesting surveys for special-status and non-special status birds and raptors and implement protective measures to avoid disturbance of nesting birds and raptors
BIO-36b	Conduct preconstruction surveys and implement protective measures to avoid disturbance of White-Tailed Kite
BIO-37	Conduct surveys for Golden Eagle and Avoid Disturbance of Occupied Nests
BIO-39	Conduct preconstruction surveys and implement protective measures to minimize disturbance of Swainson's Hawk
BIO-40	Conduct surveys and minimize impacts on Burrowing Owl
BIO-42	Conduct surveys and minimize impacts on Least Bell's Vireo
BIO-44	Conduct preconstruction surveys and implement protective measures to avoid disturbance of tricolored blackbird
BIO-45a	Compensate for the Loss of Bat Roosting Habitat on Bridges and Overpasses
BIO-45b	Avoid and Minimize impacts on roosting bats
BIO-46	Conduct Preconstruction survey for San Joaquin Kit Fox (SJKF) and implement avoidance and minimization measures
BIO-47	Conduct preconstruction survey for American Badger and implement avoidance minimization measures
BIO-53	Avoid and minimize impacts on terrestrial wildlife connectivity and movement
CMP	Compensatory Mitigation Plan
CUL-1a	Avoid Impacts on Built-Environment Historical Resources through Project Design
CUL-1b	Prepare and implement a built-environment treatment plan in consultation with interested parties
CUL-2	Conduct a survey of inaccessible properties to assess eligibility, determine if these properties will be adversely affected by the project, and develop treatment to resolve or mitigate adverse impacts
CUL-3a	Prepare and implement an archaeological resources management plan
CUL-3b	Conduct cultural resources sensitivity training
CUL-3c	Implement archaeological protocols for field investigations
CUL-5	Follow State and Federal Law Governing Human Remains If Such Resources Are Discovered during Construction
GW-1	Maintain groundwater supplies in affected areas
GW-5	Reduce Potential Increases in Groundwater Elevations near Project Intake Facilities

DCP MMRP Measures[4] [5]

Title	Description/Purpose
HAZ-2	Perform a phase I Environmental Site Assessment prior to construction activities and remediate
NOI-1	Develop and implement a noise control plan
PALEO-1a	Prepare and implement a monitoring and mitigation plan for paleontological resources
PALEO-1b	Educate construction personnel in recognizing fossil material
PH-1a	Avoid creating areas of standing water during preconstruction field investigations and project construction
PH-1b	Develop and implement a mosquito management plan for compensatory mitigation sites on Bouldin Island and at I-5 ponds
SOILS-5	Conduct site-specific soil analysis and construct alternative wastewater disposal system as required
TCR-1a	Avoidance of impacts on Tribal Cultural Resources
TCR-1b	Plans for the management of Tribal Cultural Resources
TCR-1c	Implement measures to restore and enhance the physical, spiritual, and ceremonial qualities of affected Tribal Cultural Resources
TCR-1d	Incorporate Tribal knowledge into compensatory mitigation planning (restoration)
TCR-2	Perform an assessment of significance, known attributes, and integrity for individual CRHR eligibility
TRANS-1	Implement site-specific construction transportation demand management plan and transportation management plan
WQ-4	Contra Costa Water District Interconnection Facility
WQ-6	Develop and implement a mercury management and monitoring plan

Table 3: Additional Compliance Parameters for 2024 Preconstruction Field Investigations Based on Past Soil Investigations

Additional Compliance Parameters for 2024 Preconstruction Field Investigations Based on Past Soil Investigations - Description[6]
Each Impact Area will be returned to as close to pre-activity conditions as possible. This will be documented by still photos taken pre- and post-activity
No building structures will be removed or disturbed. Preconstruction field investigations will occur at a distance greater than 100 feet (30.5 meters) from residences and small business operations. If fencing needs to be removed for access, it will be replaced after the work is completed.
No trees or vines will be removed during exploration activities; and only minor disturbances to vegetation would occur during mobilization of equipment. This minor disturbance may consist of mowing, removal of a few tree limbs, or trimming of bushes for site access. However, if access requires removal of any vegetation, the landowner would be consulted first to minimize the impact to both vegetation and the landowner.
Any proposed soil investigation activities that occur on agricultural lands will be grouted in accordance with materials that conform to ANSI and ASTM standards from the full depth to five feet (1.5 meters) below the surface. The final five feet (1.5 m) of topsoil will be replaced to return the Impact Area to as close to pre-activity conditions as possible. The backfill procedure will be in accordance with State of California Bulletin 74-81/74-90 and local county standards.
Water all exposed surfaces two times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads.
A qualified team of biologists will conduct a habitat assessment and reconnaissance level surveys approximately two weeks prior to the onset of ground disturbing soil investigation activities for any special status plants and wildlife that have the potential to occur within the project area (see Appendix A -Wildlife and Plant Species List). If, based on the habitat assessment and reconnaissance level surveys, the biologists identify the potential for special status wildlife impacts, the location will be shifted to a suitable location as identified by the qualified team of biologists, which is defined as a location that achieves the following four performance standards: (1) satisfies the requirements of Mitigation Measures BIO -2 through BIO -20, AES -1, AES -2, HYD -1, and HAZ -1 through HAZ - 4 (2) is the minimum distance necessary (informed by the mitigation measures cited in (1)) to ensure that no special status plants and wildlife with the potential to occur is disturbed during the work activities, (3) does not increase impacts to other resources to above a level of significance, and (4) the qualified biologist team must determine that commencing activities does not have the possibility to cause unpermitted take under federal or State law. If a suitable location, as defined above, cannot be determined within adjacent areas by the qualified team of biologists, then the soil investigation at that location will not be conducted.

[6] DWR developed the additional measures included in Table 3 in consideration of the mitigation measures included in the Mitigation Monitoring and Reporting Program for the Soil Investigations IS/MND, as modified January 2023.

Additional Compliance Parameters for 2024 Preconstruction Field Investigations Based on Past Soil Investigations - Description[6]
The qualified biologist(s) must, at a minimum, have experience conducting surveys to identify the specific species and associated habitat that could occur on site.
All federally or state-listed species observed will be allowed to leave the Impact Area on their own. If the biologist determines that continuing activities could potentially cause unpermitted take under federal or State law to a federally or state-listed species, activities must cease. Work may not resume until the on-site biologist has determined there is no longer the possibility of causing unpermitted take under federal and State law.
No project activities will be conducted during or within 24 hours following a rain event in locations that have a potential for special status amphibians to occur or are near wetlands or other water features.
Any active rodent burrows or suitable cracks identified by a qualified biologist during the pre-construction survey will be flagged so that they can be avoided.
Any burrows, cracks, or fissures suitable for rodents that cannot be avoided and will be temporarily impacted by the movement and placement of equipment or other project activities will be covered with plywood to avoid burrow collapse.
Leaf litter will be surveyed by the biologist for presence of wildlife prior to the onset of work, and if any special-status species are identified as using the leaf litter for refuge it will be avoided and a buffer will be established by a qualified biologist and flagged.
Piles of rock, riprap, or other materials that could provide refuge to reptiles or amphibians will be avoided. If movement of such materials cannot be avoided, a qualified biologist will survey the area prior to disturbance and monitor the material movement and restoration of the area following completion of Proposed Project activities.
Sanitation facilities (e.g., portable toilets) shall be sited in a manner that avoids any direct connection to the storm drainage system or receiving water.
Sanitation facilities shall be regularly cleaned and/or replaced and inspected daily for leaks and spills.
Stockpiling materials, portable equipment, vehicles, and supplies, including chemicals, will be restricted to areas adjacent to the drill or CPT rig, and not adjacent or within riparian and wetlands areas or other sensitive habitats.
Appropriate traffic controls will be implemented, based on the conditions at each soil investigation site, according to standards set by Caltrans and counties. Flaggers may be used during ingress and egress of boring equipment and work crews to allow flow of traffic while maintaining safety measures for the crew, especially if these activities occur in areas of heavy traffic or reduced visibility. Lane closures will be implemented when soil investigation sites are within or immediately adjacent to public roadways and will employ safety measures such as advance warning areas and flaggers, as prescribed by Caltrans and county regulations. Public notifications will be made in coordination with Caltrans, counties, CHP, and other entities. Traffic controls and lane closures will consider access for emergency services and be coordinated through the encroachment permit processes implemented by Caltrans and counties, with CHP coordination as required.
No public roads, waterways or land access will be fully closed.

Additional Compliance Parameters for 2024 Preconstruction Field Investigations Based on Past Soil Investigations - Description[6]
A field reconnaissance, marking or staking the exploration site, and calling Underground Service Alert (USA) for utility clearance will be conducted by qualified personnel for each planned soil exploration location. Based upon the information gathered, sites will be adjusted to ensure no utilities are impacted.
DWR shall not trap any wildlife in a conservation easement without specific approval or permit of USFWS, NMFS, or CDFW as appropriate.

6.3 Descriptions of monitoring parameters (e.g., turbidity), including the specific activities to be monitored (e.g., dredging, grading activities) and monitoring frequency and duration as well as parameters and reporting criteria (e.g., turbidity is not to exceed 10 NTUs above background. Exceedances will be reported, and the contractor must identify and correct the cause.).

- Daily monitoring activities by the biologist shall include, but will not be limited to the following:
  - Conducting pre-construction nesting bird and Swainson's Hawk surveys 72 hours prior to the start of preconstruction field investigations, if they are planned to occur during the nesting season.
  - Monitoring project field activities
  - Assisting with siting equipment to avoid any sensitive resources located nearby and clearly marking or delineating any exclusion areas and monitoring for compliance with these avoidance measures.
  - Walking the site before crews enter each day and examining the area below any vehicle or piece of equipment that has been stationary for 24 hours or greater to ensure that no wildlife species are present.
  - Conducting environmental awareness training and/or cultural sensitivity training session for all new field personnel prior to the start of each workday. Maintaining a list of trained staff and provide to DCA Field Activity Coordinator (or equivalent).
  - Confirming the location of and emphasizing to the crew any flagged avoidance areas.
  - Documenting the field crew's activities and their compliance with the program's commitments in Daily Monitoring Logs which include photos when available. (This may include: adhering to speed limits, trash containment, ensuring that there are not firearms and no pets, installation of escape ramps where necessary, and capping pipes/removal of debris piles.)
  - Monitoring for any federally or state-listed species or California Species of Special Concern per requirements listed in DCP MMRP and any environmental permits (where applicable). If any federally or state-listed species or nesting birds are observed, monitors will determine if activities are disturbing the species and if activities must cease or if the species are undisturbed and/or could leave on its own.
  - Alerting Lead Biological Monitor to any observations of federally or state-listed species or California Species of Special Concern immediately and recording in Daily Monitoring Log. (Follow protocols for wildlife agency notifications, as above.)

- Limiting work to periods of no precipitation.
- Completing Daily Monitoring Logs and providing to Project Biologist who will provide to DWR Environmental Manager. Ensure that Daily Monitoring logs include documentation of field activities, observations, and hours on site.

6.4 Description of roles and responsibilities of the monitors and protocols for notifying CDFW, NMFS, and USFWS, if needed.

- Section 2.1 (page 2-4) of the DCP MMRP describes the primary parties responsible for implementation, monitoring and reporting as it relates to the MMRP.

- <u>Protocols for notifying wildlife agencies:</u>
  - Per EC-14, any sightings of special status species will be reported to CDFW and USFWS via email within 1 working day of the discovery. A follow-up report will be sent to these agencies, including dates, locations, habitat description, and any corrective measures taken to protect special status species.
  - The qualified biologist(s) will maintain monitoring records that include (1) the beginning and ending time of each day's monitoring effort; (2) a statement identifying the species encountered, including the time and location of the observation; (3) the time the specimen was identified and by whom and its condition; (4) the capture and release locations of each individual (where permitted); (5) photographs and measurements of each individual; and (6) a description of any actions taken. The biologist(s) will maintain complete records in their possession while conducting monitoring activities and will immediately provide records to USFWS and CDFW upon request. If requested, all monitoring records will be provided to agencies according to the reporting requirements of the relevant permits.

6.5 A daily monitoring log will be prepared by the monitor, which documents the day's construction activities, notes any problems identified and solutions implemented to rectify those problems, and document notifications of the construction superintendent and/or the fish and wildlife agencies regarding any exceedances of specific parameters (i.e., turbidity) or observations of special-status species. The monitoring log will also document construction start/end times, weather and general site conditions, and any other relevant information.

- Daily biological monitoring reports will include the following, at minimum (refer to element, above, regarding protocols for notifying wildlife agencies) (See Example of Daily Monitoring Report in Attachment 1):
  - Date

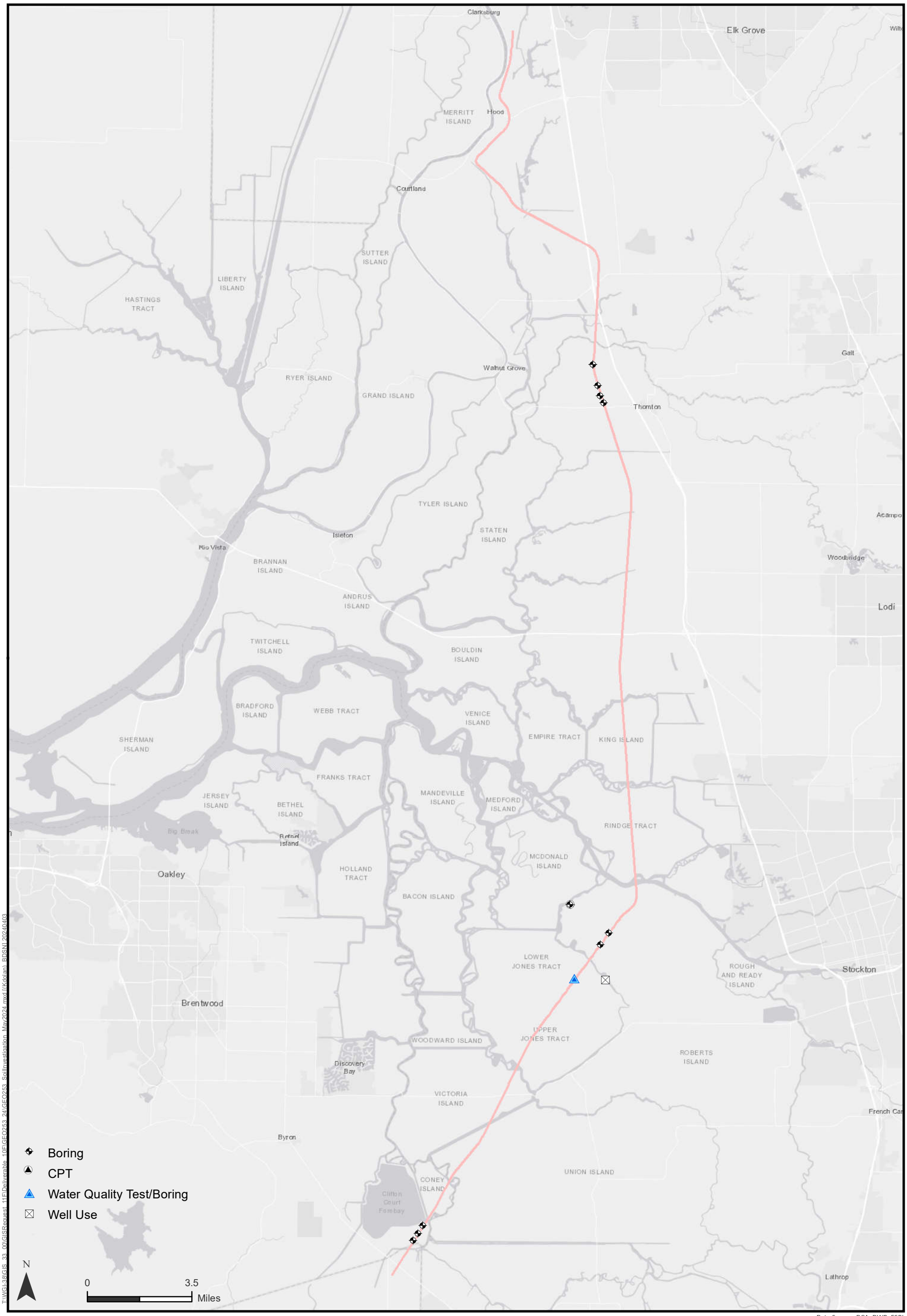
- Start time.
- End time.
- Monitor name.
- Location Description
- Groups/Personnel
- Weather conditions
- Air Temperature (low/high)
- Precipitation
- Field Investigation Activity
- Daily Observation Summary
    - If special status species are encountered, include identification, by whom, time and condition
- Communication Summary
    - Shall include actions taken if special status species are encountered
- Site Photos containing locational data, altitude, and direction of view.

7.0 Demonstrated Compliance for past Geotech Activities

Based on clearance survey results, 2024 preconstruction field investigations will be relocated, where necessary, to avoid potentially significant impacts on special status natural communities, special status plants, cultural resources, and Tribal resources. Prior field investigation (soil investigations) completed by DWR in 2022 and 2023 included this same commitment and were successfully completed or, where necessary, abandoned to avoid potentially significant impacts on these resources. This Plan incorporates measures implemented for DWR's prior field investigations in 2022 and 2023 (See Table 1 and Table 3). Compliance with these additional measures will further reduce the less than significant biological resource impacts identified and analyzed in the DCP FEIR.

Soil Investigations Planned for May 2024

DCA
DELTA CONVEYANCE DESIGN & CONSTRUCTION AUTHORITY



Data Source: DCA, DWR, ESRI