

MITIGATION MONITORING AND REPORTING PROGRAM LAUREL GROVE AVENUE SEWER REHABILITATION PROJECT, KENTFIELD, 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 Laurel Grove Avenue Sewer Rehabilitation Project located along Laurel Grove Avenue, Sir Francis Drake Boulevard, Quisisana Drive, and Hanken Drive, in Kentfield, California. 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, Laurel Grove Avenue Sewer Rehabilitation Project

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 Game or U.S. Fish and Wildlife Service.</p>	<p>Bio1: Adequate measures shall be taken to avoid inadvertent take of bird nests protected under the federal Migratory Bird Treaty Act and State Fish and Game Code when in active use. This shall be accomplished by taking the following steps:</p> <ul style="list-style-type: none"> • If initial construction is proposed during the nesting season (March 1 to August 31), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 7 days prior to the onset of construction in order to determine whether any active nests are present in the area of potential effects (APEs) and surrounding area within 100 ft of proposed construction. The survey shall be re-conducted any time construction has been delayed or curtailed for more than 7 days during the nesting season. • If no active nests are identified during the construction survey period, or development is initiated during the non-breeding season (September 1 to January 31), construction may proceed with no restrictions. • If bird nests are found, an adequate setback shall be established around the nest location and construction activities restricted within this no-disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance zone shall be based on input received from the California Department of Fish and Wildlife (CDFW), and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone shall be delineated if construction is to be initiated elsewhere in the APEs to make it clear that the area should not be disturbed. • A report of findings shall be prepared by the qualified biologist and submitted to the RVSD or designated agent for review and approval prior to initiation of construction during the nesting season (March 1 to August 31). The report shall either confirm absence of any active nests or should 	<p>Ross Valley Sanitary District</p>	<p>Within seven 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>

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	<p>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 non-nesting season (September 1 to January 31) and continues uninterrupted according to the above criteria.</p>		
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>Cul1 (Monitoring): Areas determined to be highly sensitive areas (section of Laurel Grove Avenue between Quisisana Drive and Sir Francis Drake Boulevard, Quisisana Drive, and Hanken Drive) will be monitored during all Project-related ground disturbance, and less sensitive areas (the portion of Laurel Avenue north of Quisisana Drive) will be spot monitored, even in areas where mostly disturbed soils will be impacted. It is possible that secondary deposits, or intact pockets of midden in trench walls, will be encountered in these areas.</p> <p>If cultural resources (<i>see Cul3 for human remains</i>) are encountered, construction activity will halt immediately at the discovery location, followed as soon as possible by the cessation of all other ground-disturbing activity within 30 m (100 ft) of the discovery. The area around the discovery, including the periphery of disturbance from the construction activity, will be examined for any surface manifestation of the site. This information will be described in the daily monitoring log. The archaeologist, in agreement with the Federated Indians of Graton Rancheria (FIGR), may reduce the 30-m (100-ft) buffer zone in the field if it is deemed to cause no harm to the potential resource. Any Stop Work Order will contain a description of the work to be stopped, special instructions or requests for the Contractor, suggestions for efficient mitigation, and a time estimate for the work stoppage. A qualified archaeologist and tribal representative from FIGR will be contacted to assess the situation, consult with agencies as appropriate, make recommendations for the treatment of the discovery, and offer recommendations for any procedures deemed appropriate to further investigate and/or mitigate adverse impacts to those cultural resources that have been encountered.</p> <p>The Contractor will be responsible for preventing traffic through the area of the resource, beyond that necessary to remove vehicles and equipment already within the area immediately surrounding the</p>	<p>Ross Valley Sanitary District</p>	<p>At initiation of excavation activities and spot monitoring throughout construction activities, even in areas where mostly disturbed soils will be impacted.</p>

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	<p>discovery. Additional security measures, such as orange safety fencing or a similar material, may be implemented at the discretion of the archaeological and tribal monitor. The archaeological and tribal monitor will immediately notify the construction foreman and the RVSD. If the discovery needs to be left overnight, RVSD will be responsible for ensuring that the resource is protected with the appropriate level of security.</p> <p>If paleontological resources are encountered during Project subsurface construction, all ground-disturbing activities within 25 ft will be redirected and a qualified paleontologist will be contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel will not collect or move any paleontological materials. Paleontological resources include fossil plants and animals, and trace fossil evidence of past life such as tracks.</p>		
	<p>Cul2 (Alert Sheet): Construction crews shall be trained in “basic archaeological/tribal resources identification” by a qualified archaeologist and tribal representative from FIGR and have access to a Cultural Resources Alert Sheet. The Alert Sheet shall photographically depict midden and associated indicators of precontact archaeological sites (no photographs of human remains), and clearly outline the procedures in the event of an archaeological discovery. These procedures include temporary work stoppage (Stop Work Order) of all ground disturbance, short-term physical protection of artifacts and their context, and immediate advisement of the archaeological/tribal team and RVSD representatives (<i>see procedures outlined in Cul1</i>).</p>	<p>Ross Valley Sanitary District</p>	<p>Construction crews shall be trained prior to the initiation of construction activities.</p> <p>Coordination with FIGR and qualified archeologist for monitoring activities that will occur throughout excavation work phases.</p>
<p>Disturb any human remains, including those interred outside of formal cemeteries.</p>	<p>Cul3 (Human Remains): If materials are uncovered that are assessed by the archaeologist or tribal monitor to be, or to possibly be, human remains, all work will stop within 30 m (100 ft) of the find. If the monitor requests a second opinion, no work will resume within the defined area until the appropriate and qualified osteologist, in agreement with the FIGR, can assess the find. If the discovery is determined to be human remains, the Coroner Division of the Marin County Sheriff’s Office will be contacted for identification of human remains. The Coroner has 2 working days to examine the remains after being notified.</p>	<p>Ross Valley Sanitary District</p>	<p>If human remains are encountered during excavation.</p>

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	<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 remains and grave goods. Once proper consultation has occurred, a procedure that may include the protection, preservation, excavation, analysis, and curation of artifacts and/or reburial of those remains and associated artifacts will be formulated and implemented. RVSD will ensure that any identified human remains will be secured while they are left in place and while treatment decisions by the MLD are in progress.</p> <p>If the remains are not Native American, the Coroner will consult with the archaeological research team and the lead agency 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.</p>		