

**SECOND AMENDMENT TO CONSULTANT SERVICES CONTRACT
BETWEEN THE CITY OF WATSONVILLE AND HARRIS AND ASSOCIATES, INC.**

THIS SECOND AMENDMENT TO CONTRACT for consultant services is entered into by and between the **City of Watsonville** ("City") and **Harris and Associates, Inc.** ("Consultant") this _____ day of _____, 20____. The City and Consultant agree as follows:

RECITALS

WHEREAS, City and Consultant have previously executed a Consultant Services Contract dated May 15, 2019 and a First Amendment to Consultant Services Contract dated August 26, 2020;

WHEREAS, the City has added additional tasks to the work program of the Consultant causing additional cost and time to the project completion; and

WHEREAS, the amendment of the Contract for Consultant Services is in the best interest of the City of Watsonville.

NOW, THEREFORE, the City and the Consultant agree that the Contract shall be amended as follows:

Section 1 is hereby amended to add the following:

"Section 1. Scope of Services. In addition to the performance of those services specified in detail in Exhibit "A" of the Contract, Consultant shall perform the additional services specified in detail in the following and are attached hereto and incorporated herein:

- ***Exhibit "1," a June 10, 2021 letter from Kate Giberson to Murray Fontes concerning the Proposal to Complete Lee Road Trail Permitting;***
- ***Additional Services as requested in writing and approved by the City.***

Section 2 is hereby amended to add the following:

"Section 2. Term of Contract. The term of the Contract shall be extended to June 30, 2022.

Exhibit C is hereby amended to read:

"Exhibit "C". Compensation. Paragraph a. Total Compensation. The total obligation of City under this Contract is increased in a not-to-exceed amount of Twenty-Seven Thousand One Hundred Fifty Dollars and No Cents (\$27,150.00) for a total obligation of \$189,174.24 as described below:

Original Contract & First Amendment Amount	\$162,024.24
Exhibit "1"	\$21,720.00
Additional Services not included in Exhibit "1"	<u>\$5,430.00</u>
Total obligation under this Contract	\$189,174.24

All other terms and conditions of the Contract dated May 15, 2019; as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to Consultant Services Contract the day and year first hereinabove written.

CITY OF WATSONVILLE

Harris and Associates, Inc.

By _____
Matthew D. Huffaker, City Manager

By _____
Kate Giberson, Director

ATTEST:

By _____
Beatriz Vázquez Flores, City Clerk

APPROVED AS TO FORM:

By _____
Alan J. Smith, City Attorney

EXHIBIT "1"

SECOND AMENDMENT TO SCOPE OF SERVICES

The scope of services is as described in the attached June 10, 2021 letter from Kate Giberson to Murray Fontes concerning the Proposal to Complete Lee Road Trail Permitting.



Harris & Associates

June 10, 2021

Murray Fontes, Principal Engineer
 City of Watsonville Public Works & Utilities
 250 Main Street
 Watsonville, CA 95076

PROPOSAL TO COMPLETE LEE ROAD TRAIL PERMITTING

Dear Murray:

As discussed during our June 10, 2021, progress meeting today, additional effort is required to obtain the required permits for the Lee Road Trail Project (Project), based on unanticipated requests from the regulatory agencies.

SCOPE OF WORK

This scope of work includes a description of the permit status, with the additional information requested by the agencies and the additional effort required and proposed by the Harris team to provide this information in **bold**.

- U.S. Army Corps of Engineers (USACE). As part of the Clean Water Act (CWA) Sec 404 permit, USACE coordinates with other federal agencies, including U.S. Fish and Wildlife Service (USFWS) for biological resources and the State Historic Preservation Officer (SHPO) for cultural resources.
 - USFWS – They requested the Biological Assessment be revised to provide more information on the Santa Cruz tar plant and California red-legged frog (CRLF). However, we do not feel the revisions are necessary because the tar plant will not be impacted and adequate protection measures are in place for CRLF. **This proposal includes providing the justification for this position, coordinating and meeting the USFWS staff to explain, and preparing a memorandum with additional supporting information for the conclusions in the BA, rather than revising the BA which would be substantially more effort (Task 1).**
 - SHPO – They want to see a copy of the required cultural resources treatment plan, which is typically prepared after the USACE permit is obtained, prior to issuance of the USACE permit. This is because of the increased sensitivity of the project area due to the existing Native American burial ground on the south side of Struve Slough. **This proposal includes preparation of the required cultural resources treatment plan (Task 2, Attachment A).**

This proposal includes ongoing agency coordination with USACE, USFWS and SHPO to obtain the permit (Task 3).

- Regional Water Quality Control Board (RWQCB). They have not requested additional information for the CWA Sec 401 permit, but the Sec 401 permit is tied to the USACE Sec 404 permit, in that RWQCB will issue the 401 after USACE issues the 404. **This proposal includes ongoing agency coordination with RWQCB to obtain the permit (Task 3).**
- California Department of Fish and Wildlife (CDFW). They have not requested additional information for the required Fish and Game Code Section 1602 permit, but they have been unresponsive due to workload. **This proposal includes ongoing agency coordination with CDFW to obtain the permit (Task 3).**

COST ESTIMATE

Following is the cost estimate to complete the scope of work.

Tasks	HARRIS STAFF HOURS		SUBCONSULTANTS				Fee
	K Giberson	W Young	EcoSystems West Biological Resources			Albion Environmental Cultural Resources	
	Project Manager	Permitting Specialist	B Davilla	E McGinty	J Davilla	Attachment A	
	\$205.00	\$145.00	\$150.00	\$125.00	\$135.00		
Task 1. Biological Resources Supporting Documentation	2.0	4.0	4.0	10.0	8.0		\$ 1,012.00
Task 2. Cultural Resources Treatment Plan	2.0	4.0				\$ 11,500.00	\$ 12,490.00
Task 3. Ongoing Agency Coordination/Project Mgmt	12.0	14.0	2.0	2.0	2.0		\$ 4,496.00
	16	22	6	12	10		
	\$3,280.00	\$3,190.00	\$900.00	\$1,500.00	\$1,350.00	\$ 11,500.00	\$21,720.00

Sincerely,
Harris & Associates, Inc.



Kate Giberson
 Director, Environmental Planning + Compliance
 (831) 419-6800 ■ Kate.Giberson@WeAreHarris.com

Attachment A – Albion Proposal to Prepare Cultural Resources Treatment Plan



June 8, 2021

Kate Giberson
Director, Environmental Planning & Compliance
Harris & Associates
Email Transmittal

RE: Proposal to Provide Cultural Resource Management Services for the Lee Road Trail Project,
Watsonville, California

Dear Ms. Giberson:

Albion Environmental, Inc. (Albion) is pleased to respond to your request for a proposal and cost estimate (Attachment 1) for Cultural Resource Management Services that include addressing agency comments and developing a Cultural Resource Data Treatment Plan for CA-SCR-107 for the associated proposed construction of a pedestrian/bicycle trail and bridge along Lee Road in Watsonville, California (Project). Additionally, these services include addressing comments received after federal regulatory review of the Phase I Cultural Resource Inventory Report (Ross 2020). We detail our Scope of Work after the Project Background section.

PROJECT BACKGROUND

The City of Watsonville is proposing to upgrade the existing Lee Road Trail. The updated 1.4-mile-long trail would generally be a 12-foot-wide pedestrian/bicycle trail along the east side of Lee Road, with a 12-foot-wide pedestrian/bicycle bridge over the portion of Lee Road extending through (and submerged by) Struve Slough (Project). Additionally, portions of the trail would extend along Harkins Slough Road on the north end to the high school, along the west side of Lee Road on the south end to the rail trail, and along the unpaved path located on the north side of Watsonville Slough to existing trails on the east side of Highway 1. The Project is permitted by the County of Santa Cruz (County) and is subject to the California Environmental Quality Act (CEQA) and the National Historic Preservation Act (NHPA).

Since the Project is permitted by the County as well as subject to federal regulations such as the NHPA, the Project is required to complete a cultural resource inventory of the Area of Potential Effect (APE). Albion completed a Phase I Cultural Resource Inventory of the APE in 2020 (Ross 2020). The results of Albion's inventory determined that three resources CA-SCR-334H, P-44-000377, and CA-SCR-107 are located within the APE. The first two sites relate to American Period transportation and are associated with an old highway segment and railroad alignment respectively. CA-SCR-107 is a precolonial resource and is the Costanoan-Ohlone Cemetery Site (CA-SCR-107), listed on the National Register since 1976. The site was heavily disturbed in the 1970s during initial construction of the industrial warehouse complex that exists in the Project vicinity today. Mechanical grading at the time disturbed much of the archaeological midden material and many of the burials. Salvage archaeology during construction

1414 Soquel Avenue, Suite 205
Santa Cruz, CA 95062

(831) 469-9128 Santa Cruz
(805) 592-2222 San Luis Obispo

albionenvironmental.com

managed to recover remains of dozens of human burials and associated artifacts. However, despite these major disturbances to the site, there is the potential for intact archaeological deposits and additional ancestral human remains to remain within the Project APE.

As part of the Phase I report, Albion provided two formal recommendations (Ross 2020). Albion recommended that the Project hire a trained archaeologist to design and implement an Archaeological Treatment Plan to undertake pre-construction archaeological testing of CA-SCR-107 where it intersects with proposed ground disturbing Project activities, and any other sensitive locations within the APE identified by the archaeologist or Native American representatives. This testing should be undertaken to the maximum depth of planned Project impacts, with a Native American monitor present at all times. The goal of this testing is to determine if intact archaeological deposits or ancestral human remains survive in these locations, assess the nature of these deposits, and recommend any additional mitigation measures.

Albion also recommended the Project hire a trained archaeologist to develop and implement a formal monitoring plan to undertake targeted archaeological and Native American monitoring of construction within the APE (Ross 2020). Given the presence of multiple known precontact and historic period sites in and within a half-mile of the APE, there is a possibility that additional buried sites exist that are not visible on the surface or on available historic imagery, and therefore not identified during the study. Particular areas of concern are the northern portion of Lee Road (both sides) north of Struve Slough and the agricultural field south of Watsonville Slough on the west side of Lee Road, which have been less disturbed by modern development.

In May 2021, Harris & Associates received permit conditions from the lead CEQA agency, the County of Santa Cruz (Attachment 2). Mitigation measure CR-1 contains six project specific mitigation measures (a-f) that pertain to cultural resources (Attachment 2). The measures require additional preconstruction archaeological testing such as evaluating the eligibility of any resources located within the APE for inclusion on the California Register of Historic Resources (CRHR). Mitigation measures also pertain to the construction phases of the Project, such as cultural resources awareness training, a Monitoring Plan and archaeological and Native American monitoring, and inadvertent discovery protocol. Below we briefly summarize each of the six mitigation measures.

CEQA MITIGATION MEASURE CR-1

- A. Prior to any site disturbance, a pre-construction meeting shall be conducted. The purpose of the meeting will be to ensure that the conditions set forth in the proposed project description and permit requirements are communicated to the various parties responsible for constructing the project. The meeting shall involve all relevant parties including the project proponent, construction.
- B. Archaeological and Native American Monitoring of all ground-disturbing activities in the vicinity of CA-SCR-107.
- C. Preparation of a construction monitoring plan for cultural resources and human remains.
- D. Development of an archaeological treatment plan; including developing the CRHR and NRHP evaluation research design as well as fully conducting the evaluation (fieldwork, analysis, reporting).

- E. Conduct cultural resources sensitivity training for construction personnel.
- F. If any archaeological resources are uncovered during construction all work shall halt and comply with existing regulations and stipulations within the monitoring and archaeological treatment plans.

MITIGATION MEASURES ADDRESSED WITHIN OUR PROPOSED SCOPE OF WORK

Within this proposal, Albion proposes a scope of work that addresses mitigation measure CR1-d, *an Archaeological Treatment Plan shall be prepared by a qualified archaeologist for implementation during all ground disturbance associated with the project (including archaeological testing activities)* (Attachment 2). Specifically, within the measures outlined within CR1-d we will conduct and compile the background information; describe the specific locations and methods of pre-construction archaeological testing activities (research design); describe the methods for identification, evaluation, and treatment of any discoveries; and outline the notification procedures given in SCCC Chapter 16.40 for discovery of archaeological resources and human remains.

This proposal does not include the Phase II evaluation or “pre-construction archaeological testing activities” referred to in the mitigation measures. Rather, it includes a Project-specific Phase II evaluation research design included within the Archaeological Treatment Plan as required by mitigation measure CR1-d. Additionally, the other five mitigation measures CR1-a, CR1-b, CR1-c, CR1-e, CR1-f will be addressed under a different proposal and scope of work, and after the Phase II evaluation of any historical resources/historic properties located within the APE.

Additionally, in June 2021 the State Historic Preservation Officer (SHPO) that oversees compliance with NHPA and other federal regulations, provided comments on the Phase I report. The SHPO comments require revising portions of the document and necessitate an updated report be submitted for federal review to the SHPO’s office. It is anticipated that ultimately, the SHPO’s office will require similar conditions of approval as required by the County under CEQA, especially that any cultural resources within the APE be evaluated for inclusion on the National Register of Historic Places (NRHP). In order to secure both state and federal regulatory approval of the mitigation of impacts to any historical resources/historic properties within the APE in an efficient manner, Albion will develop pertinent all-inclusive reports, plans, or documents that satisfy CEQA, NHPA, and other pertinent regulations.

SCOPE OF WORK

The purpose of our scope of work is to begin to complete the planning documents required to complete some of the CEQA mitigation measures required by the County, as well as address SHPO comments on the Phase I report (Ross 2020). This proposal does not include the required fieldwork, laboratory, or reporting for the Cultural Resource Phase II eligibility evaluation for CRHR and NRHP listing. The completion of the Phase II evaluation, as well as SHPO concurrence on the evaluation determinations, is required to adequately adhere to both the CEQA mitigation measures and anticipated forthcoming NHPA requirements from SHPO. Costs and scope of work for the eligibility evaluation will be provided in a separate proposal. The following is a detailed description of tasks to be completed as part of the cultural resource services provided within this proposal.

TASK 1. MANAGEMENT AND COORDINATION

Albion will work with the Project Team (i.e., Federal and County representatives, Harris & Associates, and Tribal stakeholders) to coordinate as required for creation of the cultural resource treatment plan and to address agency comments on the Phase I report.

TASK 2. PHASE I REPORT EDITS

Albion will address and incorporate edits received from the SHPO's office and create an updated report to submit to the SHPO. Albion's efforts will entail revising the impact assessment and recommendations, enhancing the Project APE discussion, and updating the background and eligibility discussions. Albion will also create a memo outlining the changes to the report that can be provided to the lead CEQA agency, the County of Santa Cruz, to eliminate any confusion around two different versions of the Phase I report.

TASK 3. CEQA/NHPA DRAFT CULTURAL RESOURCE TREATMENT PLAN

In consultation with Native American Tribes and the County, a Draft Cultural Resource Treatment Plan shall be prepared for implementation during all ground disturbance associated with the Project. The task also includes developing a pre-construction research design for evaluating the eligibility of any cultural resources located within the APE as required in mitigation measure CR-1d (Attachment 2). The archaeological treatment plan shall outline the treatment of archaeological resources encountered during ground disturbance and shall include the following at minimum:

- 1) Background information that summarizes the sensitivity of the Project area for archaeological resources and significant Native American Cultural Sites.
- 2) Avoidance and preservation in place is the preferred method of treatment. Archaeological resources shall be avoided and preserved in place as much as feasible. Reasonable efforts shall be made to preserve archaeological resources in place or leave in an undisturbed state.
- 3) Describe the methods for identification, evaluation, and treatment of any discoveries (e.g., leave in place and cap based on Native American recommendations).
- 4) Outline the notification procedures for discovery of archaeological resources and human remains.

A final Cultural Resource Treatment Plan will be prepared after completing the Phase II evaluation (field, laboratory, and reporting), as data generated during the Phase I evaluation is necessary to finalize details in the treatment plan that pertain to proper treatment of any significant cultural resources within the Project APE.

BUDGET AND SCHEDULE

Albion will undertake this contract on a time and materials basis for a price that is not anticipated to exceed \$11,500.69 (see enclosed cost estimate in Attachment 1). This cost estimate covers addressing comments from SHPO within an updated Phase I report and developing a Project-specific Draft Cultural

Resource Treatment Plan, in conjunction with the County and with local Native American stakeholders for the Project, per mitigation measure CR-1d (Attachment 2).

Albion will initiate work after a receipt of a signed contract. It is Albion's goal to assist in completing all work for this contract within a timely manner upon receiving notice to proceed. The terms of this proposal are valid for 90 days. If our proposal is acceptable to you, then please let me know how you would like to set up a contract for our services. Please contact me at (831) 252-3436 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Doug Ross". The signature is written in a cursive, flowing style.

Doug Ross, PhD
Principal Archaeologist—Historic Archaeology

Attachment 1: Cost Estimate

Attachment 2: CEQA Conditions of Approval

Ross, D.

2020 *Phase I Archaeological Investigations for the Lee Road Trail Project, Watsonville, California*, On file at Albion Environmental, Inc. Santa Cruz, CA.

Attachment 1

Cost Estimate

Lee Road Project CRM Services

Harris & Associates

6/8/2021

Labor	Rate	Task 1		Task 2		Task 3		Total	
		Management & Coordination		Phase I Report Edits		CEQA/NHPA Draft Cultural Resource Treatment Plan			
		Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost
Principal 3F - Nicchitta, S.	\$119.48	6	\$716.88	9	\$1,075.32	16	\$1,911.68	31	\$3,703.88
Senior Archaeologist 6D - Ross	\$109.92	12	\$1,319.04	11	\$1,209.12	2	\$219.84	25	\$2,748.00
Senior Archaeologist 5C - D'Oro	\$98.75	0	\$0.00	2	\$197.50	5	\$493.75	7	\$691.25
Senior Archaeologist 5C - Murphy	\$98.75	6	\$592.50	2	\$197.50	28	\$2,765.00	36	\$3,555.00
Archaeological Tech 7C - Rigby	\$66.88	0	\$0.00	2	\$133.76	10	\$668.80	12	\$802.56
Total Labor		24	\$2,628.42	26	\$2,813.20	61	\$6,059.07	111	\$11,500.69
Other Direct Costs		Units	Cost	Units	Cost	Units	Cost	Units	Cost
Total ODCs			\$0.00		\$0.00		\$0.00		\$0.00
Total Cost			\$2,628.42		\$2,813.20		\$6,059.07		\$11,500.69

Attachment 2

CEQA Conditions of Approval



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
 (831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

MITIGATION MONITORING AND REPORTING PROGRAM

for
Application No. 201188

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Biological Resources				
<i>BIO-1</i>	<p>CRLF Protection Measures during Construction. During project construction activities, the City shall ensure the following avoidance measures and biological monitoring will be implemented to protect the California red-legged frog (CRLF) and other sensitive wildlife species:</p> <ol style="list-style-type: none"> a. Prior to initiation of construction activities, a USFWS- and CDFW-approved biologist shall prepare a construction monitoring plan that identifies all areas to be protected with exclusion fencing on a 1:1500 scale map (or similar scale determined to be practicable), and all areas requiring monitoring by a USFWS- and CDFW-approved biologist. b. Prior to initiation of construction activities, the agency-approved biologist shall conduct an environmental training for all construction personnel. The training shall include a description of CRLF and its habitat, and measures to protect CRLF, and other sensitive wildlife species known or with potential to occur (WPT, nesting avian species, San Francisco dusky-footed woodrat, and roosting bats) in the Project alignments and surroundings. c. Prior to initiation of construction activities, the construction contractor shall install exclusion fencing (solid silt fencing) in specified areas along the project boundaries, 2.0 feet below grade and 3.0 feet above grade, with wooden stakes at intervals of not more than 5.0 feet. The fence shall be maintained in working order for the duration of construction activities. The agency-approved biologist or designated trained construction monitor shall inspect the fence daily and notify the construction foreman when fence maintenance is required. The fence shall allow for wildlife passage across the Project Area at intervals to be determined in conjunction with USFWS and CDFW. d. If feasible, construction activities within and adjacent to the CDFW Reserve, Struve Slough, and Watsonville Slough shall take place during the dry season and before the first rain of the season, especially vegetation removal and work in or near Struve Slough. Avoid working at night or during rain events when special-status amphibians and mammals are generally more active. Consult weather forecasts from the National Weather Service at least 72 hours prior to performing work. e. During vegetation removal in or adjacent to the CDFW Reserve and construction within or adjacent to Struve Slough and Watsonville Slough, with the authorization of the USFWS and CDFW, the agency-approved biological monitor will be present (or on call) to relocate CRLF (and WPT) as needed. The approved biologist shall have the authority to stop work that may result in the "take" of a special-status species. The biologist will thoroughly check all vegetation for CRLF, WPT, and other wildlife species prior to vegetation removal activities. f. The approved biologist or construction monitor will check under all equipment for wildlife before use. If any special-status wildlife is observed under equipment or within the work 	City with construction supervisor and agency-approved biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	<p>area, the approved biologist will be permitted to handle and relocate it.</p> <ul style="list-style-type: none"> <li data-bbox="254 207 1373 266">g. At the end of each work day, excavations shall be secured with a cover, or a ramp installed to prevent wildlife entrapment. <li data-bbox="254 266 1373 324">h. All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling. 			
BIO-2	<p>Conceptual Mitigation Plan for California Red Legged Frog and Other Sensitive Resources. To minimize take of CRLF and degradation of its habitat during trail operation, the City will retain an agency-approved biologist to develop a Conceptual Mitigation Plan (CMP) for CRLF and other sensitive resources. The details of the CMP will be developed in consultation with USFWS and CDFW, with input from collaborative partners Watsonville Wetlands Watch and, if determined to be appropriate and beneficial, the Land Trust of Santa Cruz County. The CMP will include the following components:</p> <ul style="list-style-type: none"> <li data-bbox="254 581 1373 672">a. Identification and mapping of occupied and potential CRLF aquatic (breeding and non-breeding), upland, refuge, movement, and dispersal habitat within and adjacent to the CDFW Reserve, proposed Struve Slough Bridge crossing, and channelized Watsonville Slough. <li data-bbox="254 672 1373 730">b. Strategies to protect these areas from take of individual CRLF or degradation associated with trail operation. <li data-bbox="254 730 1373 886">c. Monitoring of CRLF habitat (at a frequency to be determined in consultation with the agencies) by an agency-approved biologist to ensure degradation of habitat is not occurring. The monitor will confirm that protective maintenance measures are being implemented, including restricting mowing and pruning to the dry season (typically from April 15 to October 15). <li data-bbox="254 886 1373 945">d. Adaptive management strategies to modify and/or supplement existing mitigation measures, in the event that the monitoring biologist identifies degradation of CRLF habitat. <li data-bbox="254 945 1373 1003">e. Humane removal of non-native predators in off-channel ponds or other potential breeding ponds lacking direct connection to the larger slough system. <li data-bbox="254 1003 1373 1127">f. Communication protocol for local law enforcement and public works representatives to enforce parking restrictions along Lee Road and immediately alert Watsonville Wetlands Watch, CDFW Reserve Representatives, and/or the assigned monitoring biologist in the event that illegal encampments or other degradation of CRLF habitat is observed. <p>For efficiency, this CMP for CRLF protection could be integrated with the CMP developed to mitigate impacts to sensitive habitats and displaced wetlands (described in Mitigation Measures BIO-7 and BIO-10, respectively), such as creation or enhancement of off-channel breeding habitat within the CDFW Reserve or on Watsonville Slough Farm, and planting of adjacent refuge habitat with native vegetation.</p>	City with agency-approved biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to, during and after construction activities

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
BIO-3	<p>Nesting Bird Protection Measures. To protect nesting birds, the City in coordination with the construction contractor and a qualified biologist, will implement the following avian protection measures prior to and during construction:</p> <ol style="list-style-type: none"> a. The avian breeding season occurs between February 1 and September 1. If feasible, perform vegetation removal activities within or near the CDFW Reserve and along Watsonville Slough outside of breeding bird season to avoid direct harm or mortality to potential nesting bird species and other sensitive biological resources. b. For all project activities initiated during the breeding bird season, or if construction activities lapse for a period of two weeks or more during breeding bird season, a qualified biologist will conduct a breeding bird survey for nesting birds, including raptors. Surveys will be conducted within 15 days prior to beginning project activities and will include all work, staging, and access areas and a minimum buffer radius of 400 meters (or more as determined by the resource agencies). The survey will include potential habitat for sensitive and common raptors and other nesting avian species known to occur within the Study Area (grassland, coastal scrub, arroyo willow riparian, freshwater marsh, non-native forest/eucalyptus grove). c. If no nesting sensitive or common avian species are observed during breeding bird surveys no additional measures will be required. d. If common nesting birds are observed within or adjacent to (within 90 meters or 300 feet) vegetation proposed for removal, vegetation removal activities will be postponed until young have fledged to avoid direct harm or mortality of nesting birds and/or establish buffers depending on the activity and appropriate to the species, as determined by the qualified biologist. e. Sensitive bird species, if nesting in or near the Project Area, will be given special consideration and may require additional protective measures as determined through consultation with the relevant agency (USFWS or CDFW), such as protective buffers: <ul style="list-style-type: none"> • bald eagle: 400 meters (1,300 feet) • northern harrier, white-tailed kite, and other raptors: 90 meters (300 feet) • lawrence's goldfinch, grasshopper sparrow: 25 meters (75 feet) • oak titmouse: 15 meters (50 feet) f. Destruction of fossorial mammal burrows will be avoided to the greatest extent feasible. g. If any work is performed within or adjacent to the CFDW Reserve, Struve Slough, or Watsonville Slough during the burrowing owl and tricolored blackbird wintering period (from November to March), a qualified burrowing owl biologist will conduct a survey for these species and include the project area and suitable habitat within 150 meters (490 feet). A qualified burrowing owl biologist will have: 1) familiarity with the species and its local ecology; 2) experience conducting habitat assessments and non-breeding and breeding season surveys, or experience with these surveys conducted under the direction of an experienced surveyor; 3) familiarity with the appropriate state and federal statutes related to burrowing owls, scientific research, and conservation; and 4) experience with analyzing impacts of development on burrowing owls and their habitat. If burrowing owls are detected: <ul style="list-style-type: none"> • place visible markers near occupied burrows and fence off suitable habitat • avoid direct destruction of burrows, and • include the burrowing owl in the environmental training for construction personnel. 	City with construction supervisor and qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
BIO-4	<p>San Francisco Dusky-Footed Woodrat Protection Measures. To protect San Francisco dusky-footed woodrat, the City in coordination with the construction contractor and a qualified biologist, will implement the following protection measures prior to and during construction:</p> <ol style="list-style-type: none"> a. Prior to construction, a qualified biologist shall conduct a preconstruction survey for woodrat houses, and clearly flag all houses within the construction impact area and immediate surroundings. b. The construction contractor shall avoid woodrat houses to the extent feasible by installing a minimum 10-foot (preferably 25-foot) buffer with silt fencing or other material that shall prohibit encroachment. If this buffer and avoidance is not feasible, the qualified biologist shall allow encroachment into the buffer, but retain microhabitat conditions such as shade, cover and adjacent food sources. c. If avoidance of woodrat houses is not possible, in coordination with CDFW, a qualified biologist shall develop and implement a San Francisco Dusky-footed Woodrat Relocation Plan (an example is provided in Appendix F of the Biotic Report, which is Attachment D of the IS/MND). 	City with construction supervisor and qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities
BIO-5	<p>Roosting Bat Protection Measures. To protect roosting bats, the City, in coordination with the construction contractor and a qualified biologist, will implement the following protection measures to protect maternity roosts, individual roosts and winter hibernacula prior to and during construction:</p> <ol style="list-style-type: none"> a. If feasible, conduct limbing/tree removal operations between September 15 and November 1 to avoid bat maternity roosts and winter hibernacula, as well as other sensitive biological resources. b. During all months, prior to limbing/tree removal, a qualified biologist shall conduct a pre-construction survey for bats to determine if crevice or foliage roosting bats are present, as follows: <ul style="list-style-type: none"> • a qualified biologist shall determine if bats are utilizing the site for roosting. For any trees/snags that could provide roosting space for cavity or foliage-roosting bats, potential bat roost features shall be thoroughly evaluated to determine if bats are present. Visual inspection and/or acoustic surveys shall be utilized as initial techniques. If roosting bats are found, the biologist shall develop and implement acceptable passive exclusion methods in coordination with or based on CDFW recommendations. If feasible, exclusion shall take place during the appropriate windows (between September 1 and November 1) to avoid harming bat maternity roosts and/or winter hibernacula. (Authorization from CDFW is required to evict winter hibernacula for bats). • if established maternity colonies are found, in coordination with CDFW, a buffer shall be established around the colony to protect pre-volant young from construction disturbances until the young can fly; or implement other measures acceptable to CDFW. • if a tree is determined not to be an active roost site for roosting bats, it may be immediately limbed or removed as follows: If foliage roosting bats are determined to be present, limbs shall be lowered, inspected for bats by a bat biologist, and chipped immediately or moved to a dump site. Alternately, limbs may be lowered 	City with construction supervisor and qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	<p>and left on the ground until the following day, when they can be chipped or moved to a dump site. No logs or tree sections shall be dropped on downed limbs or limb piles that have not been in place since the previous day.</p> <ul style="list-style-type: none"> if the tree is not limbed or removed within four days of the survey, the survey efforts shall be repeated. 			
<p>BIO-6</p>	<p>Sensitive Habitat Protection Measures during Construction. To protect sensitive habitat, the City in coordination with the construction contractor and a qualified biologist, will implement the following protection measures prior to and during construction:</p> <ol style="list-style-type: none"> Minimize the construction footprint, including removal or disturbance of existing vegetation, as feasible. Stage equipment in ruderal and developed areas only. Confine project activities and operation of equipment and vehicles, including site access and parking, to designated staging areas to the greatest extent feasible. Within the CDFW Reserve, access the trail alignment from the Lee Road side to the greatest extent feasible. Fence off coastal scrub and other sensitive habitats to prevent encroachment, and protect edge habitats wherever feasible. Avoid grubbing and construction within 100 feet of the edge of sensitive habitats, where feasible. Restrict and minimize access roads into Struve Slough to the greatest extent feasible. Clean all equipment caked with mud, soils, or debris from offsite sources or previous project sites prior to staging equipment on site to avoid introducing or spreading invasive exotic plant species into the adjacent remaining habitats. All equipment used on the premises should be cleaned prior to leaving the site for future projects. Revegetate coastal scrub and arroyo willow riparian forest that is temporary or permanently removed, so there is no net loss, with locally-sourced native plantings. Adjacent non-native grassland and ruderal habitats may also be planted with native vegetation, preserving edge effects, where appropriate. Upon project completion, areas remaining outside the project footprint will be planted with a planting palette of suitable native species. This will include using a native seed mix and container plants where appropriate. The native seed mix will be developed in coordination with Watsonville Wetlands Watch and CDFW to ensure proper species selection and application rates. Sterile barley or wheat may be used as erosion control in the first year following disturbance but the seed must have a minimum purity of 95 percent and 85 percent germination rate. A preliminary seed mix recommended for revegetation is included in Appendix H of the Biotic Report, which is Attachment D of the IS/MND. In areas within, outside and adjacent to the project footprint, remove invasive species, particularly those designated by Cal-IPC as having moderate to high potential for "severe ecological impacts on physical processes, plant and animal communities, and vegetation structure". Where temporary impacts to sensitive habitats (e.g., coastal scrub or arroyo willow riparian forest) occur, re-vegetate as needed with locally-sourced native plantings. Adjacent non-native grassland and ruderal habitats may also be planted with native vegetation, preserving edge effects, where appropriate. 	<p>City with construction supervisor and qualified biologist</p>	<p>Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.</p>	<p>Prior to and during construction activities</p>

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
BIO-7	<p>Conceptual Mitigation Plan for Sensitive Habitat. To compensate for the loss of the non-native grassland buffer, and to minimize degradation of sensitive habitats during trail operation, the City will retain a qualified biologist to develop a Conceptual Habitat Mitigation Plan (CMP). The details of the CMP will be developed in consultation with CDFW, Watsonville Wetlands Watch and, if determined to be appropriate and beneficial, the Land Trust of Santa Cruz County. The CMP will include the following components:</p> <ul style="list-style-type: none"> a. Strategies to protect sensitive habitat from degradation associated with trail operation and to enhance core areas to improve habitat values. b. Monitoring of sensitive habitat (at a frequency to be determined in consultation with the agencies) by a qualified biologist to ensure degradation is not occurring and invasive weeds are eradicated to prevent further encroachment into sensitive habitat areas. Adaptive management strategies to modify and/or supplement existing mitigation measures, in the event that the monitoring biologist identifies degradation of sensitive habitat. c. Communication protocol for local law enforcement and public works representatives to immediately alert Watsonville Wetlands Watch, CDFW Reserve Representatives, and/or the assigned monitoring biologist in the event that illegal encampments or other degradation of sensitive habitats are observed. <p>For efficiency, this CMP for sensitive habitat protection could be integrated with the CMP developed to mitigate impacts to CRLF habitat and displaced wetlands (described in Mitigation Measures BIO-2 and BIO-10, respectively), such as the creation or enhancement of sensitive habitats within the CDFW Reserve or on Watsonville Slough Farm.</p>	City with qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to, during and after construction activities
BIO-8	<p>Wetlands Protection Measures during Construction. The City, in coordination with the construction contractor and qualified biologist, will implement the following wetlands protection measures during construction near Struve Slough:</p> <ul style="list-style-type: none"> a. Avoid or minimize disturbance to palustrine emergent wetlands (seasonal wetland, seep, and freshwater marsh), and aquatic habitats by having a qualified biologist identify fencing limits for the work, staging, and access areas; and restrict all activity to within this footprint. b. Where feasible, avoid grubbing and construction within 100 feet of the edge of wetlands and other waters per the County's Sensitive Habitat Protection and Riparian Corridor and Wetlands Protection ordinances (SCCC 16.30 and 16.32). Restrict access roads into Struve Slough and minimize access roads to the greatest extent feasible. 	City with construction supervisor and qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities
BIO-9	<p>Wetland Replacement. The City in coordination with a qualified biologist will replace and/or enhance displaced wetlands (seasonal wetland and freshwater marsh) at a ratio to be determined in consultation with regulatory agencies. Typical mitigation ratios vary between 2:1 and 4:1 depending on the quality of the displaced habitat. The size and location of the wetland would be developed in the Conceptual Mitigation Plan (refer to Mitigation Measure BIO-11). On site mitigation (i.e., within the CDFW Reserve and along channelized Watsonville Slough) would be the</p>	City with qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and	Within one year of completion of construction

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	<p>preferred location for the mitigation wetland(s). The Land Trust of Santa Cruz County also proposed Watsonville Slough Farm (located adjacent to the CDFW Reserve on the west side of Lee Road) as an alternate wetland mitigation site. A memo developed by Watsonville Wetlands Watch, identifying potential mitigation sites is included in Appendix H of the Biotic Report, which is Attachment D of the IS/MND. This memo outlines several viable areas for wetland creation and enhancement, including with the CDFW Reserve. Site reconnaissance and advanced planning for these locations indicate these area would meet the objectives for long-term benefits to wetland resources and wildlife within the Watsonville Sloughs system.</p>		<p>Construction supervisor or qualified consultant representative assigned to overall construction monitoring.</p>	
<p>BIO-10</p>	<p>Conceptual Mitigation Plan for Wetlands Habitat. The City will retain a qualified biologist to develop a conceptual mitigation plan (CMP) for wetlands habitat. The details of the CMP will be developed in consultation with USFWS, CDFW, Regional Water Quality Control Board, and Watsonville Wetlands Watch and include the following components:</p> <ul style="list-style-type: none"> a. Description of the Lee Road Trail Project including acreage of temporary and permanent impacts to palustrine emergent wetland, arroyo willow riparian, freshwater marsh, and aquatic habitat (Struve Slough and Watsonville Slough), as identified in the formal delineation of jurisdictional wetlands and other Waters of the U.S. b. Goals of compensatory mitigation project including types and areas of wetland and aquatic habitat to be created, restored, and/or enhanced, and mitigation ratios (created/restored/enhanced : impacted). c. Location and acreage of wetland and riparian mitigation areas including size and ownership status (refer to Appendix H of the Biotic Report, which is Attachment D of the IS/MND). d. Detailed construction and planting techniques. e. Replacement in kind of fresh water marsh vegetation that is temporarily or permanently lost. Replacement vegetation for temporary loss will occur by natural recruitment (which occurs if roots remain near freshwater marsh) or, where necessary, by replacement planting. Replacement vegetation for permanent loss will occur through replacement or enhancement. f. Replacement of all non-native tree and shrub vegetation with native, locally-sourced vegetation. The non-native tree to be removed for trail construction (at southern Struve Slough Bridge approach) will be replaced with native trees. Any permanent disturbance to coastal scrub or riparian habitat will be mitigated through in kind replacement and/or enhancement. g. Description and design of habitat requirements for special-status wildlife, including CRLF, occupying wetland and aquatic habitats. h. Maintenance activities during the monitoring period, including replanting native wetland and riparian vegetation and weed removal, that will not result in take of CRLF. i. Strategies for protecting the habitat values of the CDFW Reserve, Struve Slough, and Watsonville Slough, including wildlife movement. j. Long-term quantitative and qualitative monitoring and reporting, documenting ability to meet or surpass performance criteria. k. Adaptive management strategies to ensure long-term viability of mitigation areas. <p>For efficiency, this CMP for displaced wetlands could be integrated with the CMP developed to</p>	<p>City with qualified biologist</p>	<p>Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.</p>	<p>Prior to, during and after construction activities</p>

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	mitigate impacts to CRLF and sensitive habitats (described in Mitigation Measures BIO-2 and BIO-7, respectively).			
BIO-11	<p>Replacement Tree(s) and Native Vegetation for Significant Tree Removal. The City will ensure the following measures are implemented:</p> <ul style="list-style-type: none"> a. The southern Struve Slough Bridge approach will be revegetated with native vegetation suitable to the location such as: blue elderberry (<i>Sambucus nigrum</i>), coffeeberry (<i>Frangula californica</i>), Indianhemp dogbane (<i>Apocynum cannabinum</i>), California blackberry (<i>Rubus ursinus</i>), and wild rose (<i>Rosa californica</i>). Although these species are not tree species, this palette is more suitable than trees to the natural landscape in this location. b. To fulfill the condition of approval to replace Significant Trees within the County Coastal Zone, and to mitigate for impacts elsewhere along the trail, Native tree(s) will be planted as a component of Mitigation BIO-7: Conceptual Mitigation Plan for Sensitive Habitat (#2 above). The mitigation location for tree replacement and selection of tree species will be determined by a qualified biologist in conjunction with the County, CDFW, and Watsonville Wetlands Watch. Native tree(s) suitable to the proposed mitigation location for mitigation and the planting plan will be approved at replacement ratio determined by the County prior to implementation. 	City with qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Within one year of completion of construction
Cultural Resources				
CR-1	<p>Conditions of Approval to Minimize Impacts to Cultural Resources and Tribal Cultural Resources. Prior to and during construction, the City of Watsonville will implement the following measures:</p> <ul style="list-style-type: none"> a. Prior to any site disturbance, a pre-construction meeting shall be conducted. The purpose of the meeting will be to ensure that the conditions set forth in the proposed project description and permit requirements are communicated to the various parties responsible for constructing the project. The meeting shall involve all relevant parties including the project proponent, construction supervisor, the project Archaeologist, and the Native American Monitor. b. A California trained Archaeologist and qualified trained Native American Monitor shall be on site during all ground-disturbing activities in the vicinity of CA-SCR-107 and any other areas where monitoring is determined necessary through Native American Consultation and pre-construction testing. Both monitors shall have the authority to stop construction to implement the Archaeological Treatment Plan if necessary. c. A Construction Monitoring Plan for Cultural Resources and Human Remains shall be prepared by a qualified Archaeologist. This formal monitoring plan shall be intended to provide a detailed outline for targeted archaeological monitoring of construction in the project area. The monitoring plan shall be a standalone document prepared in conjunction with the Archaeological Treatment Plan. d. In consultation with Native American Tribes and the County, an Archaeological Treatment Plan shall be prepared by a qualified archaeologist for implementation during all ground disturbance associated with the project (including archaeological testing activities). The Archaeological Treatment Plan shall outline the treatment of archaeological resources encountered during ground disturbance and shall include the following at minimum: 	City with construction supervisor, project archaeologist, and Native American monitor.	Compliance monitored by qualified archaeologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	<ul style="list-style-type: none"> • Background information that summarizes the sensitivity of the project area for archaeological resources and significant Native American Cultural Sites. • Description of the specific locations and methods of pre-construction archaeological testing activities for the two different construction phases as outlined below: <ul style="list-style-type: none"> ○ Testing shall be undertaken to the maximum depth of planned project impacts with a Native American monitor present at all times. ○ The goal of this testing shall be to determine if intact archaeological deposits or ancestral human remains survive in these locations, assess the nature of these deposits, and recommend any additional protective measures to be implemented. ○ Archaeological testing for Phase 1 on the north side of Struve Slough shall be comprised of clearing/mowing of vegetation along the trail alignment, additional surface surveys to identify any necessary testing locations, and excavation of a series of shovel probes to be determined in coordination with a Native American representative. ○ Archaeological testing for Phase 2 on the south side of Struve Slough shall be undertaken on both sides of Lee Road, using hand and/or mechanical excavation methods, in locations determined in coordination with a Native American representative. Specific care and instructions should be directed to where the previously recorded Costanoan-Ohlone Cemetery Site (CA-SCR-107) intersects with proposed ground disturbing project activities. • Avoidance and preservation in place is the preferred method of treatment. Archaeological resources shall be avoided and preserved in place as much as feasible. Reasonable efforts shall be made to preserve archaeological resources in place or leave in an undisturbed state. • Describe the methods for identification, evaluation, and treatment of any discoveries (e.g., leave in place and cap based on Native American recommendations). • Outline the notification procedures given in SCCC Chapter 16.40 for discovery of archaeological resources and human remains. • If disturbance is unavoidable, the preferred method of treatment would be to record any data necessary to adequately document the scientifically consequential information from and about the disturbed historical resource, and then return all artifacts as close to their original location as possible before capping or covering with soil. e. All construction personnel working on the project shall receive cultural sensitivity training conducted by a California trained Archaeological monitor and qualified trained Native American Monitor. Cultural sensitivity training shall occur before a person is authorized to work at the project site. f. Pursuant to section 16.40.040 of the SCCC, if archaeological resources are uncovered during construction, the responsible persons shall immediately cease and desist from all further site excavation and comply with the following notification procedures given in SCCC Chapter 16.40. <ul style="list-style-type: none"> • Pursuant to section 16.40.040 of the SCCC, and California Health and Safety Code sections 7050.5-7054, if at any time during site preparation, excavation, or other ground disturbance associated with this project, human remains are discovered, the responsible 			

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	<p>persons will immediately cease and desist from all further site excavation and notify the Sheriff-Coroner and the Planning Director. If the coroner determines that the remains are not of recent origin, a full archaeological report will be prepared, and representatives of local Native American Indian groups shall be contacted. If it is determined that the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. Pursuant to Public Resources Code section 5097, the descendants will complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. Disturbance will not resume until the significance of the resource is determined and appropriate mitigations to preserve the resource on the site are established.</p>			

A.2 Mitigation Measures Required for Each Section of the Watsonville Lee Road Trail Project by

Mitigation Measure	Lee Road North	Struve Slough Bridge	Lee Road Middle	Watsonville Slough	Lee Road South ¹
	Phase 1	Phase 2	Phase 2	Phase 2	Phase 3
BIO-1: CRLF Protection Measures during Construction	X	X	X	X	X
BIO-2: Conceptual Mitigation Plan for California Red Legged Frog and Other Sensitive Resources	X	X	X	X	X
BIO-3: Nesting Bird Protection Measures	X	X	X	X	X
BIO-4: San Francisco Dusky-Footed Woodrat Protection Measures	X	X	X	X	X
BIO-5: Roosting Bat Protection Measures	X	X	X	X	X
BIO-6: Sensitive Habitat Protection Measures during Construction	X	X	X	X	X
BIO-7: Conceptual Mitigation Plan for Sensitive Habitat	X	X	X	X	X
BIO-8: Wetlands Protection Measures during Construction	X	X		X	X
BIO-9: Wetland Replacement	X	X		X	X
BIO-10: Conceptual Mitigation Plan for Wetlands Habitat	X	X		X	X
BIO-11: Replacement and Native Vegetation for Significant Tree Removal ²		X	X		
CR-1: Conditions of Approval to Minimize Impacts to Cultural Resources and Tribal Cultural Resources	X	X	X	X	X

¹ The Watsonville Slough culvert (under Lee Road) replacement is part of the Lee Road South section.
²This mitigation is for removal of the existing 72-inch DBH eucalyptus tree, which is on the border of the Struve Slough Bridge and Lee Road Middle sections