

**FULTON ROAD SEWER MAIN IMPROVEMENTS,
WEST 3RD STREET TO SANTA ROSA CREEK
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

APPENDIX E

**RESPONSE TO COMMENTS
DECEMBER 2022**

CITY OF SANTA ROSA, SONOMA COUNTY, CALIFORNIA

**Public Review Period: June 30, 2022, to July 29, 2022
SCH# 2022060720**

PUBLIC REVIEW PROCESS

The Initial Study/Mitigated Negative Declaration (IS/MND) for the City of Santa Rosa's (City) Fulton Road Sewer Main Improvements, West 3rd Street to Santa Rosa Creek Project, was completed on June 30, 2022, and a Notice of Intent to Adopt a Mitigated Negative Declaration (Notice) was circulated, providing for a 30-day public review period beginning June 30, 2022, and extending through July 29, 2022. The notification process used to commence the public review period included the following actions:

- The Notice was posted at the Sonoma County Clerk on June 30, 2022
- The Notice was mailed to surrounding property owners on June 30, 2022
- The Notice was published in *The Press Democrat* on July 15, 2022
- The Notice was posted on the City's website

Additionally, copies of the Initial Study/Mitigated Negative Declaration were provided for public review at the Transportation and Public Work's website.

TRIBAL CULTURAL RESOURCES CONSULTATION

In July 2015, AB52 went into effect requiring that California Native American tribal cultural resources be considered during the CEQA process. AB52 requires consultation with Native American tribal governments that may have Tribal Cultural Resources (TCRs) or knowledge of TCRs in a project area. CEQA requires that Native American tribes in the project vicinity be provide with the opportunity to comment on CEQA documents and enter into consultation with the Lead Agency.

As part of the AB52 tribal consultation process, project information was sent via certified mail to the following tribes by the City on November 17, 2020:

- Federated Indians of Graton Rancheria
- Lytton Rancheria

On November 23, 2020, attorneys for the Lytton Rancheria responded via email that the Lytton Rancheria had received the project information and would not request further consultation.

On December 10, 2020, the Federated Indians of Graton Rancheria (FIGR), responded via email requesting consultation with the City and requesting additional information. The City provided the requested information on December 16, 2020. On March 8, 2021, Tom Origer & Associates transmitted cultural resources records to FIGR on behalf of the City.

The City and FIGR had a consultation meeting on July 8, 2021, and FIGR requested additional information. On July 13, 2021, the City submitted the following materials based on FIGR's consultation request: draft permit applications for USACE and Regional Board; Biological Assessment; draft CEQA document; Cultural Resources report; draft Mitigation Monitoring and Reporting Plan; Fish Recovery Plan; Geotechnical Report; Hydrogeomorphic Study; Instream Construction Methodologies memo; Riparian Restoration Plan; and 76% Submittal Plans. On January 4, 2022, FIGR issued comments on the submitted materials.

On February 28, 2022, the City and FIGR had a second consultation meeting and the City provided additional information related to the Area of Potential Effect (APE) and TCR mitigations. FIGR provided comments on the proposed TCR mitigation measures on April 28, 2022, and the City has incorporated those comments as Mitigation Measure TCR1, included in the attached Mitigation Monitoring and Reporting Plan (MMRP).

STATE CLEARINGHOUSE REVIEW

The Initial Study/Mitigated Negative Declaration, Notice of Completion and Summary were uploaded to the State Office of Planning and Research's (State Clearinghouse) CEQASubmit system on June 30, 2022. The submittal of these materials commenced a 30-day state agency review period that extended from June 30, 2022, extending through July 29, 2022. The State Clearinghouse Number assigned to the project is: SCH# 2022060720. The purpose of the state review period is to allow any state agencies that might have an interest in this project to provide comments to the City. The following are listed state reviewing agencies: California Air Resources Board (ARB), California Department of Parks and Recreation, California Department of Transportation, District 4 (DOT), California Department of Water Resources (DWR), California Highway Patrol (CHP), California Native American Heritage Commission (NAHC), California Natural Resources Agency, California Public Utilities Commission (CPUC), California Regional Water Quality Control Board, North Coast Region 1 (RWQCB), Department of Toxic Substances Control, Office of Historic Preservation, State Water Resources Control Board, Division of Drinking Water, State Water Resources Control Board, Division of Financial Assistance, and California Department of Fish and Wildlife, Bay Delta Region 3 (CDFW). The record of the State Clearinghouse review is attached.

As of July 30, 2022, CDFW had posted a comment letter. Comments contained in the CDFW letter require modification of the proposed mitigation measures to better reflect expected permit terms and minor additions to the Initial Study. CDFW's letter and the revised Biological Resources Analysis section of the IS/MND is attached.

MITIGATION MONITORING AND REPORTING PLAN

Pursuant to Section 21081.6 of Title 14 of the California Code of Regulations and the State CEQA Guidelines, the mitigation measures listed in the Mitigation Monitoring and Reporting Plan (MMRP) are to be implemented as part of the proposed project. The MMRP identifies the time at which each mitigation measure is to be implemented and the person or entity responsible for implementation. The MMRP was included in the Initial Study/Mitigated Negative Declaration as Appendix A and circulated for public review.

The CDFW comments recommended revisions to the draft mitigation measures. Those revisions are included in the revised MMRP to reflect anticipated permit terms. The revised MMRP is attached.

PUBLIC COMMENTS RECEIVED

One comment was received from the public received during the 30-day comment period. An email inquiry was sent to Andy Wilt who provided a response. That comment and response is attached.

RECIRCULATION OF THE IS/MND

Revisions to a CEQA document can sometimes require recirculation of the document for public review. Section 15073.5 of the Guidelines, below, defines when recirculation is required (emphasis added).

15073.5. Recirculation of a Negative Declaration Prior to Adoption.

(a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.

(b) A “substantial revision” of the negative declaration shall mean:

(1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or

(2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

(c) Recirculation is not required under the following circumstances:

(1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.

(2) New project revisions are added in response to written or verbal comments on the project’s effects identified in the proposed negative declaration which are not new avoidable significant effects.

(3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

(4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

(d) If during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency shall prepare a draft EIR and certify a final EIR prior to approving the project. It shall circulate the draft EIR for consultation and review pursuant to Sections 15086 and 15087, and advise reviewers in writing that a proposed negative declaration had previously been circulated for the project.

In this case, neither of the criteria for “substantial revision” contained in Section 15073.5(b) are met by the revisions to the IS/MND to address the CDFW comments. The IS/MND would therefore fall under 15073.5(c)(1)(2) and (4) and does not require recirculation. While revisions include clarification of impacts to Santa Rosa Creek and revisions to proposed mitigation measures recommended by CDFW, none of the revisions involve identification of a new significant effect or identification of mitigation measures that would fail to reduce impacts to less than significant that would trigger recirculation as “substantial revisions.” Therefore, the City may proceed with adoption of the 2022 IS/MND without recirculation.

CONCLUSION

The public review process resulted in one state agency comment letter and one inquiry from the public. The letter from CDFW required revisions to the IS/MND to clarify potential impacts to Santa Rosa Creek. Those revisions did not result in any new significant information being added to the IS/MND or identification of

new impacts. Additionally, CDFW suggested revisions to proposed mitigation measures that would better reflect anticipated permit terms. Those suggested mitigations have been included in the IS/MND and the revised MMRP. The criteria for “substantial revision” contained in CEQA Guidelines 15073.5(b) was not met and recirculation of the IS/MND is not required. The City may adopt the IS/MND and file the Notice of Determination.

STATE CLEARINGHOUSE RECORD

Fulton Road Sewer Main Improvements, West 3rd Street to Santa Rosa Creek

Summary

SCH Number	2022060720
Lead Agency	City of Santa Rosa
Document Title	Fulton Road Sewer Main Improvements, West 3rd Street to Santa Rosa Creek
Document Type	MND - Mitigated Negative Declaration
Received	6/30/2022
Present Land Use	Public Right of Way or public utility easements, creek
Document Description	The City of Santa Rosa (City) desires to undertake a project to replace approximately 300 feet of failing sewer pipe that was first installed in 1969 under Santa Rosa Creek just westerly of the Fulton Road Bridge. The sewer has become partially obstructed and needs to be replaced. The project would include use of open trench construction methods to construct a replacement 8-inch diameter gravity flow sewer under Santa Rosa Creek.

Contact Information

Name	Justin Witt
Agency Name	Brelje & Race
Job Title	Environmental Planner
Contact Types	Consulting Firm
Address	475 Aviation Blvd Suite 120 Santa Rosa, CA 95403
Phone	(707) 636-3730
Email	witt@brce.com
Name	Andy Wilt
Agency Name	City of Santa Rosa
Job Title	Associate Civil Engineer
Contact Types	Lead/Public Agency

Address	69 Stony Circle Santa Rosa, CA 95401
Phone	(707) 543-3878
Email	awilt@srcity.org

Location

Coordinates	38°26'30.55"N 122°46'10.78"W
Counties	Sonoma
Regions	Citywide
Cross Streets	Fulton Road at Santa Rosa Creek, north of Placer Drive
Zip	95401
Total Acres	0.37
Parcel #	Public right-of-way
State Highways	12
Railways	SMART
Schools	Piner HS, James Monroe ES
Waterways	Santa Rosa Creek
Township	7N
Range	8W
Section	20
Base	MDB

Notice of Completion

State Review Period Start	6/30/2022
State Review Period End	7/29/2022
State Reviewing Agencies	California Air Resources Board (ARB), California Department of Parks and Recreation, California Department of Transportation, District 4 (DOT), California Department of Water Resources (DWR), California Highway Patrol (CHP), California Native American Heritage Commission (NAHC), California Natural Resources Agency, California Public Utilities Commission (CPUC), California Regional Water Quality Control Board, North Coast Region 1 (RWQCB), Department of Toxic Substances Control, Office of Historic Preservation, State Water Resources Control Board, Division of Drinking Water, State Water Resources Control Board, Division of Financial Assistance, California Department of Fish and Wildlife, Bay Delta Region 3 (CDFW)
State Reviewing Agency Comments	California Department of Fish and Wildlife, Bay Delta Region 3 (CDFW)

Development Types	Other (Sewer replacement)
Local Actions	Sewer replacement
Project Issues	Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Coastal Zone, Cultural Resources, Cumulative Effects, Drainage/Absorption, Energy, Flood Plain/Flooding, Geology/Soils, Greenhouse Gas Emissions, Growth Inducement, Hazards & Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mandatory Findings of Significance, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Schools/Universities, Septic System, Sewer Capacity, Solid Waste, Transportation, Tribal Cultural Resources, Utilities/Service Systems, Vegetation, Wetland/Riparian, Wildfire
Local Review Period Start	6/30/2022
Local Review Period End	7/29/2022

Attachments

Draft Environmental Document [Draft IS, NOI_NOA_Public notices, OPR Summary Form, Appx,]

4554 **PDF** 11208 K Fulton Sewer Summary Form **PDF** 576 K

Notice of Completion [NOC] Transmittal form

NOC Fulton Sewer **PDF** 243 K

State Comment Letters [Comments from state reviewing agencies]

2022060720_CDFW Comment **PDF** 623 K

Disclaimer: The Governor’s Office of Planning and Research (OPR) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. You may also contact the OPR via email at state.clearinghouse@opr.ca.gov or via phone at (916) 445-0613. For more information, please visit [OPR’s Accessibility Site](#).

COMMENTS RECEIVED AND RESPONSES

Justin Witt

From: Wilt, Andrew <awilt@srcity.org>
Sent: Monday, July 18, 2022 8:38 AM
To: Neil Baxter
Cc: Penry, Cy; Justin Witt
Subject: RE: [EXTERNAL] FULTON ROAD SEWER MAIN IMPROVEMENTS, WEST 3RD STREET TO SANTA ROSA CREEK

Hi Mr. Baxter,

Thanks for your email. I do not anticipate sewer service disruption. However, it is possible that the contractor may need to install temporary bypass pumping for the flows in the sewer mainline which may cause some temporary noise that will be mitigated with some sound insulation. There may also be some temporary nuisance construction noise. We anticipate that it may be necessary to close one lane of traffic on Fulton Road which could cause some traffic slowdowns. There are a few work items to be completed in the intersection of Fulton and W 3rd which will cause some traffic disruption.

I hope that helps.

Andrew Wilt, PE

Associate Civil Engineer

City of Santa Rosa

Public Works, 69 Stony Circle, Santa Rosa, CA 95401

(707) 543-3878, awilt@srcity.org

Andy

From: Neil Baxter <neilb@sonic.net>
Sent: Friday, July 15, 2022 1:52 PM
To: Wilt, Andrew <awilt@srcity.org>
Subject: [EXTERNAL] FULTON ROAD SEWER MAIN IMPROVEMENTS, WEST 3RD STREET TO SANTA ROSA CREEK

Good afternoon, Mr. Wilt,

Regarding your letter pertaining to the subject project, what kind of service disruption can we expect during the implementation of this project? Please advise.

Best regards,

Neil G. Baxter

464 Countryside Circle

Santa Rosa, CA 95401

Phone: 707-546-0303

Cell: 707-494-6095

Email: neilb@sonic.net



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 22, 2022

Andy Wilt
City of Santa Rosa, Transportation and Public Works Department
69 Stony Circle
Santa Rosa, CA 95401
AWilt@srcity.org

Subject: Fulton Road Sewer Main Improvements, West 3rd Street to Santa Rosa Creek, Mitigated Negative Declaration, SCH No. 2022060720, Sonoma County

Dear Mr. Wilt:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the City of Santa Rosa (City) for the Fulton Road Sewer Main Improvements, West 3rd Street to Santa Rosa Creek (project) pursuant to the California Environmental Quality Act (CEQA).

CDFW is submitting comments on the MND to inform the City, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive biological resources associated with the project.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act, Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

REGULATORY REQUIREMENTS

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. **The project**

Andy Wilt
City of Santa Rosa
July 22, 2022
Page 2 of 6

would impact Santa Rosa Creek, therefore an LSA Notification is required as further described below. CDFW will consider the CEQA document for the project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Santa Rosa

Objective: Replace approximately 300 feet of failing sewer pipe under Santa Rosa Creek that was installed in 1969. The sewer has become partially obstructed and needs to be replaced. The project would include use of open trench construction methods to construct a replacement 8-inch diameter gravity flow sewer pipe under Santa Rosa Creek. The existing approximately 300 feet of sewer pipe under Santa Rosa Creek would be abandoned in-place and filled with cellular concrete material to prevent collapse.

Location: The project is located on the west side of Fulton Road at Santa Rosa Creek, just north of Placer Drive, in the City of Santa Rosa, Sonoma County. It is on Assessor's Parcel Numbers 034-110-078, 034-110-066, and 035-590-072 and centered at approximate coordinates 38.441870°N, 122.769807°W.

COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations to assist the City in adequately identifying and/or mitigating the project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the project's avoidance of significant impacts on biological resources, in part through implementation of CDFW's below recommendations, CDFW concludes that an MND is appropriate for the project.

Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or the U.S. Fish and Wildlife Service (USFWS)?

Andy Wilt
City of Santa Rosa
July 22, 2022
Page 3 of 6

Mitigation Measures

Comment 1: MND Pages 21, 23, 55 and 58

Issue: Mitigation Measure (MM) BIO6 indicates that the City shall comply with permit terms from CDFW, U.S. Army Corps of Engineers, and Regional Water Quality Control Board. However, the type of permit that the City would obtain from CDFW and the other agencies is unclear. Additionally, MM BIO5 indicates that to mitigate the loss of riparian habitat, the *Riparian Restoration Plan, South Fulton Trunk Sewer Project, City of Santa Rosa*, prepared by Sol Ecology, dated September 2020 would be implemented. However, it does not appear the tree planting ratios in the *Riparian Restoration Plan* would be adequate to mitigate impacts to less-than-significant. In particular, two 7-inch oaks (*Quercus* sp.) and one 15-inch oak would be removed, and oaks are often slow growing resulting in significant temporal loss of habitat and canopy cover.

The MND does not evaluate or include mitigation for permanent impacts to Santa Rosa Creek resulting from placement of riprap. The MND indicates that rip rap would be placed up to and on top of the concrete encasement and on the banks. Native streambed material removed during excavation would be used to backfill on top of the rip rap to restore the bed and flowline, however the rip rap could become exposed over time.

Recommendation: To reduce impacts to riparian habitat to less than significant and comply with Fish and Game Code section 1602 et seq., CDFW recommends that MM BIO6 clearly require: 1) the City to submit an LSA notification to CDFW prior to project construction and comply with the LSA Agreement, if issued. The type of permits that will be obtained from the other referenced agencies should also be clarified; 2) the restoration plan to include the below minimum tree replacement to removal ratios; and 3) the restoration plan and any reduction from the below ratios to be approved by CDFW in writing.

Oak trees:

- 3:1 replacement for trees 5 to 8 inches diameter at breast height (DBH)
- 5:1 replacement for trees 8 inches to 16 inches DBH
- 15:1 replacement for trees greater than 16-inch DBH, which are considered old-growth oaks

Replacement oaks shall come from nursery stock grown from locally sourced acorns, preferably from the same watershed in which they are planted.

Other trees:

Andy Wilt
City of Santa Rosa
July 22, 2022
Page 4 of 6

- 1:1 replacement for non-native trees
- 3:1 replacement for trees up to 6-inch DBH
- 6:1 replacement for trees greater than 6-inch DBH

Planted trees shall be monitored for a minimum of five years to ensure survival. The trees must survive the last two years of the minimum five-year monitoring period without irrigation. Replanted trees shall have the same five-year monitoring requirements.

Additionally, the MND should quantify the permanent impacts to Santa Rosa Creek resulting from placement of rip rap, including acres and linear distance of impacts, and the restoration plan should include restoration on-site or off-site to mitigate permanent impacts at a 3:1 mitigation to impact ratio for acres and linear distance of impacts. Restoration should occur as close to the project site as possible and within the same watershed and same year of the impacts.

Mandatory Findings of Significance: Does the project have the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?

Mitigation Measures

Comment 2: MND Page 57

Issue: MM BIO4 indicates that dewatering would be conducted within the National Marine Fisheries work window of August 1 to November 30 for salmonids such as steelhead (*Oncorhynchus mykiss*), a federally threatened species. However, prior to November 30 stream temperatures could decline and precipitation could increase, particularly if an early atmospheric river occurs as it did in 2020; therefore, salmonids could be migrating and occur within the project site.

Recommendation: To reduce impacts to salmonids such as steelhead to less-than-significant, CDFW recommends that MM BIO4 be revised to include a work window of August 1 to October 15, as October 15 is considered to be the end of the dry season. If conditions remain dry, the work period may be extended on a weekly basis if forecasted conditions remain dry.

Would the project have a substantial adverse effect, 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 CDFW or USFWS?

Andy Wilt
City of Santa Rosa
July 22, 2022
Page 5 of 6

Mitigation Measures

Comment 3: MND Page 57

Issue: MM BIO1 indicates that to mitigate impacts to western red bat (*Lasiurus blossevillii*), any felled trees should be left overnight prior to removal from the site or on-site chipping to allow any bats to exit the roost. However, the project is also within the range of pallid bat (*Antrozous pallidus*) and potentially other special-status bats and the above measure may not be adequate to mitigate impacts to less-than-significant. Both species are designated as California Species of Special Concern.

Recommendation: To reduce impacts to western red bat, pallid bat, and other special-status bats to less-than-significant, CDFW recommends that MM BIO1 be replaced with the measure below.

Prior to any tree removal, a qualified biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree removal and shall include a visual inspection of potential roosting features. (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. Trees may be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergency surveys or complete visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed. If a bat roosting or maternity colony cannot be avoided, the project shall prepare and implemented a bat mitigation and monitoring plan approved in writing by CDFW.

Environmental Setting

Comment 4: MND Pages 43 and 47

Issue: The MND indicates that no special-status plants would be impacted based on surveys conducted in 2020. However, it is unclear if the surveys were conducted according to CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-*

Andy Wilt
City of Santa Rosa
July 22, 2022
Page 6 of 6

Status Native Plant Populations and Natural Communities and are therefore adequate to detect special-status plants (see: <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>).

Recommendation: To reduce impacts to special-status plants to less-than-significant, CDFW recommends including an MM requiring the project to submit the plant survey report to CDFW and obtain CDFW's written acceptance of the survey results. If necessary, additional plant surveys shall be conducted in accordance with the above CDFW protocol until CDFW is able to accept the survey results.

Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Mitigation Measures

Comment 5: MND Page 56

Issue: MM BIO2 indicates that nesting bird surveys will be conducted within 250 feet of the project site. However, nesting birds may be impacted beyond 250 feet, and it is unclear when the surveys would occur.

Recommendation: To reduce impacts to nesting birds to less-than-significant, CDFW recommends increasing the nesting bird survey area to a minimum 500-foot radius around the project site, particularly for raptors, and specify that the pre-construction survey must occur within seven days of construction and whenever a lapse of seven days or more in construction occurs during the avian nesting season.

Please be advised that the LSA Agreement, if issued, will likely include the above recommendations, as applicable.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form, online field survey form, and contact information for CNDDDB staff can be found at the following link: <https://wildlife.ca.gov/data/CNDDDB/submitting-data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

Andy Wilt
City of Santa Rosa
July 22, 2022
Page 7 of 6

FILING FEES

The project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

To ensure significant impacts are adequately mitigated to a level less-than-significant, CDFW recommends the feasible mitigation measures described above be incorporated as enforceable conditions into the final CEQA document for the project. CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov; or Craig Weightman, Environmental Program Manager, at (707) 339-1332 or Craig.Weightman@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486
Erin Chappell
Regional Manager
Bay Delta Region

ec: State Clearinghouse (SCH No. 2022060720)

Justin Witt, Brelje & Race, witt@brce.com

December 21, 2022

Melanie Day
California Department of Fish and Wildlife
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534

**Subject: Fulton Road Sewer Main Improvements, West 3rd Street to Santa Rosa Creek,
Mitigated Negative Declaration, SCH No. 2022060720, Sonoma County
B&R Project No. 4554.00**

Dear Melanie,

The City has reviewed your comments on the Fulton Road Sewer Main Improvements (project). The California Department of Fish and Wildlife's (CDFW) input to the project's CEQA document is important and recommendations have been incorporated into the CEQA documentation. The City acknowledges CDFW's role as a Trustee Agency with permit authority over the project. We expect the City will submit the Section 1600 Lake and Streambed Alteration Agreement application in early January, and your recommendations will facilitate that process. In response to specific comments, we offer the following responses.

Response to Comment 1

Permanent impacts to Santa Rosa Creek would occur but in an area that is already heavily disturbed. The creek immediately upstream of the project location (underneath the existing bridge) is already riprapped as is the southerly bank in the project location. Some riprap occurs within the wetted portion of the creek and lower banks within the project location. The project itself is intended to prevent failure of an existing sewer main that could lead to discharge of untreated sewage into the creek if it were to fail. As indicated in your comments, the restoration proposal includes replacement of native soils above the proposed riprap. The City understands that CDFW considers this an inadequate mitigation.

Instream impacts are associated with the placement of the sewer main, riprap and construction activities. Temporary instream impacts are shown on Figure IV-3 of the IS/MND and are calculated at 0.033 acre. Permanent stream impacts are also shown (labeled riprap) and are calculated at 0.023 acre. As indicated above and in the IS/MND, the riprap would be covered with native stream materials once construction is complete. The riprap will extend approximately 25 feet downstream of the existing bridge and span approximately 42 feet across the stream channel.

On October 4, 2022, Andy Wilt and Steve Brady, City of Santa Rosa, and Justin Witt, Brelje & Race, discussed the CDFW comment letter with you and Nicholas Wagner, CDFW. Specific mitigations for permanent stream impacts were discussed. It was agreed that, in addition to replacement of native stream materials over the riprap, additional riparian corridor planting would be utilized to mitigate for the placement of instream riprap.

The project area was examined by the project biologist, Sol Ecology, and additional sites downstream of the project on the north and south sides of the creek channel were identified that would benefit

from riparian enhancement. Sol Ecology revised their Riparian Restoration Plan to include planting those new areas in excess of a 3:1 mitigation ratio to mitigate for instream impacts. The revised plan is attached and will be submitted with the permit application package.

Suggested revisions to Mitigation Measure BIO5 and BIO6 are contained below and have been added to the final Mitigation Monitoring and Reporting Plan.

BIO5

The following measures shall be implemented to mitigate for the construction-related loss of riparian habitat:

- A special status plant survey shall be conducted at the appropriate time of year prior to the start of the construction season according to CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities. The results of the survey shall be provided to CDFW for acceptance.
- Planting within the Santa Rosa Creek channel shall be according to the Riparian Restoration Plan, South Fulton Trunk Sewer Project Fulton Road Sewer Main Improvements West 3rd St to Santa Rosa Creek, City of Santa Rosa, prepared by Sol Ecology September 2020, revised November 2022. The Restoration Plan and any revisions to the Restoration Plan shall be approved in writing by CDFW.
- Prepare re-vegetation and erosion control plans for all graded and disturbed areas to prevent sedimentation to the low flow channel.
- Protect and preserve all healthy native trees as per tree ordinance. When grading for hydraulic capacity requires removal, mitigate all tree removals with replacement of appropriate native species.
- Create a vegetation and tree protection plan. Orange construction fencing shall be placed around all existing riparian vegetation to avoid potential effects to this sensitive vegetation community during construction activities.
- Grading operations shall be confined to smallest work area possible for construction.

BIO6

The City shall comply with permit terms from USACE (Nationwide Permit 58 under Section 404 of the Clean Water Act), Regional Board (Section 401 Water Quality Certification) and CDFW (Section 1600 Lake and Streambed Alteration Agreement). At a minimum, permit terms shall include in-stream construction methodologies contained in the *In-stream Construction Methodologies Memorandum* contained as Appendix A of the Initial Study.

Response to Comment 2

Mitigation Measure BIO4 is revised below. It should be noted that an August 1 to October 15 construction window is very constrained. The City recommends CDFW and National Marine Fisheries consider allowing an earlier than August 1 start of in-stream construction if construction follows a dry winter and stream conditions would support such a decision.

BIO4

To protect steelhead and Coho salmon that may be present, the following measures shall be implemented:

- The *Fish Management Plan for South Fulton Trunk Sewer Replacement Project, City of Santa Rosa, California* prepared by Hagar Environmental Science, August 2020, shall be implemented.
- All dewatering will be conducted within the ~~NOAA/NMFS CDFW~~ work window of August 1 to ~~November 30~~ October 15, unless extended by CDFW. Pumps used in the dewatering process will be fitted with screens not larger than 0.2 inch to prevent the impingement or entrainment of fish species. A qualified fisheries biologist will conduct fish salvage during dewatering operations. Salvaged fish will be relocated to suitable nearby habitat outside the Project Action Area.
- A spill prevention plan will be prepared describing measures to be taken to minimize the risk of fluids or other materials used during construction (e.g., oils, transmission and hydraulic fluids, cement, fuel) from entering streams or contaminating adjacent riparian areas. In addition to a spill prevention plan, a cleanup protocol will be developed before construction begins and will be implemented in case of a spill.

Response to Comment 3

Mitigation Measure BIO1 has been replaced, as suggested, and is contained in the MMRP.

Response to Comment 4

A plant survey was included in the biological resources report prepared for the project during the appropriate blooming period. The request for a protocol-level plant survey has been added to Mitigation Measure BIO5.

Response to Comment 5

Mitigation Measure BIO2 has been revised, as follows.

BIO2

To avoid potential impacts to Yellow-breasted chat and other migratory bird species (nesting birds), to the extent practical, all construction activities should be performed between September 1 and January 31 to be outside the nesting season. If work must be performed during the nesting season (between February 1 and August 31), a pre-construction nesting bird survey shall be performed in all areas within ~~250~~ 500 feet of proposed activities The survey shall be conducted within seven days of construction and whenever a lapse in construction exceeds seven days. If nests are found, an appropriately sized no-disturbance buffer shall be placed around the nest at the direction of the qualified biologist conducting the survey. Buffers shall remain in place until all young have fledged, or the biologist has confirmed that the nest has been naturally predated.

We trust the above information responds to your comments on the IS/MND. A copy of the revised Biological Resources section of that document is also attached to indicate revisions made to respond to your comments. Please do not hesitate to contact me if I can provide further clarification.

Very truly yours,

BRELJE & RACE

Justin Witt

enc.

cc: Andy Wilt, City of Santa Rosa

IS/MND BIOLOGICAL RESOURCES ANALYSIS REVISIONS

MITIGATED NEGATIVE DECLARATION

Project Title: Fulton Road Sewer Main Improvements, West 3rd Street to Santa Rosa Creek

Date of Preparation: June 30, 2022 Revised December 21, 2022

Lead Agency: City of Santa Rosa, Transportation and Public Works



Project Description: The City of Santa Rosa (City) desires to undertake a project to replace approximately 300 feet of failing sewer pipe that was first installed in 1969 under Santa Rosa Creek just westerly of the Fulton Road Bridge. The sewer has become partially obstructed and needs to be replaced. The project would include use of open trench construction methods to construct a replacement 8-inch diameter gravity flow sewer under Santa Rosa Creek.

Project Location: West side of Fulton Road at Santa Rosa Creek, Northwest Santa Rosa

General Plan: In Public Right of Way or public utility easements

Zoning: In Public Right of Way or public utility easements

Findings:

1. With the incorporation of mitigation measures, this project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts that are cumulatively considerable.
4. This project will not have environmental impacts that will cause substantial adverse effects on human beings, either directly or indirectly.
 - Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A Mitigated Negative Declaration will be prepared.

Public Review Period: June 30, 2022, to July 29, 2022

Mitigation Measures: See Initial Study

Where to Submit Comments: City of Santa Rosa, Transportation and Public Works Department
69 Stony Circle
Santa Rosa, CA 95401

Contact Person: Andy Wilt
(707) 543-3878
AWilt@srcity.org

Attachment: Initial Study

**FULTON ROAD SEWER MAIN IMPROVEMENTS, WEST 3RD STREET TO
SANTA ROSA CREEK**
Santa Rosa, California

Initial Study

June 2022
Revised December 21, 2022

Prepared for:
City of Santa Rosa
Transportation and Public Works Department
69 Stony Circle
Santa Rosa, CA 95401

Prepared by:
Brelje & Race Engineers
475 Aviation Blvd., Suite 120
Santa Rosa CA 95403
707/576-1322

Arroyo Willow Shrubland Alliance

Rank: S4, G4. Arroyo willow (*Salix lasiolepis*) Shrubland Alliance occurs along Santa Rosa Creek. Arroyo willow is the dominant species within the canopy. Other vegetation observed in the canopy include big-leaf maple (*Acer macrophyllum*), California bay (*Umbellularia californica*), California buckeye (*Aesculus californica*), Fremont cottonwood (*Populus fremontii* subsp. *fremontii*), and Oregon ash (*Fraxinus latifolia*). Cattail (*Typha* sp.), Himalayan blackberry (*Rubus armeniacus*), rush (*Juncus* sp.), water cress (*Nasturtium officinale*), and western poison oak (*Toxicodendron diversilobum*) were also observed in the riparian corridor. Arroyo willow Shrubland Alliance is not considered a sensitive vegetation community.

SENSITIVE NATURAL COMMUNITIES

Santa Rosa Creek

Santa Rosa Creek is a non-wetland water of the United States. Santa Rosa Creek drains to the Laguna de Santa Rosa. The Laguna de Santa Rosa flows toward Mark West Creek. Mark West Creek drains to the Russian River, a traditional navigable water. The Russian River ultimately flows to the Pacific Ocean.

SPECIAL-STATUS SPECIES

Special status species include those plants and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the Federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford protection to both listed species and those that are formal candidates for listing. Plant species on the California Native Plant Society (CNPS) Rare and Endangered Plant Inventory with California Rare Plant Ranks of 1 and 2 are also considered special status plant species and must be considered under CEQA.

Analysis

- a. **Would the project have a substantial adverse effect, 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)?**

Results of Sol Ecology's biological assessment specific to special-status species are contained below.

Special Status Plants

Based upon a review of the resources and databases, 32 special status plant species have been documented within five miles of the project site. Two (2) special status plant species, including Sonoma alopecurus (*Alopecurus aequalis* var. *sonomensis*) and western leatherwood (*Dirca occidentalis*), are documented in the region and can be found in riparian scrub and riparian forest. However, the potential for these two special status plant species to occur within the project site is low. The occurrences of Sonoma alopecurus within the 9-quad CNDDDB database search are associated with freshwater marsh habitat. There is only one occurrence of western leatherwood within the 9-quad search and that occurrence is

found in mixed evergreen forest, in the fog belt. Neither species was observed during any of the site surveys which corresponded with the blooming window for Sonoma alopecurus and during a period in which western leatherwood was identifiable. Therefore, it is unlikely that Sonoma alopecurus and western leatherwood occur on the project site and are not likely to be affected by the proposed project. These two species are described below.

Special Status Plants with Potential to Occur within the project site.			
Scientific Name/ Common Name	Status ¹	Habitat	Blooming Period
<i>Alopecurus aequalis</i> var. <i>sonomensis</i> Sonoma alopecurus	FE, 1B.1	Marshes and swamps (freshwater), riparian scrub. 5-365 m	May-Jul
<i>Dirca occidentalis</i> western leatherwood	1B.2	Mesic; broadleaved upland forest, closed- cone coniferous forest, chaparral, cismontane woodland, North Coast coniferous forest, riparian forest, and riparian woodland. 25-425 m	Jan-Mar(Apr)

¹ FE – Federally Endangered California Rare

Plant Rank

1B – Plants rare, threatened, or endangered in California and elsewhere.

2B – Plants rare, threatened, or endangered in California but more common elsewhere.

1.1– Seriously threatened in California

1.2– Moderately threatened in California

1.3– Not very threatened in California

Other special status plant species documented in the area are unlikely or have no potential to occur on the project site for one or more of the following reasons:

- Hydrologic conditions (e.g. marsh habitat, seeps, pond habitat) necessary to support the special status plants do not exist on site;
- Edaphic (soil) conditions (e.g. volcanic, rocky, or sandy soils) necessary to support the special status plants do not exist on site;
- Topographic conditions (e.g. slopes) necessary to support the special status plants do not exist on site;
- Unique pH conditions (e.g. serpentine) necessary to support the special status plant species are not present on the project site; and
- Associated vegetation communities (e.g. coastal bluff scrub, coastal dunes, coastal prairie, chaparral, cismontane woodland) necessary to support the special status plants do not exist on site.

Northern California black walnut (*Juglans hindsii*) was observed within the project site. Northern California black walnut is listed as California Rare Plant Rank 1B.1, meaning it is seriously threatened in California. However, CNPS defines a Northern California black walnut tree as a California native rare plant only if it germinated prior to 1840 because walnut trees hybridize easily by wind pollination and many Northern California black walnut trees observed are hybrids with English walnut (*Juglans regia*). Only DNA testing can tell for sure if walnuts are hybridized or genetically pure (The Native Northern California Black Walnut Conservation Partnership 2020). The Northern California black walnut trees observed on site are not likely to have germinated prior to 1840 and therefore, are likely hybrid walnut trees.

Potential Impacts to Special Status Plants

Two special status plant species, Sonoma alopecurus and western leatherwood, have a low potential for occurrence within the project site. Neither species was observed during the April, May, or July 2020 site visits. Effects to special status plant species is less than significant given the low potential for occurrence and that no species were observed during site visits. A preconstruction special status plant survey is required by Mitigation Measure BIO5.

Special Status Wildlife

In addition to wildlife listed as federal or state endangered and/or threatened, federal and state candidate species, CDFW Species of Special Concern, CDFW California Fully Protected species, USFWS Birds of Conservation Concern, and CDFW Special Status Invertebrates are all considered special status species. Although these species generally have no special legal status, they are given special consideration under CEQA. The federal Bald and Golden Eagle Protection Act also provides broad protections to both eagle species that are roughly analogous to those of listed species. Bat species are also evaluated for conservation status by the Western Bat Working Group (WBWG), a non-governmental entity; bats named as a “High Priority” or “Medium Priority” species for conservation by the WBWG are typically considered special status and also considered under CEQA; bat roosts are protected under CDFW Fish and Game Code. In addition to regulations for special status species, most native birds in the United States (including non-status species) are protected by the federal Migratory Bird Treaty Act of 1918 (MBTA) and the California Fish and Game Code (CFG), i.e., sections 3503, 3503.5 and 3513. Under these laws, deliberately destroying active bird nests, eggs, and/or young is illegal.

Fourteen special status wildlife species have been documented within five miles of the project site. Based on the presence of biological communities described above, the project site has the potential to support five of these species, plus an additional special status bird known to occur in Sonoma County (Shuford and Gardali 2008). Species with potential to occur in the project area are described in more detail below.

Special Status Animals with Potential to Occur within the Project Site			
Species	Status*	Habitat	Comments
western red bat <i>Lasiurus blossevillii</i>	SSC, WBWG High	Highly migratory and typically solitary, roosting primarily in the foliage of trees or shrubs, usually in broad-leaved trees including cottonwoods, sycamores, alders, and maples. Day roosts are commonly in edge habitats adjacent to streams or open fields, sometimes in	May solitary day or night roost in riparian habitat within the project area. Fulton Bridge does not provide suitable roost habitat.
yellow-breasted chat <i>Icteria virens</i>	SSC	Summer resident, occurring in riparian areas with an open canopy, very dense understory, and trees for song perches. Nests in thickets of willow, blackberry, and wild grape.	May nest in riparian habitats within the project area. This species was not observed or heard during protocol-level surveys for fish and frogs.

foothill yellow-legged frog <i>Rana boylei</i>	SSC (North coast clade)	Found in or near rocky streams in a variety of habitats. Prefers partly shaded, shallow streams and riffles with a rocky substrate; requires at least some cobble-sized substrate for egg-laying. Needs at least 15 weeks to attain metamorphosis.	Possible summer resident. High flows, deep pools, and lack of smaller cobbles may preclude egg laying in this section of Santa Rosa Creek. Not observed during focused aquatic surveys on May 20, 2020 performed in accordance with CDFW protocol survey methodology.
Western pond turtle <i>Actinemys marmorata</i>	SSC	A thoroughly aquatic turtle of ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Require basking sites such as partially submerged logs, vegetation mats, or open mud banks, and suitable upland habitat (sandy banks or grassy open fields) for egg-laying.	Documented in Santa Rosa Creek. Basking sites are present in the project area. Open sandy and/or grassy banks are not present for egg-laying. Not observed during aquatic surveys, though a non-native red-eared slider was observed upstream of the project area.
Steelhead – Central CA coast DPS <i>Oncorhynchus mykiss irideus</i>	FT	Occurs from the Russian River south to Soquel Creek and Pajaro River and in San Francisco and San Pablo Bay Basins. Adults migrate upstream to spawn in cool, clear, well-oxygenated streams. Juveniles remain in fresh water for one or more years before migrating downstream to the ocean.	Juvenile steelhead were observed in a pool upstream of the Fulton Bridge in April 2020. Not observed in subsequent visits in May or July. Steelhead have been observed historically in Santa Rosa Creek and are presumed extant on site and the site is within designated critical habitat for this species.
Coho salmon - central CA coast ESU <i>Oncorhynchus kisutch</i>	FE, SE	Federal listing includes populations between Punta Gorda and San Lorenzo River. State listing includes populations south of San Francisco Bay only. Occurs inland and in coastal marine waters. Requires beds of loose, silt-free, coarse gravel for spawning. Also needs cover, cool water and sufficient dissolved oxygen.	Coho salmon have not been observed in Santa Rosa Creek despite numerous surveys. The site is within designated critical habitat. Suitable habitat is not present in the project area.

Because steelhead are listed as federally threatened and Coho are listed as federally endangered and state endangered, they are further described below.

Status and Accounts of Steelhead in the Action Area

Steelhead - Central California Coast DPS (*Oncorhynchus mykiss irideus*), Federal Threatened. The Central California Coast Distinct Population Segment of Steelhead includes all naturally spawned populations of steelhead (and their progeny) in California streams from the Russian River to Aptos Creek, and the drainages of San Francisco and San Pablo Bays eastward to the Napa River (inclusive), excluding the Sacramento-San Joaquin River Basin.

The life history patterns for steelhead are both highly variable and flexible (Moyle 2002). While similar to most Pacific Salmonids (*Oncorhynchus sp.*) in their anadromous life history, steelhead exhibit a greater variation in timing for each component of their life history (NMFS 2007). Steelhead typically migrate to

marine waters after spending two years in freshwater, though they may stay up to seven. They then reside in marine waters for two or three years prior to returning to their natal stream to spawn as four or five-year-olds.

Steelhead adults typically return to their natal streams to spawn between December and June. Unlike other Pacific salmonids, steelhead are iteroparous, meaning adults do not always die after spawning (NMFS 2007). Spawning redds or nests usually are found in pool tail-outs or riffles, where water velocities range from 20 to 155 centimeters/second and at depths of 10 to 150 centimeters (Moyle 2002). Juvenile steelhead prefer to rear in eddies and along velocity breaks where they can exert minimal energy while foraging. Instream cover such as large woody debris and undercut banks in deep pools, along with sufficient riparian cover form important rearing habitat (USFWS 1986). Abundant riffle areas (shallow areas with gravel or cobble substrate) for spawning and deeper pools with sufficient riparian cover for rearing are necessary for successful breeding.

The primary driving factor identified in the decline of CCC Steelhead is the loss and degradation of natural habitat and flow conditions (NMFS 2007). Factors contributing to this include urbanization, changes in watershed drainage, agriculture, forestry, channel realignment, water withdrawal, diversions, and fish passage barriers.

Steelhead Habitat Assessment

The project area is located in an area of riprap downstream of a large pool at the upstream base of the bridge. Underlying substrate in the project area consists primarily of riprap with sediment deposits. Little to no floodplain is present. This area does not provide suitable spawning substrate nor rearing habitat due to lack of instream cover and/or available cobble substrate. Steelhead may forage or disperse through this area, particularly immediately downstream of the bridge where a small island is present creating a bifurcating channel just below the project area. However, more suitable habitat is present further downstream.

Status and Accounts of Coho Salmon in the Action Area

Coho Salmon - Southern Oregon/Northern California ESU (*Oncorhynchus kisutch*) Federal Threatened, State Threatened, CDFW Species of Special Concern. Coho salmon occurs in coastal streams from Cape Blanco, Oregon, through Punta Gorda, California. Adult coho salmon enter fresh water from September through January in order to spawn. Spawning habitat typically occurs in swift freshwater streams with medium to small gravel substrate, high dissolved oxygen levels, and cool to cold water temperatures (12-14°C). Water temperatures exceeding 22-25°C for extended periods are lethal. Rearing habitat consists of deeper, slower-moving freshwater with sufficient dissolved oxygen and riparian cover. Juveniles may remain in coastal streams for over a year before migrating to the Pacific Ocean to forage and mature.

Coho Salmon Habitat Assessment

No suitable spawning habitat is present in or immediately up or downstream of the project area due to the presence of riprap and absence of small gravel substrate. Furthermore, limited rearing habitat is present due to the absence of instream cover or complexity. Coho salmon have not been documented in Santa Rosa Creek despite numerous surveys, and therefore is not likely to be present in the project area during proposed activities.

The remaining species found in the review of background literature were determined to be unlikely to occur due to absence of suitable habitat elements in and immediately adjacent to the project site. Habitat elements that were evaluated but found to be absent from the immediate area of the project site or surrounding habitats subject to potential indirect effects include the following:

- No suitable burrows on or adjacent to the project site (e.g. for burrowing owl or American badger);
- No coniferous forest, seasonal wetlands, freshwater marsh, oak woodland, or annual grassland communities are present;
- No suitable roosting habitat such as barns, old buildings, or large snags (e.g. for Townsend's big-eared bat or other colonial species).

Potential Impacts to Special Status Animals

The proposed project has the potential to affect six special status wildlife species if present during proposed activities, including: western red bat, yellow-breasted chat, foothill yellow-legged frog, western pond turtle, steelhead, and Coho salmon. Coho salmon is not likely to be present during activities; nonetheless measures provided to avoid or minimize impacts to steelhead will mitigate any potential effects to Coho salmon to a less than significant level. Potentially significant effects to special status wildlife are described below along with measures to ensure potential effects are mitigated to a less than significant level.

Western red bat: Tree removal may have the potential to impact non-maternity roosting western red bat, as well as other common bat species that may be present. Mitigation Measure BIO1 is included to reduce the potential for impact to bats to less than significant.

Yellow-breasted chat and other migratory bird species: Migratory nesting birds protected under the MBTA, including yellow-breasted chat in riparian habitats, may potentially be significantly affected by the proposed project if activities occur during the nesting season February 1 through August 31, resulting in nest abandonment or mortality to chicks or eggs during vegetation removal. Mitigation Measure BIO2 includes preconstruction nesting bird surveys to reduce such the potential for impact to less than significant.

Foothill yellow-legged frog and Western pond turtle: Mortality to special status aquatic wildlife during the course of activities would be considered significant under CEQA. Additionally, placement of temporary cofferdams and dewatering may temporarily impact dispersing animals which would also considered a significant impact. Mitigation Measure BIO3 is included to provide training to construction workers to reduce the potential impact to less than significant.

Steelhead and Coho salmon: Approximately 0.03 acre of habitat for listed fish species would be temporarily disturbed through coffer dam installation, dewatering, and trench work. These activities, along with fish relocation may result in harassment and/or mortality to listed fish species if present which is considered significant under CEQA.

Given the existing baseline, no new permanent effects to steelhead or Coho salmon habitat are anticipated as a result of the proposed action. Existing riprap would be removed to facilitate access to the sewer line. All trenches would be backfilled, and riprap replaced resulting in only temporary effects

to this area. Dewatering would take place from August 1 to November 30 during the preferred work window when steelhead and Coho are unlikely to be present, to avoid direct take, and/or interruption of foraging, rearing, and migration activities. Water barriers (coffer dams) would be installed during low flow conditions to allow fish to egress from the work area. Bypass flows are anticipated to be gravity flow. Screens would be placed around all pumps to prevent uptake of fish species if pumping is required. A qualified fish biologist would clear fish from the work area using electrofishing or pulling appropriately sized nest through the work area to scare fish into adjacent stream reaches. Block nets would be placed upstream and downstream to prevent fish from re-entering the area after removal. Block net mesh shall be sized appropriately and would remain in place until dewatering is completed.

All fish remaining would be relocated using dip nets and/or seines to capture fish by a qualified fish biologist. Because electrofishing and relocation of fish may include steelhead if present, there is potential for incidental take to occur. However, given Coho salmon's likely absence from the project area, these activities are not likely to result in take to Coho.

To ensure the above measures are implemented, Mitigation Measure BIO4 is included and would reduce the potential impact to steelhead and Coho to less than significant. Additionally, as indicated in item b.) below, the project shall comply with permit terms associated with USACE (including NOAA Fisheries consultation), Regional Board and CDFW permits.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

Santa Rosa Creek is a non-wetland water of the U.S. and a tributary to the Russian River, a traditional navigable water (TNW). Santa Rosa Creek is subject to USACE jurisdiction due to its connection to a TNW and is also subject to Regional Board jurisdiction. In addition, activities that result in the substantial modification of the bed, bank, or channel of a stream or lake requires a Streambed Alteration Agreement from CDFW pursuant to Sections 1600-1607 of the California Fish and Game Code.

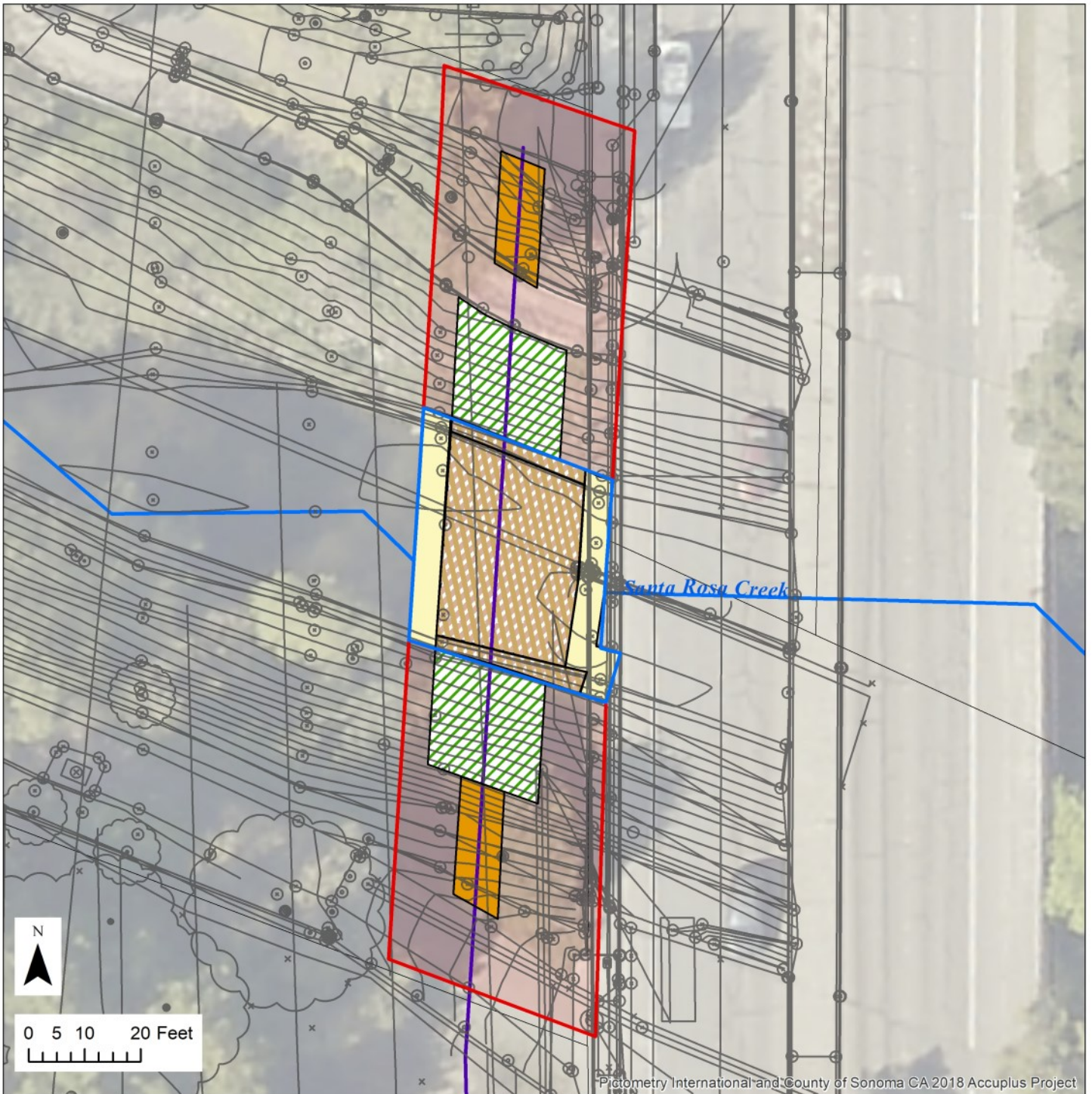
On streams, creeks and rivers, the extent of CDFW jurisdiction extends from the top of bank to top of bank or the outer limits of the riparian canopy, whichever is wider. As such, any effects to riparian vegetation (i.e. the Arroyo willow Shrubland Alliance) would likely to be significant unless mitigated through consultation with CDFW.

Proposed activities are subject to permit coverage by the USACE (Nationwide Permit 58 under Section 404 of the Clean Water Act), Regional Board (Section 401 Water Quality Certification) and CDFW (Section 1600 Lake and Streambed Alteration Agreement). The City is in the process of preparing permit applications for the respective agencies and the project shall be constructed in accordance with permit terms.

Impacts within the Santa Rosa Creek channel are shown on Figure IV-3. Instream impacts are associated with the placement of the sewer main, riprap and construction activities. Temporary instream impacts are calculated at 0.033 acre. Permanent stream impacts are also shown (labeled riprap) and are calculated at 0.023 acre. The riprap would be covered with native stream materials once construction is complete. The riprap will extend approximately 25 feet downstream of the existing bridge and span approximately 42 feet across the stream channel.




Figure IV-3: Sensitive Habitats

S Fulton Rd. Trunk Sewer Abandonment & Main Installation, Santa Rosa, CA









Pictometry International and County of Sonoma CA 2018 Accuplus Project

Riparian Impacts

-  Temporary Riparian Impact (0.098 ac)
-  Erosion Control Blanket and Live Staking (0.019 ac)
-  Standard Trench Backfill (0.008 ac)

Stream Impacts

-  Temporary Stream Impacts (0.033 ac)
-  Cofferd Dam Area (0.01 ac)
-  Riprap (0.023 ac)

-  Elevation & Plan Drawings
-  Pipeline
-  Streams

A total of 0.1 acre of riparian habitat will be temporarily disturbed to facilitate access and construction. To reduce potential effects to riparian habitat to a less than significant level, the site will be restored following completion of the work as described in Mitigation Measure BIO5.

In addition to impacts to riparian habitat, approximately 0.03 acre of stream channel would be temporarily impacted for placement of cofferdams, dewatering, and trench work. Approximately 0.023 acre would be permanently impacted by placement of the sewer main and riprap (though covered with native soils). Mitigation Measure BIO5 provides mitigation for both temporary and permanent impacts. To ensure impacts are less than significant, Mitigation Measure BIO6 includes in-stream construction measures that shall be implemented and requires compliance with permit terms issued by USACE, Regional Board and CDFW.

c. Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

As indicated in b.) above, Santa Rosa Creek is a non-wetland water of the U.S. and a tributary to the Russian River, a traditional navigable water (TNW). Santa Rosa Creek is subject to USACE jurisdiction due to its connection to a TNW and is also subject to Regional Board and CDFW jurisdiction. While no wetlands will be impacted by the project, permit applications are being prepared and no construction shall occur until permits are issued.

d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

As indicated in a.) above, Santa Rosa Creek supports steelhead and may support Coho salmon, both listed species. Temporary impacts to the species are described in addressed by Mitigation Measure BIO4. Long-term impacts to the species are not expected as the project is a replacement project and has been designed to restore the construction area to preconstruction conditions. Consultation with NOAA Fisheries will occur as part of the USACE permitting process and all permit conditions shall be implemented to ensure short- and long-term impacts to these species are minimized to the extent practicable.

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The project does not conflict with the City's tree ordinance. Several landscape trees would be removed outside of the creek channel, including: one 17-inch sycamore, one 7-inch cypress; two 4-inch ornamentals; one 6-inch ornamental; one 7-inch ornamental; and, one 10-inch ornamental. There are four redwood trees near the proposed sewer main on the northwest end of the project. The trees are landscape trees and measure 12, 27, 28 and 24 inches in diameter. It is anticipated that the project can be constructed without removal of the trees. Any damage to the existing root system would be evaluated during construction to determine if a tree could not be preserved. Under the Tree Ordinance, trees, other than heritage trees, situated within City owned parks and other City-owned or controlled places do not require a tree removal permit when altered, removed, or relocated by City employees or by contractors retained by the City. Removal of the trees will not conflict with the City's tree ordinance.

Within the creek channel, two 7-inch oaks and one 15-inch oak would be removed on the south bank. As described in item b.) above, trees removed within the CDFW jurisdictional area will be mitigated, per Mitigation Measure BIO5.

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The project is within Essential Fish Habitat (EFH) for California central coast steelhead and Central California Coast Coho. EFH is regulated through the National Marine Fisheries Service (NMFS), a division of the National Oceanic and Atmospheric Administration (NOAA). Protection of EFH is mandated through changes implemented in 1996 to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to protect the loss of habitat necessary to maintain sustainable fisheries in the United States. The Magnuson-Stevens Act defines EFH as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity” [16 USC 1802(10)]. NMFS further defines essential fish habitat as areas that "contain habitat essential to the long-term survival and health of our nation's fisheries" (NMFS 2007). EFH can include the water column, certain bottom types such as sandy or rocky bottoms, vegetation such as eelgrass or kelp, or structurally complex coral or oyster reefs. Under regulatory guidelines issued by NMFS, any federal agency that authorizes, funds, or undertakes action that may affect EFH is required to consult with NMFS (50 CFR 600.920).

The project location provides marginal rearing and foraging habitat for fish. An estimated total of 0.1 acre of critical habitat will be temporarily affected by the proposed project and restored upon completion. No permanent effects are anticipated, and work windows will be implemented to ensure no adverse effects to EFH occur. Mitigation Measures BIO4, BIO5 and BIO6 provides mitigation for construction-related impacts to these species.

Cumulative Impacts

There are no adverse cumulative environmental impacts to biological resources resulting from implementation of the proposed project.

Mitigation Measures

BIO1

To avoid impacts to roosting western red bats, any felled trees should be left overnight prior to removal from the site or on-site chipping to allow any bats to exit the roost. Prior to any tree removal, a qualified biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree removal and shall include a visual inspection of potential roosting features. (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. Trees may be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist, under prior written approval of the proposed survey

methods by CDFW, conducts night emergency surveys or complete visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed. If a bat roosting or maternity colony cannot be avoided, the project shall prepare and implemented a bat mitigation and monitoring plan approved in writing by CDFW.

BIO2

To avoid potential impacts to Yellow-breasted chat and other migratory bird species (nesting birds), to the extent practical, all construction activities should be performed between September 1 and January 31 to be outside the nesting season. If work must be performed during the nesting season (between February 1 and August 31), a pre-construction nesting bird survey shall be performed in all areas within 250 500 feet of proposed activities The survey shall be conducted within seven days of construction and whenever a lapse in construction exceeds seven days. If nests are found, an appropriately sized no-disturbance buffer shall be placed around the nest at the direction of the qualified biologist conducting the survey. Buffers shall remain in place until all young have fledged, or the biologist has confirmed that the nest has been naturally predated.

BIO3

To reduce potential harm to Foothill yellow-legged frog and Western pond turtle, the following measures shall be implemented:

- An environmental training shall be provided to all construction workers prior to the start of work. Training shall include a description of all biological resources that may be found on or near the project site, the laws and regulations that protect those resources, the consequences of non-compliance with those laws and regulations, instructions for inspecting equipment each morning prior to activities, and a contact person if protected biological resources are discovered in the project area.
- A pre-construction survey shall be conducted within 48 hours of ground disturbing activities for foothill yellow-legged frog and western pond turtle. If possible, the animal shall be allowed to leave the area on its own.
- A qualified biological monitor shall be present during riparian vegetation removal activities. If either species is found, the animal may be relocated to suitable habitat outside the project area by a CDFW-approved biologist.
- Trenches and holes shall be covered and inspected daily for stranded animals, to the extent possible. Trenches and holes deeper than one foot shall contain escape ramps at a maximum slope of 2:1 to allow trapped animals to escape.
- During project activities, all trash that may attract predators shall be properly contained, removed from the work site, and disposed of regularly. Following maintenance activities, all trash and maintenance debris shall be removed from work areas.

BIO4

To protect steelhead and Coho salmon that may be present, the following measures shall be implemented:

- The *Fish Management Plan for South Fulton Trunk Sewer Replacement Project, City of Santa Rosa, California* prepared by Hagar Environmental Science, August 2020, shall be implemented.
- All dewatering will be conducted within the ~~NOAA/NMFS~~ CDFW work window of August 1 to ~~November 30~~ October 15, unless extended by CDFW. Pumps used in the dewatering process will be fitted with screens not larger than 0.2 inch to prevent the impingement or entrainment of fish species. A qualified fisheries biologist will conduct fish salvage during dewatering operations. Salvaged fish will be relocated to suitable nearby habitat outside the Project Action Area.
- A spill prevention plan will be prepared describing measures to be taken to minimize the risk of fluids or other materials used during construction (e.g., oils, transmission and hydraulic fluids, cement, fuel) from entering streams or contaminating adjacent riparian areas. In addition to a spill prevention plan, a cleanup protocol will be developed before construction begins and will be implemented in case of a spill.

BIO5

The following measures shall be implemented to mitigate for the construction-related loss of riparian habitat:

- A special status plant survey shall be conducted at the appropriate time of year prior to the start of the construction season according to CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities. The results of the survey shall be provided to CDFW for acceptance.
- Planting within the Santa Rosa Creek channel shall be according to the Riparian Restoration Plan, ~~South~~ Fulton Trunk Sewer Project Fulton Road Sewer Main Improvements West 3rd St to Santa Rosa Creek, City of Santa Rosa, prepared by Sol Ecology September 2020, revised November 2022. The Restoration Plan and any revisions to the Restoration Plan shall be approved in writing by CDFW.
- Prepare re-vegetation and erosion control plans for all graded and disturbed areas to prevent sedimentation to the low flow channel.
- Protect and preserve all healthy native trees as per tree ordinance. When grading for hydraulic capacity requires removal, mitigate all tree removals with replacement of appropriate native species.
- Create a vegetation and tree protection plan. Orange construction fencing shall be placed around all existing riparian vegetation to avoid potential effects to this sensitive vegetation community during construction activities.
- Grading operations shall be confined to smallest work area possible for construction.

BIO6

The City shall comply with permit terms from USACE (Nationwide Permit 58 under Section 404 of the Clean Water Act), Regional Board (Section 401 Water Quality Certification) and CDFW (Section 1600 Lake and Streambed Alteration Agreement). At a minimum, permit terms shall include in-stream construction methodologies contained in the *In-stream Construction Methodologies Memorandum* contained as Appendix A of the Initial Study.

FINAL MITIGATION MONITORING AND REPORTING PLAN

APPENDIX D: MITIGATION MONITORING AND REPORTING PLAN

Fulton Road Sewer Main Improvements, West 3rd Street to Santa Rosa Creek June 2021 Revised December 2022

Pursuant to Section 21081.6 of the State CEQA Guidelines¹, the mitigation measures listed in this Mitigation Monitoring and Reporting Plan (MMRP) are to be implemented as part of the proposed project. The MMRP identifies the time at which each mitigation measure is to be implemented and the person or entity responsible for implementation. The initials of the designated responsible person will indicate completion of their portion of the mitigation measure. The City of Santa Rosa Transportation and Public Works' (City) project manager's signature on the Certification of Compliance will indicate complete implementation of the MMRP.

The mitigation measures included in the MMRP are considered conditions of approval of the proposed project. The City agrees to implement the mitigation measures proposed in the MMRP. Implementation of the mitigation measures included in the MMRP is expected to avoid, minimize, rectify, reduce, or compensate potentially significant impacts to a less than significant level.

TIME OF IMPLEMENTATION

- Project Design: The mitigation measure will be incorporated into the project conditions of approval plans and specifications prior to approving the project.
- Pre-construction: The mitigation measure will be implemented prior to project construction.
- Construction: The mitigation measure will be implemented during construction.
- Post-construction: The mitigation measure will be implemented or monitored after project construction is complete.

RESPONSIBLE PERSONS AND DEPARTMENTS

The City as Lead Agency will be responsible for overall implementation of the MMRP. The City's project manager will sign off on the mitigation measures included in the MMRP. Periodically, other City staff, consultants or regulatory agencies will be involved in the implementation of specific mitigation measures. In these instances, the staff, department, or agency will be identified in the MMRP.

CERTIFICATION OF COMPLIANCE

The City will be responsible for providing signatures on the Certification of Compliance. The Certification of Compliance is a double-check to ensure that the MMRP was fully implemented.

RECORD KEEPING

The City's project manager will maintain the records of the MMRP. When the MMRP is fully implemented, the original signed copy will be maintained by the City.

CERTIFICATION OF COMPLIANCE

Complete the Certification of Compliance after mitigation measures have all been initialed. Use this Certification of Compliance to ensure the full implementation of each mitigation measure.

Project Design

The City’s project manager has reviewed the project design, the plans, and the contract special provisions to verify that designated mitigation measures have been incorporated.

Signature & title Date

Pre-construction

The City’s project manager has verified that designated mitigation measures were implemented prior to construction.

Signature & title Date

Construction

The City’s project manager has verified that designated mitigation measures were implemented during construction.

Signature & title Date

Post-construction

The City’s project manager has verified that designated mitigation measures were implemented and/or monitored after completion of construction.

Signature & title Date

AIR QUALITY

AQ1

The following Feasible Control Measures, as described by the Bay Area Air Quality Management District, shall be implemented during construction to minimize fugitive dust and emissions:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day or be covered.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed or stabilized as soon as possible. Building slabs shall be poured as soon as possible after grading unless seeding or soil binders are used to stabilize the pad.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.
- A publicly visible sign shall be posted with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BBAQMD’s phone number shall also be visible to ensure compliance with applicable regulations.

Implementation & Monitoring

Project Design: The City’s project manager will verify that the mitigation measure is incorporated into the project plans and specifications prior to issuing final project approvals.

Initials _____ Date _____

Construction: The City’s project manager shall ensure that Mitigation Measure AQ1 is being implemented during construction. Failure to comply shall result in issuance of a stop work order until corrective action has been taken.

Initials _____ Date _____

BIOLOGICAL RESOURCES

BIO1

~~To avoid impacts to roosting western red bats, any felled trees should be left overnight prior to removal from the site or on-site chipping to allow any bats to exit the roost.~~

Prior to any tree removal, a qualified biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree removal and shall include a visual inspection of potential roosting features. (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. Trees may be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergency surveys or complete visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed. If a bat roosting or maternity colony cannot be avoided, the project shall prepare and implement a bat mitigation and monitoring plan approved in writing by CDFW.

Implementation & Monitoring

Project Design: The City's project manager will verify that the mitigation measure is incorporated into the project plans and specifications prior to issuing final project approvals.

Initials

Date

Pre-construction: The City's project manager shall ensure that Mitigation Measure BIO1 is implemented prior to construction.

Initials

Date

BIO2

To avoid potential impacts to Yellow-breasted chat and other migratory bird species (nesting birds), to the extent practical, all construction activities should be performed between September 1 and January 31 to be outside the nesting season. If work must be performed during the nesting season (between February 1 and August 31), a pre-construction nesting bird survey shall be performed in all areas within ~~250~~ 500 feet of proposed activities The survey shall be conducted within seven days of construction and whenever a lapse in construction exceeds seven days. If nests are found, an appropriately sized no-disturbance buffer shall be placed around the nest at the direction of the qualified biologist conducting the survey. Buffers shall remain in place until all young have fledged, or the biologist has confirmed that the nest has been naturally predated.

Implementation & Monitoring

Project Design: The City’s project manager will verify that the mitigation measure is incorporated into the project plans and specifications prior to issuing final project approvals.

Initials _____ Date _____

Pre-construction: The City’s project manager shall ensure that Mitigation Measure BIO2 is implemented prior to construction.

Initials _____ Date _____

BIO3

To reduce potential harm to Foothill yellow-legged frog and Western pond turtle, the following measures shall be implemented:

- An environmental training shall be provided to all construction workers prior to the start of work. Training shall include a description of all biological resources that may be found on or near the project site, the laws and regulations that protect those resources, the consequences of non-compliance with those laws and regulations, instructions for inspecting equipment each morning prior to activities, and a contact person if protected biological resources are discovered in the project area.
- A pre-construction survey shall be conducted within 48 hours of ground disturbing activities for foothill yellow-legged frog and western pond turtle. If possible, the animal shall be allowed to leave the area on its own.
- A qualified biological monitor shall be present during riparian vegetation removal activities. If either species is found, the animal may be relocated to suitable habitat outside the project area by a CDFW-approved biologist.
- Trenches and holes shall be covered and inspected daily for stranded animals, to the extent possible. Trenches and holes deeper than one foot shall contain escape ramps at a maximum slope of 2:1 to allow trapped animals to escape.
- During project activities, all trash that may attract predators shall be properly contained, removed from the work site, and disposed of regularly. Following maintenance activities, all trash and maintenance debris shall be removed from work areas.

Implementation & Monitoring

Project Design: The City’s project manager will verify that the mitigation measure is incorporated into the project plans and specifications prior to issuing final project approvals.

Initials _____ Date _____

Pre-construction: The City’s project manager shall ensure that Mitigation Measure BIO3 is implemented prior to construction.

Initials _____ Date _____

Construction: The City’s project manager shall ensure that Mitigation Measure BIO3 is being implemented during construction. Failure to comply shall result in issuance of a stop work order until corrective action has been taken.

Initials _____ Date _____

BIO4

To protect steelhead and Coho salmon that may be present, the following measures shall be implemented:

- The *Fish Management Plan for South Fulton Trunk Sewer Replacement Project, City of Santa Rosa, California* prepared by Hagar Environmental Science, August 2020, shall be implemented.
- All dewatering will be conducted within the ~~NOAA/NMFS~~ CDFW work window of August 1 to ~~November 30~~ October 15. Pumps used in the dewatering process will be fitted with screens not larger than 0.2 inch to prevent the impingement or entrainment of fish species. A qualified fisheries biologist will conduct fish salvage during dewatering operations. Salvaged fish will be relocated to suitable nearby habitat outside the Project Action Area.
- A spill prevention plan will be prepared describing measures to be taken to minimize the risk of fluids or other materials used during construction (e.g., oils, transmission and hydraulic fluids, cement, fuel) from entering streams or contaminating adjacent riparian areas. In addition to a spill prevention plan, a cleanup protocol will be developed before construction begins and will be implemented in case of a spill.

Implementation & Monitoring

Project Design: The City’s project manager will verify that the mitigation measure is incorporated into the project plans and specifications prior to issuing final project approvals.

Initials _____ Date _____

Pre-construction: The City’s project manager shall ensure that Mitigation Measure BIO4 is implemented prior to construction.

Initials _____ Date _____

Construction: The City’s project manager shall ensure that Mitigation Measure BIO4 is being implemented during construction. Failure to comply shall result in issuance of a stop work order until corrective action has been taken.

Initials _____ Date _____

BIO5

The following measures shall be implemented to mitigate for the construction-related loss of riparian habitat:

- A special status plant survey shall be conducted at the appropriate time of year prior to the start of the construction season according to CDFW’s 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities. The results of the survey shall be provided to CDFW for acceptance.
- Planting within the Santa Rosa Creek channel shall be according to the Riparian Restoration Plan, ~~South Fulton Trunk Sewer Project~~ Fulton Road Sewer Main Improvements West 3rd St to Santa Rosa Creek, City of Santa Rosa, City of Santa Rosa, prepared by Sol Ecology September 2020, revised November 2022. The Restoration Plan and any revisions to the Restoration Plan shall be approved in writing by CDFW.
- Prepare re-vegetation and erosion control plans for all graded and disturbed areas to prevent sedimentation to the low flow channel.
- Protect and preserve all healthy native trees as per tree ordinance. When grading for hydraulic capacity requires removal, mitigate all tree removals with replacement of appropriate native species.
- Create a vegetation and tree protection plan. Orange construction fencing shall be placed around all existing riparian vegetation to avoid potential effects to this sensitive vegetation community during construction activities.
- Grading operations shall be confined to smallest work area possible for construction.

Implementation & Monitoring

Project Design: The City’s project manager will verify that the mitigation measure is incorporated into the project plans and specifications prior to issuing final project approvals.

Initials _____ Date _____

Pre-construction: The City’s project manager shall ensure that Mitigation Measure BIO5 is implemented prior to construction.

Initials _____ Date _____

Construction: The City’s project manager shall ensure that Mitigation Measure BIO5 is being implemented during construction. Failure to comply shall result in issuance of a stop work order until corrective action has been taken.

Initials _____ Date _____

Post-construction: The City’s project manager shall ensure that post-construction monitoring and reporting requirements specified in the *Riparian Restoration Plan, South Fulton Trunk Sewer Project, City of Santa Rosa* are adhered to.

Initials _____ Date _____

BIO6

The City shall comply with permit terms from USACE (Nationwide Permit 58 under Section 404 of the Clean Water Act), Regional Board (Section 401 Water Quality Certification) and CDFW (Section 1600 Lake and Streambed Alteration Agreement). At a minimum, permit terms shall include in-stream construction methodologies contained in the *In-stream Construction Methodologies Memorandum* contained as Appendix A of the Initial Study.

Implementation & Monitoring

Project Design: The City’s project manager will verify that project permit terms are incorporated into the project plans and specifications prior to issuing final project approvals.

Initials _____ Date _____

Pre-construction: The City’s project manager shall ensure pre-construction permit terms are implemented.

Initials _____ Date _____

Construction: The City’s project manager shall ensure that project terms are being implemented during construction. Failure to comply shall result in issuance of a stop work order until corrective action has been taken.

Initials _____ Date _____

Post-construction: The City’s project manager shall ensure that any post-construction permit monitoring and reporting requirements are adhered to.

Initials _____ Date _____

CULTURAL RESOURCES

CR1

The project plans and specifications shall provide that in the event prehistoric-era or historic-era archaeological site indicators are unearthed during the course of grading, excavation and/or trenching, all ground disturbing work in the vicinity of the discovery shall cease and all exposed materials shall be left in place. Prehistoric-era archaeological site indicators could include chipped chert and obsidian tools and tool manufacture waste flakes, grinding implements such as mortars and pestles, and locally darkened soil containing the previously mentioned items as well as fire altered stone and dietary debris such as bone and shellfish fragments. Historic-era archaeological site indicators could include items of ceramic, glass and metal, and features such as structural ruins, wells and pits containing such artifacts. After cessation of excavation, the contractor shall immediately contact the City. The City shall contact a qualified professional archaeologist immediately after the find. Such archaeologist shall conduct an evaluation of significance of the site and assess the necessity for mitigation and contact local Native American tribes, as appropriate. The contractor shall not resume construction activities until authorization to proceed is received from the City.

Implementation & Monitoring

Project Design: The City’s project manager will verify that Mitigation Measure CR1 is incorporated into the project plans and specifications prior to issuing final project approvals.

Initials _____ Date _____

Construction: The City’s project manager shall ensure that Mitigation Measure CR1 is being implemented during construction. Failure to comply shall result in issuance of a stop work order until corrective action has been taken.

Initials _____ Date _____

CR2

If human remains are encountered during grading, excavation or trenching, all construction activity shall cease and the contractor shall immediately contact the City and the Sonoma County Coroner's Office. If the remains are determined by the Coroner's Office to be of Native American origin, the Native American Heritage Commission shall be contacted and the procedures outlined in CEQA §15064.5 (d) and (e) shall be implemented by the City or its designee.

Implementation & Monitoring

Project Design: The City's project manager will verify that Mitigation Measure CR2 is incorporated into the project plans and specifications prior to issuing final project approvals.

Initials _____ Date _____

Construction: The City's project manager shall ensure that Mitigation Measure CR2 is being implemented during construction. Failure to comply shall result in issuance of a stop work order until corrective action has been taken.

Initials _____ Date _____

GEOLOGY & SOILS

GS1

The City shall prepare an erosion control plan for the project. Appropriate BMPs will be implemented by the project to minimize construction-related erosion and runoff. Suggested BMPs include, but are not limited to:

- Schedule construction activities during dry weather. Keep grading operations to a minimum during the rainy season (October 15 through April 15).
- Protect and establish vegetation.
- Stabilize construction entrances and exits to prevent tracking onto roadways.
- Protect exposed slopes from erosion through preventative measures. Cover the slopes to avoid contact with storm water by hydroseeding, applying mulch or using plastic sheeting.
- Install straw wattles and silt fences on contour to prevent concentrated flow. Straw wattles should be buried 3 to 4 inches into the soil, staked every 4 feet, and limited to use on slopes that are no steeper than 3 units horizontal to 1 unit vertical. Silt fences should be trenched 6 inches by 6 inches into the soil, staked every 6 feet, and placed 2 to 5 feet from any toe of slope.
- Designate a concrete washout area to avoid wash water from concrete tools or trucks from entering gutters, inlets or storm drains. Maintain washout area and dispose of concrete waste on a regular basis.
- Establish a vehicle storage, maintenance and refueling area to minimize the spread of oil, gas and engine fluids. Use oil pans under stationary vehicles.
- Protect drainage inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
- Check the weather forecast and be prepared for rain by having necessary materials onsite before the rainy season.
- Inspect all BMPs before and after a storm event. Maintain BMPs on a regular basis and replace as necessary.

Additionally, erosion control measures contained in the applicable permits from the USACE, Regional Board and CDFW shall be incorporated into the project specifications.

Implementation & Monitoring

Project Design: The City's project manager will verify that erosion control measures are incorporated into the project plans and specifications prior to issuing final project approvals.

Initials

Date

Construction: The City's project manager shall ensure that erosion control measures are being implemented during construction. Failure to comply shall result in issuance of a stop work order until corrective action has been taken.

Initials

Date

GS2

The City shall comply with bank stabilization measures contained in the applicable permits from the USACE, Regional Board and CDFW and those measures shall be incorporated into the project specifications. At a minimum, those measures shall include slope protection including the placement of an erosion control blanket and prepared willow cuttings as live stakes:

- Per the recommendation of RGH, once the pipeline has been backfilled per the recommendations presented herein and the requirements of the City of Santa Rosa, the creek bank should be re-established. Creek bank fill should be keyed and benched into the surrounding creek bank face for a distance of at least 5 feet on either side of the trench. Fill should be placed in thin horizontal lifts (approximately 8 inches thick), moisture conditioned to near-optimum moisture content, and compacted to at least 90 percent of the maximum dry density per ASTM test standard D-1557. The fill materials should be free of perishable matter and rocks or lumps over 6 inches in diameter and must be approved by the geotechnical engineer prior to use.
- The erosion control blanket shall be biodegradable with a functional longevity of 24 months. It shall be of consistent thickness and covered on the top and the bottom with biodegradable fiber netting. It shall be capable of withstanding a shear stress of 2.0 psf and flow velocity of 6 fps.
- Live stakes shall be willow cuttings from a healthy, native stand. Cut poles while the plant is dormant. Species shall be Arroyo willow (*Salix lasiolepis*). Species may not be substituted without project biologist's written approval. Live stakes shall be 1-inch to 3-inch in diameter and of sufficient length to reach the ordinary high water level, at approximately 2 feet on center. Stakes shall be pierced through the erosion control blanket. Select the longest, straightest poles available and use only two- to four-year old plants. Strip all but the top two or three side branches from poles. Trim off the terminal bud on top. Cut the bottom end at a 45 degree angle to make a point. Poles and branches shall be trimmed with sharp tools. Soak poles for 5 to 7 days before planting.

Implementation & Monitoring

Project Design: The City's project manager will verify that bank stabilization measures are incorporated into the project plans and specifications prior to issuing final project approvals.

Initials _____ Date _____

Construction: The City's project manager shall ensure that bank stabilization measures are being implemented during construction. Failure to comply shall result in issuance of a stop work order until corrective action has been taken.

Initials _____ Date _____

Post-construction: The City's project manager shall ensure that bank stabilization measures and any post-construction permit monitoring and reporting requirements are adhered to.

Initials _____ Date _____

GS3

The project plans and specifications shall provide that in the event paleontological site indicators are unearthed during the course of grading, excavation and/or trenching, all ground disturbing work in the vicinity of the discovery shall cease and all exposed materials shall be left in place. After cessation of excavation, the contractor shall immediately contact the City. The City shall contact a qualified professional geologist or paleontologist immediately after the find. Such consultant shall conduct an evaluation of significance of the site, and assess the necessity for mitigation. The contractor shall not resume construction activities until authorization to proceed is received from the City.

Implementation & Monitoring

Project Design: The City’s project manager will verify that Mitigation Measure GS3 is incorporated into the project plans and specifications prior to issuing final project approvals.

Initials _____ Date _____

Construction: The City’s project manager shall ensure that that Mitigation Measure GS3 is implemented during construction, if required. Failure to comply shall result in issuance of a stop work order until corrective action has been taken.

Initials _____ Date _____

HAZARDS & HAZARDOUS MATERIALS

HM1

The contractor shall be required to follow the provisions of § 5163 through 5167 of the General Industry Safety Orders (California Code of Regulations, Title 8) to protect the project area from being contaminated by accidental release of any hazardous materials.

In general, the Contractor shall maintain awareness of potential signs of soil and groundwater contamination throughout the project limits and shall notify the District immediately upon discovery of any potential soil or groundwater contamination.

If hazardous materials are encountered during construction or occur as a result of an accidental spill, the contractor shall halt construction immediately, notify the City, and implement remediation in accordance with the project specifications and applicable requirements of the Regional Board. Disposal of all hazardous materials shall be in compliance with current California hazardous waste disposal laws.

Implementation & Monitoring

Project Design: The City’s project manager will verify that Mitigation Measure HM1 is incorporated into the project plans and specifications prior to issuing final project approvals.

Initials _____ Date _____

Construction: The City’s project manager shall ensure that that Mitigation Measure HM1 is implemented during construction, if required. Failure to comply shall result in issuance of a stop work order until corrective action has been taken.

Initials _____ Date _____

HM2

For portions of the project occurring within the Santa Rosa Creek channel, the City shall adhere to all permit terms contained in the USACE, Regional Board and CDFW permits for such construction. In-stream containment shall, at a minimum, include:

- Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
- The Applicant shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence.
- Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States.
- The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited.
- Discharge of unset cement, concrete, grout, damaged concrete spoils, or water that has contacted uncured concrete or cement, or related washout to surface waters, ground waters, or land is prohibited. If concrete washout is necessary at a site, washout containment to prevent any discharge shall be used. Wastewater may only be disposed by delivery to a sanitary wastewater collection system/facility (with authorization from the facility's owner or operator) or a properly licensed disposal or reuse facility.
- The contractor shall install the necessary containment structures to control the placement of wet concrete and to prevent it from entering into the channel outside of those structures. No concrete shall be poured within the channel if the 15-day weather forecast indicates any chance of rain greater than 20 percent.
- All cement-based products (concrete, mortar, etc.) poured or applied wet onsite shall be excluded from the wetted channel or areas where they may come into contact with water flow. The product shall be kept moist for 30 days and runoff from the product shall not be allowed to enter the stream. Commercial sealants may be applied to the product surface or mixture where difficulty in excluding flow for a long period may occur. If sealant is used, water shall be excluded from the situ until the sealant is cured.
- At all times when the contractor is pouring or working with wet concrete, there shall be a designated monitor to inspect the containment structures and ensure that no concrete or other debris enters into the channel outside of those structures.

Implementation & Monitoring

Project Design: The City’s project manager will verify that in-stream containment measures specified in Mitigation Measure HM2 and any additional permit terms are incorporated into the project plans and specifications prior to issuing final project approvals.

Initials _____ Date _____

Construction: The City’s project manager shall ensure that in-stream containment measures and permit terms are being implemented during construction. Failure to comply shall result in issuance of a stop work order until corrective action has been taken.

Initials _____ Date _____

NOISE

N1

The following measures shall be implemented at the construction site to reduce the effects of construction noise on adjacent residences:

- Noise-generating activities at the construction sites or in areas adjacent to the construction sites associated with the project in any way shall generally be restricted to the hours of 7:00 a.m. to 7:00 p.m. Any work outside of these hours shall require special permission from the City. There should be a compelling reason for permitting construction outside the designated hours.
- The City shall provide notice to all residents within 100 feet of the construction activities at least 48 hours prior to commencing construction. The notice shall include the contact information for the City’s noise disturbance coordinator and the anticipated construction schedule.
- All internal combustion engine driven equipment shall be equipped with intake and exhaust mufflers which are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Staging of construction equipment and all stationary noise-generating construction equipment, such as air compressors and portable power generators, shall be staged as far as practical from existing noise sensitive receptors.
- “Quiet” air compressors and other “quiet” stationary noise sources shall be utilized where technology exists.
- Noise from construction workers’ radios shall be controlled to the point where radio noise is not audible at existing residences bordering the project site.
- A sign providing contact information for the construction manager shall be posted onsite of construction-related questions/complaints.

Implementation & Monitoring

Project Design: The City’s project manager will verify that Mitigation Measure N1 is incorporated into the project plans and specifications prior to issuing final project approvals.

Initials _____ Date _____

Construction: The City’s project manager shall ensure that Mitigation Measure N1 is being implemented during construction. Failure to comply shall result in issuance of a stop work order until corrective action has been taken.

Initials _____ Date _____

RECREATION

R1

The contractor shall develop a bicycle and pedestrian bypass plan for the portion of the Santa Rosa Creek Trail during construction for City review and approval. The plan shall include adequate signage and direction to route bicycle and pedestrian traffic around the construction area and to the detour route. Maps of the bypass route shall be posted at all Santa Rosa Creek Trail access locations impacted by construction. Additionally, Sonoma County Regional Parks requires the following:

- Two weeks prior to starting construction and closing the trail, post temporary and/or detours signs on the trail. The temporary signs shall include information such as the start and end dates of the trail closure.
- The Contractor shall obtain a revocable license agreement from Regional Parks prior to starting construction activity on the northern trail.

Implementation & Monitoring

Project Design: The City’s project manager will verify that Mitigation Measure R1 is incorporated into the project plans and specifications prior to issuing final project approvals.

Initials _____ Date _____

Pre-construction: The City’s project manager shall review and approve the contractor’s trail bypass plan and ensure Regional Parks has issued a revocable license prior to construction on the north side.

Initials _____ Date _____

Construction: The City’s project manager shall ensure that Mitigation Measure R1 is being implemented during construction. Failure to comply shall result in issuance of a stop work order until corrective action has been taken.

Initials _____ Date _____

TRANSPORTATION

T1

The contractor shall develop and submit an appropriate Traffic Control Plan (TCP) in accordance with the California Manual of Uniform Traffic Control Devices (MUTCD) for review and approval by the City for all project elements that impact traffic circulation. The TCP shall ensure through traffic access during periods where active construction is not taking place and ensure at least one passable lane of south bound traffic is maintained.

Implementation & Monitoring

Project Design: The City’s project manager will verify that Mitigation Measure T1 is incorporated into the project plans and specifications prior to issuing final project approvals.

Initials _____ Date _____

Pre-construction: The City’s project manager shall review and approve the contractor’s traffic management plan.

Initials _____ Date _____

Construction: The City’s project manager shall ensure that Mitigation Measure T1 is being implemented during construction. Failure to comply shall result in issuance of a stop work order until corrective action has been taken.

Initials _____ Date _____

T2

The contractor shall provide advanced notice regarding timing, location and the duration of construction activities to local emergency responders. The contractor shall ensure emergency responders can always have access through the construction area. The contractor shall also ensure that all traffic lanes in Fulton Road are passable or can be immediately made passable in the event of evacuation.

Implementation & Monitoring

Project Design: The City’s project manager will verify that Mitigation Measure T2 is incorporated into the project plans and specifications prior to issuing final project approvals.

Initials _____ Date _____

Construction: The City’s project manager shall ensure that Mitigation Measure T2 is being implemented during construction. Failure to comply shall result in issuance of a stop work order until corrective action has been taken.

Initials _____ Date _____

TRIBAL CULTURAL RESOURCES

TCR1

Protection of Archaeological and Tribal Cultural Resources (TCR), and Construction Monitoring: The City shall ensure that an Archaeological and Tribal Cultural Resources Treatment Plan (Treatment Plan) is developed and implemented for the project's Area of Potential Effect (APE). The Treatment Plan shall be reviewed and approved by the City and Federated Indians of Graton Rancheria (FIGR) prior to the start of project construction. The Treatment Plan shall detail recommended steps for protecting, and preserving, archaeological resources and TCRs in the event they are discovered during construction. The Treatment Plan shall include Construction Monitoring and describe Protection and Preservation strategies to ensure that appropriate actions are taken to protect any archaeological resources and TCRs encountered during construction. Construction Monitoring, Protection and Preservation are described in more detail below:

- Construction Monitoring: The City shall ensure that if potential unanticipated archaeological resources or TCRs are uncovered during construction, the contractor shall halt work, and workers shall avoid altering the materials and their context. Project personnel shall not collect cultural materials, examples of which are provided in the following description. Prehistoric archaeological site indicators include: obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and handstones, and mortars and pestles); bedrock outcrops and boulders with mortar cups; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of bone and shell remains, and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps).

A program of archaeological and Tribal monitoring shall be instituted for ground-disturbing activities associated with the project's APE. Monitoring shall be performed by a qualified archaeologist and a FIGR Tribal monitor and will consist of directly watching the excavation, grading, trenching, and other earth-moving processes. If archaeological deposits are encountered, the piece of equipment that encounters the suspected materials must be stopped, and the find inspected by the monitoring archaeologist and FIGR Tribal monitor. If the deposit contains Historic Resources, Archaeological Resources, or TCRs as defined by CEQA, all work must be stopped in the immediate vicinity. The City, archaeologist and FIGR will determine if Protection and Preservation is possible, consistent with the Treatment Plan. Work may proceed after a find has been appropriately addressed and a qualified archaeologist and FIGR Tribal representative agree that no further damage would result.

- Protection and Preservation: The preferred treatment of archaeological resources and TCRs is protection and preservation. Protection can be achieved by either avoidance (not developing within the boundaries of an archaeological resource), by covering an archaeological resource with geo-fabric and sufficient fill to protect it during and after construction, or by reducing/restricting development within the boundaries of a resource. Opportunities for Protection and Preservation of resources directly within the pipeline route are limited but shall be implemented, where feasible.
- Consultation: In the event Opportunities for Protection and Preservation are not feasible, the City and FIGR shall engage in good faith consultation and determine appropriate next steps.

Implementation & Monitoring

Project Design: The City’s project manager will verify that Mitigation Measure TCR1 is incorporated into the project plans and specifications prior to issuing final project approvals.

Initials _____ Date _____

Pre-construction: The City’s project manager shall ensure that a Archaeological and Tribal Cultural Resources Treatment Plan has been prepared and approved by FIGR prior to construction.

Initials _____ Date _____

Construction: The City’s project manager shall ensure that Mitigation Measure TCR1 and the Archaeological and Tribal Cultural Resources Treatment Plan are being implemented during construction. Failure to comply shall result in issuance of a stop work order until corrective action has been taken.

Initials _____ Date _____