

MITIGATION MONITORING AND REPORTING PROGRAM FISCAL YEAR 2022/2023 GRAVITY SEWER IMPROVEMENTS PROJECT (#953), 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 Fiscal Year 2022/2023 Gravity Sewer Improvements Project (#953) (Project) located within the unincorporated community of Sleepy Hollow, the Town of San Anselmo, the unincorporated communities of Greenbrae and Kentfield, and the City of Larkspur, located 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, Fiscal Year 2022/2023 Gravity Sewer Improvements Project (#953)

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).</p>	<p>BIO-1: Adequate measures shall be taken to avoid inadvertent take of bird nests protected under the federal MBTA and CFGC 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 Project site and surrounding area within 250 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. The size of the no-disturbance zone may be determined by the biologist based on species and proximity to activities, but should generally be between 50 ft for songbirds and up to 250 ft for nesting raptors. As necessary, the no-disturbance zone shall be delineated if construction is to be initiated elsewhere in the Project site 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 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-breeding season (September 1 to January 31) and continues uninterrupted according to the above criteria. 	<p>Ross Valley Sanitary District</p>	<p>Within 7 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>

Environmental Impact	Mitigation Measure	Responsible Party	Timing
<i>Cultural and Tribal Cultural Resources</i>			
<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 (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 FIGR.</p> <p>Based on the results of the testing and in coordination with the District and FIGR, monitoring by an archaeologist and tribal monitor may also be required to observe excavated soils that are removed during construction activities.</p>	<p>Ross Valley Sanitary District</p>	<p>The Plan will be prepared prior to the start of excavation activities in coordination with FIGR.</p> <p>Monitoring will occur throughout the duration of construction activities. Coordination of monitoring activities will occur throughout excavation with FIGR.</p>
	<p>CUL-2: Upon approval of the 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: Oak Ave/Laurel Grove (Greenbrae), Wolfe Grade/Sir Francis Drake (Kentfield), and Ridgewood Ave (Kentfield).</p>	<p>Ross Valley Sanitary District</p>	<p>The Plan will be prepared prior to the start of excavation activities in coordination with FIGR.</p> <p>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: Construction crews shall be trained in “basic archaeological identification” and have access to an Alert Sheet. The Alert Sheet shall photographically depict shell midden and associated indicators of prehistoric archaeological sites, and clearly outline the procedures in the event of new 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 team and RVSD representatives. Any Stop Work Order would 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. The archaeologist shall notify the tribal representative, 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 cultural resources that have been encountered.</p>	<p>Ross Valley Sanitary District</p>	<p>Construction crews shall be trained prior to the initiation of construction activities.</p>

Environmental Impact	Mitigation Measure	Responsible Party	Timing
<p>Disturb any human remains, including those interred outside of formal cemeteries.</p>	<p>CUL-4: Upon discovery, 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>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 preservation, excavation, analysis, and curation of artifacts and/or reburial of those remains and associated artifacts will be formulated and implemented.</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. Final disposition of any human remains or associated funerary objects will be determined in consultation between RVSD and FIGR.</p>	<p>Ross Valley Sanitary District</p>	<p>If human remains are encountered during excavation.</p>