MITIGATION MONITORING AND REPORTING PROGRAM FOR THE SPRINGFIELD WATER SYSTEM IMPROVEMENTS PROJECT

October 2020

Section 21081.6 of the California Public Resources Code and Section 15091(d) and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines require public agencies "to adopt a reporting or monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment." This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Springfield Water System Improvements Project (Project) proposed by the Pajaro / Sunny Mesa Community Services District. This MMRP is based on the mitigation measures and best management practices included in the Final Initial Study/Mitigated Negative Declaration (IS/MND).

Mitigation Monitoring and Reporting Program			
Impacts	**Mitigation Measures**	**Timing of Implementation**	**Implementation Responsibility**
Raptors and other protected avian species have the potential to occur within the survey area. Construction activities, including vegetation removal and trenching, during the breeding and nesting seasons could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment within the survey area. This would be a potentially significant impact that can be reduced to a less-than-significant level with implementation of **Mitigation Measures BIO-1A** and **BIO-1B**.	**BIO-1A.** Prior to construction activities, the project proponent shall retain a qualified biologist to conduct an Employee Education Program for the construction crew. The biologist shall meet with the construction crew at the project site at the onset of construction to educate the construction crew on the following: a) a review of the project boundaries; b) all special-status species that may be present, their habitat, and proper identification; c) the specific mitigation measures that will be incorporated into the construction effort; d) the general provisions and protections afforded by the regulatory agencies; and e) the proper procedures if a special-status animal is encountered within the project site.	Prior to and During Construction	District and Qualified Biologist
	BIO-1B. Construction activities that may directly (e.g., vegetation removal) or indirectly affect (e.g. noise/ground disturbance) nesting raptors and other protected avian species shall be timed to avoid the breeding and nesting seasons (February 1 through September 15). If construction activities must occur during the breeding and nesting season (February 1 through September 15), a qualified biologist shall conduct pre-construction surveys for nesting raptors and other protected avian species within 300 feet of the proposed construction activities. Pre-construction surveys should be conducted no more than seven (7) days prior to the start of the construction activities during the early part of the breeding season (February through April) and no more than 14 days prior to the initiation of these activities during the late part of the breeding season (May through August). If raptors or other protected avian nests are identified during the pre-construction surveys, the qualified biologist would notify the project proponent and an	Prior to and During Construction	District and Qualified Biologist

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	appropriate no-disturbance buffer would be imposed within which no construction activities or disturbance would take place (generally 300 feet in all directions for raptors; other avian species may have species-specific requirements) until the young of the year have fledged and are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist.		
The Northern California legless lizard and Monterey shrew have the potential to occur within the survey area. Construction activities, including vegetation removal and trenching, could result in mortality or disturbance these species. This is considered a significant impact that will be reduced to a less-than-significant level with implementation of **Mitigation Measure BIO-2A**.	**BIO-2A.** The project applicant will comply with the California Endangered Species Act (CESA) and will coordinate with the CDFW to determine whether incidental take authorization for California Tiger Salamander (CTS) is required prior to issuance of a grading permit. If it is determined that authorization for the incidental take of this species is required from the California Department of Fish and Wildlife (CDFW), the project applicant will comply with the CESA to obtain a 2081 incidental take permit from CDFW prior to the issuance of a grading permit. Permit requirements typically involve the preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation and/or restoration. The project applicant would be required to retain a qualified biologist to prepare a mitigation plan, which will include, but is not limited to, identifying avoidance and minimization measures, and identifying a mitigation strategy that includes a take assessment, avoidance and minimization measures, compensatory mitigation lands, success criteria, and funding assurances. The project applicant would be required to implement the approved plan and any additional permit requirements.	Prior to Grading Permit	District

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The project is located within the known dispersal range of CTS and potential habitat for this species is present within the survey area. Additionally, an agricultural pond located immediately adjacent to the survey area on Springfield Road may provide suitable breeding habitat for CTS. Construction activities, including vegetation removal and trenching, within the project site may result in direct mortality of individuals, if present at the time of construction. This would be considered a significant impact under CEQA that can be reduce to a less-than-significant level with implementation of **Mitigation Measure BIO-2B**.	**BIO-2B.** The project will comply with the Endangered Species Act (ESA) and conduct consultation with the U.S. Fish and Wildlife Service (USFWS) to determine whether incidental take authorization for CTS is required prior to issuance of a grading permit. If it is determined that authorization for the incidental take of this species is required from the USFWS, the project will comply with the ESA to obtain Section 7 or Section 10 authorization from USFWS at the project-level prior to the issuance of a grading permit. Permit requirements typically involve the preparation and implementation of a mitigation plan and mitigating impacted habitat at a 3:1 ratio through preservation and/or restoration. The project applicant would be required to retain a qualified biologist to prepare a mitigation plan, which will include, but is not limited to, identifying avoidance and minimization measures, and identifying a mitigation strategy that includes a take assessment, avoidance and minimization measures, compensatory mitigation lands, success criteria, and funding assurances. The project applicant would be required to implement the approved plan and any additional permit requirements.	Prior to Grading Permit	District
The project is located within the known dispersal range of California red-legged frog (CRLF) and potential habitat for this species is present within the survey area. Construction activities, including vegetation	**BIO-3A.** A qualified biologist will survey the proposed project area and immediately adjacent areas 48 hours before and the morning of the onset of work activities for the presence of CRLF. If any life stage of CRLF is observed, construction activities will not commence until the USFWS is consulted and appropriate actions are taken to allow project activities to continue.	Prior to Construction	Qualified Biologist

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removal and trenching, within the project site may result in direct mortality of individuals, if present at the time of construction. This would be considered take of a federally listed species and a significant impact under CEQA. Take of this species can be avoided and impacts reduced to a less-than-significant level with implementation of **Mitigation Measures BIO-3A – 3G.**	**BIO-3B.** During ground disturbing and vegetation removal activities, a qualified biologist shall survey appropriate areas of the construction site daily before the onset of work activities for the presence of CRLF. The qualified biologist shall remain available to come to the site if a CRLF if identified until all ground disturbing activities are completed. If any life stage of the CRLF is found and these individuals are likely to be killed or injured by work activities, the qualified biologist shall be contacted, and work shall stop in that area until the CRLF has moved on its own out of the work area and the USFWS has been contacted. Construction activities will not resume until the USFWS is consulted and appropriate actions are taken to allow project activities to continue.	During Construction	Qualified Biologist and Construction Contractor
	BIO-3C. After ground disturbing and vegetation removal activities are complete, or earlier if determined appropriate by the qualified biologist, the qualified biologist will designate a construction monitor to oversee on-site compliance with all avoidance and minimization measures. The qualified biologist shall ensure that this construction monitor receives the sufficient training in the identification of CRLF. The construction monitor or the qualified biologist is authorized to stop work if the avoidance and/or minimization measures are not being followed. If work is stopped, the USFWS shall be notified. The qualified biologist and the construction monitor shall complete a daily log summarizing activities and environmental compliance throughout the duration of the proposed project.	During Construction	Qualified Biologist and Construction Contractor

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	BIO-3D. To prevent inadvertent entrapment of CRLF during project construction, all excavated, steep-walled holes or trenches more than two feet deep will be covered at the close of each working day with plywood or similar materials. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals.	During Construction	Construction Contractor
	BIO-3E. Only tightly woven fiber netting or similar material may be used for erosion control at the project site. Coconut coir matting is an acceptable erosion control material. No plastic mono-filament matting will be used for erosion control, as this material may ensnare wildlife, including CRLF.	During Construction	Construction Contractor
	BIO-3F. Because dusk and dawn are often the times when CRLF are most actively foraging and dispersing, all construction activities should cease one half hour before sunset and should not begin prior to one half hour after sunrise.	During Construction	Construction Contractor
	BIO-3G. All trash that may attract predators shall be properly contained, removed from the construction site, and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.	During Construction	Construction Contractor

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Riparian habitat within the survey area is considered a sensitive habitat under the jurisdiction of CDFW. Other waters identified within the survey area may be jurisdictional under the Clean Water Act (CWA). Additionally, both of these areas are considered to be Environmentally Sensitive Habitat Area (ESHA) under the California Coastal Act (CCA). If construction activities occur within these sensitive habitats it would be considered a significant impact under CEQA. However, the project has been designed to avoid these sensitive resources. Implementation of **Mitigation Measure BIO-4** will ensure avoidance of impacts during construction to sensitive habitats located outside of project work areas.	**BIO-4.** Prior to construction activities, exclusionary fencing shall be placed to keep construction vehicles and personnel from impacting potentially jurisdictional waters and riparian habitat outside of work areas. A biological monitor shall supervise the installation of exclusionary fencing and monitor at least once per week until construction is complete to ensure that the protective exclusionary fencing remains intact.	Prior to and During Construction	Qualified Biologist and Construction Contractor
Wester Bumble Bee (WBB) was once common throughout most of California. Potential impacts to WBB	**BIO-5A.** A qualified biologist shall determine if suitable habitat for WWB is present within the Project site. If suitable habitat is present, a qualified biologist shall conduct focused surveys for WBB and their requisite habitat features to	Prior to Construction	Qualified Biologist

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were analyzed in the Draft IS/MND. The analysis identified that suitable habitat is present within the area surveyed for biological resources; however, the survey area is outside of the currently known range for this species. Per the Draft IS/MND and the CDFW letter, WBB populations are now largely restricted to high elevation sites in the Sierra Nevada, however, CDFW commented that subsequent ground-disturbing activities associated with the Project have the potential to impact WBB. This would be considered a significant impact under CEQA. This impact could be reduced to a less-than-significant level with the implementation of **Mitigation Measures BIO-5A and BIO-5B.**	evaluate potential impacts resulting from ground- and vegetation-disturbance associated with the Project.		
	BIO-5B. If surveys cannot be completed, all small mammal burrows and thatched/bunch grasses shall be avoided by a minimum of 50 feet to avoid and minimize take and potentially significant impacts. Any detection of WBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take, or if take cannot be avoided, what take authorization may be necessary to comply with CESA.	Prior to and During Construction	Construction Contractor and District
Burrowing Owl (BUOW) rely on burrow habitat year-round for their survival and reproduction. Habitat loss and degradation are considered the greatest threats to BUOW (Gervais et al. 2008). The Draft IS/MND analysis identified that	**BIO-6A.** A qualified biologist shall assess if suitable BUOW habitat features are present within or adjacent to the Project site (e.g., burrows). If suitable habitat features are present, a qualified biologist shall assess the presence/absence of BUOW by conducting surveys following the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's Staff Report on Burrowing Owl Mitigation" (CDFG 2012). Specifically, three or more surveillance surveys shall be conducted	Prior to Construction	Qualified Biologist

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<tr><td rowspan="3">marginal nesting and wintering habitat is present within and adjacent to the area surveyed for biological resources; however, no burrows of sufficient size to support this species were observed during the biological surveys conducted for the project in 2019 and 2020. As such, the Draft IS/MND concluded that BUOW had a low potential to occur within the survey area and be impacted by the project. However, CDFW commented that subsequent ground-disturbing activities associated with the Project have the potential to significantly impact local BUOW populations. This would be considered a significant impact under CEQA. This impact could be reduced to a less-than-significant level with the implementation of Mitigation Measures BIO-6A, BIO-6B, and BIO-6C.</td><td>during daylight, with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.</td><td></td><td></td></tr>
<tr><td>BIO-6B. No-disturbance buffers, as outlined in the “Staff Report on Burrowing Owl Mitigation” (CDFG 2012), shall be implemented prior to and during any ground-disturbing activities. Specifically, that impacts to occupied burrows shall be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
<table>
<tr><th rowspan="2">Location</th><th rowspan="2">Time of Year</th><th colspan="3">Level of Disturbance</th></tr>
<tr><th>Low</th><th>Med</th><th>High</th></tr>
<tr><td>Nesting sites</td><td>April 1-Aug 15</td><td>200 m*</td><td>500 m</td><td>500 m</td></tr>
<tr><td>Nesting sites</td><td>Aug 16-Oct 15</td><td>200 m</td><td>200 m</td><td>500 m</td></tr>
<tr><td>Nesting sites</td><td>Oct 16-Mar 31</td><td>50 m</td><td>100 m</td><td>500 m</td></tr>
</table>
* meters (m)</td><td>Prior to and During Construction</td><td>Qualified Biologist and Construction Contractor</td></tr>
<tr><td>BIO-6C. If BUOW are found within these buffers and avoidance is not possible, burrow exclusion shall be conducted by qualified biologists. Burrow exclusion shall only be conducted during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. Replacement of occupied burrows with artificial burrows shall occur at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of</td><td>Prior to and During Construction</td><td>Qualified Biologist</td></tr>
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	evicting BUOW. If exclusion of nests is necessary, ongoing surveillance within 500 feet of the burrow shall be conducted for the duration of construction or until the BUOW has moved to a different breading site, whichever occurs first.		
The findings of the Phase I and Phase II cultural reports did not document any confirmed evidence of an archaeological resource. Accordingly, the project would not significantly impact a known archaeological resource. Although not anticipated, there is the potential for inadvertent discovery of archaeological resources during construction, which may result in potential inadvertent damage or disturbance to a resource. This impact can be mitigated to a less-than-significant level with the implementation of **Mitigation Measure CR-1**.	**CR-1.** If archaeological resources are unexpectedly discovered during construction, work shall be halted within 50 meters (±160 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented, with the concurrence of the District.	During Construction	Construction Contractor and District
Although not anticipated, the potential inadvertent discovery of human remains and potential inadvertent damage or disturbance during construction is considered a significant	**CR-2.** If human remains are unexpectedly discovered during construction, work shall be halted within 50 meters (±160 feet) of the find. The County Coroner shall be notified in accordance with provisions of Public Resources Code 5097.98-99 in the event human remains are found and the Native American Heritage Commission shall be notified in accordance with the provisions of	During Construction	Construction Contractor and District

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impact. This impact can be mitigated to a less-than-significant level with the implementation of **Mitigation Measure CR-2**.	Public Resources Code section 5097 if the remains are determined to be of Native American origin. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. (California Public Resources Code Section 5097.98; and Health and Safety Code Section 7050.5)		