| ***ATTACHMENT A:***  ***Mitigation Monitoring and Reporting Plan Oakdale Sewerline Easement Across the Stanislaus*** | | | | |
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| **Mitigation Measure Reference** | **Mitigation Measure** | **Timing/Frequency** | **Responsible Entity** | **Initial/Date** |
| **Air Quality** | | | | |
| AQ-1 | **Mitigation Measure AQ-1: Dust Control**  Throughout project construction, site clearing, grading and associated activities, the Construction Contractor shall be responsible for dust abatement including:   1. A water truck or other watering device shall be on the construction site on all working days when natural precipitation does not provide adequate moisture for complete dust control. Said watering device shall be used to spray water on the site at the end of each day and at all other intervals, as need dictates, to control dust. All activities shall be effectively controlled of fugitive dust emissions using application of water. 2. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. 3. All land clearing, grading, earth moving, or excavation activities at the Project site shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph. 4. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance and visible dust plumes. 5. Vehicular traffic speeds on unpaved surfaces shall not exceed 10 miles per hour. | Throughout project construction | Construction contractor |  |
| AQ-2 | **Mitigation Measure AQ-2: Equipment Emissions**  Throughout Project construction:   1. Properly tune and maintain construction equipment and vehicles. Use low-sulfur fuel in all construction equipment as provided in California Code of Regulations (CCR) Title 17, Section 93114 (Compliance with Caltrans’ Standard Specifications, Section 14-9). 2. On-site idling of construction equipment shall be minimized (no more than five minutes maximum); 3. Grid (electrical) power shall be used (as opposed to diesel generators) for job site power needs where feasible during construction. Alternatively, biodiesel shall be used as an alternative fuel diesel for at least 15 percent of the construction vehicles/equipment used if there is a biodiesel station within five miles of the Project site and if the construction vehicles/equipment are able to use biodiesel without adverse effects. | Throughout project construction | Construction contractor |  |
| AQ-3 | **Mitigation Measure AQ-3 Open Burning**  If any minor vegetation clearing or grubbing activities are necessary to remove non-natives; alternatives to open burning of vegetative material will be used unless otherwise deemed infeasible by the SJVAPCD. Suitable alternatives include chipping, mulching, or conversion to biomass fuel. | During clearing and grubbing | Construction contractor |  |
| **Biological Resources** | | | | |
| BIO-1 | Avoidance and Minimization Measure BIO-1: Environmental Awareness Training  Construction bid packages and contractual requirements shall include a requirement for tail-gate training by the project’s designated qualified biologist and cultural resource professionals. All contractors involved in site development, affected City Staff and environmental specialists will attend a mandatory Environmental Awareness Training prior to any site disturbances. The program will address proper implementation of minimization and avoidance measures contained herein including, but not limited to:   * VELB avoidance * Turtle conservation * Nesting birds * Bat conservation * Avoiding inadvertent animal trapping * Site maintenance * Controlling invasive species * Construction windows * Handling leaks and spills * Fencing environmentally sensitive areas * Native Oak Tree Protection measures (avoiding driplines, no equipment or materials storage in driplines, avoid cutting oak roots, avoid equipment damage to limbs, trunks, and roots of oaks trees; do not attach signs, ropes, cables or other items to trees) * Cultural resources training to inform construction personnel of the types of cultural resources they may encounter, the laws protecting those resources, and the standard protocols to be implemented. * Hazardous materials response | Incorporated into the project bid package and contract and implemented throughout project construction. The City shall have the authority to stop work or remove any construction worker on site that has not completed training. | Construction contractor;  Project biologist;  Project archaeologist |  |
| BIO-2 | **Avoidance and Minimization Measure BIO-2 Valley elderberry longhorn beetle Protection**  The following applies to the elderberry shrub located within 100 feet of the active construction area on the north (WWTP) side of the project.   1. All ground disturbance within 100 feet of the driplines of elderberry shrubs shall occur outside the flight period for VELB (March 15th to June 15th).    1. Prior to ground disturbance, erect brightly colored temporary fencing (e.g., safety fencing): Along the boundary of the buffer area designated for elderberry shrub protection (20 feet from the dripline of the shrub)    2. Temporary fencing shall be maintained throughout project construction and restoration activities. 2. Throughout construction activities:    1. No dumping of trash or other material may occur within 20 feet of elderberry shrubs. Any trash or other foreign material found deposited within this buffer area shall be removed within 10 working days of discovery.    2. No insecticides, no herbicides, no fertilizers or other chemicals shall be used that might harm the beetle or its host plant shall be used within 100 feet of any elderberry bush.   *Mitigation Measure BIO-2 shall not apply if VELB is delisted pursuant to the federal endangered species act prior to (or during) project construction.* | Temporary safety fencing (i.e., environmentally sensitive area fencing) shall be installed prior to ground disturbance and be verified by the Project biologist.The required fencing and mitigation measure provisions will be implemented and maintained throughout Project construction. | Construction contractor; Project biologist |  |
| BIO-3 | Avoidance and Minimization Measure BIO-3: Preconstruction Survey/Relocation for Western Pond Turtles  Within 48 hours of commencing site disturbances, the City, or its representative, shall have a qualified biologist survey for and, if present, relocate any non-nesting western pond turtles from the project site. If found on site in locations where harm to the turtle may occur from project activities, the turtle first will be given the opportunity to leave the site on its own if the turtle actively is in the process of attempting to leave the site and is likely to successfully do so within the hour in the opinion of the qualified biologist. Otherwise, the qualified biologist will relocate the turtle outside the work area to habitat upstream (if located near the river) or to the adjacent wildland park pond off-site (if found in on-site WWTP ponds). [California Code of Regulations, Title 14, Division 1, Chapter 5, Subsection 40(b)][[1]](#footnote-1). | Mitigation measure will be incorporated into the project bid package and contract and implemented prior to ground disturbances (including staging). | Construction contractor and project biologist |  |
| BIO-4 | **Avoidance and Minimization Measure BIO-4: Work Window for Fisheries**  Project construction activities involving drilling, reaming, and pull-back will occur outside the critical spawning period for steelhead and salmon (i.e., work may occur June 1st through September 30th). | Mitigation measure will be incorporated into the project bid package and contract | Construction contractor |  |
| BIO-5 | **Avoidance and Minimization Measure BIO-5: Spills and Leaks**  Prior to commencing construction, the contractor shall submit to the California Department of Fish and Wildlife and the City and gain approval of an HDD Inadvertent Return Assessment, Preparedness, Prevention and Contingency Plan (i.e., Emergency Response Fracture Plan) and maintain all necessary equipment on site to implement the plan throughout construction involving pipe installation. | Measure to be identified in project construction/bid package. Approval of plan prior to project construction with implementation throughout project construction. | Construction contractor |  |
| BIO-6 | Avoidance and Minimization Measure BIO-6: Install Barrier /Silt Fencing to Protect Water Quality  Prior to implementing staging, construction, or ground disturbing activities:  Install temporary silt fencing, fiber rolls, or equivalent erosion and sediment control devices along the southern boundary of the southern construction area (between the construction area and the river) and along the northern boundary of the construction area (between the construction area and the river) as necessary to protect water quality. Silt fencing or other materials, as required, will be installed consistent with the applicable water quality requirements specified in the Project’s Storm Water Pollution Prevention Plan (SWPPP) or Water Pollution Control Plan (WPCP). Fencing or other erosion control materials or devices shall be shown on the final construction documents. These areas will be monitored by the project manager throughout construction. | Measure to be identified in project construction/bid package. Initiated prior to ground disturbance. Implemented and maintained throughout project construction. | Construction contractor |  |
| BIO-7 | Avoidance and Minimization Measure BIO-7: Erosion Control Plan/Best Management Practices (BMPs) to Protect Water Quality (Including NOI/NPDES/SWPPP)   * The Contractor shall prepare an Erosion Control Plan for implementation for any construction to take place between October 15 and May 15 of any year. In the absence of such an approved plan, all construction shall cease on or before October 15, except that necessary to implement erosion control measures. If necessary, the plan shall be submitted to the City for review and approval. * Submit to the State Water Resources Control Board Storm Water Permitting Unit, a Notice of Intent (NOI) to obtain coverage under the General Construction Activity Storm Water Permit - California’s National Pollution Discharge Elimination System (NPDES) general permit for construction related storm water discharges for the disturbance of one acre or more. Disturbances of less than one acre may also require an NOI for coverage under the NPDES General Permit for construction-related storm water discharge and the State Water Resources Control Board Permitting Unit shall be contacted for determination of permit requirements. Commercial and Industrial developments may require an NOI even if less than one acre is to be disturbed. Obtain coverage or an exemption from these requirements. [Federal Water Pollution Control Act, Section 401, California Clean Water Act]. The permit may include preparation of a Stormwater Pollution Prevention Plan (SWPPP). * All necessary erosion and siltation controls will be in place during all construction activity associated with the proposed project. A Stormwater Pollution Prevention Plan (SWPPP) consistent with best management practices (BMPs) will be in place during the entire project to ensure that construction activities adjacent to the Stanislaus River will not result in sediment transport into the creek and thus, the stormdrain system. Erosion control measures including hay bales, wildlife-friendly hay wattles, and silt fencing will be installed between the work area and the river. No work will occur 24 hours before or 24 hours after a storm event. There will be no vehicle passage or operation, vehicle parking, or materials storage below top of bank (TOB), except as otherwise permitted by the resource agencies. | Measure to be identified in project construction/bid package.  Erosion control plan to be completed prior to October 15th. NOI/NPDES to be secured prior to ground disturbance. Implemented and maintained throughout project construction. | Construction contractor |  |
| BIO-8 | **Avoidance and Minimization Measure BIO-8: Preconstruction Surveys Birds**  To avoid impacts to nesting birds and raptors, pre-construction nesting bird surveys for active nests of raptors and migratory birds within and in the vicinity of the project site will be conducted by a qualified biologist in accordance with CDFW guidelines within 15 days prior to the start of construction if construction (including equipment staging, site preparation, vegetation removal, grading, excavation and other project-related construction activities) commences during the nesting season (February 1st through August 31st). If no active nests are detected, construction activities may proceed. No trees will be removed except that the two oaks specifically identified herein may be trimmed.    If an active nest is located during pre-construction surveys, the construction activities shall be restricted as necessary to avoid disturbance of the nest until the nesting cycle is completed. Restrictions may include establishment of non-disturbance nest protection buffers around any active nest as prescribed by a qualified biologist. Typically passerine buffers under all circumstances would be a minimum of 50 feet and raptor nests a minimum of 100 feet, but buffers could be substantially greater as determined by a qualified biologist. The buffer should be demarcated via the installation of orange construction fencing where the buffer intersects the project site. Disturbance within the buffer shall be postponed until it is determined by the qualified biologist that the young have fledged and have attained sufficient flight skills to leave the area or that the nesting cycle has otherwise completed.  . | Measure to be identified in project construction/bid package.  Surveys will occur within three days of commencing construction that occurs between February 1st and August 30th. | Construction contractor and project biologist |  |
| BIO-9 | Avoidance and Minimization Measure BIO-9: Preconstruction Surveys Suitable Bat Roosting (or Nursery) Areas & Provisions for Protection, if Identified   * 15 days or less before commencing ground-disturbing activities between April and September of the construction year, a qualified biologist will survey snags, trees, rock crevices and other suitable cavities and structures in the BSA for roosting bats or bat nurseries. * If bats are not found and there is no evidence of bat use, construction may proceed.   If bats are found or evidence of use by bats is present, CDFW shall be consulted for guidance on measures to avoid or minimize disturbance to the colony or nursery. Subject to CDFW approval, measures may include excluding bats from roosts before construction begins. | Measure to be identified in project construction/bid package.  Surveys will occur within 15 days of commencing construction that occurs between April and September | Construction contractor and project biologist |  |
| BIO-10 | **Avoidance and Minimization Measure BIO-10: Hours of Construction.**  Project construction shall be limited to 7:00 a.m. to 7:00 p.m. unless an emergency situation exists or during HDD operation when construction must continue to avoid creating hazardous situations associated with starting and stopping work. | Measure to be identified in project construction/bid package and implemented throughout project construction except in emergency situations | Construction contractor |  |
| BIO-11 | Avoidance and Minimization Measure BIO-11: Avoid Inadvertent Animal Trapping During Construction  To avoid inadvertently trapping special status or common animal species during construction, all excavated steep-walled holes or trenches more than two feet deep shall be covered at the end of each working day with plywood or similar material, or provided with one or more escape ramps constructed of earth fill or wooden planks, or equivalent, at each end of the trench. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If at any time a tapped animal is discovered, the contractor shall place an escape ramp or other appropriate structure to allow the animal to escape. Alternatively, the contractor shall contact the project biologist or California Department of Fish and Wildlife for assistance. Similarly, stored pipes or other materials providing potential cover for animals will be inspected prior to installation or use to ensure that they are unoccupied. | Throughout project construction | Construction contractor |  |
| BIO-12 | **Mitigation Measure BIO 12:**  Two live oak trees shall be replanted on the WWTP site for any oak tree removed in association with the project | Planting shall occur in the first fall of the year following project completion just prior to rains commencing. | Construction contractor; City |  |
| BIO-13 | Avoidance and Minimization Measure BIO-13: Minimize the Spread of Invasive Plant Species  Throughout project construction:   * All hay, straw, hay bales, straw bales, seed, mulch or other material used for erosion control on the project site shall be free of noxious weed[[2]](#footnote-2) seeds and propagules (Food and Agriculture Code Sections 6305, 6341 and 6461). * All equipment brought to the project site shall be thoroughly cleaned of all dirt and vegetation prior to entering the site to prevent importing noxious weeds and shall be cleaned of all dirt and vegetation prior to exiting the site to prevent exporting noxious weeds. (Food and Agriculture Code Section 5401).   All material brought to the site, including rock, gravel, road base, sand, and top soil, shall be free of noxious weeds[[3]](#footnote-3) and propagules. (Food and Agriculture Code Sections 6305, 6341 and 6461). | Measure to be identified in project construction/bid package and implemented throughout project construction | Construction contractor |  |
| **Cultural Resources; Tribal Cultural Resources** | | | | |
|  | **Mitigation Measure CULT-2: Unanticipated Cultural Resource Discoveries**  If a cultural resource is discovered during construction activities, the construction contractor shall comply with the following provisions:   1. The person discovering the cultural resource shall notify the City of Oakdale or the project’s designated qualified cultural resource professional by telephone within 4 hours of the discovery or the next working day if the department is closed. 2. When the cultural resource is located outside the area of disturbance, the project’s designated qualified cultural resource professional shall be allowed to photodocument and record the resource and construction activities may continue during this process. On parcels of two or more gross acres, the area of disturbance includes building pads, driveways or utility lines, grading and vegetation removal areas, plus 100 feet. 3. When the cultural resource is located within the area of disturbance, all activities that may impact the resource shall cease immediately upon discovery of the resource. All activity that does not affect the cultural resource as determined by site’s designated qualified cultural resource professional may continue. The project’s designated qualified cultural resource professional shall be allowed to conduct an evaluative survey to evaluate the significance of the cultural resource. 4. When the cultural resource is determined to be not significant, the project’s designated qualified cultural resource professional shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the project’s designated qualified professional.   E. When a resource is determined to be significant, the resource shall be avoided with said resource having boundaries established around its perimeter by the project’s designated qualified cultural resource professional or a cultural resource management plan shall be prepared by the project’s designated qualified professional to establish measures formulated and implemented in accordance with Sections 21083.2 and 21084.1 of the California Environmental Quality Act (CEQA) to address the effects of construction on the resource. The project’s designated qualified cultural resource professional shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the project’s designated qualified cultural resource professional. All further activity authorized by this permit shall comply with the cultural resources management plan.  For the purposes of implementing this measure, a “qualified cultural resource professional” is an individual (e.g., historian or archaeologist) meeting the Secretary of the Interior’s Qualification Standards.  A “cultural resource” is any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, agricultural, educational, military, engineering or architectural significance to the citizens of Stanislaus County, the State of California, or the nation which is 50 years of age or older or has been listed on or is eligible for listing on the National Register of Historic Places, the California Register of Cultural Resources, or any local register. Examples of prehistoric resources may include: stone tools and manufacturing debris; milling equipment such as bedrock mortars, portable mortars, and pestles; darkened or stained soils (midden) that may contain dietary remains such as shell and bone; as well as human remains. Historic resources may include: burial plots; structural foundations; mining spoils piles and prospecting pits; cabin pads; and trash scatters consisting of cans with soldered seams or tops, bottles, cut (square) nails, and ceramics. | Throughout project construction | City with input from the project’s designated qualified cultural resource professional, if necessary |  |
|  | **Mitigation Measure CULT-3: Human Remains**  If human remains, burial, cremation of other mortuary feature are uncovered during construction activities; upon discovery, secure the location, do not touch or remove remains and associated artifacts; do not remove associated spoils or go through them; document the location and keep notes of activity and correspondence. All work within 100 feet of the discovery shall stop until the County Coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission to obtain the Most Likely Descendent (MLD) and follow state law (PRC 5097.9 et seq. and Health and Safety Code 7050.5(c)-7054.1 and 8100 et seq.). No further work or disturbance shall occur within 100 feet until all of the preceding actions, as applicable to the discovery, are implemented and completed. Preserve associated spoils without further disturbance, do not touch or remove remains or associated artifacts, document the location and maintain notes of activity and correspondence. Preservation *in situ* is the preferred treatment of human remains and associated burial artifacts. [Public Resources Code Sections 5097.94, 5097.98 and Health and Safety Code Section 7050.5(c) and Section 15064.5 of the California Code of Regulations implementing the California Public Resources Code, Sections 21000-21177] | Throughout project construction | City and the City’s Construction contractor |  |
|  | **Mitigation Measure CULT-4: Project Scope Changes**  If the project develops beyond the scope and project description as described herein, further archaeological study and an addendum to this study may be required. | Assess pre-construction during plan reviews and throughout project construction by site visits conducted by cultural resource monitoring. | City and the City’s Construction contractor |  |
|  | Mitigation Measure CULT-5: Paleontological Resources  If paleontological resources are encountered during Project construction and no paleontological monitor is present, all ground disturbing activities within 50 feet of the find shall be redirected to other areas until a qualified paleontologist (as determined by the City) can be contacted to evaluate the find and make recommendations. If determined significant pursuant to CEQA and Project activities cannot avoid the paleontological resources, a paleontological evaluation and monitoring plan shall be implemented.  Adverse impacts to significant paleontological resources shall be mitigated, which may include monitoring, data recovery and analysis, a final report, and the curation of all fossil material to a paleontological repository, museum, or academic institution, as appropriate. Upon completion of Project ground-disturbing activities, a report documenting methods, findings, and recommendations shall be prepared and submitted to the paleontological repository. | Throughout project construction | Construction contractor |  |
| **Geology & Soils** |  |  |  |  |
|  | **Mitigation Measure GEO-1 Soil Testing**  Prior to initiating construction, a geotechnical investigation shall be conducted and a geotechnical design report shall be prepared by a licensed geotechnical engineer. Recommendations and design criteria presented in the report shall be used in the design of the Project.  Additionally, the following measures will be incorporated into the design: designing the alignment to avoid adverse soil conditions, such as gravel layers; using steep angles to get through problematic soils faster and installing a conductor casing. |  |  |  |
| **Greenhouse Gases** |  |  |  |  |
| GHG-1 | **Mitigation Measure GHG-1:** To the extent feasible and to the satisfaction of the City of Oakdale, the following measures shall be incorporated into the design and construction of the Oakdale River Crossing Project:   1. On-site idling of construction equipment shall be minimized (no more than five minutes maximum); 2. Biodiesel shall be used as an alternative fuel diesel for at least 15 percent of the construction vehicles/equipment used if there is a biodiesel station within five miles of the Project site and if the construction vehicles/equipment are able to use biodiesel without adverse effects; 3. At least 10 percent of the building material used for the proposed project shall be local to the extent feasible (i.e., “local” shall be defined as building materials secured within 43± miles of the Project site consistent with Caltrans’ standard for reducing vehicle miles traveled by 15% of the average 50 miles traveled to secure building materials) to the extent feasible; and 4. At least 50 percent of construction waste or demolition materials shall be recycled to the extent feasible. | Throughout project construction | Construction contractor |  |
| **Hazards and Hazardous Materials** | | | | |
|  | **Mitigation Measure HAZ-1 (Traffic Access Management Plan)**  Prior to commencing work within public roadways, the Contractor will prepare (to the City’s satisfaction), and throughout project construction will implement, a traffic access management plan to maintain emergency ingress, egress, and daily traffic flows throughout the Project boundaries. The access management plan should address public notification of upcoming construction, anticipated road closures, and detours (e.g., mailers in invoices, publication in local newspaper, website notices, postings along streets to be closed, electronic message boards). The City will coordinate road closures with the fire and police departments to ensure that emergency ingress and egress is addressed prior to and during street closures. | The traffic access management plan will be prepared prior to initiating project construction and implemented throughout project construction. | Construction contractor in consultation with the City |  |

1. Pursuant to California Fish and Game Code Title 14, Subsection 40(b) the capture, temporary collection, or temporary possession of native amphibians done to avoid mortality or injury in connection with lawful activities is permitted and such live capture and release of native amphibians done to avoid death or injury may occur with the permission of the CDFW. Because WPTs are not listed species pursuant to the state or federal endangered species act, neither an incidental take permit nor consultation beyond securing permission from CDFW to capture and release the individuals, is required. [↑](#footnote-ref-1)
2. Noxious weeds are as defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds (Food and Agriculture Code, Sections 6305, 6341, and 6461). [↑](#footnote-ref-2)
3. Ibid. [↑](#footnote-ref-3)