

**ATTACHMENT 1**

**MITIGATION MONITORING AND REPORTING PROGRAM**

**Baylands Pump Station No. 2  
Rehabilitation Project**

**CITY OF SUNNYVALE**

**February 2014**

# P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The project proposes improvements to Baylands Pump Station Number 2 in the City of Sunnyvale, including upgrades to the existing pump station structure, drainage basin, and the outfalls to Calabazas Creek. Improvements to the existing junction structure would also occur within the existing storm drain easement in the southwest corner of the basin. The Initial Study (IS) concluded that implementation of the project could result in significant effects on the environment. Mitigation measures were incorporated into the proposed project or are required as a condition of project approval to reduce these effects to a less than significant level. This Mitigation Monitoring and Reporting Program addresses the mitigation measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the IS concluded that the impacts from implementation of the project would be less than significant.

**MITIGATION MONITORING OR REPORTING PROGRAM  
BAYLANDS PUMP STATION NO. 2 REHABILITATION PROJECT**

Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<b>BIOLOGICAL RESOURCES</b>				
If rare plant species are present in the areas of construction and access in the flood control basin and at the junction structure, direct impacts could occur to those species during construction. <b>(Significant Impact)</b>	<b>MM BIO-1.1:</b> Appropriately-timed surveys will be completed in April or early May (depending on the rainy season) prior to project construction to document the presence or absence of these special status plant species within the project construction areas. If special-status plant species are observed, they will be flagged by a qualified biologist for avoidance during construction. If avoidance is not feasible, individuals will be transplanted to suitable undisturbed habitat or seed will be collected for replanting following construction. The method of mitigation will be selected based on the specific species observed (if any) and the efficacy of each method in successfully re-establishing the observed species.  <b>(Less Than Significant Impact With Mitigation)</b>	Prior to construction	Qualified biologist	Department of Public Works
Impacts to the salt marsh harvest mouse (SMHM) may occur during vegetation removal within the flood control basin, and within the seasonal wetland preserve to access and improve the junction structure. Additionally, bringing large	<b>MM BIO-1.2:</b> An exclusion fence will be placed around areas of active construction. The exclusion fence will be made of a material that does not allow SMHM to pass through and the bottom will be buried to a depth of six inches so that mice cannot crawl under the fence. All structural support for the exclusion fencing will be placed around areas of earthwork, including excavation and stockpiling of fill material in the drainage basin, and	Prior to and during construction	Qualified biologist	Department of Public Works

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<p>equipment or vehicles into the flood control basin or Baylands may also directly impact mice if sufficient avoidance measures are not implemented. Vegetation removal would also result in temporary impacts to potential SMHM upland habitat. <b>(Significant Impact)</b></p>	<p>around the inlet improvement areas if ground disturbance will occur. The coastal brackish marsh within the project area will be cleared of vegetation and surrounded by silt fence as an erosion control measure, and although it is unlikely that the SMHM would occur in this area, the erosion control measures, as described in Section 4.9 <i>Hydrology and Water Quality</i> of the Initial Study, will double as extra assurance that SMHM will not enter the work area. All exclusion fences will be inspected daily for holes and gaps, and repaired as soon as deficiencies are detected.</p> <p><b>MM BIO-1.3:</b> If removal of any wetland or ruderal grassland vegetation is necessary, it will be conducted in the presence of a biological monitor using only hand tools during the SMHM breeding season (March 1 – November 30) or hand-held mechanized tools during the non-breeding season (December 1 – February 28).</p> <p>The biological monitor will have demonstrated experience in monitoring sensitive resource issues on construction projects and knowledge of the biology of SMHM. The biological monitor will provide an endangered species training program to all personnel involved in project construction. The program will include a description of this species and its habitat needs, any reports of occurrences in the project area, an explanation of the status of the SMHM and their</p>	<p>Prior to and during construction</p>	<p>Qualified biologist</p>	<p>Department of Public Works</p>

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	<p>protection under state and federal legislation, and a list of measures being taken to reduce impacts to the SMHM during project construction. The biological monitor will be the contact person for any employee or contractor who might inadvertently kill or injure a SMHM or anyone who finds a dead, injured, or entrapped SMHM.</p> <p><b>(Less Than Significant Impact With Mitigation)</b></p>			
<p>If burrowing owls move into the project area prior to construction, they may be impacted directly through movement of machinery, or indirectly through the temporary noise disturbance and/or temporary removal of foraging or nesting habitat.</p> <p><b>(Significant Impact)</b></p>	<p><b>MM BIO-1.4:</b> A biologist will conduct a pre-construction survey for burrowing owl within 14 days prior to the initiation of construction activities within the project area. If an active burrowing owl burrow is detected, the biologist will establish an exclusion buffer around the owl's burrow where no construction is permitted unless the owl is determined by the biologist to have migrated out of or abandoned its burrow in the project area. The biologist may also decide that it is necessary to establish screens around the owl burrow, depending on its placement relative to construction activities and the time of year, to buffer this species from visual disturbance from construction activities.</p> <p><b>(Less Than Significant Impact With Mitigation)</b></p>	<p>Prior to construction</p>	<p>Qualified biologist</p>	<p>Department of Public Works</p>
<p>The existing creek outfalls will also be replaced as part of the proposed project, which is</p>	<p><b>MM BIO-1.5:</b> The wetland boundaries and areas of disturbance in Calabazas Creek will be flagged prior to construction by a qualified biologist to guide installation</p>	<p>Prior to and post-construction</p>	<p>Qualified biologist</p>	<p>Department of Public Works</p>

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<p>anticipated to result in approximately 0.02 acres of temporary impacts to coastal brackish marsh present along the banks of the creek. <b>(Significant Impact)</b></p>	<p>of silt or exclusion fencing in the areas at the margins of areas of construction disturbance. Upon project completion, the temporarily disturbed areas would be modified to match the surrounding wetland grade and revegetated with appropriate native plants.  <b>(Less Than Significant Impact With Mitigation)</b></p>			
<p>Removal of vegetation and movement of heavy machinery through the Baylands seasonal wetlands preserve area has the potential to result in impacts to nesting birds, including the northern harrier, white-tailed kite, Alameda song sparrow, San Francisco common yellowthroat, and Western burrowing owl, if present. Vegetation removal could harm bird nests, eggs or young, either through direct contact or by exposing eggs or young to predators. Native bird species are protected during the nesting season by the Migratory Bird Treaty Act and Fish and Game Code. <b>(Significant Impact)</b></p>	<p><b>MM BIO-1.6:</b> Construction during the active nesting season for breeding birds (February 1 – August 31) will be avoided as much as possible in areas that are not currently developed. For areas where direct impacts to vegetation will occur, impacts to birds can be avoided by removing vegetation outside of the bird breeding season to avoid potential delays in construction schedule due to breeding activity. If construction during the breeding season cannot be avoided, pre-construction breeding bird surveys will be conducted within 14 days of ground disturbance to avoid disturbance to active nests, eggs, and/or young of ground-nesting birds. Surveys can be used to detect the nests of special status as well as non-special status birds. An exclusion zone where no construction would be allowed will be established around any active nests of any avian species found in the project area until a qualified biologist has determined that all young have fledged. Suggested exclusion zone distances differ depending on species, location, and placement of nest, and will be at the discretion of the biologist and, if</p>	<p>Prior to and during construction</p>	<p>Qualified biologist/ornithologist</p>	<p>Department of Public Works</p>

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	necessary, USFWS and CDFW.  <b>(Less Than Significant Impact With Mitigation)</b>			
<b>CULTURAL RESOURCES</b>				
Given that the project is located in an area which was historically occupied by Ohlone Indians (Posolmi) and adjacent to a creek, there is potential for unanticipated cultural resources to be encountered during project construction activities. <b>(Significant Impact)</b>	<b>MM CUL-1.1:</b> In the event of the inadvertent exposure of prehistoric or historic cultural resources during construction, all work within 50 feet of the discovery shall be stopped to allow for the identification and evaluation of the significance of the cultural materials by a qualified archaeologist meeting the Secretary of the Interior’s standards (CEQA Guideline 15064.5(f)). If the cultural materials are determined to be significant, a qualified archaeologist shall develop an appropriate treatment plan in consultation with the City to mitigate impacts to materials to a less than significant level. The plan could include avoidance and preservation measures to preserve the materials in place; scientific collection and analysis; preparation of a professional report in accordance with current professional standards; and/or, professional museum curation of collected cultural materials and resource documentation.  <b>(Less Than Significant Impact With Mitigation)</b>	During construction	Contractor	Department of Public Works

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<p>It is unlikely that human remains would be encountered in the project area, however in the event of the discovery of any human remains during project construction activities, work would be halted and any damage to human remains would be a potentially significant impact. <b>(Significant Impact)</b></p>	<p><b>MM CUL-1.2:</b> The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity within the project area shall comply with applicable State laws. Pursuant to Section 7050.5 of the California Health and Safety Code, and California Public Resources Code (PRC) Section 5097.94, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Medical Examiner shall be immediately notified and shall make a determination as to whether the remains are Native American.</p> <p>In the event of the coroner's determination that the human remains are Native American, notification of the Native American Heritage Commission (NAHC) is required who shall appoint a Most Likely Descendant (MLD) (PRC Section 5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5(d)). The agreement shall take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. California</p>	<p>During construction</p>	<p>Contractor</p>	<p>Department of Public Works</p>



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	<p>Public Resources Code allows 48 hours to reach agreement on these matters. If the MLD and the other parties do not agree on the reburial method, the project will follow PRC Section 5097.98(b) which states that "...the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."</p> <p><b>(Less Than Significant Impact With Mitigation)</b></p>			

**HAZARDS AND HAZARDOUS MATERIALS**

<p>Construction activities associated with the project could create a hazard to the public and/or the environment due to the transportation, use, and disposal of miscellaneous hazardous substances.</p> <p><b>(Significant Impact)</b></p>	<p><b>MM HAZ-1.1:</b> <i>Store, Handle, Use Hazardous Materials in Accordance with Applicable Laws.</i> The City shall ensure that all construction-related hazardous materials and hazardous wastes shall be stored, handled, and used in a manner consistent with relevant and applicable federal, state, and local laws. In addition, construction-related hazardous materials and hazardous wastes shall be staged and stored away from stream channels and steep banks to prevent them from entering surface waters in the event of an accidental release.</p> <p><b>(Less Than Significant Impact With Mitigation)</b></p>	<p>Prior to and during construction</p>	<p>Contractor</p>	<p>Department of Public Works</p>
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<b>HYDROLOGY AND WATER QUALITY</b>				
Implementation of the proposed project would temporarily increase pollutant loads due to grading and construction (i.e., removal of the existing structures, excavation, grading, and construction of new structures). Demolition and construction activities would temporarily increase the amount of debris on-site, and grading activities could increase erosion and sedimentation that could increase pollutant loads in stormwater runoff. <b>(Significant Impact)</b>	<b>MM HYDRO-1.1:</b> Prior to construction and grading for the proposed land uses, if required by the NPDES General Permit for Construction Activities (No. 2009-0009-DWQ) administered by the RWQCB, the contractor will file a Notice of Intent (NOI) to comply and will prepare a Stormwater Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction runoff.	Prior to construction and grading	Contractor	Department of Public Works

**SOURCE:** City of Sunnyvale. *Baylands Pump Station No. 2 Rehabilitation Project Initial Study*. December 2013.