

# MITIGATION MONITORING AND REPORTING PROGRAM

## INTRODUCTION

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines (PRC Section 21081.6 and State CEQA Guidelines Sections 15091[d] and 15097) require public agencies “to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval to mitigate or avoid significant effects on the environment.” A Mitigation Monitoring and Reporting Program (MMRP) is required for the proposed project because the Initial Study (IS) identifies potential significant adverse impacts related to project implementation, and mitigation measures have been identified to reduce those impacts. Adoption of the MMRP would occur along with approval of the proposed project.

## PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed in a satisfactory manner prior to implementation of the proposed project. The attached table has been prepared to assist the responsible parties in implementing the mitigation measures. The table identifies the impact, mitigation measures, monitoring responsibility, mitigation timing, and provides space to confirm implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the IS. Mitigation measures that are referenced more than once in the IS are not duplicated in the MMRP table.

## ROLES AND RESPONSIBILITIES

Unless otherwise specified herein, the City of Sacramento (City) is responsible for taking all actions necessary to implement the mitigation measures under its jurisdiction according to the specifications provided for each measure and for demonstrating that the action has been successfully completed.

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The City is responsible for overall administration of the MMRP and for verifying that City staff members have completed the necessary actions for each measure.

## REPORTING

The City shall document and describe the compliance of the activity with the required mitigation measures either within the attached table or a separate monitoring documentation as part of implementing the proposed project.

## MITIGATION MONITORING AND REPORTING PROGRAM TABLE

The categories identified in the attached MMRP table are described below.

- ▶ Mitigation Measure – This column provides the verbatim text of the adopted mitigation measure.
- ▶ Implementing Party – This column identifies the party responsible for implementing the mitigation measure.
- ▶ Timing – This column identifies the time frame in which the mitigation will be implemented.
- ▶ Monitoring Party – This column identifies the party responsible for monitoring compliance with the requirements of the mitigation measure.
- ▶ Verification – This column is to be dated and signed by the person (either project manager or his/her designee) responsible for verifying compliance with the requirements of the mitigation measure.

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Mitigation Measures	Implementing Party	Timing	Monitoring Party	Verification
<b>Biological Resources</b>				
<p><b>Mitigation Measure 3.4-1: Avoid Disturbance of Burrowing Owl Nests</b>                      Before any ground disturbing activities within 500 feet of potential burrowing owl habitat (i.e., ruderal habitat and the bank of Bay Drive Drainage Ditch) a qualified biologist will conduct surveys as access allows in accordance with Appendix D of CDFW’s Staff Report on Burrowing Owl Mitigation (CDFW 2012). If no occupied burrow or burrowing owls are found in the survey area, no further mitigation is required.</p> <p>If an active burrow is identified within 500 feet the proposed work area and work cannot be conducted outside of the nesting season (February 1 to August 31), a qualified biologist will establish a no-construction buffer zone that extends 164 to 1,640 feet around the burrow, depending on nesting stage, exposure of the nest burrow to construction disturbances (e.g., are there visual or audio barriers or existing disturbances between the burrow and the construction site), and level/magnitude of disturbance. If burrowing owls are present at the site during the non-breeding season (September 1 through January 31), a qualified biologist will establish a no-construction buffer zone that extends a minimum of 150 feet around the burrow.</p> <p>If the designated no-construction buffer zone for breeding or non-breeding burrowing owls is not practicable, a wildlife biologist experienced in burrowing owl behavior will evaluate site-specific conditions and, in coordination with CDFW, may recommend a smaller buffer (if possible) that still minimizes the potential to disturb the owls (and is deemed to still allow reproductive success during the breeding season). The site-specific buffer will consider the type and extent of the proposed activity occurring near the occupied burrow, the duration and timing of the activity, the sensitivity and habituation of the owls, and the dissimilarity of the proposed activity to background activities. Additional measures may be identified by the designated biologist or CDFW including regular monitoring of the owls by a qualified biologist, modified construction activity schedule in proximity to the owls, or establishment of a barrier between construction and the occupied burrow.</p> <p>If burrowing owls are present within the construction work area and cannot be avoided by the appropriate buffers during the non-</p>	<p>City/construction contractor</p>	<p>Prior to and during construction</p>	<p>City/CDFW</p>	

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<p>breeding season (generally September 1 through January 31), a burrowing owl exclusion plan will be developed in consultation with and approved by CDFW prior to construction. The exclusion plan will include monitoring, documentation, compensatory mitigation lands, and a mitigation land management plan as outlined in CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012).</p>				
<p><b>Mitigation Measure 3.4-2: Avoid Disturbance of Swainson's Hawk Nests</b> Prior to any construction, including tree removal, that occurs between March 1 and September 15, a qualified biologist will conduct a preconstruction survey for Swainson's hawk to identify active nests on and within 0.5 mile of the project area as access allows. The surveys will be conducted following the <i>Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</i> (Swainson's Hawk Technical Advisory Committee 2000).</p> <p>If the preconstruction survey identifies active nests, impacts to nesting Swainson's hawks will be avoided by establishing appropriate buffers around active nest sites. No project activity will commence within the buffer areas until a qualified biologist has determined, in coordination with CDFW, the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. CDFW guidelines recommend implementation of 0.25-mile-wide buffer for Swainson's hawk, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.</p>	<p>City/construction contractor</p>	<p>Prior to and during construction</p>	<p>City/CDFW</p>	
<p><b>Mitigation Measure 3.4-3: Avoid Disturbance of White-tailed Kite, Common Raptor, and Other Common Bird Nests</b> If construction will occur during the nesting season, approximately March - September, a qualified biologist will conduct preconstruction nesting bird surveys to determine if birds are nesting in the project area and within 500 feet of the project area as access allows.</p> <p>The preconstruction nesting bird surveys will identify on-site bird species and any nest-building behavior. If no nesting birds are found</p>	<p>City/construction contractor</p>	<p>Prior to and during construction</p>	<p>City/CDFW</p>	

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<p>in or within 500 feet of the project area during the preconstruction clearance surveys, no further mitigation is required.</p> <p>If pre-nesting behavior is observed for species other than white-tailed kite, but an active nest has not yet been established (e.g., courtship displays, but no eggs in a constructed nest), a nesting bird deterrence and removal program will be implemented. Such deterrence methods include removal of previous year’s nesting materials and removal of partially completed nests in progress. Once a nest is situated and identified with eggs or young, it is considered to be “active” and the nest cannot be removed until the young have fledged. The nesting bird deterrence and removal program cannot be applied to white-tailed kite due to its status as a CDFW fully protected species.</p> <p>If there is a pause in construction for more than 3 days, another preconstruction survey for nesting birds will be conducted prior to resuming construction.</p> <p>If an active nest is found in or within 500 feet of the project area during construction, a no construction buffer zone will be established around the active nest (usually a minimum radius of 50 feet for passerine birds and 500 feet for raptors) to minimize the potential for disturbance of the nesting activity. The project biologist will determine and flag the appropriate buffer size required, based on the species, specific activities being conducted, tolerances of the species, and the nest location. Project activities will resume in the buffer area when the project biologist has determined that the nest(s) is(are) no longer active or the biologist has determined that with implementation of an appropriate buffer, work activities would not disturb the birds nesting behavior.</p> <p>If special-status bird species are found nesting in or within 500 feet of the project area, the qualified biologist shall notify the City to notify CDFW or USFWS, as appropriate, within 24 hours of first nesting observation.</p>				
<b>Cultural Resources</b>				
<p><b>Mitigation Measure 3.5-1: Conduct Cultural Resources and Tribal Cultural Resources Sensitivity and Awareness Training Program</b></p>	<p>City/construction contractor</p>	<p>Prior to and during construction</p>	<p>City</p>	

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<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 in the project area. 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>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><b>Mitigation Measure 3.5-2: 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</b> If cultural resources or tribal cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, or human remains) are encountered in the project area 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>	<p>Construction contractor</p>	<p>During construction, as applicable</p>	<p>City</p>	

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<ul style="list-style-type: none"> <li>▶ 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 protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity.</li> <li>▶ 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 area 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.</li> <li>▶ 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.</li> <li>▶ 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 permanent forms of protective fencing will be determined in consultation with Native American representatives from interested culturally affiliated Native American tribes.</li> </ul>				

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<p>▶ 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> <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> <p>▶ 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> <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 will 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 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 will 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</p>				

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<p>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> <ul style="list-style-type: none"> <li>▶ Avoid and preserve resources in place, including, but not limited to, planning construction to avoid the resources and protect the cultural and natural context to incorporate the resources with culturally appropriate protection and management criteria.</li> <li>▶ 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"> <li>▶ Protect the cultural character and integrity of the resource.</li> <li>▶ Protect the traditional use of the resource.</li> <li>▶ Protect the confidentiality of the resource.</li> </ul> </li> <li>▶ 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.</li> <li>▶ Protect the resource.</li> </ul>				
<p><b>Mitigation Measure 3.5-3: Implement Protection Procedures in the Event of Inadvertent Discovery of Human Remains</b> If an inadvertent discovery of human remains is made at any time during project-related construction activities, the following performance standards shall be met prior to implementing or continuing actions such as</p>	<p>Construction contractor</p>	<p>During construction, as applicable</p>	<p>City</p>	

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<p>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 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>				
<b>Hazards and Hazardous Materials</b>				
<p><b>Mitigation Measure 3.9-1: Prepare and Implement a Health and Safety Plan</b> The contractor shall prepare a Health and Safety Plan, which shall be reviewed and approved by the City before initiating any demolition, grading, or other earthmoving activities. This plan shall require measures that will be employed during all demolition and construction activities to protect construction workers and the public from exposure to hazardous materials. These measures could include, but would not be limited to, posting notices, limiting access to the site, air monitoring, and watering. Contractors will be required to comply with state health and safety standards for all demolition</p>	City/construction contractor	Prior to and during construction	City	

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<p>work. If necessary, this shall include compliance with the federal OSHA and Cal/OSHA requirements.</p> <p>In addition, the plan shall include procedures to follow in the event that contaminated soil and/or groundwater or other hazardous materials are generated or encountered during construction. Such procedures could include, but would not be limited to, the following:</p> <ul style="list-style-type: none"> <li>▶ all work shall be halted in the affected area and the type and extent of the contamination shall be determined;</li> <li>▶ the project contractor shall notify the City if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous groundwater) is encountered during excavation;</li> <li>▶ any contaminated areas shall be remediated in accordance with recommendations made by RWQCB and DTSC; and</li> <li>▶ remediation activities could include but would not be limited to the excavation of contaminated soil areas and hauling of contaminated soil materials to an appropriate off-site disposal facility, mixing of on-site soils, and capping (i.e., paving or sealing) of contaminated areas.</li> </ul>				
<p><b>Mitigation Measure 3.9-2: Traffic Control Plan</b> The City will require the contractor(s) to prepare a Traffic Control Plan in accordance with City requirements and professional engineering standards prior to construction. The Traffic Control Plan could include the following requirements:</p> <ul style="list-style-type: none"> <li>▶ Emergency services access to local land uses shall be maintained at all times for the duration of construction activities. Local emergency service providers shall be informed of proposed construction activities and identified haul routes.</li> <li>▶ Access for local land uses including residential driveways during construction activities shall be maintained.</li> <li>▶ Limit traffic delays to no more than 20 minutes.</li> <li>▶ Roadside safety protocols shall be complied with to reduce the risk of accident.</li> <li>▶ Use flaggers to direct traffic, as necessary.</li> </ul>	City/construction contractor	Prior to and during construction	City	