

Mitigation Monitoring and Reporting Program

MMRP Requirements and Use

SLVWD prepared an IS/MND to identify and evaluate potential environmental impacts associated with the Bracken Brae and Forest Springs Consolidation Project (project). Mitigation measures were defined in the IS/MND to reduce potentially significant impacts of project construction and operation.

Approval of the project will require implementation and monitoring of all the mitigation measures identified in the IS/MND in compliance with the California Environmental Quality Act (CEQA). The CEQA Guidelines Section 15097(a) requires that:

“... In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.”

CEQA Guidelines Section 15097(c) defines monitoring and reporting responsibilities of the lead agency.

“(c) The public agency may choose whether its program will monitor mitigation, report on mitigation, or both. "Reporting" generally consists of a written compliance review that is presented to the decision making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. "Monitoring" is generally an ongoing or periodic process of project oversight. There is often no clear distinction between monitoring and reporting and the program best suited to ensuring compliance in any given instance will usually involve elements of both. The choice of program may be guided by the following:

- (1) Reporting is suited to projects which have readily measurable or quantitative mitigation measures or which already involve regular review. For example, a report may be required upon issuance of final occupancy to a project whose mitigation measures were confirmed by building inspection.
- (2) Monitoring is suited to projects with complex mitigation measures, such as wetlands restoration or archeological protection, which may exceed the expertise

APPENDIX E: MITIGATION MONITORING AND REPORTING PROGRAM

of the local agency to oversee, are expected to be implemented over a period of time, or require careful implementation to assure compliance.

(3) Reporting and monitoring are suited to all but the most simple projects. Monitoring ensures that project compliance is checked on a regular basis during and, if necessary after, implementation. Reporting ensures that the approving agency is informed of compliance with mitigation requirements.”

This Mitigation Monitoring and Reporting Program (MMRP) is intended to facilitate implementation and monitoring of the mitigation measures to ensure that measures are executed. This process protects against the risk of non-compliance.

The purpose of the MMRP is to:

- Summarize the mitigation required for vegetation treatment projects
- Comply with requirements of CEQA and the CEQA Guidelines
- Clearly define parties responsible for implementing and monitoring the mitigation measures
- Provide a plan for how to organize the measures into a format that can be readily implemented by the County and monitored

MMRP Components

The MMRP provides a summary of all mitigation measures that will be implemented for the project. The mitigation measures are provided in Table 1. Mitigation measures could be applicable during one or more implementation phase or location. Each mitigation measure is accompanied with identification of:

- Timing – measures may be required to be implemented prior to construction, during construction, post construction, or a combination of construction phases
- Application Locations – locations where the mitigation measures will be implemented.
- Monitoring/Reporting Action – the monitoring and/or reporting actions to be undertaken to ensure the measure is implemented.
- Responsible and Involved Parties – the party or parties that will undertake the measure and will monitor the measure to ensure it is implemented in accordance with this MMRP

The responsible and involved parties will utilize the MMRP to identify actions that must take place to implement each mitigation measures, the time of those actions and the parties responsible for implementing and monitoring the actions.

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Applicable Locations	Timing	Monitoring/Reporting Action	Responsible and Involved Parties
<i>Mitigation Measure Bio-1: Special-status Plant Pre-construction Surveys and Mitigation</i> Prior to the date of initial ground disturbance at the project site, preconstruction surveys for special-status plant species shall be conducted by a qualified botanist during the appropriate blooming period for special-status plants that could occur in the project area. The special-status plant surveys shall conform to protocols established by the California Native Plant Society (CNPS) and the California Department of Fish and Wildlife (CDFW) for rare plant surveys. All occurrences of special-status plants shall be documented by the botanist and flagged for avoidance. In the event that the special-status plant(s) cannot be avoided during construction, the following measures shall be implemented: • <u>Incidental Take Permit</u> – In the event that the plant that cannot be avoided during construction is a State-listed plant, the Project proponent shall obtain an ITP pursuant to Fish and Game Code section 2081, subdivision (b) (See cal. Code Regs., tit. 14, §§ 783.4 & 786.9) prior to any activity in the area containing the State listed plant. • <u>Special-status perennial plant taxa:</u> – Where feasible, the individual or population may be safely extracted and relocated to appropriate habitat outside the work area. – Alternatively, a nursery with experience growing special-status plants can be employed to grow seedlings of the species that shall be planted in appropriate habitat outside the work area or in	All project areas with suitable habitat for rare plants	Prior and during construction	• Preconstruction surveys for special-status plant species shall be conducted by a qualified botanist during the appropriate blooming period for special-status plants that could occur in the project area. • In the event that the plant that cannot be avoided during construction is a State-listed plant, the Project proponent shall obtain an ITP from CDFW. • Where special-status plants cannot be avoided, the individuals and area occupied by each special-status plant population shall be quantified and the plants shall either be transplanted on site or mitigated off-site if off-site mitigation is biologically	• County of Santa Cruz • Approved biologist • Construction contractor

Table 1: Mitigation Monitoring and Reporting Program

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the work area following completion of work. The selected relocation site shall be within the same watershed as the impact area and shall be approved by CDFW botanical staff. • <u>Special-status annual plant taxa:</u> – Seeds of the annuals shall be collected from existing on-site populations or from the same watershed (to maintain local genetic stock) and distributed in appropriate habitat outside the work area (within the same watershed) or in the work area following completion of work. – Alternatively, a nursery with experience growing special-status plants shall be employed to grow seedlings of the species (from seeds collected locally in the same watershed) that shall be planted in appropriate habitat outside the work area or in the work area following completion of work. It should be noted that seeds derived from plants in the same watershed as the impact area may be available from local nurseries, and local nurseries may also be able to propagate seeds from adults grown from collected seeds. In this case, seeds would not need to be collected from a specific impact area site. • <u>Monitoring:</u> – Seeded or replanted locations within the study area shall be monitored for a minimum of 3 years, and up to 5 years, based on monitoring results. The new population shall match typical populations for the species as available from rare plant inventories (e.g., CNDDB, USFWS data, local mitigation banks). Due to the variations in population from year to year as a result of			preferable for the species.	

APPENDIX E: MITIGATION MONITORING AND REPORTING PROGRAM

Table 1: Mitigation Monitoring and Reporting Program

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weather fluctuations, average population data for annual taxa can be calculated from several years (at least three) of data collected from known populations in the region.				
Mitigation Measure Bio-2: Avoidance of Foothill Yellow-legged Frog, California Red-legged Frog, Santa Cruz Black Salamander, and California Giant Salamander The project shall be designed to avoid construction activities outside of the paved roadway within 300 feet of suitable habitat for special-status amphibians to the extent feasible. Where it is not feasible to avoid construction in undeveloped areas within 300 feet of suitable habitat, the work shall be timed to avoid the period between November 1 and March 31 and any period of rain or 48 hours following rain events. In addition, a qualified biologist(s) shall conduct an investigation for special-status amphibians within 24 hours prior to activities in undeveloped areas within 300 feet of suitable habitat. The designated biologist shall investigate all potential areas that could be used by the species for feeding, sheltering, movement, and other essential behaviors. If foothill yellow-legged frog are found in the work area, all work shall stop and CDFW shall be notified. The Project proponent shall propose site- specific measures that shall be utilized to avoid take and to avoid or minimize disturbance to habitat. Work shall not recommence until CDFW has provided written approval of the proposed avoidance measures. If take of foothill yellow-legged from cannot be avoided, the Project proponent shall obtain an incidental take permit (ITP) from CDFW. If any California red-legged frogs or foothill yellow-legged frogs or burrows that could contain either species are found, the designated biologist shall ensure the area is fully avoided and the species can leave the area on its own. Temporary exclusion fencing would then be installed	Within 300 feet of suitable habitat for special-status amphibians	Prior and during construction	• A qualified biologist(s) shall conduct an investigation for special-status amphibians within 24 hours prior to activities in undeveloped areas within 300 feet of suitable habitat. • Implement appropriate measures if California red-legged frogs or foothill yellow-legged frogs or burrows that could contain either species are found on site. • If foothill yellow-legged frog are found in the work area, all work shall stop and CDFW shall be notified. • If take of foothill yellow-legged from	• County of Santa Cruz • CDFW • Qualified biologist

APPENDIX E: MITIGATION MONITORING AND REPORTING PROGRAM

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Applicable Locations	Timing	Monitoring/Reporting Action	Responsible and Involved Parties
under the supervision of the qualified biologist to avoid any special-status amphibian from entering the work area. The exclusion fencing shall have a minimum aboveground height of 30 inches, and the bottom of the fence should be keyed in at least 4 inches deep and backfilled with soil to prevent wildlife from passing under the fencing. Exclusion fencing shall be installed to prevent species entry into active work areas and to mark the limits of construction disturbance at equipment staging areas, site access routes, construction equipment and personnel parking areas, debris storage areas, and any other areas that may be disturbed within suitable habitat for special-status species.			cannot be avoided, the Project proponent shall obtain an ITP from CDFW.	
Mitigation Measure Bio-3: Marbled Murrelet Avoidance If project activities are to occur within nesting/breeding season of marbled murrelet (March 24 to September 15), a targeted habitat assessment shall be conducted by a qualified biologist within the project site and a 0.25-mile buffer. Prior to the start of project activities, in areas where marbled murrelet nesting habitat may be present, a qualified biologist shall conduct a visual inspection for marbled murrelet in suitable habitat within 0.25 mile of the project to identify and flag for avoidance suitable habitat features. Suitable habitat features include the presence of platforms, small patches of old growth forest, or remnant large trees. Platforms are defined as a relatively flat surface at least 10 cm in diameter and 10 meters high, in the live crown of a coniferous tree. Platforms can be created by a wide branch, moss, lichen, mistletoe, tree deformities, or squirrel nests. If suitable marbled murrelet nesting habitat is identified during the habitat assessment, a qualified biologist shall conduct protocol level audio-visual marbled murrelet surveys following the <i>Pacific Seabird Group Methods for Surveying Marbled Murrelets in Forests: A Revised Protocol for Land</i>	All project areas	Prior and during construction	- Conduct a targeted habitat assessment if project activities are to occur within nesting/breeding season of marbled murrelet (March 24 to September 15). - If suitable marbled murrelet nesting habitat is identified during the habitat assessment, a qualified biologist shall conduct protocol level audio-visual marbled murrelet surveys. - If conducting two-year protocol level	- County of Santa Cruz - CDFW - Qualified biologist

APPENDIX E: MITIGATION MONITORING AND REPORTING PROGRAM

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Applicable Locations	Timing	Monitoring/Reporting Action	Responsible and Involved Parties
<i>Management and Research</i> (Evans Mack 2003), which is specifically designed to detect murrelets in forests. The protocol is available online at http://www.pacificseabirdgroup.org. If conducting two-year protocol level surveys is not feasible, or if nesting marbled murrelets are detected during surveys, the Project proponent shall either avoid Project activities within 0.25 miles of habitat, or a qualified biologist shall develop appropriate avoidance disturbance buffers around suitable habitat identified within 0.25 miles of the Project area and access road to be implemented during Project activities that occur during the murrelet breeding season (March 24 to September 15). Appropriate audio and visual disturbance buffers shall follow the U.S. Fish and Wildlife Service's (USFWS) Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. If the determined audio and visual disturbance buffers around the identified suitable nesting habitat do not incorporate the Project area, then no additional marbled murrelet avoidance measures are required.			surveys is not feasible, or if nesting marbled murrelets are detected during surveys, the Project proponent shall either avoid Project activities within 0.25 miles of habitat, or a qualified biologist shall develop appropriate avoidance disturbance buffers around suitable habitat identified within 0.25 miles of the Project area during the murrelet breeding season (March 24 to September 15).	
Mitigation Measure Bio-4: Avoidance of Sensitive Bat Species (Pallid Bat and Townsend's Big-Eared Bat) A qualified biologist shall conduct a daytime and nighttime preconstruction bat survey to verify potential use of bridges and nearby buildings and trees by bats, within two weeks prior to initiation of construction activities. If bats are observed roosting on the bridges, nearby buildings, or trees, an avoidance buffer shall be installed within 50-feet of the active roost, or appropriate exclusion measures (such as one-way doors, expandable foam, or steel wool) shall be	Work areas on bridges and near buildings	Prior and during construction	Preconstruction bat survey shall be conducted within two weeks prior to initiation of construction activities to verify potential use of bridges and nearby	- County of Santa Cruz - CDFW - Qualified biologist

APPENDIX E: MITIGATION MONITORING AND REPORTING PROGRAM

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Applicable Locations	Timing	Monitoring/Reporting Action	Responsible and Involved Parties
implemented under the direction of a qualified biologist to avoid potential bat mortality.			buildings and trees by bats. Implement appropriate measures if bats are observed on site	
<i>Mitigation Measure Bio-5: Impacts to Redwood Forest and Woodland Habitats and Individual Trees</i> In order to avoid incidental impacts to coast redwood habitats or individual coast redwood trees, the following measure shall be implemented: - All workers shall be made aware of the importance of avoiding harmful impacts to redwood forest and woodland habitat or individual trees within the habitat. - Brightly colored silt fencing shall be installed along the edges of the construction areas (such as the pump station) to prevent sedimentation into any nearby drainages as well as to clearly mark the boundaries of the disturbance area. - In the event that one or more redwood trees or other trees within redwood habitats needs to be removed or is inadvertently killed or severely damaged, seedlings of the same species shall be planted in suitable habitat within the same habitat and within accessible habitat nearby (i.e., within redwood forest and woodland alliance, and not on unauthorized private property). One sapling (1–3 inches in diameter at approximately 4.5 feet above the roots) shall be planted for every removed sapling, and three saplings shall be planted for every tree greater than five inches diameter at 4.5 feet above the roots.	Project areas within Redwood Forest and woodland habitats	Prior and during construction	- Worker training on avoidance of redwood forest and woodland habitat. - Damaged or killed redwood trees or other trees within redwood habitats shall be replaced in accordance to the measure.	- County of Santa Cruz - Qualified biologist

APPENDIX E: MITIGATION MONITORING AND REPORTING PROGRAM

Table 1: Mitigation Monitoring and Reporting Program

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Mitigation Measure Bio-6: Avoidance and Minimization of Impacts to Waters and Aquatic Habitats - A minimum of 14 days prior to construction, a wetland delineation study shall be conducted to define the limits of wetlands in areas directly adjacent the roadway/construction area. The limits of all wetlands shall be flagged for avoidance using brightly colored pin flags. - As part of the worker environmental awareness training, workers shall be trained on the legal protections for wetlands, where wetlands occur on the project site, and procedures to avoid impacts on wetlands during construction - If any temporary impacts on wetlands are necessary, the wetland shall be regraded to match the existing topography/condition, and native wetland seed shall be applied for revegetation of the soil. If any permanent impacts are required, the impact shall be mitigated through enhancement or creation of wetland habitats commensurate with the degree of impact at a minimum ratio of 1:1. In addition, the District shall consult with U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife to obtain any required permits prior to conducting any work within wetlands or other jurisdictional waters.	Work areas adjacent to potential waters and wetlands	Prior and during construction	- A wetland delineation study shall be conducted a minimum 14 days prior to construction. - Implement worker environmental awareness training. - Implement appropriate measures if wetlands are temporary or permanently impacted.	- County of Santa Cruz - CDFW - Qualified biologist
Mitigation Measure Bio-7: Migratory Birds A pre-construction survey for nesting birds shall be conducted by a qualified biologist within 14 days prior to initiation of construction activities if activities are to occur within nesting/breeding season of native bird species (February–September). The pre-construction survey shall include all areas	All project areas	Prior and during construction	- Avoid tree removal and trimming during nesting season - Implement appropriate measures if active	- County of Santa Cruz - CDFW - Qualified biologist

APPENDIX E: MITIGATION MONITORING AND REPORTING PROGRAM

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Applicable Locations	Timing	Monitoring/Reporting Action	Responsible and Involved Parties
of construction and a 500-foot buffer around the construction site. If any active nests are observed, the biologist shall establish no-disturbance buffers from the nests at the following distances: 50-foot buffer for passerine (songbird) nests, 200 feet for raptor nests, and 500 feet for rookery nests. The no-disturbance buffer must be maintained until the young have fledged and left the nest, as determined by a qualified biologist.			nests are observed on site	
Mitigation Measure Geo-1: Prepare Geotechnical Report. The completed grading, foundation, and retaining wall plans shall be reviewed by a qualified geotechnical engineer for conformance with the recommendations presented in a geotechnical report. The following note shall be added to the engineering and design plans: “Earthwork, excavation and re-compaction of existing fill, foundation and pavement construction, retaining wall drainage and backfilling, utility trench backfilling, and site drainage should be performed in accordance with the project geotechnical report. A qualified geotechnical engineer shall be notified at least 48 hours in advance of any earthwork and shall observe and test during earthwork, foundation, retaining wall, and pavement construction as recommended in the geotechnical report.” Earthwork, foundation, retaining wall, and pavement construction shall be observed and tested by a qualified geotechnical engineer to 1) confirm that subsurface conditions including but not limited to potential landslide hazards, soil creep, etc. are compatible with those used in the analysis and design, 2) observe compliance with the design concepts, specifications, and recommendations, and 3) allow design	All project areas	Prior to construction	- A qualified geotechnical engineer shall review completed grading, foundation, and retaining wall plans for conformance with the recommendations presented in the geotechnical report. - Earthwork, foundation, retaining wall, and pavement construction shall be observed and tested by a qualified engineer. - Any design changes shall be implemented as recommended by the geotechnical engineer and approved by the SLVWD based on	- SLVWD - County of Santa Cruz - Qualified geotechnical engineer - Construction contractor

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Applicable Locations	Timing	Monitoring/Reporting Action	Responsible and Involved Parties
changes in the event that subsurface conditions differ from those anticipated. Any design changes will be implemented as recommended by the geotechnical engineer and approved by the SLVWD based on observed site conditions. <i>Mitigation Measure Haz-1: Asbestos and Lead-Based Paint</i> Demolition of the Forest Springs water tank shall comply with the OSHA Standard 1926.6 related to lead abatement and all other applicable state and federal requirements for the safe handling and disposal of lead-based paint, ACM, and universal wastes. The project contractor shall implement the following measures: <u>Lead-based paint</u> As lead was identified in the paints and a detailed inventory of paints was not performed for the project, for the purpose of complying with the Cal/OSHA Construction Lead Standard (8 CCR § 1532.1), all coated surfaces shall be considered to contain some lead and require demolition dust control procedures and presumed respiratory protection usage for compliance with Cal/OSHA's Construction Lead Standard under 8 CCR section 1532.1. The aforementioned regulation contains requirements for lead air monitoring, work practices, respiratory protection, etc., that are triggered by the detected presence of any levels of lead. None of the applicable regulations require removal of lead paint prior to demolition if the paints are securely adhered to the substrates (i.e., non-flaking or non-peeling). Disposal of the demolition debris in this case can be handled as non-hazardous and non-RCRA waste after the loose and flaking paint have been removed as long as demolition practices do not compromise worker safety and waste stream characterization	Forest Springs water tank site	Prior and during construction	observed site conditions geotechnical engineer. - Demolition of the Forest Springs water tank shall comply with the OSHA Standard 1926.6 related to lead abatement and all other applicable state and federal requirements for the safe handling and disposal of lead-based paint, ACM, and universal wastes. - Implement appropriate measures for handling and disposal of lead-based paint, ACM, and universal wastes.	- SLVWD - Demolition and construction contractor

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Applicable Locations	Timing	Monitoring/Reporting Action	Responsible and Involved Parties
testing has been performed by the contractor on the entire waste stream for verification. Conventional demolition techniques should be employed for all painted surfaces, with the contractor complying with applicable OSHA and Cal/OSHA statutes regarding the following: • Worker awareness training • Exposure monitoring, as needed • Medical examinations, which may include blood lead level testing • Establishing a written respiratory protection program <u>Asbestos</u> Any suspect material at the Forest Springs tank site not sampled or not visually identified as negative by the Pre-Demolition Hazardous Materials Survey conducted by SCA Environmental, Inc, (2023) should be assumed to contain asbestos and require destructive testing prior to demolition. Inspections in California are required to be conducted by a Certified Asbestos Consultant (CAC) or by a Certified Site Surveillance Technician (CSST) working under a CAC. In the absence of testing, the materials should be assumed to contain asbestos and disposed of in accordance with OSHA standard 1926.6.				
Mitigation Measure Noise-1: Construction Noise Reduction Plan. The District would adhere to this requirement and develop a construction noise reduction plan in compliance with local regulations to include measures to reduce construction noise impacts. These measures shall include, but not be limited to, the following:	All project areas	During construction	• Distribute to the potentially affected residences and other sensitive receptors within 200 feet of project construction boundary a “hotline” telephone number, which shall be	• SLVWD • Demolition and construction contractor

APPENDIX E: MITIGATION MONITORING AND REPORTING PROGRAM

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Applicable Locations	Timing	Monitoring/Reporting Action	Responsible and Involved Parties
- Distribute to the potentially affected residences and other sensitive receptors within 200 feet of project construction boundary a “hotline” telephone number, which shall be attended during active construction working hours, for use by the public to register complaints. The distribution shall identify 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 and institute feasible actions warranted to correct the problem. All complaints shall be logged noting date, time, complainant’s name, nature of complaint, and any corrective action taken. The distribution shall also notify residents adjacent to the project area of the construction schedule. - All construction equipment shall have intake and exhaust mufflers recommended by the manufacturers thereof. Further, pavement breakers and jackhammers shall also be equipped with acoustically attenuating shields or shrouds recommended by the manufacturers thereof. - Impact tools (e.g., jack hammers) used during construction activities will be hydraulically or electrically powered where feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used. - Construction noise barriers such as paneled noise shields, barriers, or enclosures shall be installed adjacent to the work areas at the pump station and water tank site to deflect noise from sensitive receptors. Noise control shields shall be made			attended during active construction working hours, for use by the public to register complaints. - All construction equipment shall have intake and exhaust mufflers recommended by the manufacturers thereof. - Impact tools (e.g., jack hammers) used during construction activities will be hydraulically or electrically powered where feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. - Construction noise barriers such as paneled noise shields, barriers, or enclosures shall be installed adjacent to the work areas at the	

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featuring a solid panel and a weather-protected, sound-absorptive material on the construction-activity side of the noise shield.			pump station and water tank site to deflect noise from sensitive receptors.	