

**Freight Railroad Relocation and Lower Berryessa Creek Project Initial
Study with Proposed Mitigated Negative Declaration**

Environmental Issue	Measure #	Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight for Implementation
Replacement of Congdon's Tarplant.	1	<p>VTA will design all facilities to avoid temporary and permanent impacts to Congdon's tarplant to the maximum extent practicable. If avoidance is not feasible, a focused botanical survey will be conducted by a qualified plant biologist to ascertain the presence or absence of the species in the FRR & LBC Project area during the initial blooming period (August) that occurs prior to the construction. VTA will mitigate the permanent loss of Congdon's tarplants at a minimum ratio of 1:1 (replacement plants: lost plants), or at a ratio determined in consultation with resource agency personnel. VTA will also mitigate in accordance with the California Native Plant Society's recommended measures for mitigating impacts to Congdon's Tarplant, as follows:</p> <ol style="list-style-type: none"> 1. To replace plants, seeds from plants within the area of impact will be collected and stored during the month of August or September prior to construction beginning. As the blooming period lasts until November, the affect of pruning flowering heads to obtain seed will allow the plant to repeat flower and seed production before the end of the blooming period and thereby lessen or avoid a temporal loss before Project work and reseeding occurs. 2. The seed will be applied as a component of the revegetation mix within the impact area for any temporary impacts and within a proposed replacement area for permanent impacts. The replacement area will be determined in consultation with resource agency personnel. Revegetation should be accomplished by hydro seeding prior to the start of the rainy season in areas. 3. The success of the reseeding will be monitored during the blooming period in the year following revegetation. The criteria for reseeding success will be that the species is found to be occurring throughout the reseeded areas. If unsuccessful, seed will be collected and sown in the unsuccessful areas prior to the rainy season that year. 4. The success of the reseeding will also be monitored during the blooming period in the second year following revegetation. If seeding of previously unoccupied habitat is successful, mitigation will be deemed successful and no additional monitoring will be required. If unsuccessful, the area will be deemed as unsuitable habitat due to an apparent subtle difference in soil characteristics. In this case, revegetation of additional areas, determined in consultation with resource agency personnel, and an additional two years of monitoring will be conducted. 5. If mowing of any revegetation area is proposed, it should be conducted prior to May 15 in order to allow sufficient time for flowering and seed set. Mowing should not be lower than six inches in order to minimize removal of tarplant foliage prior to flowering. 	Prior to, during, and following construction	VTA Construction	VTA Environmental Planning

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Replacement of Wetlands and Waters of the United States.	2	VTA will design all FRR & LBC Project facilities to avoid temporary and permanent impacts to wetlands and waters of the United States to the maximum extent practicable. If avoidance is not feasible, VTA will mitigate the permanent loss of wetlands at a minimum 2:1 ratio (replacement area: loss area) and the temporary loss of wetlands at a minimum 1:1 ratio, or at higher ratios determined in consultation with resource agency personnel. Permanent and temporary impacts to waters of the United States will be mitigated at minimum 1:1 ratio, or at a higher ratio determined in consultation with resource agency personnel. Mitigation will be on-site and in-kind to the maximum extent practicable. If mitigation cannot be accommodated entirely on-site, VTA will investigate other mitigation opportunities in coordination with resource agency personnel within the impacted watershed, if possible. A qualified biologist, in coordination with resource agency personnel, will prepare a mitigation and monitoring plan for impacts to wetlands and waters of the United States due to the FRR & LBC Project. Alternatively, VTA may purchase credits in an approved mitigation bank.	Prior to and following construction	VTA Construction	VTA Environmental Planning ACOE
Construction Within the Channels.	3	Construction within the channels that cross the Project alignment, including installation of temporary stream diversion structures, will be restricted to the dry season, which generally extends from June 1 to October 15 depending on the species present. In some cases, construction may begin earlier than June 15 or continue past October 15, as specified in regulatory agency permits and agreements or any authorized extensions.	During construction	VTA Construction	VTA Environmental Planning
Preconstruction Surveys for Nesting Raptors.	4	<p>To the extent feasible, construction activities, including tree and shrub removal, will be scheduled between September and December to avoid the nesting season for most raptors, as well as other bird species.</p> <p>Preconstruction surveys for nesting raptors will be conducted by a qualified ornithologist during the nesting season (January through August) to ensure that no raptor nests will be disturbed during construction. The surveys will be conducted no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist will inspect all trees and electrical towers in, and immediately adjacent to, the impact area for raptor nests. If an active raptor nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone, typically 250 feet, to be established around the nest until the chicks have fledged.</p> <p>Cliff swallows and barn swallows are colonial nesters and build mud nests on the undersides of artificial structures such as bridges, such as the Abel Street bridge in the Project area. The occupied nests and eggs of these birds are protected by the federal Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 (active bird nests and eggs) and Section 3513 (nesting birds). The following mitigation measures will reduce potential impacts to a less than significant level.</p>	Prior to and during construction	VTA Environmental Planning, VTA Construction	VTA Environmental Planning

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<p>Preconstruction Surveys for Swallows and Migratory Birds.</p>	<p>5</p>	<p>If construction activities are scheduled to occur during the nesting season of swallows and other migratory birds (generally March through August), a pre-construction survey for nesting activity will be conducted prior to commencement of construction. If active nests are identified in close proximity to construction work, a biological monitor will monitor the nests when work begins. If the biological monitor, in consultation with the California Department of Fish and Game (CDFG), determines that construction activities are disturbing adults incubating eggs or young in the nest, then a no work zone buffer will be established by the biological monitor around the nest until the young have fledged and the nest is no longer active. If a biological monitor, in consultation with CDFG, determines that construction activities occurring in proximity to active cliff swallow nests are not disturbing adults or chicks in the nest, then construction activities can continue. Nests that have been determined to be inactive (with no eggs or young) can be removed with CDFG approval.</p>	<p>Prior to and during construction</p>	<p>VTA Environmental Planning, VTA Construction</p>	<p>VTA Environmental Planning, CDFG</p>