

MITIGATION MONITORING AND REPORTING PROGRAM for the 24th Street Combined Sewer System In-Line Storage Pipe Project

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 proposed project because the Initial Study (IS) identifies potential significant adverse impacts related to project implementation, and mitigation measures have been identified to reduce those impacts. Adoption of the MMRP would occur along with approval of the proposed project.

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed in a satisfactory manner prior to implementation of the proposed project. The attached table has been prepared to assist the responsible parties in implementing the mitigation measures. The table identifies the impact, mitigation measures, monitoring responsibility, mitigation timing, and provides space to confirm implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the IS. Mitigation measures that are referenced more than once in the IS are not duplicated in the MMRP table.

ROLES AND RESPONSIBILITIES

Unless otherwise specified herein, the City of Sacramento (City) 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.

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The City is responsible for overall administration of the MMRP and for verifying that City staff members have completed the necessary actions for each measure.

REPORTING

The City shall document and describe the compliance of the activity with the required mitigation measures either within the attached table or a separate monitoring documentation as part of implementing the proposed project.

MITIGATION MONITORING AND REPORTING PROGRAM TABLE

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

- ▶ Mitigation Measure - This column provides the verbatim text of the adopted mitigation measure.
- ▶ Implementing Party - This column identifies the party responsible for implementing the mitigation measure.
- ▶ Timing - This column identifies the time frame in which the mitigation will be implemented.
- ▶ Monitoring Party - This column identifies the party responsible for monitoring compliance with the requirements of the mitigation measure.
- ▶ Verification - This column is to be dated and signed by the person (either project manager or his/her designee) responsible for verifying compliance with the requirements of the mitigation measure.

Mitigation Measures	Implementing Party	Timing	Monitoring Party	Verification
<p>Mitigation Measure CUL-1: In the Event that Cultural Resources or Tribal Cultural Resources are Discovered During Construction, Implement Avoidance and Minimization Measures to Avoid Significant Impacts and Procedures to Evaluate Resources</p> <ul style="list-style-type: none"> Planning construction to avoid tribal cultural resources, archaeological sites and/or other cultural resources; incorporating cultural resources within parks, green-space or other open space; covering archaeological resources; deeding a cultural resource to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. Recommendations for avoidance of cultural resources and tribal cultural resources will be reviewed by the City representative, interested culturally affiliated Native American tribes and other appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural, and environmental considerations and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project area to avoid cultural resources or tribal cultural 	Construction contractor	During construction, as applicable	City	

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<p>resources, modification of the design to eliminate or reduce impacts to cultural resources or tribal cultural resources or modification or realignment to avoid highly significant features within a cultural resource or tribal cultural resource.</p> <ul style="list-style-type: none"> Native American representatives from interested culturally affiliated Native American tribes will be invited to review and comment on these analyses and shall have the opportunity to meet with the City representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified. If the discovered cultural resource or tribal cultural resource can be avoided, the construction contractor(s), will install protective fencing outside the site boundary, including a 100-foot buffer area, before construction restarts. The boundary of a cultural resource or a tribal cultural resource will be determined in consultation with interested culturally affiliated Native American tribes and tribes will be invited to monitor the installation of fencing. Use of temporary and permanent forms of protective fencing will be determined in consultation with Native American representatives from interested culturally affiliated Native American tribes. 				

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<ul style="list-style-type: none"> The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an “Environmentally Sensitive Area.” <p>If a cultural resource or a tribal cultural resource cannot be avoided, the following performance standard shall be met prior to continuance of construction and associated activities that may result in damage to or destruction of cultural resources or tribal cultural resources:</p> <ul style="list-style-type: none"> Each resource will be evaluated for California Register of Historical Resources (CRHR) eligibility through application of established eligibility criteria (California Code of Regulations 15064.636), in consultation with consulting Native American Tribes, as applicable. <p>If a cultural resource or a tribal cultural resource is determined to be eligible for listing in the CRHR, the City will avoid damaging effects to the resource in accordance with California PRC Section 21084.3, if feasible. The City will coordinate the investigation of the find with a qualified archaeologist (meeting the Secretary of the Interior’s Professional Qualifications Standards for Archeology) approved by the City and with interested culturally affiliated Native American tribes that respond to the City’s invitation. As part of the site investigation and resource assessment, the</p>				

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<p>City and the archaeologist shall consult with interested culturally affiliated Native American tribes to assess the significance of the find, make recommendations for further evaluation and treatment as necessary and provide proper management recommendations should potentially impacts to the resources be determined by the City to be significant. A written report detailing the site assessment, coordination activities, and management recommendations will be provided to the City representative by the qualified archaeologist. These recommendations will be documented in the project record. For any recommendations made by interested culturally affiliated Native American tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record.</p> <p>Native American representatives from interested culturally affiliated Native American Tribes and the City representative will also consult to develop measures for long-term management of any discovered tribal cultural resources. Consultation will be limited to actions consistent with the jurisdiction of the City and taking into account ownership of the subject property. To the extent that the City has jurisdiction, routine operation and maintenance within tribal cultural resources retaining tribal cultural integrity shall be consistent with the avoidance and minimization standards identified in this mitigation measure.</p>				

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<p>If the City determines that the project may cause a significant impact to a tribal cultural resource, and measures are not otherwise identified in the consultation process, the following are examples of mitigation capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to the resource. These measures may be considered to avoid or minimize significant adverse impacts and constitute the standard by which an impact conclusion of less than significant may be reached:</p> <ul style="list-style-type: none"> • Avoid and preserve resources in place, including, but not limited to, planning construction to avoid the resources and protect the cultural and natural context to incorporate the resources with culturally appropriate protection and management criteria. • Treat the resource with culturally appropriate dignity taking into account the Tribal cultural values and meaning of the resource, including, but not limited to, the following: • Protect the cultural character and integrity of the resource. • Protect the traditional use of the resource. • Protect the confidentiality of the resource. 				

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<ul style="list-style-type: none"> Establish permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or using the resources or places. Protect the resource. 				
<p>Mitigation Measure CUL-2: Implement Protection Procedures in the Event of Inadvertent Discovery of Human Remains</p> <p>If an inadvertent discovery of human remains is made at any time during project-related construction activities, the following performance standards shall be met prior to implementing or continuing actions such as construction, which may result in damage to, or destruction of human remains. In accordance with the California Health and Safety Code (HSC), if human remains are encountered during ground-disturbing activities, the City shall immediately halt potentially damaging excavation in the area of the remains and notify the Sacramento County Coroner and a professional archaeologist to determine the nature of the remains. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (HSC Section 7050.5[b]).</p> <p>If the human remains are of historic age and are determined to be not of Native American origin, the City will follow the provisions of the HSC Section</p>	Construction contractor	During construction, as applicable	City	

Mitigation Measures	Implementing Party	Timing	Monitoring Party	Verification
<p>7000 (et seq.) regarding the disinterment and removal of non-Native American human remains.</p> <p>If the Coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (HSC Section 7050[c]). After the Coroner's findings have been made, the archaeologist and the NAHC-designated Most Likely Descendant (MLD), in consultation with the landowner, shall determine the ultimate treatment and disposition of the remains. The responsibilities of the City for acting upon notification of a discovery of Native American human remains are identified in California PRC Section 5097.9 et seq.</p> <p>Implementation of Mitigation Measure CUL-2 would reduce potential impacts related to human remains to a less-than-significant level by requiring work to stop if suspected human remains are found, communication with the county coroner, and the proper identification and treatment of the remains consistent with the California Health and Safety Code and the California Native American Historical, Cultural, and Sacred Sites Act.</p>				
<p>Mitigation Measure HAZ-1: Prepare and Implement a Health and Safety Plan</p> <p>The contractor shall prepare a Health and Safety Plan, which shall be reviewed and approved by the</p>	City/construction contractor	Prior to and during construction	City	

Mitigation Measures	Implementing Party	Timing	Monitoring Party	Verification
<p>City before initiating any demolition, grading, or other earthmoving activities. This plan shall require measures that will be employed during all demolition and construction activities to protect construction workers and the public from exposure to hazardous materials. These measures could include, but would not be limited to, posting notices, limiting access to the site, air monitoring, and watering. Contractors will be required to comply with state health and safety standards for all demolition work. If necessary, this shall include compliance with the federal OSHA and Cal/OSHA requirements. In addition, the plan shall include procedures to follow in the event that contaminated soil and/or groundwater or other hazardous materials are generated or encountered during construction. Such procedures could include, but would not be limited to, the following:</p> <ul style="list-style-type: none"> • all work shall be halted in the affected area and the type and extent of the contamination shall be determined; • the project contractor shall notify the City if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous groundwater) is encountered during excavation; • any contaminated areas shall be remediated in accordance with recommendations made by RWQCB and DTSC; and 				

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<ul style="list-style-type: none"> remediation activities could include but would not be limited to the excavation of contaminated soil areas and hauling of contaminated soil materials to an appropriate offsite disposal facility, mixing of onsite soils, and capping (i.e., paving or sealing) of contaminated areas. 				
<p>Mitigation Measure TRA-1: Traffic Control Plan</p> <p>The City will require the contractor(s) to prepare a Traffic Control Plan in accordance with City requirements and professional engineering standards prior to construction. The Traffic Control Plan could include the following requirements:</p> <ul style="list-style-type: none"> Emergency services access to local land uses shall be maintained at all times for the duration of construction activities. Local emergency service providers shall be informed of proposed construction activities and identified haul routes. Access to driveways during construction activities shall be maintained. Limit traffic delays to no more than 20 minutes. Roadside safety protocols shall be complied with to reduce the risk of accident. Use flaggers to direct traffic as necessary. 	City/construction contractor	Prior to and during construction	City	
<p>Mitigation Measure TCR-1a: In the Event that Tribal Cultural Resources are Discovered During</p>	Construction contractor	During construction, as	City	

Mitigation Measures	Implementing Party	Timing	Monitoring Party	Verification
<p>Construction, Implement Avoidance and Minimization Measures to Avoid Significant Impacts and Procedures to Evaluate Resources</p> <p>If tribal cultural resources (such as structural features, unusual amounts of bone or shell, artifacts, or human remains) are encountered at the project site during construction, work shall be suspended within 100 feet of the find (based on the apparent distribution of cultural materials), and the construction contractor shall immediately notify the project's City representative. Avoidance and preservation in place is the preferred manner of mitigating impacts to tribal cultural resources. This will be accomplished, if feasible, by several alternative means, including:</p> <ul style="list-style-type: none"> • Planning construction to avoid tribal cultural resources, archaeological sites and/or other cultural resources; incorporating cultural resources within parks, green-space or other open space; covering archaeological resources; deeding a cultural resource to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. • Recommendations for avoidance of tribal cultural resources will be reviewed by the City representative, interested culturally affiliated Native American tribes and other appropriate 		applicable		

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<p>agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project site to avoid tribal cultural resources, modification of the design to eliminate or reduce impacts to tribal cultural resources or modification or realignment to avoid highly significant features within a cultural resource or tribal cultural resource.</p> <ul style="list-style-type: none"> • Native American representatives from interested culturally affiliated Native American tribes will be notified to review and comment on these analyses and shall have the opportunity to meet with the City representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified. • If the discovered tribal cultural resource can be avoided, the construction contractor(s), will install protective fencing outside the site boundary, including a 100-foot buffer area, before construction restarts. The boundary of a tribal cultural resource will be determined in consultation with interested culturally affiliated 				

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<p>Native American tribes and tribes will be notified to monitor the installation of fencing. Use of temporary and permanent forms of protective fencing will be determined in consultation with Native American representatives from interested culturally affiliated Native American tribes.</p> <ul style="list-style-type: none"> The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an "Environmentally Sensitive Area". <p>If a tribal cultural resource cannot be avoided, the following performance standard shall be met prior to continuance of construction and associated activities that may result in damage to or destruction of tribal cultural resources:</p> <ul style="list-style-type: none"> Each resource will be evaluated for California Register of Historical Resources (CRHR) eligibility through application of established eligibility criteria (California Code of Regulations 15064.636), in consultation with consulting Native American Tribes, as applicable. <p>If a tribal cultural resource is determined to be eligible for listing in the CRHR, the City will avoid damaging effects to the resource in accordance with California PRC Section 21084.3, if feasible. The City shall coordinate the investigation of the find with a qualified archaeologist (meeting the Secretary of the Interior's</p>				

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<p>Professional Qualifications Standards for Archeology) approved by the City and with interested culturally affiliated Native American tribes that respond to the City's notification. As part of the site investigation and resource assessment, the City and the archaeologist shall consult with interested culturally affiliated Native American tribes to assess the significance of the find, make recommendations for further evaluation and treatment as necessary and provide proper management recommendations should potential impacts to the resources be determined by the City to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the City representative by the qualified archaeologist. These recommendations will be documented in the project record. For any recommendations made by interested culturally affiliated Native American tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record.</p> <p>Native American representatives from interested culturally affiliated Native American Tribes and the City representative will also consult to develop measures for long-term management of any discovered tribal cultural resources. Consultation will be limited to actions consistent with the jurisdiction of the City and taking into account ownership of the subject property.</p>				

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<p>To the extent that the City has jurisdiction, routine operation and maintenance within tribal cultural resources retaining tribal cultural integrity shall be consistent with the avoidance and minimization standards identified in this mitigation measure.</p> <p>If the City determines that the project may cause a significant impact to a tribal cultural resource, and measures are not otherwise identified in the consultation process, the following are examples of mitigation capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to the resource. These measures may be considered to avoid or minimize significant adverse impacts and constitute the standard by which an impact conclusion of less-than significant may be reached:</p> <ul style="list-style-type: none"> • Avoid and preserve resources in place, including, but not limited to, planning construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria. • Treat the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following: 				

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<p>Mitigation Measure TCR-1b: Implement Protection Procedures in the Event of Inadvertent Discovery of Human Remains</p> <p>If an inadvertent discovery of human remains is made at any time during project-related construction activities or project planning, the following performance standards shall be met prior to implementing or continuing actions such as construction, which may result in damage to or destruction of human remains. In accordance with the California Health and Safety Code (HSC), if human remains are encountered during ground-disturbing activities, the City shall immediately halt potentially damaging excavation in the area of the remains and notify the Sacramento County Coroner and a professional archaeologist to determine the nature of the remains. The Coroner is required to examine all</p>	Construction contractor	During construction, as applicable	City	

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<p>discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (HSC Section 7050.5[b]).</p> <p>If the human remains are of historic age and are determined to be not of Native American origin, the City will follow the provisions of the HSC Section 7000 (et seq.) regarding the disinterment and removal of non-Native American human remains.</p> <p>If the Coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (HSC Section 7050[c]). After the Coroner's findings have been made, the archaeologist and the NAHC-designated Most Likely Descendant (MLD), in consultation with the landowner, shall determine the ultimate treatment and disposition of the remains.</p> <p>The responsibilities of the City for acting upon notification of a discovery of Native American human remains are identified in California PRC Section 5097.9 et seq.</p>				
<p>Mitigation Measure TCR-1c: Tribal Monitoring</p> <p>The applicant shall contract for a Native American Tribal Monitor (monitor) at the project site. The monitor shall possess the knowledge, skills, abilities, and experience established by the NAHC's Guidelines for Native American Monitors.</p>	Native American Tribal Monitor	Prior to and during construction	City	

Mitigation Measures	Implementing Party	Timing	Monitoring Party	Verification
<p>The applicant shall provide 48-hour advance notice to the monitor prior to initial site excavation. Reasonable access to the project site shall be provided to the monitor during initial ground-disturbing activities and may be extended should the area be determined to require monitoring of deeper sediments. During the course of the monitoring, the applicant and monitor may adjust the frequency—from continuous to intermittent—based on the conditions and professional judgment regarding the potential to impact cultural and tribal cultural resources.</p> <p>The monitor will be compensated for his/her time. The mechanism for reimbursing the tribal monitor will be at the discretion of the applicant/developer and may include: individual monitor being hired by the applicant's contractor as a temporary/on-call worker; or the monitor being temporarily employed through a staffing agency.</p>				