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## APPENDIX C

### Mitigation Monitoring and Reporting Plan

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**MITIGATION MONITORING AND REPORTING PLAN  
JENNY LIND ELEMENTARY SCHOOL  
WASTEWATER REGIONALIZATION PROJECT  
SCH #2019029121**

**CEQA LEAD AGENCY:  
Calaveras Unified Scholl District**

**PREPARED:  
October 2023**

**ADOPTED BY CUSD ON:** \_\_\_\_\_

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## **Introduction and Purpose**

The Calaveras Unified School District (CUSD or District) is in the process of obtaining a State Water Resources Control Board (SWRCB) Clean Water State Revolving Fund (CWSRF) Grant to replace the wastewater system at the Jenny Lind Elementary School (JLES). The JLES Wastewater Treatment Plant (WWTP) was constructed in 1992 and is in need of replacement.

As described in the IS/MND, the Project itself incorporates a number of measures to minimize adverse effects on the environment. The IS/MND also identified several mitigation measures that are required to reduce potentially significant impacts to levels that are less than significant. This Mitigation Monitoring and Reporting Plan (MMRP) describes a program for ensuring that these mitigation measures are implemented in conjunction with the Project. CUSD, as the lead agency under the California Environmental Quality Act (CEQA), is responsible for overseeing the implementation and administration of this MMRP. CUSD will designate a staff member to manage the MMRP. Duties of the staff member responsible for program coordination will include conducting routine inspections and reporting activities, coordinating with the Project construction contractor, coordinating with regulatory agencies, and ensuring enforcement measures are taken.

## **Regulatory Framework**

California Public Resources Code Section 21081.6 and California Code of Regulations Title 14, Chapter 3, Section 15097 require public agencies to adopt mitigation monitoring or reporting plans when they approve projects under a MND. The reporting and monitoring plans must be adopted when a public agency makes its findings pursuant to CEQA so that the mitigation requirements can be made conditions of Project approval.

## **Format of This Plan**

The MMRP summarizes the impacts and mitigation measures identified and described in the Project IS/MND. Each of the impacts discussed within this MMRP is numbered based on the sequence in which they are discussed in the IS/MND. A summary of each impact with the corresponding specific mitigation measures are provided. Mitigation measures are followed by an implementation description, the criteria used to determine the effectiveness of the mitigation, the timeframe for implementation, and the party responsible for monitoring the implementation of the measure.

Implementation of mitigation measures is ultimately the responsibility of the CUSD; during construction, the delegated responsibility is shared by CUSD's contractors. Each mitigation measure in this plan contains a "Verified By" signature line, which will be signed by the CUSD's Project manager when the measure has been fully implemented and no further actions or monitoring are necessary for the implementation or effectiveness of the measure.

## Impacts and Associated Monitoring or Reporting Measures

### 4.2.1. Aesthetics

**Impact (d):** *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Additional permanent lighting may be needed at the new headworks building on the JLE campus as well as the new lift station adjacent to Silver Rapids Road and Berkese Lane. New exterior lighting for the proposed project would be minimal in nature for the purpose of safety, security, and emergency lighting. Implementation of measure AESTHETICS-1 will reduce potential impacts to a less-than-significant level.

#### **Measure AESTHETICS-1**

- *All outdoor lighting will be hooded or screened to direct the source of light downward and focus onto the property from which it originates and will not negatively impact adjacent properties or directly reflect upon any adjacent residential property.*
- *Parking lot and other security lighting will be top and side shielded to prevent the light pattern from shining onto adjacent property or roadways, excluding lights used for illumination of public roads.*
- *External lights used to illuminate a sign or billboard or the side of a building or wall shall be shielded to prevent the light from shining off of the surface intended to be illuminated. Lights that shine onto a road in a manner, which causes excessive glare and may be considered to be a traffic hazard, will be prohibited.*

**Implementation:** The CUSD will implement the measures as described above.

**Effectiveness Criteria:** The CUSD will prepare and keep on file documentation verifying the implementation of the above-referenced measures.

**Timing:** Pre-Construction and Construction Phases

**Verified By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
District Project Manager

### 4.2.4. Biological Resources

**Impact (a):** *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

#### **California tiger salamander (CTS, *Ambystoma californiense*)**

BIO-1 will be implemented to protect CTS and will reduce potential impacts to a less-than-significant level.

### **Mitigation Measure BIO-1 (California tiger salamander)**

- **Seasonal Avoidance:** *Project activities will be scheduled to minimize adverse effects to CTS, CRLF, and their habitat. Disturbance to upland habitat adjacent to IC-1, IC-3 and the detention pond will be confined to the dry season, generally May through October 15. Grading and other disturbance in water features, if unavoidable, shall be conducted only when they are dry, typically between July 15 and October 15. Work within a water feature may begin prior to July 15 if the pool or wetland has been dry for a minimum of 30 days prior to initiating work. Work adjacent to IC-3, IC-1 and the detention pond would be limited to periods of low rainfall (less than 0.08 inches per 24-hour period and less than 40 percent chance of rain). Construction activities shall cease 24 hours prior to a 40 percent or greater forecast of rain from the National Weather Service (NWS). Construction may continue 24 hours after the rain ceases if no precipitation is in the 24-hour forecast. If work must continue when rain is forecast (greater than 40 percent chance of rain), a USFWS-approved biologist(s) shall survey the project site before construction begins each day rain is forecast. If rain exceeds 0.5 inches during a 24-hour period, work shall cease until NWS forecasts no further rain.*
- **Environmental Awareness Training:** *Prior to the start of construction, a USFWS approved biologist will conduct a training program for all construction personnel including contractors and subcontractors. The training will include, at a minimum, a description of the CTS, CRLF, and WPT and its habitat within the BSA; an explanation of the species status and protection under state and federal laws; the avoidance and minimization measures to be implemented to reduce take of this species; communication and work stoppage procedures in case a listed species is observed within the project area; and an explanation of the importance of the Environmentally Sensitive Areas (ESAs). A fact sheet conveying this information will be prepared and distributed to all construction personnel. The applicant shall provide interpretation for non-English speaking workers. The same instruction shall be provided to any new workers before they are authorized to perform project work.*
- **Environmentally Sensitive Areas (ESAs):** *Prior to the start of construction, ESAs defined as areas containing sensitive habitats adjacent to or within construction work areas for which physical disturbance is not allowed - will be clearly delineated using high visibility orange fencing. The ESA fencing will remain in place throughout the duration of the proposed action, while construction activities are ongoing, and will be regularly inspected and fully maintained at all times.*
- **Avoidance of Entrapment:** *To prevent inadvertent entrapment of animals during construction, all excavated, steep-walled holes or trenches more than 6 inches deep, in close proximity to IC-1 and IC-3, will be covered with plywood or similar materials at the close of each working day or provided with one or more escape ramps constructed of earth fill or wooden planks. The contractor shall inspect all holes and trenches at the beginning of each workday and before such holes or trenches are filled.*

**California red-legged frog (CRLF; *Rana draytonii*)**

BIO-1 will be implemented to protect CRLF and will reduce potential impacts to a less-than-significant level.

**Western Pond Turtle (WPT; *Emys marmorata*)**

WPT were not observed in the Project area during the general biological fieldwork. In the Project area, IC-3 and IC-1 near the detention pond provide potential habitat for WPT. Implementation of BIO-2 will reduce potential impacts to a less-than-significant level.

**Mitigation Measure BIO-2**

- *A qualified biologist shall conduct a preconstruction survey for WPT within 48 hours prior to the onset of vegetation removal or ground disturbance within 50 ft of IC-1 and IC-3 in the Project area.*
- *If WPT are found, construction activities with potential to harm the individual(s) will stop and a qualified biologist will be notified. Construction will resume when the biologist has either relocated the WPT out of the construction zone to nearby suitable habitat, or, after thorough inspection, determined that the WPT has moved away from the construction zone.*
- *Environmental awareness training will be conducted by a qualified biologist prior to the onset of project work for construction personnel to brief them on how to recognize WPT. Construction personnel will be informed that if a WPT is encountered in the work area, construction should stop and a qualified biologist be notified. Awareness training will be conducted for new personnel (if appropriate) as they are brought on the job during the construction period. Upon completion of training, employees will sign a form stating that they attended the training and understand all the conservation and protection measures.*

**Implementation:** The CUSD will implement the measures as described above.  
**Effectiveness** The CUSD will prepare and keep on file documentation  
**Criteria:** verifying the implementation of the above-referenced measures.  
**Timing:** Pre-Construction and Construction Phases

**Verified By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
 District Project Manager

**Birds of Prey and Birds Protected by the Migratory Bird Treaty Act**

The Project area, including the Alternative Intermediate Lift Station Project site, provides potential nesting sites for birds listed under the MBTA and regulated by CA Fish and Game Code. Depending on the species, birds may nest on trees, shrubs, in or on the ground, and on artificial structures such as buildings, bridges, culverts, headwalls, poles, and signs. No nests were observed during the biological fieldwork. Implementation of BIO-3 will reduce potential impacts to a less-than-significant level.

### **Mitigation Measure BIO-3 (MBTA)**

*In California, bridge-nesting swallows typically arrive in mid-February, increase in numbers until late March, and remain until October. Nesting begins in April, peaks in June, and continues into August. Black phoebes, another bridge-nesting species, nest from March to August with peak activity in May. Measures should be taken to prevent establishment of nests on the bridges, culverts and headwalls prior to construction. Effective techniques to prevent nest establishment include using exclusion devices and removing and disposing of partially constructed and unoccupied nests of migratory or nongame birds on a regular basis to prevent their occupation. This can be done by:*

- *On a weekly or more frequent basis, remove all partially completed nests using either hand tools or high-pressure water; and/or*
- *Hang netting from the bridge before nesting begins. If this technique is used, netting should be in place from late February until project construction begins.*

### **Birds of Prey and Birds Protected by the Migratory Bird Treaty Act**

- *If construction begins outside the 15 February to 1 September breeding season, there will be no need to conduct a preconstruction survey for active nests.*
- *If applicable, trees scheduled for removal should be removed during the non-breeding season from 2 September to 14 February.*
- *If construction is scheduled to begin between 15 February and 1 September, a biologist shall conduct a survey for active bird of prey nests within 500 ft and active MTBA bird nests within 100 ft of the Project area from publicly accessible areas within one week prior to construction. The measures listed below shall be implemented based on the survey results.*

#### *No Active Nests Found:*

- *If no active nest of a bird of prey, MBTA bird, or other CDFW protected bird is found, then no further avoidance and minimization measures are necessary.*

#### *Active Nests Found:*

- *If an active nest of a bird of prey, MBTA bird, or other CDFW protected bird is discovered that may be adversely affected by construction activities or an injured or killed bird is found, immediately:*
  1. *Stop all work within a 100-ft radius of the discovery*
  2. *Notify the Engineer*
  3. *Do not resume work within the specified radius of the discovery until authorized.*
- *The biologist shall establish a minimum 500-ft Environmentally Sensitive Area (ESA) around the nest if the nest is of a bird of prey, and a minimum 100-ft ESA around the nest if the nest is of an MBTA bird other than a bird of prey.*



*Bird Species Protection Areas*

<b>Identification</b>	<b>Location</b>
<i>Bird of Prey</i>	<i>500 ft no-disturbance buffer</i>
<i>MBTA protected bird (not bird of prey)</i>	<i>100 ft no-disturbance buffer</i>

- *Activity in the ESA will be restricted as follows:*
  1. *Do not enter the ESA unless authorized*
  2. *If the ESA is breached, immediately:*
    - a. *Secure the area and stop all operations within 60 ft of the ESA boundary*
    - b. *Notify the Engineer*
  3. *If the ESA is damaged, the District determines what efforts are necessary to remedy the damage and who performs the remedy.*
- *No construction activity will be allowed in the ESA until the biologist determines that the nest is no longer active, or unless monitoring determines that a smaller ESA will protect the active nest.*
- *The size of an ESA may be reduced if the biologist monitors the construction activities and determines that no disturbance to the active nest is occurring. Reduction of ESA size depends on the species of bird, the location of the nest relative to the project, project activities during the time the nest is active, and other project-specific factors.*
- *Between 15 February and 1 September, if additional trees or shrubs need to be trimmed and/or removed after construction has started, a survey will be conducted for active nests in the area to be affected. If an active nest is found, the above measures will be implemented.*
- *If an active nest is identified in or adjacent to the construction zone after construction has started, the above measures will be implemented to ensure construction is not causing disturbance to the nest.*

**Implementation:** The CUSD will implement the measures as described above.  
**Effectiveness** The CUSD will prepare and keep on file documentation  
**Criteria:** verifying the implementation of the above-referenced measures.  
**Timing:** Pre-Construction and Construction Phases  
**Verified By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
 District Project Manager

**Impact (b):** *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

**Indian Creek**

The Project will not result in permanent impacts to Indian Creek and other water features. Implementation of BIO- 4 will reduce potential impacts to a less-than-significant level.

**Mitigation Measure BIO-4 (Water Features)**

- *Prior to construction, environmentally sensitive area (ESA) fencing or equivalent will be placed along the limits of construction in the BSA to exclude construction activities from avoided habitat. Trucks and other vehicles will not be allowed to park beyond, nor shall equipment be stored beyond, the fencing. No vegetation trimming/mowing or ground-disturbing activities will be permitted beyond the fencing.*
- *During construction, water quality will be protected by implementation of BMPs to minimize the potential for siltation and downstream sedimentation of aquatic habitats. BMPs will be consistent with the 2012 Calaveras County Grading, Drainage, and Erosion Control Design Manual and Project Construction General Permit (2009-0009-DWQ, as amended by 2010-0014-DWQ and 2012-0006-DWQ) issued by the State Water Resources Control Board, the 2019 County Storm Water Quality Ordinance, Section 13.01 of the County Code, and/or the Caltrans Stormwater Quality Handbook.*
- *Construction activities within the bed and banks of Indian Creek, intermittent channels and ephemeral channels will be restricted to the period between 15 April and the first qualifying rain event on or after 15 October (more than one half inch of precipitation in a 24-hour period).*
- *Equipment will be refueled and serviced at designated construction staging areas. All construction material will be stored and contained in a designated area that is located away from all creek and channel areas to prevent transport of materials into adjacent waterways. Appropriate BMPs will be installed to collect any discharge, and adequate materials for spill cleanup will be kept on site. Construction vehicles and equipment will be maintained to prevent contamination of soil or water from external grease and oil or from leaking hydraulic fluid, fuel, oil, and grease.*

**Implementation:** The CUSD will implement the measures as described above.  
**Effectiveness** The CUSD will prepare and keep on file documentation  
**Criteria:** verifying the implementation of the above-referenced measures.  
**Timing:** Pre-Construction and Construction Phases

**Verified By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
 District Project Manager

## Intermittent Channels (IC)

The Project will not result in permanent impacts to intermittent channels. The Project may result in temporary impact IC-1 and IC-2. Implementation of BIO-4 will also reduce potential IC impacts to a less-than-significant level.

**Ephemeral Channels (EC):** Trenching for the pipeline may temporarily impact 0.001 acre (43.5 square ft) of EC-1B, 0.001 acre (43.5 square ft) of EC-2, 0.001 acre (30 square ft) of EC-3, and 0.001 acre of (46.5 square ft) of EC-5. No permanent impacts to ephemeral channels are anticipated. Implementation of BIO-4 will also reduce potential EC impacts to a less-than-significant level.

### 4.2.5 Cultural Resources

**Impact (a):** *Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

**Significant Unless Mitigation Incorporated.** An intensive-level pedestrian survey within the project area was conducted by Natural Investigations on 4 October 2018. A second similar survey of the Intermediate Lift Station site was conducted by Padre Associates on July 17, 2023. No resources were identified during either survey. The proposed Project elements will have No Effect on known historic properties or historical resources. No documented prehistoric or historic-era archaeological sites, ethnographic sites, or historic-era built environment resources are present within the Project area. However, there is the possibility that unknown cultural or historic resources could be encountered during construction. Implementation of Mitigation Measure CUL-1 would reduce this potential impact to below a level of significance, and no additional mitigation would be necessary.

#### **Mitigation Measure CUL-1 (Unknown Historic or Cultural Resources)**

- *In the event that archaeological resources are exposed during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until a professional archaeologist has been retained to evaluate the nature and significance of the find.*
- *If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the NAHC.*