

Mitigation Monitoring and Reporting Program

Orland Recreational Trail Improvement Project

State Clearinghouse Number
2018112001

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Lead Agency:



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SECTION 1.0 INTRODUCTION

In accordance with CEQA, an MND that identifies adverse impacts related to the construction activity for the Orland Recreational Trail Improvement Project was prepared. The MND identifies mitigation measures that would reduce or eliminate these impacts.

Section 21081.6 of the Public Resources Code and Sections 15091(d) and 15097 of the State CEQA Guidelines require public agencies to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. A MMRP is required for the Proposed Project, because the IS/MND identified potentially significant adverse impacts related to construction activity, and mitigation measures have been identified to mitigate these impacts. Adoption of the MMRP will occur along with approval of the Proposed Project.

1.1 PURPOSE OF THE MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during the construction and operation of the Proposed Project, as required. The MMRP may be modified by the City of Orland during Project implementation, as necessary, in response to changing conditions or other Project refinements. Table 1-1 has been prepared to assist the responsible parties in implementing the MMRP. This table identifies the category of significant environmental impact(s), individual mitigation measures, monitoring and mitigation timing, responsible person/agency for implementing the measure, monitoring and reporting procedure, and notation space to confirm implementation of the mitigation measures. The numbering of the mitigation measures follows the numbering sequence in the IS/MND.

1.2 ROLES AND RESPONSIBILITIES

The City of Orland, as Lead Agency, is responsible for oversight of compliance of the mitigation measures in the MMRP.

1.3 MITIGATION MONITORING AND REPORTING PLAN

The column categories identified in the MMRP table (Table 1-1) are described below.

- **Mitigation Measure** – This column lists the mitigation measures by number.
- **Monitoring Activity/Timing/Frequency/Schedule** – This column lists the activity to be monitored for each mitigation measure, the timing of each activity, and the frequency/schedule of monitoring for each activity.
- **Implementation Responsibility/Verification** – This column identifies the entity responsible for complying with the requirements of the mitigation measure, and provides space for verification initials and date.

- **Responsibility for Oversight of Compliance/Verification** – This column provides the agency responsible for oversight of the mitigation implementation, and is to be dated and initialed by the agency representative based on the documentation provided by the construction contractor or through personal verification by agency staff.
- **Outside Agency Coordination** – this column lists any agencies with which the City may coordinate for implementation of the mitigation measure.
- **Comments** – this column provides space for written comments, if necessary.

Table 1-1. Orland Recreational Trail Improvement Project - Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<p>BIO-1: A qualified professional shall conduct a preconstruction nesting bird survey of all suitable habitat on the Project within 14 days of the commencement of any construction occurring during the nesting season (February 1 - August 31). Construction occurring outside of the nesting season (September 1 – January 31) do not need to conduct a preconstruction nesting bird survey. Surveys shall be conducted within 300 feet of the Project for nesting raptors, and 100 feet of the Project for nesting songbirds. If active nests are found, a no-disturbance buffer around the nest shall be established. The buffer distance shall be established by a biologist in consultation with CDFW or the CEQA lead agency. The buffer shall be maintained until the fledglings are capable of flight and become independent of the nest tree, to be determined by a qualified biologist. Once the young are independent of the nest, no further measures are necessary. Preconstruction nesting surveys are not required for construction activity outside the nesting season.</p>	<p>Activity: Implementation of pre-construction nesting bird survey.</p> <p>Timing: Within 14 days prior to grading and construction activities occurring during nesting season (February 1 through August 31).</p> <p>Frequency: Once prior to construction.</p>	<p>Contractor</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>City of Orland</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Possible coordination with CDFW</p>	
<p>CUL-1: If subsurface deposits believed to be cultural or human in origin are discovered during excavation and construction activities, all work must halt within a 100-foot radius of the discovery and the construction manager shall immediately notify the City of Orland. The Project applicant shall retain a qualified professional archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:</p> <ul style="list-style-type: none"> • If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required. • If the professional archaeologist determines that the find does represent a cultural resource from any 	<p>Activity: If any cultural resource materials are found then ground disturbing activities must be suspended within a 100-foot radius of the find.</p> <p>Timing: During construction.</p> <p>Frequency: As required.</p>	<p>Project Archaeologist</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>City of Orland</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<p>time period or cultural affiliation, he or she shall immediately notify the lead agency and applicable landowner. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be eligible for inclusion in the National Register of Historic Places (NRHP) or California Register of Historic Places (CRHR). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not eligible for the NRHP or CRHR; or 2) that the treatment measures have been completed to their satisfaction.</p> <ul style="list-style-type: none"> If the find includes human remains, or remains that are potentially human, he or she shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the Glenn County Coroner (as per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California Public Resources Code (PRC), and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or 					

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<p>recording a reinterrment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.</p>					
<p>CUL-2: If paleontological or other geologically sensitive resources are identified during any phase of project development, the construction manager shall cease operation at the site of the discovery and immediately notify the City of Orland. The Project applicant shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less-than-significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.</p>	<p>Activity: If paleontological materials are found then ground disturbing activities must be suspended within a 100-foot radius of the find.</p> <p>Timing: During construction.</p> <p>Frequency: As required.</p>	<p>Project Paleontologist</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>City of Orland</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

To be signed when all mitigation measures have been completed:

City of Orland

Signature

Title

Printed Name

Date