

Appendix G

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

Mitigation Monitoring and Reporting Programs (MMRP) 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 City of Modesto Municipal Groundwater Improvement Project proposed by the City of Modesto. The proposed project is located in the City of Modesto; the City of Modesto (City) 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 City of Modesto Municipal Groundwater Improvement Project IS/MND. These mitigation measures will become conditions of project approval if the project is approved. The City 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 (Lead Agency) and must be administered by City personnel. Specific responsibilities are delineated for each measure in the attached checklist table and these responsibilities may be delegated to qualified City 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 City, 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., City personnel, 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.

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| Mitigation Measure | Monitoring Responsibility | Implementation Schedule | Monitoring Compliance Record Name/Date |
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| Biological Resources | | | |
| <p>BIO-1: Prior to initiation of project activities including staging and mobilization, all personnel associated with project shall attend WEAP training, conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of disturbance and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with the project. All employees shall sign a form documenting that they have attended WEAP training and understand the information presented to them.</p> | Construction personnel | Prior to initiation of project activities including staging and mobilization | |
| <p>BIO-2: To avoid take of nesting birds, and raptor nests at any time of year (including inactive nests), vegetation disturbance, site access, and initial ground disturbance shall occur outside the nesting season, which is typically February 1 to August 31, if possible, to avoid birds that may be nesting within areas of disturbance during or just prior to project activities.</p> | Construction personnel | Prior to and during construction | |
| <p>BIO-3: Nests, eggs, or young of birds covered by the Migratory Bird Treaty Act and California Fish and Game Code would not be moved or disturbed until the end of the nesting season or until young fledge, whichever is later, nor would adult birds be killed, injured, or harassed at any time.</p> | Construction personnel | Prior to and during construction | |
| <p>BIO-4: If project activities must begin within the bird breeding season, then no more than two weeks prior to initiation of ground disturbance and/or vegetation removal, a nesting bird pre-disturbance survey shall be conducted by a qualified biologist within the disturbance footprint plus a 100-foot buffer.</p> | Qualified biologist | Two weeks prior to initiation of ground disturbance | |

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| <p>Pre-disturbance nesting bird surveys shall be conducted during the time of day when birds are active and shall be of sufficient duration to reliably conclude presence/absence of nesting birds and raptors onsite and within the designated vicinity. If no nests are observed no further mitigation is required.</p> | | | |
| <p>BIO-5: Prior to project activities, a burrowing owl survey will be conducted in areas where suitable burrowing habitat may be present (i.e., grassland habitat) during breeding season (March through August). At least two surveys should be conducted within two weeks of ground disturbance and should be conducted two hours before sunset, to one hour after sunset or one hour before sunrise to two hours after sunrise. If project activities occur overwinter or during the non-breeding season (typically December through January), then surveys should be conducted when the owls are likely to be present, typically near dusk or dawn, but not when temperature are cold or freezing, high winds, dense fog, or rain. If the presence of burrowing owls is confirmed, the following avoidance measures shall be implemented:</p> <ul style="list-style-type: none"> Occupied burrows shall not be disturbed during the nesting season (typically March through August) unless a qualified biologist verifies, through noninvasive methods, that either (1) the burrow is not being used for breeding, (2) a previously active nest has failed and the burrow is no longer active, or (3) all juveniles from the occupied burrow are foraging independently and capable of independent survival and the burrow is no longer an active nest burrow. Owls present after February 1 shall be assumed to be nesting unless evidence indicates otherwise. | Qualified biologist | Prior to project activities | |

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| <ul style="list-style-type: none"> • Nest protection buffers described below shall remain in effect until August 31st or until the nest has failed or all juvenile owls are foraging independently, based on monitoring evidence as determined by a qualified biologist. • Site-specific, no-disturbance buffer zones shall be established and maintained between project activities and occupied burrows, using the distances recommended by CDFW. • Occupied burrows should not be disturbed during the nesting season. If project activities have the potential to impact active burrowing owl burrows, then a passive relocation or exclusion plan will be developed in coordination with and approved by CDFW. Passive relocation is defined as encouraging owls to move from occupied burrows to alternate natural or artificial burrows that are beyond 50 meters from the impact zone and that are within or contiguous to a minimum of 6.5 acres of foraging habitat for each pair of relocated owls. Relocation of owls should only be implemented during the non-breeding season. | | | |
| <p>BIO-6: Prior to project activities and during the nesting season at the La Coste P1N and P2S basin sites, a Swainson’s Hawk nesting survey will be conducted in the immediate project area to determine presence. Surveys should be conducted in accordance with the <i>Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley</i> (Swainson’s Hawk Technical Advisory Committee, 2002). Surveys should be completed for two survey periods prior to the project’s initiation per the following survey dates and timing: Period I: January to March 20 (optional), all day, 1 survey; Period II: March 20 to April 5, sunrise to 1000 and 1600 to sunset, 3 surveys; Period III: April 5 to April 20, sunrise 1200 and 1630 to sunset, 3 surveys; Period IV: surveys not recommended;</p> | Qualified biologist; CDFW | Prior to project activities and during the nesting season at the La Coste P1N and P2S basin site | |

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| <p>Period V: June 10 to July 30, sunrise to 1200 and 1600 to sunset, 3 surveys. If a nest is identified within a half-mile of project activities, a monitoring plan detailing avoidance measures shall be prepared in coordination with CDFW.</p> | | | |
| <p>BIO-7: Work activities shall be avoided within 100 feet of active bird nests and 250 feet of active raptor nests until young birds have fledged and left the nest. Readily visible exclusion zones shall be established in areas where nests must be avoided. No ground disturbance shall occur within this exclusion area until the qualified biologist confirms that the breeding/nesting is completed, and all the young have fledged. If exclusion zones are determined to be infeasible, a full-time qualified biological monitor must be onsite to monitor project activities within the buffer zones to ensure active nests and nesting birds are not impacted.</p> | <p>Qualified biologist; construction personnel</p> | <p>During project construction</p> | |
| <p>BIO-8: A pre-disturbance survey of the proposed project area for special-status bumble bees including crotch bumble bee shall be conducted by a qualified biologist to confirm no special-status bumble bees are present in the work area if project activities are proposed within the colony active period, typically between April and August.</p> <p>At least two on-site surveys shall take place prior to the MAR basin construction. Surveys would not be required during the 20-year project operational period. Ideally, each survey shall be spaced 2-4 weeks apart during the Colony Active Period to ensure that they cover a range of dates and account for variability in resource use by the candidate species and floral resource phenology within the site. Separate surveys shall not be conducted on sequential days or in the same week as the species may not be using the site during those days.</p> | <p>Qualified biologist; CDFW</p> | <p>Prior to disturbance</p> | |

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| Surveys shall occur during the day (at least an hour after sunrise and at least two hours before sunset, though ideally between 9am-1pm) on warm, but not hot, sunny days (65-90 degrees F), with low wind (less than 8 mph). A pre-disturbance memo documenting observations shall be prepared and made available to the City, and CDFW if a bumble bee species is detected. | | | |
| BIO-9: A pre-disturbance survey of the proposed project area for special-status amphibians including northern California legless lizard and western pond turtle shall be conducted by a qualified biologist within 48 hours prior to the start of project activities to confirm no special-status amphibians are present in the work area. A pre-disturbance memo documenting observations shall be prepared and made available to the City. | Qualified biologist; City | Prior to disturbance | |
| BIO-10: If a special-status species is observed in the project area, then those areas shall be flagged and avoided and CDFW shall be notified. Other avoidance measures may be determined or applied per specific species as identified in the WEAP training and/or a in coordination with CDFW. Observations of special-status species should be documented on California Natural Diversity Database forms and submitted to the CDFW upon project completion. | Construction personnel, CDFW | During project construction; upon project completion | |
| Cultural Resources | | | |
| CUL-1: In the event that cultural resources are exposed during ground-disturbing activities, construction activities shall be halted within 100 feet of the discovery. Cultural resources could consist of but are not limited to stone, bone, wood, or shell artifacts, or features, including hearths, structural remains, or historic dumpsites. If the resources cannot be avoided during the remainder of construction, the retained archaeologist, who meets the Secretary of the Interior's Professional Qualifications Standards, shall assess the resource, and provide appropriate management recommendations. | Qualified archaeologist | Immediately upon discovery | |

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| <p>If the discovery proves to be CRHR- or NRHP-eligible, additional work, such as data recovery excavation, may be warranted and shall be discussed in consultation with the Lead Agency.</p> | | | |
| <p>CUL-2: Prior to the resource’s demolition, modification, or disturbance through project activities The “La Coste Field 1 Drainage/Irrigation Features” site recorded within La Coste Lane Parcel 1 North MAR Basin Site shall be formally evaluated for its eligibility for listing in the CRHR or NRHP by a Secretary of the Interior Qualified Architectural Historian. The Architectural historian shall record details from the resource on the appropriate Department of Parks and Recreation (DPR) forms, take additional measurements of and photographs of the resource (as needed), and conduct additional archival research as necessary (at State and local archives as is deemed necessary) to evaluate the resource against the four criteria of eligibility for listing in the CRHR or NRHP. In the event that the resource is found to be eligible for listing, demolition, alteration of, or modifications to the resource shall be entirely avoided, and project designs shall be altered to ensure that the resource is not impacted by project activities.</p> | <p>Secretary of the Interior Qualified Architectural Historian</p> | <p>Prior to demolition, modification, or disturbance of irrigation features on La Coste Lane P1N</p> | |
| <p>CUL-3: All construction personnel involved in ground-disturbing activities shall be trained in the recognition of possible cultural resources and the protection of such resources. The training will inform all construction personnel of the procedures to be followed upon the discovery of archaeological materials, including Native American burials. Construction personnel will be instructed that cultural resources must be avoided and that all travel and construction activity must be confined to designated roads and areas.</p> | <p>Construction personnel</p> | <p>Prior to construction</p> | |

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| <p>The training will include a review of the local, state, and federal laws and regulations related to cultural resources, as well as instructions on the procedures to be implemented should unanticipated resources be encountered during construction, including stopping work in the vicinity of the find and contacting the appropriate environmental compliance specialist.</p> | | | |
| <p>CUL-4: Although considered highly unlikely, there is always the possibility that ground-disturbing activities during construction may uncover previously unknown human remains. In the event of an accidental discovery or recognition of any human remains, PRC Section 5097.98 must be followed. Once project-related earthmoving begins and if there is a discovery or recognition of human remains, the following steps shall be taken:</p> <ol style="list-style-type: none"> 1. There shall be no further excavation or disturbance of the specific location, or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains are Native American, the coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” of the deceased Native American. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in PRC Section 5097.98, or | <p>Project Applicant; County Coroner</p> | <p>Immediately upon discovery</p> | |

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| <p>2. Where the following conditions occur, the landowner or their authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendent or on the project area in a location not subject to further subsurface disturbance:</p> <ul style="list-style-type: none"> • The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission; • The descendent identified fails to make a recommendation; or • The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the NAHC fails to provide measures acceptable to the landowner. | | | |
| Geology and Soils | | | |
| <p>GEO-1: 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 Modesto 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> | <p>City; CA Licensed Geotechnical Engineer or Engineering Geologist</p> | <p>Immediately upon discovery</p> | |

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| Noise | | | |
| NOI-1: Prior to construction, the City shall ensure that all construction contracts and/or applicable construction documents specify that operation of construction equipment on the project site, or project construction activities (including equipment staging), shall not occur before 7:00 a.m. or after 9:00 p.m. Monday through Friday; or before 9:00 a.m. and after 9:00 p.m. on Saturday, Sunday, and State or federal holidays, are prohibited. | City | Prior to construction | |
| NOI-2: Prior to construction, the City shall ensure that all construction contracts and/or applicable construction documents specify that all vibratory rollers shall be used in static mode only (no vibrations) when operating within 150 feet of an occupied building. | City | Prior to construction | |
| Tribal Cultural Resources | | | |
| TCR-1: 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. | City; Qualified cultural resources specialist | Immediately upon discovery | |

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