

LLAGAS CREEK BRIDGE AND DAY USE AREA PROJECT

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 Llagas Creek Bridge and Day Use Area Project (proposed project or project) because the Initial Study/Mitigated Negative Declaration (IS/MND) identified potentially significant adverse impacts and all feasible mitigation measures have been adopted. Santa Clara Valley Habitat Plan Conditions on Covered Activities (Habitat Plan Conditions), 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, Habitat Plan Conditions and mitigation measures are included in this MMRP to assist in implementation of all environmental protection features of the project.

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to facilitate the implementation of Habitat Plan Conditions and mitigation measures. The attached table presents the text of each Habitat Plan Condition and mitigation measure. 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 follows the numbering used in the Santa Clara Valley Habitat Plan. Habitat Plan Conditions and mitigation measures that are referenced more than once in the IS/MND are not duplicated in the MMRP. Project-specific descriptions of Habitat Plan Conditions have been provided when appropriate to tailor the language to the project and the conditions and resources present within the project area. In all cases, the project-specific description maintains the Habitat Plan Conditions 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 the lead agency for the project and is responsible for taking all actions necessary to implement the Habitat Plan Conditions and mitigation measures under its jurisdiction according to the specifications provided for each measure. The Authority is also responsible for reporting that the action has been successfully completed. The Authority will be responsible for implementation of Habitat Plan Conditions and mitigation measures pursuant to Section 15097 of the State CEQA Guidelines, and for reporting 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 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.

- ▶ **Habitat Plan Conditions and Mitigation Measures** – This column provides the text of the applicable Habitat Plan Condition, or mitigation measure.
- ▶ **Implementation Responsibility** – This column identifies the party responsible for implementing the Habitat Plan Condition or mitigation measure.
- ▶ **Timing** – This column identifies the time frame in which the 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 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: 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 mitigation measures.	Authority	Construction and operation	Authority
Condition 3: Maintain hydrologic conditions and protect water quality This condition applies to all projects. 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 Llagas Creek; minimizing site erosion and sedimentation during construction; and washing vehicles only at approved sites outside of a project area.	Authority and contractors	Construction and operation	Authority
Condition 4: Avoidance and Minimization for In-Stream Projects This condition applies to projects that involve in-stream work (e.g., flood protection, bridge rehabilitation, dam repair) and helps to minimize sediment/pollutant discharge into waterways, disturbance of earth and riparian vegetation, and alteration of the hydrologic and hydraulic characteristics of water bodies.	Authority and contractors	Prior to, during, and following construction	Authority
Condition 7: Rural development This condition applies to all private and public projects in rural areas (outside the urban service areas of cities). 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 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.	Authority and contractors	Prior to, during, and following construction	Authority
Condition 10: Fuel buffer This condition applies to projects that are covered under the Habitat Plan and located within Reserve System lands; or in the Diablo Range or Santa Cruz Mountains; or in grassland, chaparral, oak woodland, or conifer woodland types; or in areas designated by the County as a very high fire hazard severity zones. This condition helps provide fire protection by establishing minimum standards for	Authority	Construction and operation	Authority

Exhibit C

Habitat Plan Conditions	Implementation Responsibility	Timing	Verification/Monitoring Entity
removing brush, flammable vegetation, or combustible growth near occupied structures.			
Condition 11: Stream and Riparian Setbacks This condition applies to projects that overlap a stream or stream setback—requirements differ based on project's location in relation to the urban service area. This condition helps minimize impacts on streams by specifying setbacks and buffer zones.	Authority	Prior to construction	Authority
Condition 16: Least Bell's vireo Requires a habitat survey, preconstruction surveys for least Bell's vireo nests, application of a 250-foot no-activity buffer around all active nests, construction monitoring, and training of workers in avoidance procedures.	Authority and contractors	Prior to and during construction	Authority
Condition 17: Tricolored blackbird Requires a habitat survey, preconstruction surveys for nesting colonies, application of a 250-foot no-activity buffer around all nesting habitat that is actively used, and avoidance of all nesting habitat used in the last 5 years, construction monitoring, and training of workers in avoidance procedures.	Authority and contractors	Prior to and during construction	Authority

Mitigation Monitoring and Reporting Program: Mitigation Measures

Mitigation Measures	Implementation Responsibility	Timing	Verification/Monitoring Entity
Air Quality			
<p>Mitigation Measure AQ-1: Implement the Applicable Bay Area Air Quality Management District's Basic Construction Mitigation Measures</p> <p>To reduce the project's fugitive dust emissions, the Authority will implement the following measures:</p> <ul style="list-style-type: none"> ▶ All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. ▶ All haul trucks transporting soil, sand, or other loose material off-site shall be covered. ▶ 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 miles per hour (mph). ▶ Idling times shall 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 Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. 	Authority and contractors	Prior to and during construction	Authority
Biological Resources			
<p>Mitigation Measure BIO-1: Avoid Loss of Crotch Bumble Bee Nest Colonies</p> <p>For any construction proposed during the period when Crotch bumble bee nest colonies may be present (March through September), the Authority will implement the following measures.</p> <ul style="list-style-type: none"> ▶ Prior to construction that occurs during the period of March through September, a preconstruction survey of the limit of disturbance within suitable habitat (grassland and oak woodland) will occur within 30 days of project construction to identify the location of active nest colonies. 	Authority and contractors	Prior to and during construction	Authority

Exhibit C

Mitigation Measures	Implementation Responsibility	Timing	Verification/Monitoring Entity
<ul style="list-style-type: none"> During preconstruction surveys, if Crotch bumble bee nest colonies are detected within the project area, they will be flagged and no ground disturbing activities will occur within 15 feet of the colony during March through September, or until the colony is no longer active (i.e., no bees are seen flying in or out of the nest for three consecutive days). To avoid loss of Crotch bumble bee nest colonies through removal of floral resources, within occupied habitat (following preconstruction survey requirements above to determine occupancy), vegetation removal during project construction will be conducted such that the entirety of floral resources within the project area are not removed during the period when colonies may be present (March through September), and undisturbed portions of occupied habitat are retained adjacent to disturbed areas to provide floral resources and refuge for Crotch bumble bees. 			
<p>Mitigation Measure BIO-2: Avoid California Giant Salamander, Santa Cruz Black Salamander, and Coast Horned Lizard Mortality:</p> <p>The following measures will be implemented to avoid or minimize impacts to California giant salamander, Santa Cruz black salamander, and coast horned lizard.</p> <ul style="list-style-type: none"> A speed limit of 15 miles per hour will be maintained along the portion of Casa Loma Road and other portions of the project area for construction vehicles during periods of construction. No more than 14 days prior to the date of initial ground disturbance and vegetation clearing, a qualified biologist will conduct a preconstruction survey of the project area. The project biologist will investigate all portions of the project area that are suitable habitat for California giant salamander, Santa Cruz black salamander, and coast horned lizard. If special-status amphibians are detected during preconstruction surveys, the Authority will conduct biological monitoring during use of heavy equipment to stop work if individual special-status amphibians/reptiles are present within the project area. The animal will be allowed to leave the work area on its own; however, animals may be moved to outside the project area by a qualified biologist with the appropriate permits, if it does not leave on its own. The Authority will conduct worker environmental awareness training to educate workers in the identification of special-status amphibians and to stop work and notify the Authority if individual special-status amphibians/reptiles are present within the project area. 	Authority and contractors	Prior to and during construction	Authority

Mitigation Measures	Implementation Responsibility	Timing	Verification/Monitoring Entity
<p>Mitigation Measure BIO-3: Avoid Special-Status Bird Nests, Common Raptor Nests, and Nests of Other Common Birds</p> <p>To avoid or minimize impacts to special-status birds, common raptors, and other nesting birds, the Authority will implement the following measures.</p> <ul style="list-style-type: none"> ▶ To the extent feasible, the Authority will schedule work after August 31 or before January 1 to avoid the nesting period for special-status birds, common raptors, and other nesting birds. ▶ If work is required during the nesting season (January 1 to August 31), a qualified biologist will conduct a preconstruction survey to identify raptor nests within 500 feet and other bird nests within 50 feet of the project area. The survey will be conducted no more than 14 calendar days before the beginning of construction. ▶ If non-raptor bird nests are located within 50 feet of the project area, no construction will occur within 50 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist. If raptor nests are located within 500 feet of the project area, no construction will occur within 500 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist. 	Authority and contractors	Prior to and during construction	Authority
<p>Mitigation Measure BIO-4: Avoid and Minimize Impacts to Pallid Bat Maternity Roosts</p> <p>To avoid and minimize impact to pallid bat maternity roosts the Authority will implement the following measures.</p> <ul style="list-style-type: none"> ▶ If the Authority performs work during the period of April 1 through August 31, preconstruction bat surveys will be required. Within 14-days prior to initiating work, a qualified bat biologist will inspect the area of disturbance and adjacent areas (within 50 feet) for bat roosts (most likely mature trees in the riparian and mixed oak woodland portions of the project area). Surveys will 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 within potential roosts. ▶ During preconstruction surveys, if no bat roosts are found, then no further mitigation will be required. If evidence of bat use is observed, the number and species of bats using the roost will be determined. Bat detectors may be used to supplement survey efforts but are not required. If roosts of pallid bats are determined to be present within the project area, direct disturbance to the roost, such as work within 50 feet of the roost tree, or pruning of trees occupied by bats, will be avoided during the breeding season (April 1 through August 31). 	Authority and contractors	Prior to and during construction	Authority

Mitigation Measures	Implementation Responsibility	Timing	Verification/Monitoring Entity
<p>Mitigation Measure BIO-5: Avoid American Badger and Ringtail Dens</p> <p>To avoid and minimize impacts to American badger and ringtail dens, the Authority will implement the following measures.</p> <ul style="list-style-type: none"> ▶ No more than 14 days prior to ground disturbance or vegetation clearing, a qualified biologist will conduct preconstruction surveys for occupied American badger and ringtail den sites within 100 feet of the project area. ▶ If any occupied American badger dens are located during preconstruction surveys, no work will 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) to the extent feasible. ▶ If any occupied ringtail dens (e.g., brush piles, appropriately sized hollow logs, and hollow trees with signs of use) are located during preconstruction surveys, a 100-foot buffer during the period May 1 through June 30 will be required, within which construction will not occur to the extent feasible. No buffer is required during the non-breeding season. ▶ If American badger or ringtail dens cannot be avoided and must be removed by project construction, further consultation with the Habitat Agency and CDFW will be required to determine the appropriate avoidance and minimization measures for ringtail. The Habitat Agency and CDFW-directed measures will be implemented. 	Authority and contractors	Prior to and during construction	Authority
<p>Mitigation Measure BIO-6: Avoid and Minimize Impacts to San Francisco Dusky Footed Woodrats</p> <p>To avoid and minimize impacts to San Francisco dusky footed woodrat, the Authority will implement the following measures.</p> <ul style="list-style-type: none"> ▶ Prior to removal of any vegetation within riparian or mixed oak woodland and within 14 days of the start of work, a qualified biologist will conduct a preconstruction survey for woodrat nests within the area to be disturbed. If no woodrat nests are found, no further mitigation would be necessary. ▶ During preconstruction surveys, if woodrat nests are found, they will be avoided if possible and a minimum non-disturbance buffer of 10 feet will be established around the nest(s). This buffer may be adjusted in consultation with CDFW. ▶ If the nests cannot be avoided, the Authority will consult with CDFW in areas where removal of San Francisco dusky-footed woodrat nests is required. Consultation will occur prior to removal of the nests. Actions needed to protect woodrat nests will be determined in consultation with CDFW and may include the live capture and relocation of woodrats to suitable adjacent 			

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Mitigation Measures	Implementation Responsibility	Timing	Verification/Monitoring Entity
habitats and removal and reconstruction of nests. If performed, trapping activities will occur prior to April and after July each year to prevent impacts to woodrats rearing young or young woodrats. Nest middens will be dismantled by hand under the supervision of a biologist and nest material will be moved to suitable adjacent areas that will not be disturbed by project activities.			
Cultural Resources and Tribal Cultural Resources			
<p>Mitigation Measure CUL-1: Conduct Cultural Sensitivity Training and Monitoring</p> <p>To avoid and minimize impacts to cultural and tribal cultural resources, the Authority will implement the following measures.</p> <ul style="list-style-type: none"> ▶ A cultural sensitivity training program will be provided to all construction personnel prior to the start of project construction. A representative or representatives from culturally affiliated Native American Tribe(s) will be invited to participate in the development and delivery of the cultural resource awareness and respect training program in coordination with a qualified archaeologist meeting the Secretary of Interior guidelines for professional archaeologists. The program will include relevant information regarding sensitive cultural and tribal cultural resources, including protocols for resource avoidance, applicable laws regulations, and the consequences of violating them. The program will also underscore the requirement for confidentiality and culturally appropriate treatment of any find of significance to Native Americans and protocols, consistent, to the extent feasible, with Native American Tribal values. ▶ A representative or representatives from culturally affiliated Native American Tribe(s) will be invited to monitor all ground disturbing construction activities. 	Authority and contractors	Prior to and during construction	Authority
<p>Mitigation Measure CUL-2: Avoid and Minimize Impacts to Inadvertent Cultural Resource Discoveries</p> <p>In the event that a prehistoric archeological site (including midden soil, chipped stone, bone, or shell) or 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. 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 TCR (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,</p>	Authority and contractors	During construction	Authority

Exhibit C

Mitigation Measures	Implementation Responsibility	Timing	Verification/Monitoring Entity
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.			
Mitigation Measure CUL-3: Avoid and Minimize Impacts to Human Remains If any human remains are exposed during construction, they shall be treated in accordance with the State of California Health and Safety Code Section 7050.5 which work in the area to stop until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The County Coroner shall be notified of the find immediately. If the human remains are determined to be of Native American origin, the Coroner will notify the California Native American Heritage Commission (NAHC) within 24 hours, which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.	Authority and contractors	During construction	Authority