

COYOTE VALLEY OPEN SPACE PRESERVE PUBLIC ACCESS IMPROVEMENT 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 Coyote Valley Open Space Preserve Public Access Improvement 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.

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to facilitate the implementation of mitigation measures. The attached table presents the text of each mitigation measure. The table also includes the timing of each measure’s planned implementation, the implementing entity, and the entity with monitoring responsibility. Mitigation measures that are referenced more than once in the IS/MND are not duplicated in the MMRP.

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 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 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 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.

- ▶ **Mitigation Measures** – This column provides the text of the applicable mitigation measure.
- ▶ **Implementation Responsibility** – This column identifies the party responsible for implementing the mitigation measure.
- ▶ **Timing** – This column identifies the time frame in which mitigation measure will be implemented.
- ▶ **Verification/Monitoring Entity** – This column identifies the party responsible for verifying and monitoring implementation of the 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

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 Best Management Practices for Construction-Related Fugitive Dust Emissions</p> <p>To reduce the project's fugitive dust emissions, the Authority will implement the following measures during construction:</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 trackout 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. ▶ All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. ▶ All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. ▶ All trucks and equipment, including their tires, shall be washed off prior to leaving the site. ▶ Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel. ▶ Publicly visible signs shall be posted with the telephone number and name of the 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 General Air Pollution Complaints 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 during the period when Crotch bumble bee nest colonies may be present (April through August), the Authority will implement the following measures.</p>	Authority and contractors	Prior to and during construction	Authority

Exhibit B

Mitigation Measures	Implementation Responsibility	Timing	Verification/Monitoring Entity
<ul style="list-style-type: none"> ▶ Prior to construction that occurs during the period of April through August, a habitat evaluation and preconstruction nesting survey of the limit of disturbance will occur following the guidance provided in <i>Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species</i> (CDFW 2023). Habitat evaluation and surveys will be conducted by a qualified biologist with the appropriate Memorandum of Understanding with CDFW or permit to identify the location of active nest colonies. Permits for the survey would be required only if handling of bumble bees is needed. ▶ During preconstruction surveys, if Crotch bumble bees or nesting colonies are detected, the Authority will contact CDFW. If 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 April through August, 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). 			
<p>Mitigation Measure BIO-2: Avoid Special-Status Bird Nests, Common Raptor Nests, and Nests of Other Common Birds</p> <p>To avoid and minimize impacts on 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 from August 31 through 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–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

Mitigation Measures	Implementation Responsibility	Timing	Verification/Monitoring Entity
<p>Mitigation Measure BIO-3: Avoid American Badger Dens</p> <p>To avoid and minimize impacts to American badger, the Authority will implement the following measures:</p> <ul style="list-style-type: none"> ▶ If project activities using heavy construction equipment are avoided during the period when pups are potentially in the den (February 15 through July 1), no mitigation is required. ▶ If project activities using heavy construction equipment (e.g., grader, compactor/roller, bulldozer) are scheduled to occur during the period when pups are potentially in the den (February 15 through July 1), no more than 14 days prior to use of heavy construction equipment a qualified biologist will conduct preconstruction surveys for occupied American badger den sites within 100 feet of the project area. ▶ If any occupied American badger dens are located during preconstruction surveys, no work using heavy construction equipment will be performed within a 100-foot buffer around dens during the period when pups are potentially in the den (February 15 through July 1). 	Authority and contractors	Prior to and during construction	Authority
Cultural Resources and Tribal Cultural Resources			
<p>Mitigation Measure CUL-1: Inadvertent Discovery of Human Remains</p> <p>Construction will cease if human remains are discovered during ground-disturbing activities. There will be no further excavation or disturbance of the site within a 50-foot radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner will be notified and will make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he will notify the Native American Heritage Commission (NAHC), which will attempt to identify descendants of the deceased Native American. NAHC-designated most likely descendant shall recommend the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.</p>	Authority and contractors	Prior to and during construction	Authority
<p>Mitigation Measure TCR-1: Retain Native American and Archaeological Monitors for Ground Disturbing Activities</p> <p>Tribal and archaeological monitors will be invited to monitor ground disturbing activities. The Authority shall notify the monitors a minimum of 7 days before beginning ground-disturbing activities and the tribal representative and archaeological consultant shall confirm the monitors at least 48 hours before</p>	Authority and contractors	During construction	Authority

Exhibit B

Mitigation Measures	Implementation Responsibility	Timing	Verification/Monitoring Entity
ground-disturbing activities are scheduled to begin. If confirmation is not provided, ground-disturbing activities may proceed without the presence of a tribal monitor. The tribal monitor and archaeological monitor shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified. The monitoring logs will be emailed to the tribe and the Authority on a weekly basis. The onsite monitoring shall end when the site grading and excavation activities are completed or when the tribal representatives and monitor have indicated that their presence is no longer necessary.			
Mitigation Measure TCR-2: Conduct Cultural Sensitivity Training 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 TCRs, 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.	Authority and contractors	During construction	Authority
Mitigation Measure TCR-3: Protective Measures for Tribal Cultural Materials If precontact cultural materials (including midden soil, chipped stone, bone, or shell) are encountered, all ground-disturbing activity within 50 feet of the discovery shall be halted until the qualified archaeologist and tribal monitor can assess the finding(s). Then the archaeological monitor in coordination with the tribal monitor shall determine the appropriate treatment of the find. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project vicinity where they will not be subject to future impacts. Materials shall not be permanently curated unless approved by the tribe. Treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may include culturally appropriate recovery of cultural objects and reburial of cultural objects or cultural soil. The Authority shall work with the contractor and tribal representative to facilitate the appropriate tribal treatment of any finds, as necessary.	Authority and contractors	During construction	Authority