

APPENDIX A

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code, Section 21081.6 (Assembly Bill 3180) requires that mitigation measures identified in environmental review documents prepared in accordance with California Environmental Quality Act (CEQA) are implemented after a project is approved. Therefore, this Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure compliance with the adopted mitigation measures during the implementation of the Bi'Du Khaale Phase 2 Housing and Wellness Project (Project). The City of Cloverdale is the agency responsible for implementation of the mitigation measures identified in the Initial Study.

This MMRP provides the City of Cloverdale with a convenient mechanism for quickly reviewing all the mitigation measures including the ability to focus on select information such as timing. The MMRP includes the following information for each mitigation measure:

- The phase of the Project during which the required mitigation measure must be implemented;
- The phase of the Project during which the required mitigation measure must be monitored;
- The enforcement agency; and
- The level of significance after mitigation.

The MMRP includes a checklist to be used during the mitigation monitoring period. The checklist will verify the name of the monitor and the date of the monitoring activity.

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Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance	
					Initial	Date
Biological Resources						
<p>BIO-1: If construction activities begin during the nesting season (February 1 to August 31), a qualified biologist shall conduct a preconstruction survey for active nests in suitable nesting habitat within 500 feet of the construction area for nesting raptors and migratory birds. Areas adjacent to the Project area that are inaccessible due to private property restrictions shall be surveyed using binoculars from the nearest vantage point. The survey shall be conducted by a qualified biologist no more than seven days prior to the onset of construction. If no active nests are identified during the pre-construction survey, no further mitigation is necessary. If at any time during the nesting season construction stops for a period of two weeks or longer, pre-construction surveys shall be conducted prior to construction resuming.</p> <p>If active nests are found during the survey, the Project proponent shall implement mitigation measures to ensure that the species would not be adversely affected, which would include establishing a no-work buffer zone, as approved by the California Department of Fish and Wildlife (CDFW), around the active nest.</p> <p>If active nests are found on or within 500 feet of the Project area, then the Project proponent shall establish no disturbance buffers for active nests of 150 feet for small migratory bird species and 250 feet, or as specified, for raptors and larger birds, until the breeding season has ended, or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.</p> <p>If construction activity is required within the buffer, the nest(s) shall be monitored by a qualified biologist during all construction activities. If the biologist determines that the activity would impact the nest, the biologist shall have the authority to stop work. If the activity is determined to not be disturbing nesting activity, it may continue under supervision of the biologist. Completion of nesting and fledging activities shall be determined by the qualified biologist.</p>						
<p>BIO-2: Due to the potential for impacts to potentially jurisdictional waters by the Project, a Section 404 CWA permit through the U.S. Army Corps of Engineers (USACE), a Section 401 Water Quality Certification from the North Coast Regional Water Quality Control Board (NCRWQCB), and a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) must be obtained, if required. These permits shall be obtained prior to issuance of grading permits and implementation of</p>						

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<p>the Project. The Applicant shall design the Project such that it will not result in a loss of water of the United States or wetlands, by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined by the resource agencies. If it is determined, through obtaining an Approved Jurisdictional Determination, that the aquatic resource features on the Site are not jurisdictional under the federal Clean Water Act, the Section 404 CWA permit shall not be required. Prior to submitting the relevant resource agency permits, the Applicant shall determine the extent of the impact on jurisdictional waters and propose mitigation as follows, to be approved by the relevant resource agencies.</p> <p>If compensatory mitigation is required, it may consist of: (1) obtaining credits from a mitigation bank; (2) making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities; and/or (3) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This final type of compensatory mitigation may be provided at or adjacent to the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The Project/Permit Applicant retains responsibility for the implementation and success of the mitigation project.</p> <p>Evidence of compliance with this mitigation measure shall be provided prior to initiating construction and grading activities for the Project.</p>						
Cultural Resources						
<p>CUL-1: In the event that grading or other ground disturbance activities associated with Project construction uncover any bones, pottery fragments or other potential cultural resources, the developer or their supervising contractor shall cease all work within 100 feet of the area of the find and notify the Planning & Community Development Department at (707) 849-2521. A professional archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology and who is familiar with the archaeological record of Sonoma County, shall be retained by the developer to evaluate the significance of the find. Planning & Community Development Department staff shall notify the culturally affiliated if the find is determined to be of pre-historic origin. Site work shall not resume until the archaeologist conducts sufficient research, testing and analysis of the archaeological</p>						

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evidence to make a determination that the resource is either not cultural in origin or not potentially significant. If a potentially significant resource is encountered, the archaeologist shall prepare a mitigation plan for review and approval by the Planning & Community Development Department, including recommendations for total data recovery, Tribal monitoring, disposition protocol, or avoidance, if applicable. All measures determined by the Community Development Director to be appropriate shall be implemented pursuant to the terms of the archaeologist's report. The preceding requirement shall be incorporated into construction contracts and documents to ensure contractor knowledge and responsibility for the proper implementation.						
Noise						
<p>NOISE-1: The following measures are required in order to reduce potential construction-related impacts to a less-than-significant level:</p> <ul style="list-style-type: none"> • The construction contractor shall ensure that all internal combustion-engine-driven equipment is equipped with mufflers that are in good operating condition and appropriate for the equipment. • The construction contractor shall ensure that "quiet" models of air compressors and other stationary construction equipment are utilized where such technology exists. • The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the Site during all Project construction. • The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Site. • The construction contractor shall prohibit unnecessary idling of internal combustion engines (i.e., in excess of 5 minutes). • The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. The construction contractor shall conspicuously post a telephone number for the disturbance coordinator at the construction site. 						

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Tribal Cultural Resources						
<p>TCR-1: Prior to the start of grading operations for the Project, the Project developer or their representative shall provide reasonable notice and site access to the culturally affiliated tribe for a tribal monitor to be present during ground disturbing activities with the potential to encounter cultural resources of Native American origin or association. If archaeological resources (i.e., sites, features, or artifacts) are exposed during construction activities, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, in coordination with the tribal monitor if prehistoric in nature, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the nature of the find, the archaeologist and tribal monitor (if a resource is prehistoric in age) may simply record the find to appropriate standards (thereby addressing any data potential) and allow work to continue. If the archaeologist determines the discovery to be potentially significant under CEQA or the tribal monitor identifies a potential Tribal Cultural Resource (TCR), additional efforts such as preparation of a treatment plan, testing, and/or data recovery may be warranted prior to allowing construction to proceed in this area. All management strategies recommended by the archaeologist and/or culturally affiliated tribe must be approved by the City of Cloverdale Planning & Community Development Department. The developer shall then adhere to the management strategies approved by the City. Ground-disturbing activities may resume once the management strategies have been implemented to the satisfaction of the City's Community Development Director and the qualified archaeologist.</p> <p>Also see Mitigation Measure CUL-1 in Section V, Cultural Resources.</p>						