

**5. APPENDIX A: MITIGATION MONITORING AND REPORTING
PROGRAM**



Mitigation Monitoring and Reporting Program
Reclamation District 2091
Levee Improvement Project
Kleinfelder Inc.

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Mitigation Monitoring and Reporting Program

INTRODUCTION

This mitigation monitoring and reporting program (MMRP) was prepared by Reclamation District (RD) 2091 for the RD 2091 Levee Improvement Project (proposed project). The Initial Study (IS) and proposed Mitigated Negative Declaration (MND) for this project includes a series of applicant-proposed mitigation measures that will be incorporated into the project to reduce any potentially significant environmental impacts to less than significant levels. Those mitigation measures are incorporated into this MMRP and are listed in Table 1.

LEGAL REQUIREMENTS

Under CEQA, public agencies are not to approve projects, as proposed, if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects of such projects (California Public Resources Code [PRC] 21002). Furthermore, California PRC Section 21081.6 states:

- The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.
- The monitoring program must be adopted when a public agency makes its findings under CEQA. The program must be designed to ensure compliance with mitigation measures during project implementation.

AUTHORITIES AND RESPONSIBILITIES

RD 2091 will have the primary responsibility for monitoring the implementation of mitigation measures identified in the MMRP. RD 2091 has the authority to stop any activity associated with the project if the activity is determined to be a deviation from the approved project or the adopted mitigation measures. RD 2091 may delegate responsibility for monitoring to other agencies or consultants and will ensure that the delegated person is qualified to monitor compliance.

IMPLEMENTATION AND COMPLIANCE APPROVAL PROCESS

Table 1 lists the mitigation measures identified in the IS and proposed MND. Table 1 also identifies the party responsible for ensuring implementation of the mitigation measure and the timing of mitigation measure implementation.



Table 1: RD 2091 Levee Improvement Project, Mitigation Measures

Title of Measure	Description of Measure	Implementing Responsibility	Timing
Cultural Resources			
CR-1: Construction Monitoring	<ul style="list-style-type: none"> Monitoring by a qualified archaeologist of all ground disturbing activities will be conducted to ensure that project activities do not impact any previously undiscovered cultural resources. Should cultural resources be encountered during project activities, archaeological monitoring will ensure the immediate and correct implementation of the subsequent mitigation measures. 	RD 2091	During Construction
CR-2: Construction Activities Will Be Halted If Any Cultural Materials Are Discovered	<ul style="list-style-type: none"> If a discovery of cultural materials is encountered during construction activities, work within the area of the find will be halted and a qualified archaeologist will be notified regarding the discovery. The archaeologist will determine whether the find is potentially significant and develop appropriate mitigation. 	RD 2091, construction contractor, qualified archaeologist	During Construction
CR-3: Construction Activities Will Be Halted If Any Remains Are Discovered	<ul style="list-style-type: none"> If any human remains are uncovered during construction activity, all activity around the site will be halted and contact the site supervisor immediately. A qualified archaeologist will evaluate the find to determine if future work is needed before construction can resume in the area. Appropriate authorities and tribal representatives will be consulted to determine appropriate disposition of the remains. 	RD 2091, construction contractor, qualified archaeologist	During Construction
Biological Resources			
BIO-1: Wildlife	<ul style="list-style-type: none"> A qualified biologist shall conduct at least one nesting bird survey within .25 miles no more than one week prior to the start of construction activity in order to avoid potentially significant impacts to bird species. If no active nesting sites are located, no further mitigation will 	RD 2091	Prior to Construction



Title of Measure	Description of Measure	Implementing Responsibility	Timing
	be required.		
BIO-2: Wildlife	<ul style="list-style-type: none"> Direct disturbance to nest sites should be avoided whenever possible and a buffer will be put into place. The size and shape of the buffer shall be based on the proximity of active nests to construction, existing disturbance levels, topography, the sensitivity of the species on a case-by-case basis. 	RD 2091	Prior to Construction and During Construction
BIO-3: Vegetation	<ul style="list-style-type: none"> The contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP) that will include a site restoration plan to revegetate the proposed project site in areas that were previously vegetated. 	RD 2091	Post-Construction
BIO-4: Special Status Plants	<ul style="list-style-type: none"> All construction personnel will participate in a worker environmental awareness program (WEAP) detailing the species which are likely to occur within the project, their habitat, and the protections afforded to them. 	RD 2091	Prior to Construction
BIO-5: Special Status Wildlife - Birds and Bats	<ul style="list-style-type: none"> A qualified biologist shall be on site to monitor construction. A qualified biologist will conduct surveys identifying any active nests within .25 mile of the project site. If no active nests are found than no further mitigation will be required. If active nests are found buffers will be established to minimize impacts and no project activities will occur within the buffer until a qualified biologist can confirm the nest is no longer active. 	RD 2091	During Construction
BIO-6: Special Status Wildlife - Western Pond Turtle	<ul style="list-style-type: none"> A qualified biologist shall be on site to monitor construction in suitable habitat. If a western pond turtle nest is identified, a clearly marked buffer shall be established around the nest. No construction will occur within the buffer until a qualified biologist can confirm that the nest is no longer active. 	RD 2091	During Construction



Title of Measure	Description of Measure	Implementing Responsibility	Timing
BIO-7: Special Status Plants	<ul style="list-style-type: none"> • To the extent feasible, construction activities shall avoid habitats with the potential to support special status plants. • Prior to construction activities, a qualified biologist will perform a focused survey identifying any special status plant species within the project area. • If any special status plant species is found the location will be clearly identified (staking, flagging, or fencing), and population size of the species will be recorded. Plants will be monitored throughout construction to determine if the project has resulted in adverse effects, as determined by a qualified botanist. 	RD 2091	Prior to Construction and During Construction
Hydrology and Water Quality			
WQ-1: Implement Construction BMPs	<ul style="list-style-type: none"> • Preparation of a hazardous materials management plan, spill control plan, and SWPPP prior to construction. • Implement appropriate measures to prevent debris, soil, rock, or other material from entering the water. Use a water truck or other appropriate measures to control dust on haul roads, construction areas, and stockpiles. • Properly dispose of oil or other liquids. • Fuel and maintain vehicle in a specified area is designed to capture spills. This area cannot be near any ditch, stream, or other body of water or feature that may convey water to a nearby body of water. • Inspect and maintain vehicles and equipment to prevent dripping of oil or other liquids. • Train construction workers in stormwater pollution prevention practices. 	RD 2091, construction contractor	Prior to Construction and During Construction



Title of Measure	Description of Measure	Implementing Responsibility	Timing
Geomorphology			
GEO-1: Preparation and implementation of the SWPPP and associated BMPs	Preparation and implementation of a SWPPP to address erosion, stormwater runoff, sedimentation, and other construction-related pollutants until all areas disturbed during construction have been permanently stabilized.	RD 2091	Prior to Construction and During Construction
Air Quality			
AQ-1: Implement BMPs	<ul style="list-style-type: none"> • Maintain properly functioning emission control devices on all vehicles and equipment. • During construction, implement all appropriate dust control measures, such as tarps or covers on dirt piles, in a timely and effective manner. • Periodically water all construction areas having vehicle traffic, including unpaved areas, to reduce generation of dust. Application of water would not be excessive or result in runoff into storm drains. • Suspend all grading, earth moving, or excavation activities when winds exceed 20 miles per hour. • Water or cover all material transported offsite to prevent generation of dust. • Sweep paved streets adjacent to construction sites, as necessary, at the end of each day to remove excessive accumulations of soil or dust. • Cover all trucks hauling dirt, sand, soil, or other loose material, or maintain at least 2 feet of freeboard (minimum vertical distance between top of the load and top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114. 	RD 2091, construction contractor	During Construction



Title of Measure	Description of Measure	Implementing Responsibility	Timing
Traffic and Transportation			
TR-1: Preparation of a traffic management plan	<ul style="list-style-type: none"> The traffic management plan shall include the intended haul route, location of signage, location of flaggers, approved permits, documentation of coordination with local and state agencies, and the location of potential traffic delays to vehicle and pedestrian traffic. 	Construction contractor	Prior to Construction
TR-2: Implement Construction BMPs	<ul style="list-style-type: none"> Construction vehicles will not block any roadways. Always provide access for emergency vehicles. Haul routes will avoid schools, parks, and high pedestrian use areas, when possible. Obey all speed limits, traffic laws, and transportation regulations during construction. Use signs and flagmen, as needed, to alert motorists, bicyclists, and pedestrians to avoid conflict with construction vehicles or equipment. 	RD 2091, Construction contractor	During Construction
Noise			
NOI-1: Avoid and minimize impacts related to noise.	<ul style="list-style-type: none"> Use newer construction equipment or retrofit older equipment to make it as unobtrusive as possible (i.e., adding mufflers on engines). Construction timing or sequencing shall be adjusted to avoid sensitive times of the day, and noise producing operations shall be combined to occur in the same time period. Monday through Saturday, construction activities (including equipment warm-up) shall be limited to daylight hours, but not earlier than 7:00 a.m. and not later than 6:00 p.m. On Sunday, construction timing will be similarly limited to daylight hours and between 9:00 a.m. and 6:00 p.m. Vehicle trips related to the project may occur both one hour 	Construction contractor	During Construction



Title of Measure	Description of Measure	Implementing Responsibility	Timing
	prior to and one hour after the established construction times.		
Hazards and Hazardous Materials			
HAZ-1: Hazardous Materials Training Program	<ul style="list-style-type: none"> • Prior to initiating construction, the construction contractor shall be trained regarding the identification and handling of hazardous materials and spill containment and agency notification procedures. • Should any known or suspected release of hazardous materials occur during proposed project construction or operation, the spills would be immediately addressed, and the affected soils would be containerized and tested to determine the appropriate disposal options. • RD 2091 shall notify agencies and perform the required remediation if there is a release of reportable (or otherwise significant) quantities of hazardous materials. In the event of a fuel spill, the Stanislaus County Department of Environmental Resources would be notified, and clean-up would be accomplished under the guidance of regulatory oversight, as required. 	RD 2091, construction contractor	Prior to Construction and During Construction
HAZ-2: Inadvertent Discovery of Contaminated Materials During Construction	<ul style="list-style-type: none"> • Prior to initiating construction, the construction contractor will prepare a Construction Management Plan that prescribes activities for workers to follow in areas where the presence of undocumented soil or groundwater contamination is suspected based on visual observation or smell. The CMP will include (but is not intended to be limited to) provisions for daily briefings of construction staff prior to work regarding what to look for, a list of contact persons in case of a possible encounter with undocumented contamination, provisions for immediate notification of construction management, 	Construction Contractor	Prior to and During Construction



Title of Measure	Description of Measure	Implementing Responsibility	Timing
	notification of the applicable local enforcement agency, consultation with that agency, and protocols for further action. In such instances, construction activities would cease until it is determined in coordination with regulatory agencies that work can proceed without the risk of injury to persons or the environment.		
Recreation			
REC-1: Implement protection measures for the public and construction crews	<ul style="list-style-type: none"> • Warning signs restricting access will be posted • Fences will be erected to prevent access to the project locations. 	RD 2091, construction contractor	Prior to and During Construction

