

Appendix F

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

Mitigation Monitoring and Reporting Programs (MMRPs) are required by the California Environmental Quality Act (CEQA) Section 21081.6 to be adopted by CEQA Lead Agencies for projects having the potential to cause significant environmental impacts. The MMRP describes changes to the project or conditions of project approval that mitigate or avoid the project's potential significant effects on the environment. This MMRP addresses the CA Truck & Trailer Repair project proposed by Mr. Dennis Clover (D.G. Clover Construction Co., Inc.). A brief description of the proposed project is provided below. The proposed project is located at 121 Morrison Avenue in North Sacramento in the City of Sacramento (City); the City of Sacramento is the Lead Agency under CEQA and has discretionary authority over the proposed project.

MMRP FORMAT AND IMPLEMENTATION

Mitigation measures that would reduce or eliminate potential environmental impacts of the proposed project are identified in the California Truck & Trailer Repair ISMND. These mitigation measures will become conditions of project approval if the project is approved. The County is required to verify that all adopted mitigation measures are implemented properly and to ensure compliance, this MMRP (including the checklist) has been formulated. The MMRP shall be adopted, along with CEQA Findings, by the City of Sacramento (Lead Agency) and must be administered by County personnel from the Planning and Public Works departments. Specific responsibilities are delineated for each measure in the attached checklist table and these responsibilities may be delegated to qualified County staff or consultants.

The checklist, which follows as Table B-1, is intended to be used by the applicant, grading/construction contractors, and personnel from the above-listed County Departments, as the appointed mitigation implementation and monitoring entities. Information contained within the checklist clearly identifies each mitigation measure, defines the conditions required to verify compliance, and delineates the monitoring schedule. Following is an explanation of the three columns that constitute each MMRP checklist.

- Column 1 *Mitigation Measure:* An inventory of each mitigation measure is provided.
- Column 2 *Monitoring Responsibility:* Identifies who are responsible for determining compliance with each mitigation measure (e.g., Sacramento County Planning Department, construction contractor, project applicant, qualified biologist).
- Column 3 *Implementation Schedule:* As scheduling is dependent upon the progression of the overall project, specific dates are not used within the "Schedule" column. Instead, scheduling describes a logical succession of events (e.g., prior to ground-disturbing activities, etc.) and, if necessary, delineates a follow-up program.
- Column 4 *Monitoring Compliance Record Name/Date:* Column is left blank and is to be signed and dated when compliance with the mitigation measure has been met.

Mitigation Measure	Monitoring Responsibility	Implementation Schedule	Monitoring Compliance Record Name/Date
<p>Biological Resources</p> <p>BIO-1: Avoid and Minimize Impacts to Burrowing Owl</p> <p>Prior to the commencement of construction activities (which includes clearing, grubbing, or grading) a survey for burrowing owl should be conducted by a qualified biologist. The survey should occur within 30 days of the start of construction activities. Surveys should be conducted in accordance with the following:</p> <ul style="list-style-type: none"> • A survey for burrows and owls should be conducted by walking through suitable habitat over the entire study area and in areas within 150-meters (~500-feet) of the project impact zone. • Pedestrian survey transects should be spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines should be no more than 30-meters (~100-feet) and should be reduced to account for differences in terrain, vegetation density, and ground surface visibility. Surveyor(s) should maintain a minimum distance of 50-meters (~160-feet) from any owls or occupied burrows. It is important to minimize disturbance near occupied burrows during all seasons. • If no occupied burrows or burrowing owls are found in the survey area, a letter report documenting survey methods and findings should be prepared and no further mitigation is necessary. • If occupied burrows or burrowing owls are found, then a complete burrowing owl survey is required. This consists of a minimum of four site visits conducted on four separate days, which must also be consistent with the Survey Method, Weather Conditions, and Time of Day sections of Appendix D of the California Fish and Wildlife <i>“Staff Report on Burrowing Owl</i> 	<p>City of Sacramento Planning Department; Project Applicant; Qualified Biologist</p>	<p>Prior to commencement of construction</p>	

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<p><i>Mitigation</i>" (March 2012). A survey report should be prepared that is consistent with the Survey Report section of Appendix D of the California Fish and Wildlife <i>"Staff Report on Burrowing Owl Mitigation"</i> (March 2012).</p> <ul style="list-style-type: none"> • If occupied burrows or burrowing owls are found the applicant should contact the County and consult with CDFW prior to construction and will be required to submit a Burrowing Owl Mitigation Plan (subject to the approval of the Environmental Coordinator and in consultation with California Fish and Wildlife). This plan must document all proposed measures, including avoidance, minimization, exclusion, relocation, or other measures, and include a plan to monitor mitigation success. The CDFW <i>"Staff Report on Burrowing Owl Mitigation"</i> (March 2012) should be used in the development of the mitigation plan. 			
<p>BIO-2: Avoid and Minimize Impacts to Swainson's hawk</p> <p>Pre-construction surveys should be conducted to determine if there are nesting Swainson's hawk within approximately 0.5-mile of the study area. The purpose of the survey requirement is to ensure that construction activities do not affect nesting hawks, potentially resulting in nest abandonment or other harm to nesting success. Prior to initiation of construction activities during the Swainson's hawk breeding season (March 1 through September 15), the applicant should determine the presence of active Swainson's hawk nests in and within approximately 0.5-mile of the study area using the most recent published survey protocols (i.e., three surveys by a qualified biologist in each of the two periods preceding the construction start date; SHTAC 2000). If an active Swainson's hawk nest is discovered, the applicant should initiate consultation with CDFW to determine what measures</p>	Project Applicant; Qualified Biologist	Prior to construction activities during the Swainson's hawk breeding season (March 1 through September 15)	

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<p>need to be implemented in order to ensure that nesting hawks remain undisturbed. The measures selected would depend on many variables, including the distance of activities from the nest, the types of activities, and whether the landform between the nest and activities provides any kind of natural screening. If no active nests are discovered, no further action would be required.</p>			
<p>BIO-3: Measures to Avoid Impacts to White-Tailed Kite, Other Raptors, and Migratory Birds</p> <p>The study area provides suitable nesting habitat for native songbirds and large trees adjacent to the site provide nesting habitat for white-tailed kite and other raptors. Removal of vegetation containing active nests would potentially result in destruction of eggs and/or chicks; noise, dust, and other anthropogenic stressors in the vicinity of an active nest could lead to forced nest abandonment and mortality of eggs and/or chicks. Needless destruction of eggs or chicks would be a violation of the Fish and Game Code and a significant impact. Pre-construction surveys should be conducted prior to project implementation to determine if nesting birds are present on or adjacent to the site, so that measures could be implemented if needed to avoid harming nesting birds.</p> <p>The following mitigation is recommended to reduce potential project impacts to nesting birds:</p> <ul style="list-style-type: none"> • If project (construction) ground-disturbing or vegetation clearing and grubbing activities commence during the avian breeding season (February 1 through August 31), a qualified biologist should conduct a pre-construction nesting bird survey no more than 14 days prior to initiation of project activities and 	<p>Project Applicant; Construction Contractor; Qualified Biologist</p>	<p>Prior to project implementation; No more than 14 days prior to initiation of project activities and again immediately prior to construction</p>	

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<p>again immediately prior to construction. The survey area should include suitable raptor nesting habitat within approximately 500-feet of the project boundary (inaccessible areas outside of the study area can be surveyed from the site or from public roads using binoculars or spotting scopes). Pre-construction surveys are not required in areas where project activities have been continuous since prior to February 1, as determined by a qualified biologist. Areas that have been inactive for more than 14 days during the avian breeding season must be re-surveyed prior to resumption of project activities. If no active nests are identified, no further mitigation is required. If active nests are identified, the following measure is required:</p> <ul style="list-style-type: none"> ○ A suitable buffer (e.g., approximately 500-feet for raptors; 100-feet for passerines) should be established by a qualified biologist around active nests and no construction activities within the buffer should be allowed until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest, or the nest has failed). Encroachment into the buffer may occur at the discretion of a qualified biologist. Any encroachment into the buffer should be monitored by a qualified biologist to determine whether nesting birds are being impacted. 			

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<p>BIO-4: Avoid and Minimize Impacts to Protected Trees</p> <p>Trees on the site should be protected from removal as well as from ground disturbance within the protection zone without a tree permit from the City of Sacramento. Prior to any removal, or ground disturbance within a radius of one-foot greater than the maximum dripline of a protected tree, the project proponent should obtain a tree permit from the City. The person requesting the permit, or the property owner may also be required to pay the cost of obtaining and planting the replacement trees.</p>	City of Sacramento Planning Department; Project Applicant	Prior to any removal, or ground disturbance	
Cultural Resources			
<p>CUL-1: Minimize Potential Impacts to Buried Cultural Resources</p> <p>In the event that cultural resources are exposed during any future ground-disturbing activities, construction activities should be halted in the immediate vicinity of the discovery. If the site cannot be avoided during the remainder of construction, an archaeologist who meets the Secretary of the Interior’s Professional Qualification Standards should then be retained to evaluate the find’s significant under CRHR criteria. If the discovery proves to be significant, additional work, such as data recovery excavation, may be warranted and should be discussed in consultation with the County.</p>	Project Applicant; Qualified Archaeologist	Immediately upon discovery	
<p>CUL-2: Minimize Potential to Disturb Undiscovered Human Remains</p> <p>Although there is no evidence to suggest the presence of human remains, their discovery is always a possibility during a project. If such an event did occur, the specific procedures outlined by the NAHC, in accordance with Section 7050.5 of the California Health and Safety</p>	Project Applicant; County Coroner	Immediately upon discovery	

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<p>Code and Section 5097.98 of the Public Resources Code, will be followed:</p> <ol style="list-style-type: none"> 1. All excavation activities within 60-feet of the remains will immediately stop, and the area will be protected with flagging or by posting a monitor or construction worker to ensure that no additional disturbance occurs. 2. The project owner or their authorized representative will contact the County Coroner. 3. The coroner will have two working days to examine the remains after being notified in accordance with HSC 7050.5. If the coroner determines that the remains are Native American and are not subject to the coroner's authority, the coroner will notify NAHC of the discovery within 24 hours. 4. NAHC will immediately notify the Most Likely Descendant (MLD), who will have 48 hours after being granted access to the location of the remains to inspect them and make recommendations for treatment of them. Work will be suspended in the area of the find until the senior archaeologist approves the proposed treatment of human remains. 5. If the coroner determines that the human remains are neither subject to the coroner's authority nor of Native American origin, then the senior archaeologist will determine mitigation measures appropriate to the discovery. 			
Noise			
<p>NOI-1: Construction Hourly Limits</p> <p>The applicant shall ensure that construction activities are consistent with City Code Section 8.68.060. The City shall note on all construction permits that any project construction activities that may result in the</p>	<p>City of Sacramento Planning Department; Project Applicant;</p>	<p>Ongoing during project construction</p>	

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<p>generation of noise shall not occur outside of the hours of 7:00 A.M. and 6:00 P.M. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday, and outside of the hours of 9:00 A.M. and 6:00 P.M. on Sunday, and that all internal combustion engines used for project construction shall be equipped with intake and exhaust silencers and maintained in accordance with the equipment manufacturer's specifications.</p>	<p>Construction Contractor</p>		
Tribal Cultural Resources			
<p>TCR-1a: Conduct Cultural Resources and Tribal Cultural Resources Sensitivity and Awareness Training Program Prior to Ground-Disturbing Activities</p> <p>The City shall require the applicant/contractor to provide a cultural resources and tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in project construction, including field consultants and construction workers. The WEAP will be developed in coordination with an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology, as well as culturally affiliated Native American tribes. The City may invite Native American representatives from interested culturally affiliated Native American tribes to participate. The WEAP shall be conducted before any project-related construction activities begin at the project site. The WEAP will include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations.</p>	<p>City of Sacramento Planning Department; Project Applicant; Qualified Archaeologist</p>	<p>Before any project-related construction activities begins</p>	

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<p>The WEAP will also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the project site and will outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered. The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values.</p>			
<p>TCR-1b: In the Event that Cultural Resources or Tribal Cultural Resources Are Discovered During Construction, Implement Avoidance and Minimization Measures to Avoid Significant Impacts and Procedures to Evaluate Resources.</p> <p>If cultural resources or tribal cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, or human remains) are encountered at the project site during construction, work shall be suspended within 100-feet of the find (based on the apparent distribution of cultural materials), and the construction contractor shall immediately notify the project's City representative. Avoidance and preservation in place is the preferred manner of mitigating impacts to cultural resources and tribal cultural resources. This will be accomplished, if feasible, by several alternative means, including:</p> <ul style="list-style-type: none"> • Planning construction to avoid tribal cultural resources, archaeological sites and/or other cultural resources; incorporating cultural resources within parks, green-space, or other open space; covering archaeological resources; deeding a cultural resource to a permanent conservation easement; or other preservation and 	<p>City of Sacramento Planning Department; Construction Contractor;</p>	<p>Immediately upon discovery</p>	

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<p>protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity.</p> <ul style="list-style-type: none"> Recommendations for avoidance of cultural resources and tribal cultural resources will be reviewed by the City representative, interested culturally affiliated Native American tribes and other appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project site to avoid cultural resources or tribal cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or tribal cultural resources or modification or realignment to avoid highly significant features within a cultural resource or tribal cultural resource. Native American representatives from interested culturally affiliated Native American tribes will be invited to review and comment on these analyses and shall have the opportunity to meet with the City representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified. If the discovered cultural resource or tribal cultural resource can be avoided, the construction contractor(s), will install protective fencing outside the site boundary, including a 100-foot buffer area, before construction restarts. The boundary of a cultural resource or a tribal cultural resource will be determined in consultation with interested culturally affiliated Native American tribes and tribes will be invited to monitor the installation of fencing. Use of temporary and 			

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<p>permanent forms of protective fencing will be determined in consultation with Native American representatives from interested culturally affiliated Native American tribes.</p> <ul style="list-style-type: none"> The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an “Environmentally Sensitive Area”. <p>If a cultural resource or a tribal cultural resource cannot be avoided, the following performance standard shall be met prior to continuance of construction and associated activities that may result in damage to or destruction of cultural resources or tribal cultural resources:</p> <ul style="list-style-type: none"> Each resource will be evaluated for California Register of Historical Resources- (CRHR) eligibility through application of established eligibility criteria (California Code of Regulations 15064.636), in consultation with consulting Native American Tribes, as applicable. <p>If a cultural resource or a tribal cultural resource is determined to be eligible for listing in the CRHR, the City will avoid damaging effects to the resource in accordance with California PRC Section 21084.3, if feasible. The City shall coordinate the investigation of the find with a qualified archaeologist (meeting the Secretary of the Interior’s Professional Qualifications Standards for Archeology) approved by the City and with interested culturally affiliated Native American tribes that respond to the City’s invitation. As part of the site investigation and resource assessment, the City and the archaeologist shall consult with interested culturally affiliated Native American tribes to assess the significance of the find, make recommendations for further evaluation</p>			

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<p>and treatment as necessary and provide proper management recommendations should potential impacts to the resources be determined by the City to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the City representative by the qualified archaeologist. These recommendations will be documented in the project record. For any recommendations made by interested culturally affiliated Native American tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record.</p> <p>Native American representatives from interested culturally affiliated Native American Tribes and the City representative will also consult to develop measures for long-term management of any discovered tribal cultural resources. Consultation will be limited to actions consistent with the jurisdiction of the City and taking into account ownership of the subject property. To the extent that the City has jurisdiction, routine operation and maintenance within tribal cultural resources retaining tribal cultural integrity shall be consistent with the avoidance and minimization standards identified in this mitigation measure.</p> <p>If the City determines that the project may cause a significant impact to a tribal cultural resource, and measures are not otherwise identified in the consultation process, the following are examples of mitigation capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to the resource. These measures may be considered to avoid or minimize significant adverse impacts and constitute the standard by which an impact conclusion of less-than significant may be reached:</p>			

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<ul style="list-style-type: none"> • Avoid and preserve resources in place, including, but not limited to, planning construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria. • Treat the resource with culturally appropriate dignity taking into account the Tribal cultural values and meaning of the resource, including, but not limited to, the following: <ul style="list-style-type: none"> • Protect the cultural character and integrity of the resource. • Protect the traditional use of the resource. • Protect the confidentiality of the resource. • Establish permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or using the resources or places. • Protect the resource. 			
<p>TCR-1c: Implement Procedures in the Event of the Inadvertent Discovery of Human Remains.</p> <p>If an inadvertent discovery of human remains is made at any time during project-related construction activities or project planning, the City the following performance standards shall be met prior to implementing or continuing actions such as construction, which may result in damage to or destruction of human remains. In accordance with the California Health and Safety Code (HSC), if human remains are</p>	<p>City of Sacramento Planning Department; County Coroner</p>	<p>Immediately upon discovery</p>	

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<p>encountered during ground-disturbing activities, the City shall immediately halt potentially damaging excavation in the area of the remains and notify the Sacramento County Coroner and a professional archaeologist to determine the nature of the remains. The Coroner is required to examine all discoveries of human remains within 48-hours of receiving notice of a discovery on private or State lands (HSC Section 7050.5[b]).</p> <p>If the human remains are of historic age and are determined to be not of Native American origin, the City will follow the provisions of the HSC Section 7000 (et seq.) regarding the disinterment and removal of non-Native American human remains.</p> <p>If the Coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24-hours of making that determination (HSC Section 7050[c]). After the Coroner’s findings have been made, the archaeologist and the NAHC-designated Most Likely Descendant (MLD), in consultation with the landowner, shall determine the ultimate treatment and disposition of the remains. The responsibilities of the City for acting upon notification of a discovery of Native American human remains are identified in California PRC Section 5097.9 et seq.</p>			
<p>TCR-1d: A minimum of seven days prior to beginning earthwork, clearing and grubbing, or other soil disturbing activities, the applicant/contractor shall notify lead agency and United Auburn Indian Community (UAIC) of the proposed earthwork start-date. A UAIC Tribal Representative shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of groundbreaking activity, or as appropriate for the type and size of</p>			

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<p>project. During this inspection, a UAIC Tribal Representative may provide an on-site meeting for construction personnel information on TCRs and workers awareness brochure.</p> <p>If any TCRs are encountered during this initial inspection, or during any subsequent construction activities, work shall be suspended within 100 feet of the find and the measures included in the Inadvertent/ Unanticipated Discoveries Mitigation Measure shall be implemented. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign.</p> <p>The contractor shall implement any measures deemed by CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize significant effects to the resources, including the use of a paid Native American Monitor during ground disturbing activities.</p>			