
Mitigation Monitoring and Reporting Program

**The West Bay Sanitary District
Flow Equalization & Resource Recovery
Facility Levee Improvements & Bayfront
Recycled Water Facility Project**



May 2021

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation, Monitoring and Reporting Program (MMRP) has been prepared pursuant to the CEQA Guidelines, which state:

“When adopting a final EIR with findings as required under 14 CCR section 15091(a)(1) the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects” (§15097(a)) and;

“The Lead 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.” (§15097 (c))

The table beginning on the next page list the impacts, mitigation measures, and timing of the mitigation measure (when the measure will be implemented) related to the West Bay Sanitary District (District) Flow Equalization & Resource Recovery Facility (FERRF) Levee Improvements & Bayfront Recycled Water Facility (RWF) project. All mitigation measures listed here will be implemented by the District, or by the District’s appointees.

According to CEQA Guidelines section 15126.4 (a) (2), “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.” Therefore, all mitigation measures as listed in this MMRP will be adopted by the District when the project is approved.

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Impact	Mitigation Measure	Implementation and Timing	Monitoring Responsibility
<p>Impact AES-1: The project proposes the removal two trees at the IPS site which is noted as a view corridor in Menlo Park’s Land Use Element.</p>	<p>Mitigation Measure AES-1: Replacement Landscaping. The District shall provide replacement landscaping trees for any trees removed as part of the project. Placement/location and species of the replacement landscaping will be designed so that adequate sight distance for turning vehicles at the intersection of Bayfront Expressway and Marsh Road is maintained.</p>	<p>Implementation: The District shall prepare replacement landscaping plans as part of the project’s final design plans and specifications.</p> <p>Timing: Prior to completion of the final design plans and specifications.</p>	<p>Monitoring: The District.</p> <p>Initials: _____</p> <p>Date: _____</p>
<p>Impact AES-2: Implementation of the proposed project could result in new sources of light and glare that could affect day or night-time views in the project area.</p>	<p>Mitigation Measure AES-2: Exterior Lighting. To avoid and minimize light spillage and glare from exterior light fixtures, the District shall, to the maximum extent feasible:</p> <ul style="list-style-type: none"> • Mount light fixtures as low as possible and orient the fixtures away from adjacent land uses • Equip all exterior light fixtures with shields, hoods, or guards that direct light down towards the ground surface • Use the minimum number of fixtures and minimum lighting levels necessary to provide sufficient security lighting 	<p>Implementation: The District shall review proposed lighting plans in the project plans and specifications to ensure it is consistent with this mitigation measure.</p> <p>Timing: Prior to completion of the final design plans and specifications.</p>	<p>Monitoring: The District.</p> <p>Initials: _____</p> <p>Date: _____</p>
<p>Impact BIO-1: The proposed project</p>	<p>Mitigation Measure BIO-1a: Pre-Activity Surveys for Special-Status Plants. Prior to initial ground disturbance in grassland and wetland</p>	<p>Implementation: Qualified biologist</p>	<p>Monitoring: The qualified biologist</p>

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<p>may result in significant impacts to special-status plants due to disturbance or destruction of individuals or suitable habitat.</p>	<p>habitats and during the appropriate blooming period (Coastal marsh milkvetch and Point Reyes bird's-beak, June–October; Congdon's tarplant, May–November; saline clover, April–June), a focused survey for these four potentially occurring special-status plant species will be conducted by a qualified botanist in accordance with the <i>Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities</i> within suitable habitat in the project footprint and a 50-foot buffer around the project footprint. The purpose of the survey is to assess the presence or absence of the potentially occurring species. If none of the target species are found in the impact area or the buffer, then no further mitigation is required. If Point Reyes bird's-beak, Coastal marsh milkvetch, Congdon's tarplant, or saline clover individuals are found in the impact area, then Mitigation Measure BIO-1b will be implemented. The results of the survey will be documented, and all rare plant discoveries shall be reported to CDFW's California Natural Diversity Database.</p> <p>Mitigation Measure BIO-1b: Avoidance Buffers. The project proponent, in consultation with a qualified plant ecologist, will take measures to protect all populations of special-status plant species found to occur within the project site or within 50 feet of the impact area. Avoided special-status plant populations will be protected by establishing and observing the identified buffer between plant populations and the impact area. All such populations located in the impact area or the buffer, and their associated designated avoidance areas, will be clearly depicted on any construction plans. In addition, prior to initial ground disturbance or vegetation removal, the limits of the buffer around special-status plants to be avoided and will be flagged or fenced. The flagging will be maintained intact and in good condition throughout project-related construction activities.</p> <p>If complete avoidance is not feasible, then the appropriate resource agencies will be consulted to determine the appropriate measures to take, which may include salvage of seeds and/or plants, relocation of individual plants, and/or off-site preservation, enhancement, and management of occupied habitat for the species.</p>	<p>(Mitigation Measure BIO-1a) and construction workers under supervision of a qualified biologist (Mitigation Measure BIO-1b).</p> <p>Timing: Prior to start of construction activities during appropriate bloom periods.</p>	<p>shall prepare a memo or letter report documenting the methods and results of the special-status plant surveys to be submitted to the District. If Mitigation Measure BIO-1b is required, the District or its contractor will maintain the avoidance buffers under the supervision of a qualified biologist, and this complete measure shall be incorporated into the project specifications, bid, and contract documents. If avoidance is not feasible, the District will consult with CDFW to determine the</p>

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			appropriate mitigation measures. Initials: _____ Date: _____
<p>Impact BIO-2: The proposed project could harm special-status species, degrade surface or ground water quality, and will result in both permanent and temporary impacts to aquatic and marsh habitat during construction of the ecotone levee.</p>	<p>Mitigation Measure BIO-2a: Biological Monitoring During Construction in the Marsh. A qualified biological monitor will be present during all construction activities within the marsh or in vegetated areas within five (5) feet of the marsh to look for special-status animals that may be impacted by construction. For example, when construction personnel need to install the ecotone levee coffer dam and remove vegetation, the biological monitor will first inspect the vegetation to determine whether any salt marsh harvest mice, salt marsh wandering shrews, or other special-status species are present. If any animals are present, they will be allowed to leave the area on their own, or the location of the in-marsh work will be adjusted to ensure that no impacts to special-status species occur. The biologist shall have stop-work authority if any special-status species is detected in an area where it may be injured or killed by construction activities. In the event that special-status species are found within or directly adjacent to the project site, a qualified biologist shall identify an appropriate no-disturbance buffer to be implemented. The results of the monitoring will be documented. If directed by the agency approved biological monitor, Mitigation Measure BIO-2b will be implemented. If directed by the approved biological monitor, Mitigation Measure BIO-3h (exclusion fencing) will be implemented. The biological monitor will also ensure that Mitigation Measures BIO-3a through k are implemented as necessary to protect special-status species. Any discoveries of special-status species shall be reported to CDFW's California Natural Diversity Database.</p> <p>Mitigation Measure BIO-2b: Installation of Sheet Piles, Dewatering Plan, and Relocation of Stranded Fish. Sheet pile cofferdams to be</p>	<p>Implementation: Construction workers under the supervision of a qualified biologist (Mitigation Measure BIO-2a). A qualified biologist will relocate fish (Mitigation Measure BIO-2b). The District or its contractor will implement measures to protect water quality (Mitigation Measure BIO-2c).</p> <p>Timing: Dewatering and relocation of fish will occur prior to construction</p>	<p>Monitoring: A qualified biologist shall prepare a fish relocation plan to be submitted and approved by NMFS, and a separate memo or letter report documenting the results of fish relocation efforts to be submitted to the District and NMFS. The District or its contractor will maintain measures to protect water quality. The text of Impact BIO-2 and mitigation measures BIO-2a through BIO-2d</p>

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	<p>installed prior to construction of the ecotone levee shall be installed at low tide when there is little or no water in the slough to avoid stranding fish. An agency approved dewatering plan shall be implemented if water deep enough to support fish remains within the ecotone levee work area once the sheet pile cofferdam is installed. If necessary, as the cofferdams are being placed, a qualified biologist will relocate any stranded fish to suitable habitat outside of the work area. The method of relocation will be determined by the qualified biologist, in consultation with NOAA Fisheries and/or CDFW (as appropriate), based on site conditions and species present. Implementation of this measure will avoid loss of fish due to stranding. The methods and results of fish relocation efforts will be documented. Discoveries of special-status fish species shall be reported to NOAA Fisheries and/or CDFW and entered into CDFW's California Natural Diversity Database (as appropriate).</p> <p>Mitigation Measure BIO-2c: Measures to Protect Water Quality. During all construction in and near tidal aquatic habitat, standard BMPs will be used to minimize erosion and impacts to water quality as well as direct impacts to special-status fish. These are reported in the EIR and will be included in the SWPPP prepared for the project. Compliance measures that protect water quality help reduce potential impacts to biological resources to less than significant.</p> <p>Mitigation Measure BIO-2d: Noise Minimization. As a Best Management Practice to minimize noise impacts, the sheet piles shall be installed using a soft-start method by pausing after the first 15 seconds at a reduced energy twice before vibrating the sheet piles in at full capacity.</p>	<p>activities in tidal aquatic habitat (Mitigation Measures BIO-2a and BIO-2b). Measures to protect water quality will occur for the duration of construction activities near tidal habitat (Mitigation Measure BIO-2c).</p>	<p>shall be incorporated into the project specifications, bid and contract documents.</p> <p>Initials: _____</p> <p>Date: _____</p>
<p>Impact BIO-3: The proposed project could harm salt marsh harvest mouse and salt marsh wandering shrew, and will</p>	<p>Mitigation Measure BIO-3a: Worker Environmental Awareness Training. A resource agency approved biologist will prepare a worker environmental awareness fact sheet with 1) the description and status of the species; 2) the habitat of the species; 3) the legal ramifications of impacting the species; 4) a list of measures being taken to reduce impacts on these species during project construction (including preconstruction surveys, minimizing trash that attracts predators, and other measures); and</p>	<p>Implementation: Construction workers under the supervision of a qualified biologist (Mitigation</p>	<p>Monitoring: A qualified biologist will submit the signed acknowledgment forms from the worker</p>

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<p>result in both permanent and temporary impacts to tidal and upland habitats during construction of the ecotone levee. Additionally, if the proposed project includes the installation of lighting that illuminates marsh habitat and the adjacent levees, such lighting could potentially have adverse effects on special-status species in the wetlands and adjacent levee refugia habitat.</p>	<p>5) what to do if the species are encountered. All construction personnel working on the site and in the pipeline alignments and pump station areas adjacent to wetlands will participate in a worker environmental awareness training conducted by a resource agency approved biologist, and will sign an acknowledgment that they have participated in the worker environmental awareness training.</p> <p>Mitigation Measure BIO-3b: No Pets. No pets (e.g., dogs or cats) will be brought to the project site to avoid harassment, killing, or injuring of wildlife.</p> <p>Mitigation Measure BIO-3c: Food Trash Removal. To minimize attraction of predators such as racoons and feral cats all workers will be required to secure their food related trash and remove it daily. The site foreman shall assure that all food trash related to the construction work is secured and removed.</p> <p>Mitigation Measure BIO-3d: Minimize Non-daylight Work; Prepare Lighting Plan. Project lighting during construction activities shall be limited in consideration of the potential impacts to special status species. If early morning, early evening, or night lighting is necessary during construction, a lighting plan shall be prepared in consultation with an agency approved biologist. 24-hour work that requires night lighting shall only be conducted with approval from the US Fish and Wildlife Service and the California Department of Fish and Wildlife due to potential impacts to species protected under FESA and CESA. See also Mitigation Measure BIO-3i Artificial Lighting regarding permanent site lighting.</p> <p>Mitigation Measure BIO-3e: Work During Extreme High Tides. To avoid the loss of individual salt marsh harvest mice and salt marsh wandering shrew that may shelter in the work area during extreme high tides, an agency approved biological monitor shall be present when work around the perimeter of the FERRF site occurs during extreme high tides, such as King Tides. The agency approved biological monitor shall complete a pre-construction survey prior to construction activities in these areas. Areas within the cofferdam or wildlife exclusion fence are expected to exclude mice and shrews and would not require a pre-construction survey. Also</p>	<p>Measures BIO-2a, BIO-3a, BIO-3e, BIO-3f, BIO-3g and BIO-3h. The District or its contractor (Mitigation Measures BIO-3b, BIO-3c, BIO-3d, BIO-3i, BIO-3j). The text of impact BIO-3 and the above listed mitigation measures (2a, 3a, 3 b, 3c, 3d, 3e, 3f, 3g, 3h, 3i, and 3j) shall be incorporated into the project specifications and contract documents.</p> <p>Timing: Prior, during, and after construction activities near tidal marsh and adjacent upland habitats.</p>	<p>environmental awareness program to the District (Mitigation Measure BIO-3a). The District or its contractor will maintain the exclusion fence (Mitigation Measure BIO-3h). The district will ensure that low-intensity lighting, downcast lighting, or other appropriate lighting technology will be incorporated into the project design and this shall be shown on construction drawings (Mitigation Measure 3i).</p> <p>Initials: _____</p> <p>Date: _____</p>

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	<p>see measure BIO-4 for California Ridgway's rail and California black rail measures at extreme high tide.</p> <p>Mitigation Measure BIO-3f: Limit Vegetation Removal. To avoid the loss of individual harvest mice and wandering shrews from any excavation, fill, or construction activities in suitable habitat, vegetation removal will be limited to the minimum amount necessary.</p> <p>Mitigation Measure BIO-3g: Vegetation Removal Methods. Vegetation removal will occur under the supervision of a qualified biologist as noted in Mitigation Measure BIO-2a. The vegetation shall be removed with hand tools (e.g., weed-eater, hoe, rake, trowel, shovel) on a progressive basis, such that it allows species to find adjacent cover. The qualified biologist shall monitor the rate of vegetation removal to ensure that any harvest mice or wandering shrews present are able to escape to cover that will not be impacted, and will specify whether vegetation needs to remain in a certain area temporarily to facilitate dispersal of mice/shrews into habitat outside of the impact area.</p> <p>Mitigation Measure BIO-3h: Exclusion Fence. Following the hand-removal of vegetation, exclusion fencing will be erected around the outer boundary of the work area that is adjacent to harvest mouse/wandering shrew habitat that is to remain intact, if the cofferdam design does not exclude species. If the cofferdam excludes the species additional exclusion fencing is not necessary. This will define and isolate protected harvest mouse habitat. The installation of the fence will be supervised by a qualified biologist. This fencing will consist of heavy plastic sheeting or metal material that cannot be climbed by harvest mice, buried at least 4 inches below the ground's surface, and with at least 1 foot (but no more than 4 feet) above the ground. All supports for the fencing will be placed on the inside of the work area. A 2-foot buffer will be maintained free of vegetation around the outside of the exclusion fencing. The fencing will be inspected daily during the project construction period, and any necessary repairs will be made within 24 hours of when they are found. If any breaks in the fencing are found, the qualified biologist will inspect the work area for salt marsh harvest mice and salt marsh wandering shrews. If any individuals are found, all work that could impact these individuals will cease</p>		

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	<p>until the individuals have left the impact area on their own. If an injured or killed mouse is discovered at any time during project activities, all work shall cease immediately and USACE/USFWS/CDFW shall be contacted for further direction.</p> <p>Mitigation Measure BIO-3i: Artificial Lighting. During and after project construction, the spillover of lighting into the salt marsh habitat and adjacent levees will be minimized using low-intensity lighting or other appropriate low-dispersion lighting technology; orientation of lights so that they are placed on the perimeter of the work area and directed inward (rather than directing any lighting toward the marsh) and downward toward the ground; and shielding of lights from behind. Low-intensity lighting, downcast lighting, or other appropriate lighting technology will be incorporated into the project design where permanent lighting is to be placed within 200 feet of the salt marsh to reduce potential adverse effects on animals within this habitat.</p> <p>Mitigation Measure BIO-3j: Prohibition of Plastic Monofilament Netting. Monofilament plastic netting, including in temporary and permanent erosion control measures (such as straw wattles), shall not be used, regardless of whether the netting is biodegradable or not. Burlap or jute wrapped straw wattles are acceptable.</p> <p>Mitigation Measure BIO-3k: Monitoring and Adaptive Management Plan. The project shall include a plan to restore and monitor natural habitats impacted by the project, particularly the ecotone levee area. At a minimum the plan shall be submitted in the permit package to the U.S. Army Corps of Engineers required under Section 404 of the Clean Water Act and the permit package to the Regional Water Quality Control Board under Section 401 of the Clean Water Act for agency review.</p>		
<p>Impact BIO-4: The proposed project could harm California black rail and California</p>	<p>Mitigation Measure BIO-4: Pre-Construction/Pre-Disturbance Survey for California Black Rail and California Ridgway’s Rail. Construction activities in and adjacent to the marsh habitat for rails shall occur outside of the breeding season (January 15-August 31), as a first measure. If construction activities are planned to occur within or adjacent to tidal marsh</p>	<p>Implementation: A qualified biologist(s) will submit the proposed survey</p>	<p>Monitoring: A qualified biologist shall prepare a letter report documenting the</p>

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<p>Ridgway’s rail, and will result in both permanent and temporary impacts to tidal and upland habitats during construction.</p>	<p>or suitable rail habitat during the breeding season, a qualified biologist shall contact the Invasive Spartina Project to determine if protocol surveys are already being conducted in the area so that a) the data can be used, and b) rails are not adversely affected by repeated protocol surveys. If the Invasive Spartina Project is not conducting protocol surveys, then a qualified biologist shall conduct the USFWS-approved protocol level surveys for California black rail and Ridgway’s rail before initiation of any ground disturbing activities within the salt marsh habitat and a 700-foot buffer (i.e., Wood 2017 “Site-specific Protocol for Monitoring Marsh Birds”). Protocol surveys are required to be completed over several visits between January 15 and April 15, and may significantly impact the construction schedule if they have not been completed in time. The qualified biologist shall be approved to conduct the current USFWS-sanctioned survey methodology (Wood 2017). The qualified biologist shall submit the proposed survey methods to CDFW and USFWS for review and approval prior to commencing the surveys. The results of the survey will be documented, and any detections will be reported to the California Natural Diversity Database.</p> <p>If an active nest is found within the survey area, the qualified biologist shall consult with CDFW and USFWS to determine the appropriate construction-free buffer zone (typically 700 feet) and/or other mitigation measures to be implemented, such as daily monitoring. If no rail call centers or nests are found within 700 feet of project construction activities, work can proceed. If work extends into additional seasons, then additional protocol surveys shall be completed, particularly if work has paused.</p> <p>If California Ridgway’s rail or black rail are present, the following measures also apply:</p> <ul style="list-style-type: none"> To avoid impacts to individual rails, activities within or adjacent to habitat will not occur within two hours before or after extreme high tides (6.5 feet or above as measured at the Golden Gate Bridge), when the marsh is inundated and rail movement may be altered. If the work area is protected by a cofferdam or wildlife exclusion fence and rails are not likely to be present within the buffer zone, the work can continue with a biological 	<p>methods to CDFW and USFWS and perform the pre-construction surveys. Construction workers under the supervision of a qualified biologist will establish buffers, if needed.</p> <p>Timing: Prior to construction activities and during construction activities if buffers are needed.</p>	<p>results of the survey. The District or its contractor will maintain any needed avoidance buffers under the supervision of a qualified biologist. The text of Impact BIO-4 and Mitigation Measure BIO-4 shall be incorporated into the project specifications and contract documents.</p> <p>Initials: _____</p> <p>Date: _____</p>

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	<p>monitor present, but shall be halted if a rail is detected within the buffer zone.</p> <ul style="list-style-type: none"> If a California Ridgway's rail or black rail nest or adult is encountered during any project-related activity, the observer(s) shall immediately move away from the nest/adult. 		
<p>Impact BIO-5: The proposed project could harm burrowing owls, and impact potential nesting, roosting, and foraging habitats during construction.</p>	<p>Mitigation Measure BIO-5a: Conduct Pre-construction Surveys for Burrowing Owls. Pre-construction surveys for burrowing owls will be conducted prior to the initiation of all project activities within suitable burrowing owl nesting and roosting habitat (i.e., grassland habitat and levees with burrows of California ground squirrels). Pre-construction surveys will be completed in conformance with Appendix D: <i>Breeding and Non-breeding Season Surveys</i> of the CDFW Staff Report on Burrowing Owl Mitigation (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843)(CDFG 2012), which specify the timing, area, and number of surveys. The results of the survey shall be documented, and positive sightings submitted to the California Natural Diversity Database.</p> <p>Mitigation Measure BIO-5b: Implement Buffer Zones for Burrowing Owls. If burrowing owls are present on or near the construction site a buffer zone will be maintained around the occupied burrow(s) in accordance with guidance provided in the CDFW Staff Report cited above. The buffer will be large enough to avoid injury or mortality of individual owls in compliance with Fish and Game Code section 3503.5. The recommended buffer zones range from 50 meters to 500 meters depending on the level of construction activity. The appropriate buffer zone will be determined by a qualified biologist.</p> <p>Mitigation Measure BIO-5c: Monitor Owls During Construction. Although owls occupying the study area are likely habituated to frequent human disturbance due to regular activity at the project site and in nearby Bedwell Bayfront Park, and may tolerate greater levels of human disturbance than owls in more natural settings, a qualified biologist shall monitor owl behavior during construction. If in the opinion of the qualified</p>	<p>Implementation: A qualified biologist will perform the pre-construction surveys (Mitigation Measure BIO-5a, and/or BIO-5c). Construction workers under the supervision of a qualified biologist will establish buffers, if needed (Mitigation Measure BIO-5b).</p> <p>Timing: Prior to construction activities and during construction if buffers and</p>	<p>Monitoring: A qualified biologist shall prepare a memo or letter report documenting the results of the survey and monitor any nesting owls (Mitigation Measures BIO-5a and BIO-5c). The District or its contractor will maintain any needed avoidance buffers under the supervision of a qualified biologist (Mitigation Measure BIO-5b). The text of Impact BIO-5 and Mitigation Measures BIO-</p>

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	<p>biologist, the owls are disturbed to the point of harm or possible reduced reproductive success, all work within at least 50 meters of the occupied burrow will cease until the burrow is determined by a qualified biologist to no longer be in active use, or the biologist in consultation with resource agencies has determined what work can proceed without causing harm or reduced reproductive success to the owl(s).</p> <p>Mitigation Measure BIO-5d: Restoration of Burrowing Owl Habitat On Site. If pre-construction surveys identify that burrowing owl actively nests in the project footprint, the burrow shall not be removed until nesting is completed for the season, the burrow is not occupied by owls, and artificial burrow(s) are provided within 100 meters of the original burrow.</p>	<p>monitoring are needed.</p>	<p>5a, 5b, and 5c shall be incorporated into the project specification and contract documents.</p> <p>Initials: _____</p> <p>Date: _____</p>
<p>Impact BIO-6: The proposed project could result in temporary and permanent impacts to Alameda song sparrow, American peregrine falcon, black skimmer, Bryant’s savannah sparrow, California brown pelican, California least tern, loggerhead shrike, northern harrier, San Francisco common yellowthroat, short-eared owl, western snowy plover, white-tailed kite, and other</p>	<p>Mitigation Measure BIO-6a: Pre-Construction/Pre-Disturbance Surveys for Nesting Birds.</p> <p>Avoidance. To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code would be avoided. The nesting season for most birds in San Mateo County extends from February 1 through September 15.</p> <p>Pre-Construction Surveys. If it is not possible to schedule construction activities between September 15 and January 31, then preconstruction surveys for nesting birds will be conducted by a qualified biologist to ensure that no nests would be disturbed during project implementation. These surveys will be conducted no more than five days prior to the initiation of any site disturbance activities and equipment mobilization in the project area as well as the right of ways for the distribution pipelines and the influent pump station. If project activities are delayed by more than five days, an additional nesting bird survey will be performed. During this survey, the biologist will inspect all potential nesting habitats (e.g., shrubs, developed areas, structures, etc.) in and immediately adjacent to the impact area for nests. Active nesting is present if a bird is building a nest,</p>	<p>Implementation: A qualified biologist will perform the pre-construction surveys and nest monitoring, if needed (Mitigation Measures BIO-6a and BIO-6b). Construction workers under the supervision of a qualified biologist will establish buffers, if needed (Mitigation Measure BIO-6b). The District</p>	<p>Monitoring: A qualified biologist shall prepare a memo or letter report documenting the results of the surveys and any needed nest monitoring (Mitigation Measures BIO-6a and BIO-6b). The District or its contractor will maintain any needed avoidance buffers under the supervision of a qualified biologist</p>

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<p>nesting birds protected by the MBTA and California Fish and Game Code. Glass in new buildings could increase collision hazard causing injury or death for these species. Open topped posts with bolt holes could entangle raptor talons and result in mortality.</p>	<p>sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys will be documented.</p> <p>Mitigation Measure BIO-6b: Nesting Bird Protection. If an active nest is found sufficiently close to work areas to be disturbed by project activities, the qualified biologist will determine the extent of a construction-free buffer zone to be established around the nest (typically up to 1000 feet for raptors and up to 250 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation. The qualified biologist shall be experienced in both songbird and raptor behavior. Identified active nests will be surveyed one day prior to any construction-related activities to establish a behavioral baseline for the adults and any nestlings. Once work commences, all active nests will continue to be monitored by the qualified biologist to detect any signs of disturbance and behavioral changes caused by project activities, and change the buffer as needed to prevent disturbance-related nest failure. The qualified biologist will have authority to order the cessation of all project activities within disturbance distance of any raptor nest if the birds exhibit abnormal nesting behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Within the buffer zone, no site disturbance and mobilization of heavy equipment, including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, demolition, and grading will be permitted until the chicks have fledged. Monitoring will be required to ensure compliance with MBTA and relevant California Fish and Game Code requirements. Monitoring dates and findings will be documented.</p> <p>Mitigation Measure BIO-6c: Reduce Collision Hazard. The project design shall comply with measures such as those identified in Menlo Park Municipal Code Chapter 16.43.140 (6) to minimize the number of bird collisions with new buildings and reduce bird collision hazard to a less than significant impact.</p> <p>Mitigation Measure BIO-6d: Cap Open-topped Posts/Fill Bolt Holes. All fence posts, property line stakes, signs, etc. that are open topped and have bolt holes shall be capped and the bolt holes filled to prevent</p>	<p>will assure compliance with measures BIO-6c and BIO-6d.</p> <p>Timing: Surveys for nesting birds will be conducted within 5 days prior to the start of construction.</p>	<p>(Mitigation Measure BIO-6b). Project plans shall include specifications that require implementation of measures BIO-6c and BIO-6d.</p> <p>Initials: _____</p> <p>Date: _____</p>

Impact	Mitigation Measure	Implementation and Timing	Monitoring Responsibility
	entanglement of birds of prey. This measure shall be included in project specifications.		
<p>Impact BIO-7: The proposed project could result in the introduction or spread of invasive plants, which can displace native marsh vegetation and reduce habitat quality of the salt marsh by reducing refugia and foraging habitat for native species, including special-status species.</p>	<p>Mitigation Measure BIO-7a: Integrate Invasive Plant Management into the Ecotone Levee Restoration Plan. Prior to the start of construction activities, measures to control invasive plant species shall be specified and integrated with the Monitoring and Adaptive Management Plan (Plan) for the ecotone levee restoration, with the purpose of protecting restoration areas from being significantly impacted by invasive weeds. Invasive plant removal in the salt marsh and on the adjacent levees shall be limited to hand tools as specified in Measure BIO-3h and shall be removed before grading starts. If specified in the Plan for the restoration area, invasive species management will extend into developed areas of the parcel as needed to protect the restoration area.</p> <p>Mitigation Measure BIO-7b: Construction Measures to Minimize Invasive Plant Infestations. The following measures shall be taken during construction to minimize invasive plant infestation and potential impacts of invasive plants on adjacent natural habitats, particularly the wetlands:</p> <ul style="list-style-type: none"> • All ground disturbing equipment used adjacent to native habitats will be washed (including wheels, tracks, and undercarriages) both before and after being used at the site. Worker personal gear, including boots, should also be cleaned and clear of plant material prior to entering the work area. • All seeds and straw materials used on site shall be weed-free rice straw, and all gravel and fill material shall be certified weed free. • The project will follow a Stormwater Pollution Prevention Plan as per the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit; Water Board Order No. 2009-0009-DWQ), to reduce stormwater runoff which can carry the seed of invasive plants to other locations. 	<p>Implementation: The District or its contractor, working with a qualified plant ecologist.</p> <p>Timing: Prior to construction activities and during construction.</p>	<p>Monitoring: Proof of invasive species removal in as-builts or a memo prepared by a biologist or restoration ecologist. Mitigation Measure BIO-7b shall be incorporated into project specifications and contract documents.</p> <p>Initials: _____</p> <p>Date: _____</p>

Impact	Mitigation Measure	Implementation and Timing	Monitoring Responsibility
	<ul style="list-style-type: none"> All disturbed soils within sensitive habitats and adjacent levee slopes will be stabilized and planted in accordance with a restoration plan prepared for the project as part of an approved ecotone levee project. <p>Soil and vegetation removed from weed-infested areas will not be used in general soil stockpiles and will not be redistributed as topsoil cover for the newly filled areas. All weed-infested soil will be disposed of off-site at a landfill or buried at least 2.5 feet below final grade.</p>		
<p>Impact BIO-8: The proposed project will result in both temporary and permanent impacts to jurisdictional waters and sensitive communities from the construction of the ecotone levee, installation of sheet piles along a section of existing levee, the discharge of stormwater runoff into an existing swale that discharges to the bay, and the disposal of the remainder effluent from the RO process into the bay.</p>	<p>Mitigation Measure BIO-8: Water Quality Monitoring Plan. The West Bay Sanitary District will develop a water quality monitoring plan in consultation with the EPA, which will consult with NMFS. The water plan will include an impact assessment, water quality standards and protections of those standards, monitoring methodology, and reporting requirements. The goal of the plan is to ensure that the discharge from the water recycling facility complies with the discharge requirements set by the regulatory agencies to protect Bay waters. Depending on the requirements of the regulatory agencies, the plan may include, for example, quarterly surface and effluent water monitoring for suspended solids, settleable solids, ammonia, pH, and temperature. If required, the water quality monitoring plan will be submitted as part of the NPDES permit package.</p>	<p>Implementation: The District or its contractor will prepare a water quality monitoring plan in consultation with the U.S. EPA.</p> <p>Timing: The District or its contractor will submit a water quality monitoring plan as part of the permit applications to the regulatory agencies prior to construction.</p>	<p>Monitoring: The District or its contractor will implement the monitoring conditions in an agency-approved water quality monitoring plan.</p> <p>Initials: _____</p> <p>Date: _____</p>

Impact	Mitigation Measure	Implementation and Timing	Monitoring Responsibility
<p>Impact CUL-1: Project construction could cause potential disturbance of previously unknown prehistoric, archaeological, or tribal cultural resources, or human remains, during project construction.</p>	<p>Mitigation Measure CUL-1a: Inadvertent Discovery. In the event archaeological resources are unearthed, all soil disturbing work shall be halted within 60 feet of any discovery. An archaeologist who meets the Secretary of the Interior's Standards for Archaeology and is familiar with Bay Area archaeology must be contacted and the requirements under 36 CFR 800.13 followed. Work shall not commence in the vicinity of the inadvertent discovery until a qualified archaeologist completes a significance evaluation of the find(s) pursuant to Section 106 of the National Historic Preservation Act (36 CFR 60.4). If artifacts are found during construction, construction worker training shall be provided to all crews doing earthwork/soil moving activities.</p> <p>If a newly discovered resource is, or is suspected to be, Native American in origin, a geographically and culturally affiliated Native American cultural monitor will be retained, as directed by the Native American Heritage Commission (NAHC).</p> <p>If archaeological resources are found on the northwestern segment of the project site (pipeline alignments in Chilco Street, Constitution Drive, Bayfront Expressway crossing, Marsh Road, and IPS) archaeological monitoring will be instigated for those segments. No further ground disturbing work shall be allowed to continue until the archaeologist has fully evaluated the find and approves work to continue. Dependent on the evaluation by the archaeologist, archaeological excavation and recordation may be required before construction can continue. An Archaeological Resource Treatment Plan (ARTP) will be written in consultation with the District.</p> <p>The District shall consult with the State Lands Commission Attorney should any cultural resources on State lands be discovered during the construction of the project. The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.</p>	<p>Implementation: West Bay Sanitary District and its Contractors.</p> <p>Timing: Prior to the start of project construction and ongoing throughout ground moving activity.</p>	<p>Monitoring: The District shall ensure mitigation measure language is placed on all construction bid and construction documents. The archaeologist shall, if applicable, prepare a written record of survey results, archaeological discovery, and evaluation methodology to be submitted to the District and the Northwest Information Center. The Native American monitor shall, if applicable, record tribal resources for submittal to the Native American Heritage Commission.</p>

Impact	Mitigation Measure	Implementation and Timing	Monitoring Responsibility
	<p>Mitigation Measure CUL-1b: Tribal Resources. It is possible for a lead agency to determine that an artifact is considered significant to a local tribe, and thus considered a significant resource under CEQA, even if it would not otherwise be considered significant under CEQA. As such, all Native American artifacts (tribal finds) or other Tribal Cultural Resources shall be considered as a significant Tribal Cultural Resource, pursuant to PRC 21074 until the lead agency in consultation with the appropriate Tribe has enough evidence to make a determination of significance. Unanticipated discoveries shall be reburied on site. If they cannot be reburied on site, they shall be returned to Tribal custody. Ownership/custody of Native American artifacts, materials, and resources collected from State-owned lands under the jurisdiction of the State Lands Commission shall be returned after evaluation to the culturally affiliated Tribe whenever possible, regardless of significance.</p> <p>Mitigation Measure CUL-1c: Human Remains. The following actions are promulgated in the CEQA Guidelines Section 15064.5(d) and pertain to the discovery of human remains. If human remains are unearthed during construction, the County Coroner will be notified immediately, and no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). All applicable laws pertaining to the discovery of human remains will be followed.</p> <p>Mitigation Measure CUL-1d: Plan Details. All project plans shall clearly state that ground disturbing activities have the potential for the discovery of human remains.</p> <p>Mitigation Measure CUL-1e: Construction Monitoring on Hamilton Avenue. Archaeological and Native American monitoring shall be instigated for all ground disturbing activities along the Hamilton Avenue section of the recycled water distribution pipeline. An archaeologist who meets the Secretary of the Interior’s Standards for Archaeology and</p>		<p>Initials: _____</p> <p>Date: _____</p>

Impact	Mitigation Measure	Implementation and Timing	Monitoring Responsibility
	<p>familiar with San Francisco Bay Area archaeology and a Native American cultural monitor familiar with Bay Area Tribes shall be present at the project site during ground disturbing activities, including machine or hand excavation. No ground disturbing activities, with the exception of road surface removal, shall be allowed to take place if the archaeologist and Native American monitor are not present. An archaeological report meeting the Secretary of the Interior’s Standards detailing the findings of the monitoring will be submitted to the Northwest Information Center after monitoring has ceased.</p> <p>Mitigation Measure CUL-1f: Toothless Buckets. All excavator machinery on Hamilton Avenue shall use toothless buckets during ground disturbing activity to allow the monitoring archaeologist to more clearly identify archaeological features, if present.</p> <p>Mitigation Measure CUL-1g: Cultural Resource Sensitivity Training shall be provided to construction crews that disturb areas of native soil during construction.”</p>		
<p>Impact GEO-1: The project has the potential to create or exacerbate existing conditions related to seismic ground shaking, seismic-related ground failure, slope stability, and expansive soils.</p>	<p>Mitigation Measure GEO-1: Geotechnical Engineering Investigation. A site-specific Geotechnical Engineering Investigation shall be prepared for the project and all recommendations shall be included in project plans and specifications.</p>	<p>Implementation: The District shall prepare a site-specific geotechnical investigation for the project and all recommendations shall be included in the project’s final design and plans and specifications.</p>	<p>Monitoring: The geotechnical engineering investigation report shall be submitted to the District for review.</p> <p>Initials: _____</p> <p>Date: _____</p>

Impact	Mitigation Measure	Implementation and Timing	Monitoring Responsibility
		<p>Timing: The report shall be prepared in advance of the final design plans and specifications.</p>	
<p>Impact GEO-2: Project construction could unearth paleontological resources, including fossils.</p>	<p>Mitigation Measure GEO-2: Paleontological Resources. If paleontological resources are discovered during construction, ground-disturbing activities shall halt immediately until a qualified paleontologist can assess the significance of the discovery. Depending on determinations made by the paleontologist, work may either be allowed to continue once the discovery has been recorded, or if recommended by the paleontologist, recovery of the resource may be required, in which ground-disturbing activity within the area of the find would be temporarily halted until the resource has been recovered. If treatment and salvage is required, recommendations shall be consistent with Society of Vertebrate Paleontology guidelines and current professional standards.</p> <p>The District will ensure that information on the nature, location, and depth of all finds is readily available to the scientific community through university curation or other appropriate means.</p>	<p>Implementation: The District and/or its contractor(s) shall implement this measure in the event any paleontological resources are discovered.</p> <p>Timing: During all earth disturbing phases of Project construction.</p>	<p>Monitoring: If paleontological resources are uncovered, a report shall be prepared by the qualified paleontologist describing the find and its deposition.</p> <p>Initials: _____</p> <p>Date: _____</p>