

MITIGATION MONITORING AND REPORTING PROGRAM FAIRFAX CAPACITY AND CREEK CROSSINGS PROJECT (#957), MARIN COUNTY, CALIFORNIA

The Mitigation Monitoring and Reporting Program (MMRP) is a California Environmental Quality Act (CEQA)–required component of the Mitigated Negative Declaration (MND) process for the Fairfax Capacity and Creek Crossings Project (#957) (Project) located in the Ross Valley Sanitary District (RVSD) service area, within the County of Marin. The results of the initial study, including proposed mitigation measures, are documented in the Final MND.

CEQA requires that agencies adopting MNDs take affirmative steps to determine that approved mitigation measures are implemented subsequent to project approval. As part of the CEQA environmental review procedures, Section 21081.6 requires a public agency to adopt a monitoring and reporting program to ensure efficacy and enforceability of any mitigation measures applied to a proposed project. The lead agency must adopt an MMRP for mitigation measures incorporated into the project or proposed as conditions of approval. The MMRP must be designed to ensure compliance during project implementation. As stated in Section 21081.6(a)(1):

The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

Table 1 is the final MMRP matrix. The table lists each of the mitigation measures proposed in the Final MND, and specifies the agency responsible for implementation of the mitigation measure and the time period for the mitigation measure.

Table 1. Mitigation Monitoring and Reporting Program, Fairfax Capacity and Creek Crossings Project (#957)

Environmental Impact	Mitigation Measure	Responsible Party	Timing
<i>Biological Resources</i>			
<p>Impact either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites</p>	<p>BIO-1: Vegetation removal and ground disturbance (collectively referred to as construction activities) shall be scheduled to avoid the bird nesting season to the greatest extent possible. The nesting season for most birds and raptors in the San Francisco Bay Area is February 1–September 15.</p> <p>If construction activities cannot be scheduled to occur between September 16 and January 31, preconstruction surveys for nesting birds and raptors will be completed by a qualified ornithologist or biologist to ensure that no nests would be disturbed during project implementation. This survey will be completed no more than 14 days prior to the initiation of construction activities. During this survey, the qualified ornithologist/biologist will inspect all suitable nesting habitat on the Project site and within the zone of influence (the area immediately surrounding the Project site that supports suitable nesting habitat that could be impacted by the proposed Project due to visual or auditory disturbance associated with construction activities scheduled to occur during the nesting season).</p> <p>If an active nest is found sufficiently close to the work areas to be disturbed by construction activities, the qualified ornithologist/biologist will determine the extent of a construction-free buffer zone to be established around the nest to ensure that protected bird and raptor nests are not disturbed during project construction. This buffer would remain in place until such a time as the young have been determined (by a qualified ornithologist/biologist) to have fledged.</p> <p>A report of findings will be prepared by the qualified biologist and submitted to RVSD for review prior to initiation of construction during the nesting season. The report would either confirm absence of any active nests or confirm that any young are located within a designated no-disturbance zone and construction can proceed. No report of findings is required if construction is initiated during the nonbreeding season (September 16–January 31) and continues uninterrupted according to the above criteria.</p>	<p>Ross Valley Sanitary District</p>	<p>Within 14 days prior to the onset of construction. The survey shall be re-conducted any time construction has been delayed or curtailed for more than 7 days during the nesting season.</p>
<p>Impact either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS).</p>	<p>Within 30 days prior to vegetation removal associated with site restoration work at Crossings 2 and 3, a qualified biologist shall survey the potential area of disturbance and adjacent areas for woodrat middens. If woodrat middens are observed, a 5-foot non-disturbance buffer shall be maintained around the middens and vegetation removal activities shall be implemented using hand-tools only under the supervision of a qualified biologist. If no middens are observed, no additional measures are required</p>	<p>Ross Valley Sanitary District</p>	<p>Within 30 days prior to the onset of construction at Creek Crossings 2 and 3.</p>

Environmental Impact	Mitigation Measure	Responsible Party	Timing
Cultural and Tribal Cultural Resources			
<p>Impact archaeological resource pursuant to 15064.5 or a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.</p>	<p>CUL-1: Prior to project implementation, a cultural and tribal resources testing and monitoring plan will be prepared by a qualified archaeological consultant. The plan will discuss the testing and monitoring procedures, field methods, communication protocols, and inadvertent discovery actions to be taken in the event cultural resources are identified during testing, monitoring and/or any project activities. The plan will be developed in coordination with the Federated Indians of Graton Rancheria (FIGR). Based on the results of the testing and in coordination with the RSVD and FIGR, monitoring by an archaeologist and tribal monitor may also be required to observe excavated soils that are removed during construction activities. If resources are identified during the testing or monitoring, the plan will detail the appropriate avoidance and/or treatment measures to be carried out in coordination with FIGR, as necessary.</p>	<p>Ross Valley Sanitary District</p>	<p>The Plan will be prepared prior to the start of excavation activities in coordination with FIGR. Monitoring will occur throughout the duration of construction activities. Coordination of monitoring activities will occur throughout excavation with FIGR.</p>
<p><i>Continued from page 1.</i></p>	<p>CUL-2: Upon approval of the cultural and tribal resources testing and monitoring plan, archaeological testing will occur in areas determined to be highly sensitive for subsurface cultural resources. Testing will take place prior to Project implementation and will be coordinated in advance with FIGR. A tribal monitor will be present during all testing. Testing will occur at the following project segments:</p> <ul style="list-style-type: none"> • South side of Lanai Apartments (2555 Sir Francis Drake Boulevard) • From southeast corner of Lanai Apartments, between 26 and 48 Westbrae Drive • From 26 Westbrae Drive to 5, 6, 9, 10 Hawthorne Court • From 13 Hawthorne Court to Oak Manor at Arrowood • Between 30 and 46 Spruce Road • Between 24 and 41 Merwin Avenue • Between 35 and 150 Broadway Boulevard • Between 35 Broadway Boulevard and Pacheco Avenue <p>Where testing is not feasible, monitoring will occur in accordance with Mitigation Measure CUL-1. A testing results report and monitoring report will be prepared to detail the methods and results of the fieldwork and California Department of Parks and Recreation (DPR 523) site record forms will be completed for any resource discoveries. A copy of the report(s) will be shared with FIGR for review, including geospatial data and DPR 523 site records, if applicable.</p>	<p>Ross Valley Sanitary District</p>	<p>The Plan will be prepared prior to the start of excavation activities in coordination with FIGR. Archaeological testing will occur in advance of construction activities. Coordination of testing will occur prior to construction and during testing with FIGR.</p>
	<p>CUL-3: Prior to project related work, the construction crews shall be trained in “basic archaeological and tribal resources awareness and identification” and have access to an alert sheet. The alert sheet will photographically depict indicators of archaeological sites and artifacts and clearly outline the procedures in the event of new discovery. These procedures include temporary work stoppage (i.e., a stop work order) of all ground disturbance, short-term physical protection of features and artifacts and their context, and immediate advisement of the archaeological team, FIGR, and RVSD representatives. Any stop work order would contain a description of the work to be stopped, special instructions or requests for the</p>	<p>Ross Valley Sanitary District</p>	<p>Construction crews shall be trained prior to the initiation of construction activities.</p>

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	contractor, suggestions for efficient mitigation, and a time estimate for the work stoppage. The archaeologist will notify FIGR (if a tribal monitor is not present), examine the findings and assess their significance, and offer recommendations for any procedures deemed appropriate to further investigate and/or mitigate adverse impacts to those archaeological and tribal resources that have been encountered.		
<p>Disturb any human remains, including those interred outside of formal cemeteries.</p> <p><i>Continued from page 2.</i></p>	<p>CUL-4: Upon discovery of suspected human remains, the Coroner Division of the Marin County Sheriff's Office will be contacted for identification of human remains. The coroner has two working days to examine the remains after being notified.</p> <p>If the remains are Native American, the coroner must notify the Native American Heritage Commission (NAHC) of the discovery within 24 hours. The NAHC will then identify and contact a most likely descendant (MLD). The MLD may make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the ancestral remains and associated funerary objects. Once proper consultation has occurred, a procedure that may include the preservation, excavation, analysis, and curation of artifacts and/or reburial of those remains and associated artifacts will be developed and implemented.</p> <p>If the remains are not Native American, the coroner will consult with the archaeological research team and RVSD to develop a procedure for the proper study, documentation, and ultimate disposition of the remains. If a determination can be made as to the likely identity—either as an individual or as a member of a group—of the remains, an attempt should be made to identify and contact any living descendants or representatives of the descendant community. As interested parties, these descendants may make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the remains and grave goods. Final disposition of any human remains or associated funerary objects will be determined in consultation between RVSD and FIGR.</p>	Ross Valley Sanitary District	If human remains are encountered during excavation.