

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines (PRC Section 21081.6 and State CEQA Guidelines Sections 15091[d] and 15097) require public agencies “to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval to mitigate or avoid significant effects on the environment.” A Mitigation Monitoring and Reporting Program (MMRP) is required for the Coyote Ridge Open Space Preserve (CRID) Public Access Improvement Project (project) because the Environmental Checklist/Addendum identifies potential significant adverse impacts and all feasible mitigation measures have been adopted. Environmental Protection Measures (EPMs) and Santa Clara Valley Habitat Plan Conditions on Covered Activities, which are part of the project description, have also been incorporated to avoid or minimize adverse environmental effects. While only mitigation measures are required to be included in an MMRP, EPMs, Habitat Plan Conditions, and mitigation measures are included in this MMRP to assist in implementation of all environmental protection features of the project consistent with the Santa Clara Valley Habitat Plan Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to facilitate the implementation of EPMs, Habitat Plan Conditions, and mitigation measures. The attached table presents the text of each EPM and Habitat Plan Condition, as well as applicable mitigation measures from the Habitat Plan EIR/EIS. The table also includes the timing of each measure’s planned implementation, the implementing entity, and the entity with monitoring responsibility. The numbering of Habitat Plan Conditions and mitigation measures follows the numbering used in the Habitat Plan and Habitat Plan EIR/EIS, respectively. EPMs, Habitat Plan Conditions, and mitigation measures that are referenced more than once in the Environmental Checklist/Addendum are not duplicated in the MMRP. Instructions for project-specific implementation of certain Habitat Plan Conditions and mitigation measures has been added to tailor the specific impact avoidance and minimization actions relevant to the project and the conditions and resources present within the project area. In all cases, the additional project-specific implementation instruction to measures maintain the Habitat Plan Conditions and mitigation measures as equivalent or more effective than those presented in the Habitat Plan EIR/EIS.

ROLES AND RESPONSIBILITIES

Unless otherwise specified herein, the Santa Clara Valley Open Space Authority (Authority) is responsible for taking all actions necessary to implement the mitigation measures under its jurisdiction according to the specifications provided for each measure, and for demonstrating that the action has been successfully completed. The Authority will be responsible for implementation of EPMs, Habitat Plan Conditions, and mitigation measures pursuant to Section 15097 of the State CEQA Guidelines, and for verifying that Authority staff members and contractors have completed the necessary actions for each measure.

REPORTING

The Authority shall document and describe the compliance of the project with the required EPMs, Habitat Plan Conditions, and mitigation measures either within the attached table or using a separate post-project implementation report.

MITIGATION MONITORING AND REPORTING PROGRAM TABLE

The categories identified in the attached MMRP table are described below.

- ▶ **EPMs, Habitat Plan Conditions, and Mitigation Measures** – This column provides the text of the applicable EPM, Habitat Plan Condition, or adopted mitigation measure.
- ▶ **Implementation Responsibility** – This column identifies the party responsible for implementing the EPM, Habitat Plan Condition, or mitigation measure.
- ▶ **Timing** – This column identifies the time frame in which the EPM, Habitat Plan Condition, or mitigation measure will be implemented.
- ▶ **Verification/Monitoring Entity** – This column identifies the party responsible for verifying and monitoring implementation of the EPM, Habitat Plan Condition, or mitigation measure. If this table is to be used for reporting, this column should be dated and signed by the person (Authority project manager or their designee) responsible for verifying compliance with the requirements of the measure once completed.

Mitigation Monitoring and Reporting Program: Environmental Protection Measures

Environmental Protection Measures	Implementation Responsibility	Timing	Verification/Monitoring Entity
Aesthetics and Visual Resource			
EPM AES-1 Minimize the Visual Impacts of Construction: The Authority will stage and store construction-related materials and equipment to minimize its visibility from public view points.	Authority and contractors	During construction	Authority
Air Quality			
<p>EPM AQ-1 Minimize Air Pollutant Emissions: The Authority will implement applicable measures from the Bay Area Air Quality Management District's <i>Basic Construction Mitigation Measures</i> for project related construction activities, including:</p> <ul style="list-style-type: none"> ▶ All exposed surfaces (e.g., staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. ▶ All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. ▶ All vehicle speeds on unpaved roads shall be limited to 15 mph. ▶ Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. ▶ All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. ▶ Post a publicly visible sign with the telephone number and person to contact at the Authority regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number will also be visible to ensure compliance with applicable regulations. 	Authority and contractors	During construction	Authority

Mitigation Monitoring and Reporting Program: Environmental Protection Measures

Environmental Protection Measures	Implementation Responsibility	Timing	Verification/Monitoring Entity
Biological Resources			
EPM BIO-1 Implement Applicable Habitat Plan Conditions on Covered Activities: The Authority will implement applicable Habitat Plan Conditions on Covered Activities to avoid and minimize impacts to sensitive biological resources. In addition, the Authority will implement Habitat Plan Condition 1, "Avoid Direct Impacts on Legally Protected Plant and Wildlife Species," to fully protected wildlife species, species protected by the Migratory Bird Treaty Act, and the Bald and Golden Eagle Protection Act that could be negatively impacted by the project. Specific measures to avoid impacts to special-status species not covered by the Habitat Plan or Condition 1 are included in EPM BIO-2 through EPM BIO-5.	Authority	Prior to, during, and following construction	Authority (see EPM BIO-2 through EPM BIO-5 and Habitat Plan Conditions below for the details of implementation of EPM BIO-1)
EPM BIO-2 Pre-Construction Surveys and Flagging for Special-Status Plants: The project area will be surveyed prior to ground disturbance to determine the potential presence of special-status plants. The survey will encompass the area within 50 feet of project features. Special-status plants within the survey area will be flagged and avoided.	Authority	Prior to and during construction	Authority
EPM BIO-3 Salvage Rare Plants Propagules: Seed or other propagules of rare plants that cannot be avoided will be collected before ground disturbing activities as feasible, and transplanted to undisturbed suitable habitat in coordination the Habitat Agency, if required.	Authority	Prior to and following construction	Authority
EPM BIO-4 Pre-construction Surveys and Flagging for Monarch Butterfly Host Plants: The project area will be surveyed prior to ground disturbance to determine the potential presence of the monarch butterfly host plant milkweed (<i>Asclepias</i> spp.). Milkweed plants within the project area will be mapped and/or flagged and avoided.	Authority	Prior to and during construction	Authority
EPM BIO-5 Avoid Nesting Birds: If construction occurs during the nesting bird season (February 1 – August 31), a nesting bird survey will be conducted within 14 days of construction. The survey will encompass the area within a 250-foot radius for raptors and 50-foot-radius for other birds. If nesting birds are identified, work within these buffer areas will be postponed until the young have fledged or the nest is otherwise abandoned.	Authority	Prior to and during construction	Authority
EPM BIO-6 Avoid Swainson's Hawk Nests: If construction occurs during the nesting season for Swainson's hawk, the Authority will survey for active nests prior to the implementation of any construction activities. If nests are identified, construction activities would be prohibited within 0.25 mile of the active nest during nesting season (March 1 - September 15). This buffer may be adjusted as determined appropriate by a qualified biologist in coordination with CDFW.	Authority	Prior to and during construction	Authority

Mitigation Monitoring and Reporting Program: Environmental Protection Measures

Environmental Protection Measures	Implementation Responsibility	Timing	Verification/Monitoring Entity
EPM BIO-7 Avoid Injury and Loss of American Badger: No more than 14-days prior to implementation of construction activities that could disturb American badger, a qualified biologist shall conduct pre-construction surveys within 100 feet of ground disturbance for potential American badger dens. If any potentially occupied American badger dens are located during surveys, no work shall be performed within a 50-foot buffer around each den during the non-breeding season or within a 100-foot buffer around dens during the period when pups are potentially in the den (February 15 through July 1).	Authority	Prior to and during construction	Authority
EPM BIO-8 Avoid Loss of Special-Status Bat Roosts: If construction occurs within or adjacent to riparian or mixed oak woodlands during the period April 1 through August 31 when maternity roosts may be present, pre-construction surveys will be conducted. Within 14-days prior to initiating work, a qualified bat biologist will inspect the area of disturbance and areas adjacent (within 50 feet) for bat roosts within the riparian and mixed oak woodland portions of the project area. Surveys would consist of a daytime pedestrian survey looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. If no bat roosts are found, then no further study is required. If evidence of bat use is observed, the number and species of bats using the roost would be determined. Bat detectors may be used to supplement survey efforts, but are not required. If roosts of special-status bats are determined to be present within the survey area, direct disturbance to the roost, such as removal or pruning of trees occupied by bats, would be avoided during the breeding season (April 1 through August 31).	Authority	Prior to and during construction	Authority
Geology, Soils, and Water Quality			
EPM GEO-1 Suspend Disturbance During Heavy Precipitation: Ground-disturbing activities will not occur when soils are saturated as defined in 14 CCR 895.1, or within one week following an inch or more of rain, unless the ground is consistently firm and can support the weight of machinery without creating ruts.	Authority and contractors	During construction	Authority
EPM GEO-2 Implement Standard Construction Stormwater Runoff and Erosion Control BMPs: The Authority will implement BMPs consistent with the requirements of the SWPPP for the project prior to ground disturbing construction activities, including but not limited to the use of perimeter siltation fencing and wattles to prevent offsite erosion and sedimentation and use of erosion control mats to prevent exposed soils from being displaced by rain or wind and entering nearby waterbodies.	Authority and contractors	Prior to and during construction	Authority

Mitigation Monitoring and Reporting Program: Environmental Protection Measures

Environmental Protection Measures	Implementation Responsibility	Timing	Verification/Monitoring Entity
Hazardous Material and Public Health and Safety			
EPM HAZ-1 Inspect Equipment for Leaks: Before the start of construction activities, the Authority will inspect equipment for leaks and conduct a visual inspection everyday thereafter until equipment is removed from the project area. Equipment found leaking will be promptly removed from the site.	Authority and contractors	Prior to and during construction	Authority
EPM HAZ-2 Prohibit Smoking: Consistent with Authority regulations, smoking will be prohibited within the project area at all times to avoid accidental wildfire ignition.	Authority and contractors	Prior to, during, and following construction	Authority
EPM HAZ-3 Require Spark Arrestors and Fire Extinguishers: The Authority will require mechanized hand tools to have federal- or state-approved spark arrestors and each construction crew to carry at least one fire extinguisher.	Authority and contractors	During construction	Authority

Mitigation Monitoring and Reporting Program: Habitat Plan Conditions on Covered Activities

Habitat Plan Conditions	Implementation Responsibility	Timing	Verification/Monitoring Entity
Condition 1: Avoid direct impacts on legally protected plant and wildlife species Direct impacts to one federally endangered plant species, multiple fully protected wildlife species, species protected by the MBTA, and species protected by the Bald and Golden Eagle Protection Act, must be avoided consistent with applicable legal protections. To avoid and minimize direct impacts to the protected species not covered by the Habitat Plan that could be negatively impacted by the project, the Authority would implement EPMs.	Authority	Prior to, during, and following construction	Authority
Condition 3: Maintain hydrologic conditions and protect water quality Several measures are included to protect water quality (Table 6-2 in the Habitat Plan) from design through post-construction. Applicable BMPs include, but are not limited to, preventing the accidental release of chemicals, fuels, and lubricants and removing any pollutants from surface runoff prior to reaching local streams; minimizing site erosion and sedimentation during construction; and washing vehicles only at approved sites outside of a project area.	Authority and contractors	Prior to, during, and following construction	Authority
Condition 7: Rural development Several measures are included to minimize impacts from rural development projects on covered species and sensitive land cover types covered under the Plan. Applicable measures include, but are not limited to, use of existing roads for access and disturbed areas for staging; runoff from impermeable surfaces must be directed to natural or landscaped areas; blend grading into the existing landform as	Authority and contractors	Prior to, during, and following construction	Authority

Mitigation Monitoring and Reporting Program: Habitat Plan Conditions on Covered Activities

Habitat Plan Conditions	Implementation Responsibility	Timing	Verification/Monitoring Entity
much as possible; at project sites that are adjacent to any drainage, natural or human-made, stabilize exposed soils to prevent erosion and sedimentation; and revegetation of all temporarily disturbed soils with native plants and/or grasses, or sterile, nonnative species suitable for the soil conditions upon completion of construction.			
Condition 8: Implement avoidance and minimization measures for rural road maintenance This condition applies to maintenance of unpaved roads including those that serve primarily as recreational trails. This condition includes measures to minimize ground disturbance to the smallest area feasible, use of silt fencing or other sediment control devices when performing maintenance activities that disturb soil within the riparian setback zone as defined by the Habitat Plan, avoiding stockpiling of materials adjacent to stream banks, cleaning of equipment to avoid spread of noxious weeds, and other similar measures.	Authority and contractors	Prior to and during construction	Authority
Condition 9: Prepare and implement a recreation plan This condition applies to projects that are in Reserve System lands that allow public access; it helps minimize recreational use impacts on biological resources.	Authority	Prior to public use	Authority (the Authority developed a Management and Monitoring Plan for the Preserve that incorporates the approved recreation features and their management in a conservation easement, as part of the enrollment in the Habitat Agency's Reserve System. Therefore, this condition has been satisfied)
Condition 10: Fuel buffer This condition requires that all structures covered under the Habitat Plan be maintained consistent with California Government Code Section 51182 and Public Resources Code 4291 regarding defensible space.	Authority	Ongoing	Authority
Condition 13: Serpentine and associated covered species avoidance and minimization The project area and construction staging area must be located to avoid or minimize impacts to serpentine. The project must be designed to preserve large patches of serpentine and limit impacts to the smallest patches feasible. Where mapped serpentine cannot be avoided, minimization measures must be implemented, such as conducting surveys of the serpentine vegetation to inventory for covered species and evaluate habitat quality for covered species and locating the project footprint as far from the covered species or the highest-quality serpentine habitat as is feasible.	Authority	Prior to construction	Authority

Mitigation Monitoring and Reporting Program: Habitat Plan Conditions on Covered Activities

Habitat Plan Conditions	Implementation Responsibility	Timing	Verification/Monitoring Entity
Condition 14: Valley oak and blue oak woodland avoidance and minimization Requires the avoidance of roads and pathways within the root protection zone of trees whenever possible. If construction within 25 feet of the dripline of oak trees is required, grading shall be performed using hand-held equipment and using permeable surfacing. If extensive pruning of blue oaks and valley oaks is necessary, the pruning will be conducted during the winter dormant period and under the supervision of a certified arborist.	Authority	During and following construction	Authority
Condition 15: Western burrowing owl Requires habitat surveys and preconstruction surveys for burrowing owl burrows within 250 feet of construction activity, as well as specific avoidance measures for the breeding and non-breeding season in the event that active burrow nesting sites are present onsite.	Authority	Prior to construction	Authority
Condition 19: Plant salvage when impacts are unavoidable Where impacts on covered plant species cannot be avoided and plants will be removed by approved covered activities, the Authority may salvage the covered plants. Salvage of covered plants is conducted in addition to mitigation that may be required for impacts on covered plants. There are six special-status plant species that are covered by the Habitat Plan that have the potential to be adversely affected by the project. Plant salvage guidelines are included for all covered plants and include requirements such as translocation activities must be approved by the Wildlife Agencies and translocated plants must be moved during their dormant season.	Authority	Prior to and following construction	Authority
Condition 20: Avoid and minimize impacts to covered plant occurrences To ensure that plants are adequately conserved relative to impacts of covered activities, covered plant surveys are required to identify occurrences of covered plants that may be affected by covered activities. Covered plant surveys are required in specific land cover types and habitats, including serpentine bunchgrass grassland, which is known to occur within the project area, and in suitable habitat with a 0.25 mile radius of a known occurrence of a covered plant. If covered plant occurrences are located on a project site, specific construction-period avoidance measures and long-term management and monitoring is required.	Authority	Prior to, during, and following construction	Authority

Mitigation Monitoring and Reporting Program: Applicable Habitat Plan EIR/EIS Mitigation Measures

Habitat Plan EIR/EIS Mitigation Measures	Implementation Responsibility	Timing	Verification/Monitoring Entity
Hazardous Materials			
Mitigation Measure 11-2: As part of each Reserve Management Plan or site restoration plan, a Contingency Plan shall be prepared to address the actions that would be taken during construction in the event that unexpected, contaminated soil or groundwater is discovered. The Contingency Plan shall include health and safety considerations, handling and disposal of wastes, reporting requirements, and emergency procedures. The Contingency Plan shall include a requirement that if evidence of contaminated materials is encountered during construction, construction would cease immediately and applicable requirements of the Comprehensive Environmental Release Compensation and Liability Act and the California Code of Regulations Title 22 regarding the disposal of waste would be implemented.	Authority	Prior to construction	Authority
Cultural Resources			
<p>Mitigation Measure 13-1: In consultation with the USFWS, the Implementing Entity will prepare a Cultural Resources Management Plan to ensure that implementation of the Habitat Plan would not result in significant impacts to historic properties. The plan would consist of the following:</p> <ul style="list-style-type: none"> ▶ Establishment of an Area of Potential Effect for Habitat Plan implementation. ▶ A summary of known resources in the Area of Potential Effect that are currently listed in the National Register of Historic Places, California Register of Historic Places, or local historic registries. ▶ Identification of areas of cultural sensitivity in the Area of Potential Effect based on consultation with the Native American Heritage Commission (Sacred Lands file check) and potentially affected tribes (identified by the Native American Heritage Commission). <p>Development of a Standard Mitigation Measures Agreement that establishes the mitigation and recordation measures to treat potential adverse effects of undertakings such as relocation of individual properties, recordation, data recovery, and curation.</p>	Authority	Prior to construction	Authority (this measure has been satisfied through the preparation of the cultural resources report and development of additional mitigation measures. See Section 3.8, "Cultural Resources," of the Checklist/Addendum and Mitigation Measure CUL-1 below)
Mitigation Measure CUL-1 Implement Project Specific Cultural Report Protective Measures: In compliance with Habitat Plan Requirements, an Archaeological Resources Assessment Report was prepared for the project. The Authority will implement the project-specific protective measures included in the Report for cultural resource protection as well as measures developed during AB 52 consultation, which include the following:	Authority	During construction	Authority

Mitigation Monitoring and Reporting Program: Applicable Habitat Plan EIR/EIS Mitigation Measures

Habitat Plan EIR/EIS Mitigation Measures	Implementation Responsibility	Timing	Verification/Monitoring Entity
<ul style="list-style-type: none"> ▶ In the event that a prehistoric archeological site (including midden soil, chipped stone, bone, or shell) or a historic-period archaeological site (such as concentrated deposits of bottles, amethyst glass, or historic refuse), is uncovered during grading or other construction activities, all ground-disturbing activity within 50 feet of the discovery shall be halted until a qualified archaeologist can assess the significance of the find. The Authority will be notified of the potential find and a qualified archeologist shall be retained to investigate its significance. If the find is a prehistoric archeological site, the culturally affiliated Native American tribe shall be immediately notified. The tribal representative(s), in consultation with the archaeologist, shall determine if the find is a significant tribal cultural resource (pursuant to PRC Section 21074). The tribal representative will make recommendations for treatment, as necessary. Culturally appropriate treatment may be, but is not limited to, preservation in place, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project vicinity where they will not be subject to future impacts. ▶ Any previously undiscovered resources found during construction will be recorded on appropriate California Department of Parks and Recreation 523 forms and evaluated for significance under all applicable regulatory criteria. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the Authority to follow accepted professional standards such as further testing for evaluation or data recovery, as necessary. If artifacts are recovered from significant historic archaeological resources, they shall be housed at a qualified curation facility. The results of the identification, evaluation, and/or data recovery program for any unanticipated discoveries shall be presented in a professional-quality report that details all methods and findings, evaluates the nature and significance of the resources, and analyzes and interprets the results. <p>If any human remains are exposed during construction, they shall be treated in accordance with the California Health and Safety Code and California Public Resources Code (PRC) Sections 5097.94 and 5097.98, in consultation with the Native American Heritage Commission (NAHC).</p>			