

Appendix C

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM LIVERMORE MONOPINE PROJECT

Purpose of Mitigation Monitoring and Reporting Program: The California Environmental Quality Act (CEQA), Public Resources Code Section 21081.6, requires that a Mitigation Monitoring and Reporting Program (MMRP) be established upon completing findings. CEQA stipulates that “the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval 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.”

This MMRP has been prepared in compliance with Section 21081.6 of CEQA to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during the construction and operation of the project, as required. A table (attached) has been prepared to assist the responsible parties in implementing the MMRP. The table identifies individual mitigation measures, monitoring/mitigation timing, the responsible person/agency for implementing the measure, and space to confirm implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the Initial Study and Mitigated Negative Declaration.

The City of Folsom is the lead agency for the project under CEQA and shall administer and implement the MMRP. The City is responsible for review of all monitoring reports, enforcement actions, and document disposition. The City shall rely on information provided by the project site observers/monitors (e.g., construction manager, project manager, biologist, archaeologist, etc.) as accurate and up-to-date and shall provide personnel to field check mitigation measure status, as required.

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Mitigation Measure	Monitoring / Mitigation Timing	Reporting / Responsible Party	Verification of Compliance	
			Initials	Date
BIOLOGICAL RESOURCES				
<p>BIO-01: Avoid and Minimize Impacts to Nesting Birds If project (construction) ground-disturbing and grubbing activities commence during the avian breeding season (February 1 through August 31), a qualified biologist shall conduct a pre-construction nesting bird survey no more than 14 days prior to initiation of project activities and again immediately prior to construction. The survey area shall include suitable raptor nesting habitat within 500-feet of the project boundary (inaccessible areas outside of the project site 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., typically 300-500-feet for raptors; and 50-100-feet for passerines) shall be established by a qualified biologist around active nests and no construction activities within the buffer shall 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 shall be monitored by a qualified biologist to determine whether nesting birds are being impacted. 	No more than 14 days prior to initiation of project activities/ construction	Qualified Biologist.		

CULTURAL RESOURCES				
<p>CUL-01: Response to an Inadvertent Discovery If archaeological material or historic-era structural features or elements are exposed during ground-disturbing activities, all work shall be halted in the immediate vicinity of the discovery until an archaeologist meeting the Secretary of Interior’s (SOI) Professional Qualifications Standards can assess the significance of the find and make recommendations for next steps. If the resource cannot be avoided during project construction, an SOI-qualified archaeologist shall be retained to evaluate the cultural resource’s significance and eligibility for inclusion in the NRHP/CRHR or local register. If the discovery proves to be significant, additional work, such as data recovery excavation, may be warranted as determined in consultation with the CEQA lead agency and Native American consulting tribe.</p>	Immediately upon discovery.	City of Folsom; Qualified Archaeologist.		
<p>CUL-02: Treatment of Human Remains If human remains are uncovered or discovered during Project construction, the Sacramento County Coroner is to be notified to arrange proper treatment and disposition of the remains. If the remains are identified – based on archaeological context, age, cultural associations, or biological traits – to be those of a Native American, California Health and Safety Code Section 7050.5 and Public Resource Code Section 5097.98 require that the coroner notify the Native American Heritage Commission within 24 hours of discovery. The NAHC will then identify the Most Likely Descendent who will determine the manner in which the remains are to be treated.</p>	Immediately upon discovery.	City of Folsom; County Coroner.		
GEOLOGY AND SOILS				
<p>GEO-01: Avoid and Minimize Impacts to Paleontological Resources In the event paleontological or other geologically sensitive resources (such as fossils or fossil formations) are identified during any phase of project construction, all excavations within 100 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the appropriate representative at the City of Folsom who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the City shall implement those measures which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code Section 21083.2.</p>	Immediately upon discovery.	City of Folsom; Qualified Paleontologist		

TRIBAL CULTURAL RESOURCES				
<p>TCR-01: Unanticipated Discovery of Tribal Cultural Resources</p> <p>If potentially significant TCRs are discovered during ground disturbing construction activities, all work shall cease within 50 feet of the find. A Native American Representative from traditionally and culturally affiliated Native American Tribes that requested consultation on the project shall be immediately contacted and invited to assess the significance of the find and make recommendations for further evaluation and treatment, as necessary. If deemed necessary by the City, a qualified cultural resources specialist, who meets the Secretary of Interior’s Standards and Qualifications for Archaeology, may also assess the significance of the find in joint consultation with Native American Representatives to ensure that Tribal values are considered. Work at the discovery location cannot resume until the City, in consultation as appropriate and in good faith, determines that the discovery is either not a TCR, or has been subjected to culturally appropriate treatment, if avoidance and preservation cannot be accommodated.</p>	<p>Immediately upon discovery.</p>	<p>City of Folsom; Qualified Archaeologist.</p>		

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