

RESOLUTION NO. 2009-774

Adopted by the Sacramento City Council

December 15, 2009

ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING PROGRAM FOR THE ACCESS IMPROVEMENTS FROM RAILYARDS TO RICHARDS BOULEVARD AND INTERSTATE 5 PROJECT (T15088300)

BACKGROUND

Section 1. The City Council finds as follows:

- A. The Project initial study identified potentially significant effects of the Project. Revisions to the Project made by or agreed to by the Project applicant before the proposed mitigated negative declaration and initial study were released for public review were determined by City's Environmental Planning Services to avoid or reduce the potentially significant effects to a less than significant level, and, therefore, there was no substantial evidence that the Project as revised and conditioned would have a significant effect on the environment. A Mitigated Negative Declaration (MND) for the Project was then completed, noticed and circulated in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures as follows:
1. On October 19, 2009 a Notice of Intent to Adopt the MND (NOI) dated October 14, 2009 was circulated for public comments for 30 days. The NOI was sent to those public agencies that have jurisdiction by law with respect to the proposed project and to other interested parties and agencies, including property owners within 500 feet of the boundaries of the proposed project. The comments of such persons and agencies were sought.
 2. On October 19, 2009 the NOI was published in the Daily Recorder, a newspaper of general circulation, and the NOI was posted in the office of the Sacramento County Clerk.
 3. The Initial Study was revised after public notice of its availability; however, none of the conditions requiring recirculation (CEQA Guidelines section 15073.5(b)) is applicable to the project. The mitigation measures were replaced with either equal or more effective measures pursuant to Section 15074.1 of the CEQA Guidelines, revisions to the project do not result in new avoidable significant effects, and the new information added to the Negative Declaration makes insignificant modifications.

Section 2. The City Council has reviewed and considered the information contained in the MND, including the initial study, the revisions and conditions incorporated into

the Project, and the comments received during the public review process and the hearing on the Project. The City Council has determined that the MND constitutes an adequate, accurate, objective and complete review of the environmental effects of the proposed project.

Section 3. As a result of the public review process, the City determined that certain mitigation measures identified in the MND were undesirable. Per CEQA Guidelines section 10574.1, the City deleted those mitigation measures in the MND and substituted other measures which the City determined are either equivalent or more effective.

This public hearing is the hearing required by CEQA Guidelines section 15074.1(b)(1).

The new mitigation measures are either equivalent to or more effective in mitigating or avoiding potential significant effects and that none of the measures would cause any potentially significant effect on the environment (CEQA Guidelines section 15074.1b)(2).

Section 4. Based on its review of the MND and on the basis of the whole record, the City Council finds that the MND reflects the City Council's independent judgment and analysis and that there is no substantial evidence that the Project will have a significant effect on the environment.

Section 5. The City Council adopts the MND for the Project.

Section 6. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project, the City Council adopts a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program.

Section 7. Upon approval of the Project, the City's Environmental Planning Services shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and section 15075 of the State EIR Guidelines adopted pursuant thereto.

Section 8. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

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Exhibit A: Mitigation Monitoring Program

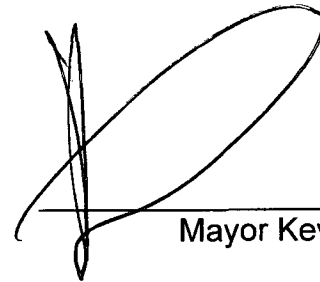
Adopted by the City of Sacramento City Council on December 15, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, McCarty, Pannell, Sheedy, Tretheway, Waters,
and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: Councilmember Hammond.



Mayor Kevin Johnson

Attest:


Shirley Concolino, City Clerk

**Mitigation Monitoring and Reporting Program (MMRP) Checklist for the
Access Improvements from Railyards to Richards Boulevard and Interstate 5 Project**

EXHIBIT A

Mitigation Measure/Compliance Standard	Implementing Responsibility	Monitoring Responsibility for Implementing Measure	Timing	Verification of Compliance (Initials/Date)
<p>Mitigation Measure 3.3-1: Design Plans and Specification Standards for Acceptable Backfill Material.</p> <p>The design plans and specifications shall specify standards for acceptable backfill materials and require testing (such as gradation) of native soil if it is proposed to be used as structural or pipeline backfill. Backfill would be mechanically compacted or jetted to meet the performance criteria specified by the Central Valley Flood Protection Board (CVFPB) and the United States Army Corps of Engineers (USACE).</p>	City of Sacramento	City of Sacramento	Prior to approval of design plans and specifications; During construction	
<p>Mitigation Measure 3.7-1: Avoid and Minimize Impacts on Migratory Birds and Raptors, Including White-Tailed Kite and Purple Martin</p> <p>In order to avoid and minimize potential impacts on nesting migratory birds and raptors, including white-tailed kite and purple martin, the following measures will be implemented.</p> <ol style="list-style-type: none"> 1. Shrub and tree removal and construction activities are to be conducted during the non-nesting season (September 1 through January 31) whenever feasible. 2. If shrub and tree removal or construction activities occur during the nesting season (between February 1 and August 31), a qualified biologist will conduct a nesting survey of all habitat within 100 feet of the construction area for migratory birds and within 500 feet of the construction area for raptor habitat (large trees). Surveys will be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities, and surveys will be conducted in accordance with the California Department of Fish and Game (CDFG) protocol as applicable. If no active nests are identified on or within 500 feet of the construction site, no further mitigation is necessary. This survey can be carried out concurrently with surveys for other species provided it does not conflict with any established survey protocols. A copy of the preconstruction survey will be submitted to the City. 3. If an active bird nest is identified within the described survey areas (out to 100 feet from construction area for migratory birds and out to 500 feet for raptors), a 500-foot no-disturbance buffer zone will be established between the nest and construction activity. The buffer zone may be reduced in consultation with the CDFG if it is determined that project activities won't cause the nest to fail. 4. Completion of the nesting cycle will be determined by a qualified ornithologist or biologist. 	City of Sacramento	City of Sacramento	Prior to construction; During construction	
<p>Mitigation Measure 3.7-2: Avoid, Minimize, and Mitigate for Impacts on Valley Elderberry Longhorn Beetle</p> <p>The measures presented below were also put forth in an Endangered Species Act Section 7 biological</p>	City of Sacramento	City of Sacramento	Prior to any ground disturbing	

Checklist Continued

Mitigation Measure/Compliance Standard	Implementing Responsibility	Monitoring Responsibility for Implementing Measure	Timing	Verification of Compliance (Initials/Date)
<p>assessment prepared for impacts on the valley elderberry longhorn beetle (VELB). Caltrans was the lead federal agency for consulting with the US Fish and Wildlife Service (USFWS) on the proposed project's impacts on VELB.</p> <p>On June 3, 2009 Caltrans initiated formal consultation with the USFWS for concurrence on the effects to the federally listed threatened VELB species. The USFWS determined the project has the potential to directly and indirectly affect elderberry shrubs, the host plant for VELB. The USFWS also determined that the effects of the project can be appended to the <i>Programmatic Consultation Permitting Projects with Relatively Small Effects on the Valley Elderberry Longhorn Beetle Within the Jurisdiction of the Sacramento Field Office</i>. The USFWS agreed to the mitigation and conservation measures presented by Caltrans by issuing a Biological Opinion on October 8, 2009. This concludes the consultation process under Section 7 of the Endangered Species Act. The VELB mitigation and conversation measures are described below.</p> <p>Implementation of the following measures shall occur to avoid, minimize, and mitigate impacts on VELB that could occur in 12 elderberry shrubs that could be affected by project construction. These measures are from the USFWS's <i>Conservation Guidelines for the Valley Elderberry Longhorn Beetle, 9 July 1999</i> (VELB Guidelines).</p> <p>Avoidance and Minimization Measures</p> <p><i>Establish a Minimum 20-Foot-Wide Buffer around All Elderberry Shrubs Where Feasible</i></p> <p>Before any ground-disturbing activity, the City will ensure that a minimum 4-foot-tall temporary, plastic mesh-type construction fence (Tensor Polygrid or equivalent) is installed at least 20 feet from the driplines of elderberry shrubs that will be retained adjacent to the biological study area. This fencing is intended to prevent encroachment by construction vehicles and personnel. The exact location of the fencing will be determined by a qualified biologist, with the goal of protecting habitat for VELB.</p> <p>The fencing will be strung tightly on posts set at a maximum interval of 10 feet. The fencing will be installed in a way that prevents equipment from enlarging the work area beyond the delineated work area. The fencing will be checked and maintained weekly until all construction is completed. This buffer zone will be marked by signs stating;</p> <p>"This is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment."</p> <p>Signs will be placed at intervals of 50 feet and must be readable at a distance of 20 feet.</p>			activity and during construction	

Checklist Continued

Mitigation Measure/Compliance Standard	Implementing Responsibility	Monitoring Responsibility for Implementing Measure	Timing	Verification of Compliance (Initials/Date)
<p>No construction activity, including grading, will be allowed until this condition is satisfied. No grading, clearing, storage of equipment or machinery, or other disturbance or activity may occur until a representative of the City has inspected and approved all temporary construction fencing. The fencing and a note reflecting this condition will be shown on the construction plans.</p> <p><i>Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel</i></p> <p>Before any work occurs in the project area, including grading, a qualified wildlife biologist will conduct mandatory contractor/worker awareness training for construction personnel. The training will be provided to all construction personnel to brief them on the need to avoid impacts on biological resources and the penalties for not complying with biological mitigation requirements. If new construction personnel are added to the proposed project, the contractor's superintendent will ensure that the new personnel receive the mandatory training before starting work. An environmental awareness handout will be provided to each person, describing and illustrating sensitive resources (i.e., nesting birds and raptors, elderberry shrubs, and native trees) that will be avoided during project construction and identifying all relevant permit conditions.</p> <p><i>Implement Dust Control Measures</i></p> <p>The City will ensure that dust control measures are implemented for all ground-disturbing activities in the project area. These measures may include application of water to graded and disturbed areas that are unvegetated; however the City or its contractor may use other measures more appropriate for site-specific conditions, as long as dust is minimized to the maximum extent practicable. To avoid attracting Argentine ants, at no time will water be sprayed within the driplines of elderberry shrubs.</p> <p>Pursuant to the USFWS VELB Guidelines, the City will implement the following measures to mitigate for the direct and indirect impacts on VELB before groundbreaking occurs for the proposed project.</p> <p>Compensatory Mitigation</p> <p><i>Transplant Directly Affected Elderberry Shrubs</i></p> <p>A qualified biological monitor will be on the site for the duration of the transplanting of elderberry shrubs to ensure that no unauthorized take of VELB occurs. If unauthorized take does occur, the monitor will have the authority to stop work until corrective measures have been completed. The monitor must immediately report any unauthorized take of the beetle or its habitat to the USFWS.</p>				

Checklist Continued

Mitigation Measure/Compliance Standard	Implementing Responsibility	Monitoring Responsibility for Implementing Measure	Timing	Verification of Compliance (Initials/Date)																																																							
<p>Elderberry shrubs will be transplanted when the plants are dormant, approximately November through the first two weeks in February, after they have lost their leaves. Transplanting during the non-growing season will reduce shock to the plant and increase transplantation success. The City will follow the specific transplanting guidance provided in the USFWS VELB Guidelines.</p> <p>Shrubs 1 and 12 will be transplanted to the French Camp Conservation Bank, or another Service-approved site. Elderberry seedlings and associated native plants will also be established at the site according to the ratios outlined in the Guidelines. See USFWS Biological Opinion, page 6, Table 1 issued on October 8, 2009 for the ratios.</p> <p><i>Compensate for Direct Impacts on Elderberry Shrubs</i></p> <p>Shrubs 1 and 12 would be directly affected by the proposed project. According to the USFWS VELB Guidelines, adversely affected shrubs that are "transplanted or destroyed" should be mitigated for according to the measures outlined in Table 1 of the USFWS VELB Guidelines. The City will mitigate for impacts on the shrubs by purchasing mitigation credits at a USFWS-approved mitigation bank. A summary of the required mitigation is provided in Table 3.7-2. As shown in the table, the proposed project would require 22 elderberry seedlings and 28 associated native plants (six VELB credits) to be planted at a USFWS-approved mitigation bank. Currently, VELB mitigation credits are available at French Camp Conservation Bank. The shrubs identified for transplantation will be transplanted to this mitigation bank.</p> <p style="text-align: center;">Table 3.7-2. Compensation for Impacts on VELB Habitat</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;">Location</th> <th style="text-align: left;">Stem Diameter Class at Ground Level in Centimeters (inches)</th> <th style="text-align: left;">Exit Holes?</th> <th style="text-align: left;">Stem Count</th> <th style="text-align: left;">Elderberry Seedling Ratio</th> <th style="text-align: left;">Associated Native Plant Ratio</th> <th style="text-align: left;">Total Elderberry/Associated Natives to Be Planted</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Non-riparian</td> <td rowspan="2">2.5-7.6 (1-3)</td> <td>No</td> <td>5</td> <td>1:1</td> <td>1:1</td> <td>5/5</td> </tr> <tr> <td>Yes</td> <td>0</td> <td>2:1</td> <td>2:1</td> <td>0/0</td> </tr> <tr> <td rowspan="2">Non-riparian</td> <td rowspan="2">7.6-12.7 (3-5)</td> <td>No</td> <td>1</td> <td>2:1</td> <td>1:1</td> <td>2/2</td> </tr> <tr> <td>Yes</td> <td>0</td> <td>4:1</td> <td>2:1</td> <td>0/0</td> </tr> <tr> <td rowspan="2">Non-riparian</td> <td rowspan="2">>12.7 (>5)</td> <td>No</td> <td>3</td> <td>3:1</td> <td>1:1</td> <td>9/9</td> </tr> <tr> <td>Yes</td> <td>1</td> <td>6:1</td> <td>2:1</td> <td>6/12</td> </tr> <tr> <td rowspan="2">Riparian</td> <td rowspan="2">2.5-7.6 (1-3)</td> <td>No</td> <td>0</td> <td>2:1</td> <td>1:1</td> <td>0/0</td> </tr> <tr> <td>Yes</td> <td>0</td> <td>4:1</td> <td>2:1</td> <td>0/0</td> </tr> </tbody> </table>	Location	Stem Diameter Class at Ground Level in Centimeters (inches)	Exit Holes?	Stem Count	Elderberry Seedling Ratio	Associated Native Plant Ratio	Total Elderberry/Associated Natives to Be Planted	Non-riparian	2.5-7.6 (1-3)	No	5	1:1	1:1	5/5	Yes	0	2:1	2:1	0/0	Non-riparian	7.6-12.7 (3-5)	No	1	2:1	1:1	2/2	Yes	0	4:1	2:1	0/0	Non-riparian	>12.7 (>5)	No	3	3:1	1:1	9/9	Yes	1	6:1	2:1	6/12	Riparian	2.5-7.6 (1-3)	No	0	2:1	1:1	0/0	Yes	0	4:1	2:1	0/0				
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Checklist Continued

Mitigation Measure/Compliance Standard							Implementing Responsibility	Monitoring Responsibility for Implementing Measure	Timing	Verification of Compliance (Initials/Date)
Riparian	7.6-12.7 (3-5)	No	0	3:1	1:1	0/0				
		Yes	0	6:1	2:1	0/0				
Riparian	>12.7 (>5)	No	0	4:1	1:1	0/0				
		Yes	0	8:1	2:1	0/0				
Total	-	-	10	-	-	22/28				
Mitigation Measure 3.7-3: Avoid and Minimize Impacts on Burrowing Owl To avoid and minimize potential impacts on burrowing owls, the following measures will be implemented. Preconstruction surveys for burrowing owls will be conducted in accordance with <i>Burrowing Owl Survey Protocol and Mitigation Guidelines</i> ¹ , which calls for surveying out to 500 feet from project limits where suitable habitat is present. If owls are identified in the biological study area, mitigation measures will be implemented as outlined in the CDFG's <i>1995 Staff Report on Burrowing Owl Mitigation</i> ² . These measures will include those listed here.							City of Sacramento	City of Sacramento	Prior to construction	
<ol style="list-style-type: none"> 1. If occupied owl burrows are found within the biological study area, a determination will be made by a qualified biologist in consultation with the CDFG regarding whether work will affect the occupied burrows or disrupt reproductive behavior. 2. If it is determined that construction will affect occupied burrows during August through February, the subject owls will be passively relocated from the occupied burrow(s) using one-way doors. One-way doors will be in place for a minimum of 48 hours before burrows are excavated. 3. If it is determined that construction will physically affect occupied burrows or disrupt reproductive behavior during the nesting season (March through July), avoidance is the only mitigation available. Construction will be delayed within 300 feet of occupied burrows until it is determined that the subject owls are not nesting or until a qualified biologist determines that juvenile owls are self sufficient or are no longer using the natal burrow as their primary source of shelter. 										
Mitigation Measure 3.7-4: Avoid and Minimize Impacts on Swainson's Hawk If construction occurs during the breeding season (February 1-August 31), the City will conduct CDFG-recommended protocol-level surveys within 0.8 kilometer (0.5 mile) of the project area prior to							City of Sacramento	City of Sacramento	Prior to construction	

1 The California Burrowing Owl Consortium. *Burrowing Owl Survey Protocol and Mitigation Guidelines*. 1993. The California Burrowing Owl Consortium, San Francisco, CA.

2 California Department of Fish and Game. 1995. *Staff Report on Burrowing Owl Mitigation*. Sacramento, CA.

Checklist Continued

Mitigation Measure/Compliance Standard	Implementing Responsibility	Monitoring Responsibility for Implementing Measure	Timing	Verification of Compliance (Initials/Date)
<p>construction as required by the <i>Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</i>³ or as required by the CDFG in the future. If no active nests are identified during the survey, no additional mitigation is required.</p> <p>If active nests are found in the vicinity of the construction area, mitigation measures consistent with the <i>Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California</i>⁴ will be incorporated in the following manner or as directed by the CDFG.</p> <ol style="list-style-type: none"> 1. If an active nest is found, no intensive new disturbances (e.g., construction activities that create sudden loud noises or vibrations) or other project-related activities that may cause nest abandonment or forced fledging, can be initiated within 200 yards (buffer zone) of an active nest between March 1 and September 15. The size of the buffer area may be adjusted if a qualified biologist and the CDFG determine it would not be likely to have adverse effects on the hawks. No project activity will commence within the buffer area until a qualified biologist confirms that the nest is no longer active. 2. Active nest trees (nest trees currently occupied or trees supporting a nest within the last five years) will not be removed unless there is no feasible way of avoiding removal of the tree. If a nest tree must be removed, a management authorization (including conditions to offset the loss of the nest tree) must be obtained from the CDFG with the tree removal period specified; it is generally between October 1 and February 1. 3. If construction or other project-related activities that may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site (funded by the project proponent) by a qualified biologist will be required to determine if the nest is abandoned. If the nest is abandoned and if the nestlings are still alive, the project proponent will fund the recovery and hacking (controlled release of captive reared young) of the nestling(s). 4. Routine disturbances, such as routine maintenance activities within 0.4 kilometer (0.25 mile) of an active nest, will not be prohibited unless consultation with the CDFG determines that these activities will affect the active nest. 				
<p>Mitigation Measure 3.7-5: Avoid and Minimize Impacts on Bats</p> <p>Prior to the removal of any trees, the City will conduct a preconstruction survey to determine if roosting bats are present. The surveys should be conducted 1 week prior to the start of construction at dusk,</p>	City of Sacramento	City of Sacramento	Prior to removal of any trees and during	

³ Swainson's Hawk Technical Advisory Committee. 2000. *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*. Sacramento, CA.

⁴ California Department of Fish and Game. 1994. *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California*.

Checklist Continued

Mitigation Measure/Compliance Standard	Implementing Responsibility	Monitoring Responsibility for Implementing Measure	Timing	Verification of Compliance (Initials/Date)
<p>when bats would be expected to be present and active. This survey will be conducted by a wildlife biologist qualified to identify the species of bats using these roosts. Surveys will be conducted using an ultrasonic bat detector (such as AnaBat or SonoBat) to determine the presence of bats within the biological study area. Detectors will be positioned in the immediate vicinity of trees deemed to be suitable for roosting by the biologist. If the preconstruction surveys determine that no bats are roosting within the biological study area, no further mitigation is required.</p> <p>If roosting bats are present, the biologist will determine if the roost is a day roost or is a maternal roost. If the roost is determined to be a maternal roost, construction activities that may cause the abandonment of the maternal roost or cause harm to bats will be prohibited until the biologist determines that the bat pups have left the roost and are able to fend for themselves. Specific activities that may cause the abandonment of an identified maternal roost will be defined based on site-specific conditions around the roost during consultation with CDFG. If the roost is determined to be a day roost, normal construction activities should not be prohibited. It is believed that day roosting bats occurring there are already acclimated to high levels of noise and disturbance associated with current vehicle traffic on I-5 and car, pedestrian traffic, and maintenance activities on the adjacent roadways.</p>			construction	
<p>Mitigation Measure 3.7-6: Avoid, Minimize, and Mitigate Impacts on Protected Trees</p> <p><i>Redesign the Proposed Project to Avoid and Minimize Impacts on Protected Trees</i></p> <p>The City will revise the project design to the extent feasible to avoid disturbing or removing protected trees.</p> <p><i>Mitigate for the Removal of Protected Trees</i></p> <p>The City Department of Parks and Recreation's Urban Forest Services (UFS) project site assessment on November 24, 2009 found that City and heritage trees proposed for removal in the project area totaled an aggregate diameter at breast height (dbh) of 464 inches. The UFS standard assessment of City and heritage trees assigns a mitigation value at a rate of \$325 per dbh inch (trunk diameter at a height of 4.5 feet). Applying this rate, the total mitigation value for City and heritage tree removal for the proposed project totals \$150,800.00. Per consultation with the UFS, in lieu of paying this mitigation value, the City could mitigate for the removal of City and heritage trees within the project area by implementing the following measures prior, during, and/or post project construction, as applicable:</p> <ol style="list-style-type: none"> 1. Submit a planting and irrigation plan for UFS review and approval prior to ground disturbance. 2. Replant trees, under the direction of the UFS, at a ratio of one (1) twenty four-inch (24") box tree per eight dbh inches (8") of City and heritage tree removal (replant ratio of 1:8). The UFS shall 	City of Sacramento	City of Sacramento	Prior to approval of project design and during construction; Ongoing	

Checklist Continued

Mitigation Measure/Compliance Standard	Implementing Responsibility	Monitoring Responsibility for Implementing Measure	Timing	Verification of Compliance (Initials/Date)
<p>approve the locations and species of the trees.</p> <p>3. At a minimum, tree planting and associated monitoring will adhere to the following measures (for City tree mitigation planting and monitoring, other designs may be approved pending UFS review):</p> <ul style="list-style-type: none"> • Trees will be planted at a spacing of 40 feet to 60 feet on center. • Trees will be planted in a gradual mound approximately 6 feet across and 4 inches above the surrounding grade. • All trees will be mulched with wood chips 4 inches to 6 inches deep, (minimum area of 8 feet by 8 feet per tree). • Trees growth and overall condition will be monitored 3 times per year, (April/July/September) for a 8 year period during which any dead or poorly performing trees will be replaced during the next fall or early spring. • Irrigation will be tested 3 times per year, (April/July/September) and adjusted as needed to provide good growing conditions for all planted trees. • Each planted tree will be irrigated by an 8-foot diameter ring of durable drip tubing installed below wood chips with 4 interior lateral lines to serve the root area of the newly planted trees (other designs may be approved pending UFS review). • For the 24" box tree plantings one of the following, or equivalent, species will be chosen (species substitution is subject to UFS review and approval): <ul style="list-style-type: none"> ▪ Chinese Pistache 'Keith Davey' (<i>Pistacia chinensis</i>) ▪ Sawtooth Oak (<i>Quercus acutissima</i>) ▪ Persian Oak (<i>Quercus castanifolia</i>) ▪ Turkey Oak (<i>Quercus cerris</i>) ▪ Blue Oak (<i>Quercus douglasii</i>) ▪ Valley Oak (<i>Quercus lobata</i>) ▪ Southern Live Oak (<i>Quercus virginiana</i>) ▪ Interior Live Oak (<i>Quercus wislizenii</i>) 				
<p>Mitigation Measure 3.7-7: Avoid, Minimize, and Mitigate for Impacts on Wetlands and Waters</p> <p><i>Redesign the Proposed Project to Avoid and Minimize Impacts on Wetlands and Other Waters</i></p> <p><i>Avoid Indirect Impacts on Seasonal Wetland Adjacent to Project Area</i></p> <p>The City will install construction barrier fencing (including concrete barriers and/or sediment fencing) to prevent fill materials from entering the seasonal wetland (SW-4) located behind the chain-link fence at the eastern edge of the fenced water treatment facility property on Bercut Drive. Before construction,</p>	City of Sacramento	City of Sacramento	Prior to ground disturbance and during construction	

Checklist Continued

Mitigation Measure/Compliance Standard	Implementing Responsibility	Monitoring Responsibility for Implementing Measure	Timing	Verification of Compliance (Initials/Date)
<p>the contractor will work with the project engineer and a resource specialist to identify the locations for the barrier fencing and will mark those locations with stakes or flagging. The protected area will be clearly identified on the construction specifications. The minimum distance that the construction barrier fencing will be placed from seasonal wetland SW-4 is the distance between the seasonal wetland and the existing chain-link fence. The construction barrier fencing will be in place before construction activities are initiated. The fencing will be maintained by the City or its contractor throughout the duration of the construction period. If the fencing is removed, damaged, or otherwise compromised during the construction period, construction activities will cease until the fencing is replaced.</p> <p><i>Obtain and Comply with Federal and State Permits and Requirements</i></p> <p>For the three seasonal wetlands and nine drainage ditches located in the project area, the City will obtain a CWA Section 404 permit from the USACE for the placement of fill within waters of the United States and Section 401 certification from the Regional Water Quality Control Board (RWQCB). The City will also need to obtain waste discharge requirements (WDRs) from the RWQCB.</p> <p>All conditions that are attached to the Section 404 and 401 permits or WDRs will be implemented as part of the proposed project. The conditions will be clearly identified in construction plans and specifications and monitored during and after construction to ensure compliance.</p> <p><i>Compensate for Permanent Loss of Seasonal Wetland Habitat</i></p> <p>The City will compensate for permanent impacts on waters of the United States (including wetlands) and waters of the state to ensure there is no net loss of habitat functions and values. The compensation will be determined as part of the state (Section 401 water quality certification or WDRs) and federal (Section 404 nationwide permit) processes and may be a combination of offsite restoration/creation and mitigation credits. Compensation ratios will be a minimum of 1:1 (1 acre of mitigation for every 1 acre of impact). Ratios will be based on site-specific information and determined through coordination with state and federal agencies as part of the permitting process.</p>				
<p>Mitigation Measure 3.9-1: Comply with the recommendations of the Health and Safety Plan, Lead Compliance Plan, and Asbestos Abatement Plan developed by the City for the project and approved by the appropriate agencies.</p> <p>Given the history of soil and groundwater contamination within the project site, there is a potential to encounter known and previously unidentified contamination. As such, an appropriate health and safety plan will be prepared to protect construction workers and the public from potential health hazards.</p>	City of Sacramento	City of Sacramento	Prior to project approval and during construction	

Checklist Continued

Mitigation Measure/Compliance Standard	Implementing Responsibility	Monitoring Responsibility for Implementing Measure	Timing	Verification of Compliance (Initials/Date)
<p>The proposed project requires the removal of yellow traffic striping. The City will do so in compliance with Department of Toxic Substances Control guidelines, which includes development of an appropriate lead compliance plan.</p> <p>In addition, two asbestos-containing pipes would be demolished in the course of project construction activities. An appropriate asbestos abatement plan would be developed, and all abatement work would be completed using a contractor certified by the California Department of Health Services⁵.</p>				
<p>Mitigation Measure 3.13-1: Eliminate Excessive Nighttime Light and Glare</p> <p>Lighting used during nighttime construction should implement light fixture shielding systems to emit light down to areas intended to be illuminated, and not into surrounding areas, thereby eliminating excessive nighttime light and glare that may affect nearby traffic and residents.</p>	City of Sacramento	City of Sacramento	During construction	
<p>Mitigation Measure 3.14-1: Consult with a Qualified Paleontologist</p> <p>In the event that any paleontological features or deposits are discovered during construction-related earth-moving activities, all work within 100 feet of the resource will be halted, and the City will consult with a qualified paleontologist to assess the significance of the find. Paleontological test excavations will be conducted by a qualified paleontologist to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified paleontologist, representatives of the City and the qualified paleontologist will coordinate to determine the appropriate course of action. All significant paleontological resources recovered will be subject to scientific analysis and professional museum curation. In addition, a report will be prepared by the qualified paleontologist according to current professional standards.</p>	City of Sacramento	City of Sacramento	During construction	
<p>Mitigation Measure 3.14-2: Consult with a Qualified Archaeologist</p> <p>In the event that any historic subsurface features, artifacts, or deposits and/or prehistoric subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian, or mortars are discovered during construction-related earth-moving activities, all work within 100 feet of the resource will be halted, and the City will consult with a qualified archaeologist to assess the significance of the find. Archaeological test excavations will be conducted by a qualified archaeologist to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archaeologist, representatives of the City and the qualified archaeologist will coordinate to determine the appropriate course of action. All significant</p>	City of Sacramento	City of Sacramento	During construction	

⁵ Blackburn Consulting, 2008. *Initial Site Assessment: Richards to Railyards Access Improvement Project*. October.

Checklist Continued

Mitigation Measure/Compliance Standard	Implementing Responsibility	Monitoring Responsibility for Implementing Measure	Timing	Verification of Compliance (Initials/Date)
<p>cultural materials recovered will be subject to scientific analysis and professional museum curation. In addition, a report will be prepared by the qualified archaeologist according to current professional standards.</p>				
<p>Mitigation Measure 3.14-3: Consult with an Archaeologist and Native American Representatives</p> <p>If a Native American site is discovered, the evaluation process will include consultation with the appropriate Native American representatives. If Native American archaeological, ethnographic, or spiritual resources are involved, all identification and treatment will be conducted by qualified archaeologists who are certified by the Society of Professional Archaeologists (SOPA) or meet the federal standards as stated in the CFR (36 CFR 61), or both, and Native American representatives who are approved by the local Native American community as scholars of the cultural traditions.</p> <p>In the event that no such Native American is available, persons who represent tribal governments or organizations in the locale in which resources could be affected will be consulted. If historic archaeological sites are involved, all identified treatment is to be carried out by qualified historical archaeologists, who will meet either Register of Professional Archaeologists (RPA) or 36 CFR 61 requirements.</p>	City of Sacramento	City of Sacramento	During construction	
<p>Mitigation Measure 3.14-4: Stop Work and Consult with the County Coroner or NAHC, or Both</p> <p>If a human bone or bone of unknown origin is found during construction, all work will stop within 100 feet of the find, and the county coroner will be contacted immediately. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, which will notify the person most likely believed to be a descendant. The most likely descendant will work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.</p>	City of Sacramento	City of Sacramento	During construction	