

MITIGATION MONITORING AND REPORTING PROGRAM

**UPPER YUBA LEVEE IMPROVEMENT PROJECT
(SIMPSON LANE TO THE GOLDFIELDS)**

YUBA COUNTY, CALIFORNIA

State Clearinghouse # 2010022039

Three Rivers Levee Improvement Authority

April 2010

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MITIGATION MONITORING AND REPORTING PROGRAM

1.0 INTRODUCTION

Section 21081.6(a)(1) of the California Environmental Quality Act (CEQA) of the Public Resources Code, requires public agencies, as part of the certification of a Mitigated Negative Declaration (MND), to prepare and approve a reporting or monitoring program. This program should be structured to ensure that changes to the project that the lead agency has adopted to mitigate or avoid significant environmental impacts are carried out during project implementation.

The Mitigation Monitoring and Reporting Program (MMRP) is intended to be used by TRLIA staff, responsible and participating agencies, and mitigation monitoring personnel during implementation of the project. The intent of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures. The MMRP consists of a compliance checklist that identifies the adopted mitigation measures, the timing of implementation of the measures, the monitoring frequency of the measures, the entity responsible for their implementation and monitoring, and the performance criteria used to evaluate implementation of the mitigation measures. The mitigation measures presented in the following table are incorporated into the proposed project.

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Mitigation Measure	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
3.3 Air Quality					
<p>Mitigation Measure AQ-1: Implement FRAQMD-Recommended Emissions Reduction Measures.</p> <p>FRAQMD’s Indirect Source Review Guidelines provide mitigation measures for reducing short-term air quality impacts. As recommended by FRAQMD, TRLIA shall ensure that the following mitigation measures (summarized from FRAQMD guidance) are implemented during all project construction activities to the extent practicable. In addition, construction of the proposed project is required to comply with all applicable FRAQMD rules and regulations, in particular Rule 3.0 (Visible Emissions), Rule 3.16 (Fugitive Dust Emissions), and Rule 3.15 (Architectural Coatings).</p> <ul style="list-style-type: none"> • Implement a Fugitive Dust Control Plan that includes the following measures: • All grading operations on a project should be suspended when winds carry dust beyond the property line despite implementation of all feasible dust control measures. Consideration should be given to suspending all project grading when winds exceed 20 mph to minimize the risk of dust being carried beyond the property line. • Construction sites shall be watered as directed by the [Yuba County] Department of Public Works or FRAQMD and as necessary to prevent fugitive dust violations. • An operational water truck should be on-site at all times. Apply water to control dust as needed to prevent visible emissions violations and offsite dust impacts. 	<p>Before beginning any construction or ground-disturbing activities, and throughout construction period</p>	<p>Throughout construction period</p>	<p>Lead agency and primary construction contractor</p>	<p>FRAQMD measures are implemented such that pollutant emissions are minimized</p>	

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<ul style="list-style-type: none"> • On-site dirt piles or other stockpiled particulate matter should be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce windblown dust emissions. Incorporate the use of approved nontoxic soil stabilizers according to manufacturer’s specifications to all inactive construction areas. • All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions. • Apply approved chemical soil stabilizers according to the manufacturers’ specifications, to all inactive construction areas (previously graded areas that remain inactive for 96 hours) including unpaved roads and employee/equipment parking areas. • To prevent track-out, wheel washers should be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out. • Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site. • Provide temporary traffic control as needed during all phases of construction to improve traffic flow, as deemed appropriate by the Department of Public Works and/or the California Department of 					

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<p>Transportation (Caltrans) and to reduce vehicle dust emissions.</p> <ul style="list-style-type: none"> • Reduce traffic speeds on all unpaved surfaces to 15 mph or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, on-site enforcement, and signage. • Reestablish ground cover on the construction site as soon as possible and prior to final occupancy, through seeding and watering. No open burning of vegetative waste (natural plant growth wastes) or other materials (trash, demolition debris et al.) may be conducted at the project site. Materials also may not be hauled off-site for disposal by open burning. Vegetative wastes should be chipped or delivered to waste to energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. • Cover all trucks hauling dirt, sand, soil or other loose material, or maintain at least 2 feet of freeboard (minimum vertical distance between the top of the load and the top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114. This provision would be enforced by local law enforcement agencies. • Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0 (“Visible Emissions”) limitations (40% opacity or Ringelmann 2.0). Operators of vehicles and equipment found to exceed opacity limits shall take action to repair the equipment within 72 hours or remove the equipment from service. Failure to comply may result in a Notice of Violation. • The primary contractor shall be responsible to 					

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<p>ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.</p> <ul style="list-style-type: none"> • Limit vehicle and equipment idling times to 10 minutes—saves fuel and reduces emissions. • Use existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators. • Develop and implement a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites. • Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require CARB Portable Equipment Registration with the state or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with CARB or the FRAQMD to determine registration and permitting requirements prior to equipment operation at the site. • The proponent shall assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, and emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that will be used an aggregate of 40 or more hours for the construction 					

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<p>project and apply the following mitigation measure:</p> <ul style="list-style-type: none"> The project shall provide a plan for approval by FRAQMD demonstrating that the heavy-duty (equal to or greater than 50 horsepower) off-road equipment to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a projectwide fleet average 20 percent NOX reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction. 					
3.4 Biological Resources					
<p>Mitigation Measure BIO-1. Implement Avoidance and Minimization Measures to Avoid Impacts on Vernal Pool Species.</p> <p>a) USFWS fairy shrimp protocol surveys were conducted and vernal pool tadpole shrimp were detected within the vernal pool. Therefore, presence of vernal pool tadpole shrimp has been confirmed and presence of vernal pool fairy shrimp will be assumed. Concurrence that the proposed project will not adversely affect listed shrimp species will be requested from the USFWS. Furthermore, there will be no direct impacts to special status plant species and vernal pool branchiopods species, since the vernal pool will be avoided.</p> <p>b) The following avoidance and minimization measures will be implemented:</p> <ul style="list-style-type: none"> Construction activities in the vicinity of the vernal pool shall be limited to the dry season (roughly June 15 to October 15) to avoid potential indirect impacts to the vernal pool as a result of hydrologic disruption or runoff of harmful substances into the 	<p>Before beginning any construction or ground-disturbing activities</p>	<p>Throughout construction period</p>	<p>Lead agency, design engineer, and primary construction contractor</p>	<p>Surveys and monitoring are conducted in accordance with USFWS requirements</p>	

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<p>vernal pool.</p> <ul style="list-style-type: none"> • Brightly colored orange fencing shall be placed and maintained around the vernal pool habitat to prevent impacts from construction activities. Signs shall be placed on the fencing delineating the vernal pool as an environmentally sensitive area. No construction activities or personnel shall be allowed within the environmentally sensitive area. • Appropriate best management practices (BMP) such as hay bales or silt fencing shall be installed to prevent soil and other construction materials from entering the vernal pool during construction activities in adjacent areas. The BMPs shall be removed once construction activities are finished adjacent to the vernal pool to prevent possible hydrologic disruption to the vernal pool once the wet season commences. • A USFWS-approved biologist shall inspect the environmentally sensitive area fencing and BMPs to ensure that they are properly installed prior to any work occurring adjacent to the vernal pool. The biologist shall inspect the vernal pool periodically during construction-related activities in the vicinity of the vernal pool to ensure that no unnecessary take of listed species or destruction of their habitat occurs. The biologist shall have the authority to stop all activities that may result in such take or destruction until appropriate corrective measures have been completed. The biologist also shall be required to report immediately any unauthorized impacts to USFWS. • A USFWS-approved biologist shall conduct worker awareness training to ensure that all on-site 					

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<p>construction personnel receive instruction regarding the presence of listed species and the importance of avoiding impacts to these species and their habitat.</p>					
<p>Mitigation Measure BIO-2. Implement Minimization and Avoidance Measures for Elderberry Shrubs.</p> <p>a) A buffer zone of 100-feet or greater shall be established and maintained around elderberry shrubs within the project site as feasible. Complete avoidance may be assumed when a 100-foot (or wider) buffer is established and maintained around elderberry plants containing stems measuring 1.0 inch or greater in diameter at ground level.</p> <p>b) The following mitigation measures shall be implemented for construction operations in the vicinity of any elderberry shrubs that would not be removed.</p> <ul style="list-style-type: none"> • All areas to be avoided during construction activities, specifically the 100-foot buffer zone around elderberry shrubs, shall be fenced and flagged. In areas where encroachment on the 100-foot buffer has been approved by the USFWS, a minimum setback of at least 20 feet from the dripline of each elderberry shrub shall be provided in most cases. In some cases, construction activity may be required within 20 feet of a shrub. In these cases, fencing shall be placed at the greatest possible distance from the shrubs. • A worker awareness training program for construction personnel shall be conducted by a qualified biologist prior to beginning construction activities. The program shall inform all construction personnel about the life history and status of the beetle, requirements to avoid damaging the 	<p>Before beginning any construction or ground-disturbing activities</p>	<p>Throughout construction period</p>	<p>Lead agency, design engineer, and primary construction contractor</p>	<p>Construction operations are conducted in accordance with USFWS requirements</p>	

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<p>elderberry plants, and the possible penalties for not complying with these requirements. Written documentation of the training shall be submitted to USFWS within 30 days of its completion.</p> <ul style="list-style-type: none"> • Signs shall be erected every 50 feet along the edge of avoidance areas with the following information: “This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment.” The signs shall be clearly readable from a distance of 20 feet, and shall be maintained for the duration of construction. • Pre-construction and post-construction surveys shall be done of the elderberry shrubs in the project area. Pre-construction surveys shall document compliance with mitigation measures. The post-construction survey shall confirm that there was no additional damage to any of the elderberry shrubs than as described in this document. • Temporary construction impacts within the buffer area (area within 100 feet of elderberry shrubs) shall be restored. If any portion of the buffer area is temporarily disturbed during construction, it shall be revegetated with native plants and erosion control shall be provided. • Buffer areas shall continue to be protected after construction from adverse effects of the project. Measures such as fencing, signs, weeding, and trash removal shall be implemented as appropriate. • No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host 					

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<p>plant shall be used in the buffer areas, or within 100 feet of any elderberry plant with one or more stems measuring 1.0 inch or greater in diameter at ground level. All drainage water during and following construction shall be diverted away from the elderberry shrubs.</p> <ul style="list-style-type: none"> • A written description of how the buffer areas are to be restored, protected, and maintained after construction is completed shall be provided to USFWS. • Mowing of grass can occur between July through April to reduce fire hazard, however, no mowing should occur within five feet of elderberry shrub stems. Mowing shall be done in a manner that avoids damaging shrubs. • Dirt roadways and other areas of disturbed bare ground within 100 feet of elderberry shrubs shall be watered at least twice a day to minimize dust emissions. 					
<p>Mitigation Measure BIO-3. Compensate for Unavoidable Impacts to Elderberry Shrubs.</p> <p>a) The following compensatory mitigation measures shall apply:</p> <p>Elderberry shrubs that occur within the project footprint and need to be removed to facilitate construction activities would be transplanted and mitigated for at the prescribed ratios. Three options have been considered for elderberry mitigation. These options are described below in order of preference.</p> <ul style="list-style-type: none"> • Option 1: Anderson Road Mitigation Area Elderberry shrubs would be transplanted and new cuttings and associated native plants would be 	<p>Before beginning any construction or ground-disturbing activities</p>	<p>Throughout construction period</p>	<p>Lead agency, design engineer, and primary construction contractor</p>	<p>Transplantation and monitoring activities are conducted in accordance with USFWS requirements</p>	

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<p>planted at the Anderson Road Mitigation Area. Transplantation of the elderberry shrubs is anticipated to occur in summer of 2010 prior to construction. Based on requirements contained in the Conservation Guidelines for the Valley Elderberry Longhorn Beetle (USFWS 1999), elderberry shrubs should be transplanted during the dormant season, approximately November through the first two weeks in February, after they have lost their leaves. Increased mitigation ratios are typically applied by USFWS when elderberry shrubs can not be transplanted during the dormant period. A multiplier of 2.5 is typically applied to the ratio (new plantings to affected stems) of required elderberry mitigation plantings as well as riparian native trees/shrubs to be planted as replacement habitat. Because the elderberry shrubs are anticipated to be transplanted outside of the dormant season, a multiplier of 2.5 has been applied in order to determine the necessary mitigation acreage for elderberry shrubs. It is anticipated that the project would require approximately 18 to 25 acres of mitigation for directly affecting and/or transplanting affected shrubs and the planting of new cuttings and associated native plants. If some or all of the elderberry shrubs can be transplanted during the dormant season, the mitigation acreage would be reduced accordingly. If all of the elderberry shrubs could be transplanted during the dormant season, the project would require approximately 7 to 10 acres of mitigation for directly affecting and/or transplanting affected shrubs and the planting of new cuttings and associated native plants The exact amount of</p>					

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<p>mitigation and mitigation ratios would be determined through consultation with the USFWS. The Anderson Road Mitigation Area is a 75.84 acre mitigation area located along the banks of the Feather River, approximately six miles south of Marysville. The site is located on a high terrace (approximately 15 to 20 feet above the mean summer flow of the Feather River). The site contains a 2.2 acre seasonal wetland with a small stabilized channel that connects it to the Feather River for flood control purposes. The site is conducive for riparian forest habitat and has been used as a mitigation bank for levee projects in the Yuba City and Marysville areas, sponsored by RD 784 and the CVFPB. Use of this site for mitigation purposes would require approval by the CVFPB.</p> <ul style="list-style-type: none"> Option 2: Purchase of Mitigation Credits Two mitigation banks in the vicinity of the project have been identified that have or will have mitigation credits available to accommodate or partially accommodate the mitigation needs of the project: Wildlands, Inc. and Restoration Resources. Wildlands estimates that the proposed project would require the purchase of approximately 433 credits if the elderberry shrubs were to be transplanted outside of the dormant season as is currently anticipated, and the purchase of approximately 173 credits if the shrubs were to be transplanted during the dormant season. Wildlands anticipates that credits will be available at their River Ranch VELB Conservation Bank at the time that the project requires mitigation credits. The River Ranch is located in Yolo County, along the Sacramento River, near its confluence with the Feather River. 					

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<p>Wildlands' River Ranch location is being developed in three phases. During the first phase (2010) they anticipate the release of 138 credits. During the second phase (2011) they anticipate the release of up to 363 credits. During the third phase of development, they anticipate the release of 2,432 credits; they expect that 1,100 of these will be released in 2010 and the remainder will be released in future years. They can also receive the shrubs to be removed from the site and transplanted.</p> <p>Restoration Resources has some space available at the Silvergate Mitigation Bank (formerly a Wildlands Mitigation Bank) in Sheridan. The bank is located at the Placer County / Yuba County line, near Highway 65 at the Bear River, just south of Wheatland. The bank has been on the USFWS's sold-out list, but they still have a VELB balance of 31 credits. The Silvergate Mitigation Bank can accommodate the shrubs that would need to be transplanted. They suspect that the proposed project would use the balance of credits that they have available and would likely require additional credits from another bank.</p> <ul style="list-style-type: none"> Option 3: USFWS Species Account If Options 1 and 2 are not feasible due to unavailability of credits at the time that shrubs are removed, a USFWS Species Account for VELB would be set up. A dollar amount per credit, as determined by the USFWS, would be paid into a Species Account. This account would be managed by the Center for Natural Lands Management. When credits become available at one of the mitigation banks described above or at another approved mitigation bank in the area, funds from 					

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<p>the Species Account will be used to purchase VELB mitigation credits at the appropriate mitigation bank.</p> <ul style="list-style-type: none"> For all options, elderberry shrubs would be mitigated according to the transplantation guidelines outlined in the Conservation Guidelines for the Valley Elderberry Longhorn Beetle (USFWS 1999). These transplantation guidelines dictate the necessary timing and details of the transplanting. At the discretion of USFWS, shrubs that are unlikely to survive transplantation because of poor condition or location, or a plant that would be extremely difficult to move because of access problems, may be exempted from transplantation. In cases where transplantation is not possible, compensation ratios would be increased to offset the additional habitat loss. Each elderberry stem measuring 1.0 inch or greater in diameter at ground level that is adversely affected (i.e., transplanted or destroyed) would be replaced, in the conservation area, with elderberry seedlings or cuttings at a ratio ranging from 1:1 to 8:1 (new plantings to affected stems). The numbers of elderberry seedlings/cuttings and associated riparian native trees/shrubs to be planted as replacement habitat are determined by stem size class of affected elderberry shrubs, presence or absence of exit holes, and whether the shrub lies in a riparian or non-riparian area. Stock of either seedlings or cuttings would be obtained from local sources. Cuttings may be obtained from the plants to be transplanted if the project site is in the vicinity of the conservation area. 					

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<p>b) The following measures/procedures shall be implemented during transplantation:</p> <ul style="list-style-type: none"> • A qualified biologist (monitor) must be on-site for the duration of the transplanting of the elderberry shrubs to insure that no unauthorized take of VELB occurs. If unauthorized take occurs, construction activities in the area shall stop until corrective measures have been completed. The monitor shall immediately report any unauthorized take of the beetle or its habitat to the USFWS. • Elderberry shrubs shall be transplanted when the plants are dormant, approximately November through the first two weeks in February, after they have lost their leaves. Increased mitigation ratios shall apply to plants that can not be transplanted during the dormant period. A multiplier of 2.5 shall be applied to the ratio (new plantings to affected stems) of required elderberry mitigation plantings as well as riparian native trees/shrubs to be planted as replacement habitat. <p>c) The following transplanting procedure shall be followed:</p> <ul style="list-style-type: none"> • The plant shall be cut back 3 to 6 feet from the ground or to 50 percent of its height (whichever is taller) by removing branches and stems above this height. The trunk and all stems measuring 1.0 inch or greater in diameter at ground level shall be replanted. Any leaves remaining on the plant shall be removed. • A hole shall be excavated of adequate size to receive the transplant. • The plant shall be excavated using a Vermeer® spade, backhoe, front end loader, or other suitable equipment, taking as much of the root ball as 					

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<p>possible, and shall be replanted immediately at the conservation area. The plant shall only be moved by the root ball. The root ball shall be secured with wire and wrapped with damp burlap. The burlap shall be dampened as necessary to keep the root ball wet. Care shall be taken to ensure that the soil is not dislodged from around the roots of the transplant. Soil at the transplant site shall be moistened prior to transplant if the soil at the site does not contain adequate moisture.</p> <ul style="list-style-type: none"> • The planting area shall be at least 1,800 square feet for each elderberry transplant. The root ball shall be planted so that its top is level with the existing ground. Soil shall be compacted sufficiently so that settlement does not occur. As many as five additional elderberry plantings (cuttings or seedlings) and up to five associated native species plantings may also be planted within the 1,800 square foot area with the transplant. The transplant and each new planting shall have its own watering basin measuring at least three feet in diameter. Watering basins should have a continuous berm measuring approximately eight inches wide at the base and six inches high. <ul style="list-style-type: none"> ○ Soil shall be saturated with water. Fertilizers or other supplements shall not be used, as the effects of these compounds on the beetle are unknown. Shrubs shall be monitored and watered as necessary. The use of a drip watering system, water truck, or other apparatus may be used. • A mix of native plants associated with the elderberry shrubs at the project site or similar sites 					

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<p>shall be planted at a 1:1 ratio. Native plant stock shall be obtained from local sources.</p>					
<p>Mitigation Measure BIO-4. Preconstruction Surveys for Burrowing Owls and Passive Relocation if Necessary.</p> <p>In the year prior to construction, surveys shall be conducted by a qualified biologist to determine presence/absence of burrowing owls and/or occupied burrows in and within 500 feet of the project site according to the California Department of Fish and Game’s Staff Report on Burrowing Owls (Oct. 1995). A winter survey shall be conducted between December 1 and January 31 and a nesting survey shall be conducted between April 15 and July 15. Preconstruction surveys shall also be conducted within 30 days prior to construction to ensure that no additional burrowing owls have established territories since the initial surveys. A report shall be submitted to CDFG prior to construction reporting the results of the preconstruction surveys. If no burrowing owls are found during any of the surveys, no further mitigation shall be necessary.</p> <p>If burrowing owls are found, then the following mitigation measures shall be implemented prior to the commencement of construction:</p> <ul style="list-style-type: none"> • During the non-breeding season (September 1 through January 31) burrowing owls occupying the project site should be evicted from the project site by passive relocation as described in the California Department of Fish and Game’s Staff Report on Burrowing Owls (Oct. 1995). • During the breeding season (February 1 through August 31) occupied burrows shall not be disturbed and shall be provided with a 75 meter protective buffer unless a qualified biologist approved by 	<p>Before beginning any construction or ground-disturbing activities</p>	<p>Throughout construction period</p>	<p>Lead agency, design engineer, and primary construction contractor</p>	<p>Surveys and monitoring are conducted in accordance with CDFG requirements</p>	

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<p>CDFG verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed.</p>					
<p>Mitigation Measure BIO-5. Preconstruction Surveys for Swainson’s Hawk and Establishment of Buffers if Necessary.</p> <p>In winter/spring of the year that construction is scheduled to commence, Swainson’s hawk nesting surveys shall be conducted by a qualified biologist within the ESL and accessible areas outside the ESL within 0.25 mile of proposed construction activities according to the Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley (Swainson’s Hawk Technical Advisory Committee, May 31, 2001). A report shall be submitted to CDFG prior to construction reporting the results of the preconstruction surveys.</p> <p>If no active Swainson’s hawk nests are identified in or within 0.25 mile of proposed construction activities, then no further mitigation for nesting Swainson’s hawks is necessary. If active Swainson’s hawk nest(s) is identified within 0.25 mile of proposed construction activities, impacts to active nests shall be avoided by establishment and maintenance of buffers around the nests. The appropriate size and shape of the buffers shall be determined by a qualified biologist in conjunction with CDFG and may vary, depending on the nest location, nest stage, and construction activity. No project activity shall commence within the buffer area until the biologist confirms that the nest is no longer active. Monitoring shall be conducted to confirm project activity is</p>	<p>Before beginning any construction or ground-disturbing activities</p>	<p>Throughout construction period</p>	<p>Lead agency, design engineer, and primary construction contractor</p>	<p>Surveys and monitoring are conducted in accordance with CDFG requirements</p>	

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not resulting in detectable adverse effects to active nests. A post-construction report shall be submitted to CDFG documenting the results of Swainson’s hawk nest monitoring within 30 days of completion of construction activities.					
<p>Mitigation Measure BIO-6. Preconstruction Surveys for Northern Harrier, White-tailed Kite, and Other Raptors and Migratory Birds.</p> <p>If construction begins during the typical avian breeding season (February 15 to September 15), pre-construction surveys shall be conducted by a qualified biologist within two weeks prior to commencement of construction to determine presence/absence of raptor and migratory bird nests. Surveys shall be conducted in the ESL and in accessible areas outside of the ESL that fall within 500 feet of construction activities. A report shall be submitted to CDFG prior to construction reporting the results of the preconstruction surveys. If no nests are found during the survey, no further mitigation shall be necessary. If nests are found, then the following mitigation shall be implemented.</p> <p>Impacts to active nests shall be avoided by establishment and maintenance of buffers around the nests. The appropriate size and shape of the buffers shall be determined by a qualified biologist in conjunction with CDFG and may vary, depending on the nest location, nest stage, and construction activity. No project activity shall commence within the buffer area until the biologist confirms that the nest is no longer active. Monitoring shall be conducted to confirm project activity is not resulting in detectable adverse effects to active nests.</p>	Before beginning any construction or ground-disturbing activities	Throughout construction period	Lead agency, design engineer, and primary construction contractor	Surveys and monitoring are conducted in accordance with CDFG requirements	
<p>Mitigation Measure BIO-7. Implement Avoidance and Minimization Measures for Construction Related Impacts to Listed Species.</p>	Before beginning any construction or ground-disturbing	Throughout construction period	Lead agency, design engineer, and primary construction	Surveys and monitoring are conducted in accordance with	

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<p>a) A USFWS approved biologist shall identify boundaries of sensitive habitats and have the contractor fence the areas with orange construction fencing. Erosion control fencing shall be placed at the edges of construction where the construction activities are upslope of aquatic habitats to prevent washing of sediments into these features. All fencing shall be installed prior to any construction activities beginning and shall be maintained throughout the construction period.</p> <p>b) During construction operations, stockpiling of construction materials, portable equipment, vehicles, and supplies shall be restricted to the designated construction staging areas. To eliminate an attraction to predators, all food-related trash items, such as wrappers, cans, bottles, and food scraps, shall be disposed of in closed containers. Revegetation shall occur on all areas temporarily disturbed during construction.</p> <p>c) Fugitive dust emissions shall be minimized by adhering to the FRAQMD requirements for the control of dust emissions.</p>	activities		contractor	USFWS requirements	
3.5 Cultural Resources					
<p>Mitigation Measure CUL-1 Immediately Halt Construction Activities if Any Cultural Materials or Human Remains Are Discovered.</p> <ul style="list-style-type: none"> Prior to construction, construction personnel shall be briefed regarding what to do in the event buried cultural materials are encountered. If previously undocumented archaeological materials, such as historic building or structure remains, historic artifact deposits or scatters, or prehistoric artifacts such as stone tool flaking debitage, mortars, pestles, shell, or bone are encountered during project 	If cultural materials or human remains are discovered during ground-disturbing activities	Throughout construction period	Lead agency and primary construction contractor	<p>Finds of undocumented archaeological materials are reported and protected until evaluated by an archaeologist</p> <p>Finds of potential human remains are reported and protected until evaluated by appropriate individuals.</p>	

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<p>construction, all ground-disturbing activity shall be suspended temporarily within a 100-foot radius of the find (or an appropriate distance determined by a qualified professional archaeologist) based on the potential for disturbance of additional resource-bearing soils. A qualified professional archaeologist shall identify the materials, determine their possible significance, and formulate appropriate mitigation measures. Appropriate mitigation may include no action, avoidance of the resource, and/or potential data recovery. Ground disturbance in the zone of suspended activity shall not recommence without authorization from the archaeologist. Implementing this mitigation measure would ensure proper identification and treatment of any significant cultural resources uncovered as a result of project-related ground disturbance.</p> <ul style="list-style-type: none"> If human remains are uncovered during project construction, all ground-disturbing activities shall immediately be suspended within a 100-foot radius of the find (or an appropriate distance determined by a qualified professional archaeologist) based on the potential for disturbance of additional remains, and TRLIA or its designated representative shall be notified. TRLIA shall immediately notify the Yuba County Coroner and a qualified professional archaeologist, if one is not already on-site. The coroner shall examine the discovery within 48 hours. If the Coroner determines that the remains are those of a Native American, he or she shall contact the NAHC by phone within 24 hours. The NAHC shall contact the most likely descendant (MLD) of the remains. TRLIA or its appointed representative and the archaeologist shall consult 				<p>Remains are treated in accordance with direction received from the county coroner and from the NAHC and Native American representatives as appropriate</p> <p>Recommendations of qualified archaeologist are implemented</p>	

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<p>with the MLD regarding the removal or preservation and avoidance of the remains, and the parties shall rebury or preserve the remains as appropriate. Ground disturbance in the zone of suspended activity shall not recommence without authorization from the archaeologist.</p>					
<p>Mitigation Measure CUL-2 Immediately Halt Construction Activities if Any Paleontological Resources Are Discovered.</p> <ul style="list-style-type: none"> • Before the start of construction activities, construction personnel involved with earthmoving activities shall be informed of the possibility of encountering fossils, the appearance and types of fossils likely to be encountered during construction activities, and the proper notification procedures should fossils be encountered. Worker training may either be prepared and presented by an experienced field archaeologist at the same time as construction worker education on cultural resources, or may be prepared and presented separately by a qualified paleontologist. • If paleontological resources are encountered during earthmoving activities, the construction crew shall immediately cease work. TRLIA shall retain a qualified paleontologist to evaluate the resource and prepare a proposed mitigation plan. The proposed mitigation plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations determined by TRLIA to be necessary and feasible shall be implemented before construction activities can resume at the site 	<p>If paleontological materials are found during ground-disturbing activities</p>	<p>Throughout construction period</p>	<p>Lead agency and primary construction contractor</p>	<p>Finds of undocumented paleontological materials are reported and protected until evaluated by a paleontologist</p> <p>Recommendations of qualified paleontologist are implemented</p>	

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where the paleontological resources were discovered.					
3.6 Geology and Soils					
Mitigation to address the potential for erosion and sedimentation would be the same as described in Section 3.9, Hydrology/ Water Quality. No further mitigation is required.	Implement Mitigation Measure WQ-1, described below.				
3.8 Hazards and Hazardous Materials					
<p>Mitigation Measure HAZ-1: Ensure that All Employees Handling Hazardous Materials are Trained in the Safe Handling and Storage of Hazardous Materials.</p> <p>Before the commencement of project construction, TRLIA or its contractor shall:</p> <ul style="list-style-type: none"> ensure that any employee handling hazardous materials is trained in the safe handling and storage of hazardous materials and trained to follow all applicable regulations with regard to such hazardous materials, and, identify staging areas where hazardous materials will be stored during construction in accordance with applicable state and federal regulations. 	Before beginning any construction or ground-disturbing activity	Throughout construction period	Lead agency, primary construction contractor, and subcontractor(s)	All construction personnel have completed training, and staging areas have been identified	
<p>Mitigation Measure HAZ-2: Clear areas slated for construction using spark-producing or intense heat-producing equipment.</p> <p>TRLIA, or its primary construction contractor, shall implement the following measure:</p>	Before beginning any construction or ground-disturbing activity	Throughout construction period	Lead agency, primary construction contractor, and subcontractor(s)	Contractor has verified that construction areas are cleared and equipment is in good working order	

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<ul style="list-style-type: none"> Staging areas, welding areas, or other areas slated for construction using spark-producing or intense heat producing equipment are to be cleared of dried vegetation or other materials that could serve as fire fuel. The contractor shall keep these areas clear of combustible materials in order to maintain a firebreak. Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, construction equipment and vehicles. 					
3.9 Hydrology and Water Quality					
<p>Mitigation Measure WQ-1: Prepare a SWPPP and comply with other applicable regulations.</p> <p>Before the start of any project construction work, site grading, or excavation, TRLIA or its primary construction contractor shall prepare a SWPPP detailing measures to control soil erosion and waste discharges from construction areas and shall submit a notice of intent (NOI) to the Central Valley RWQCB for stormwater discharges associated with general construction activity. TRLIA shall require all contractors conducting construction-related work to implement the SWPPP to control soil erosion and waste discharges of other construction-related contaminants. The general contractor(s) and subcontractor(s) conducting the work shall be responsible for constructing or implementing, regularly inspecting, and maintaining the measures in good working order.</p> <p>The SWPPP shall identify the grading and erosion control BMPs and specifications that are necessary to avoid and minimize water quality impacts to the extent practicable.</p>	<p>Before beginning any construction or ground-disturbing activity</p>	<p>Throughout construction period</p>	<p>Lead agency, primary construction contractor, and subcontractor(s)</p>	<p>SWPPP and NOI are completed and submitted to the Central Valley RWQCB.</p> <p>All identified BMPs are implemented and maintained such that contaminants are isolated from drainages to the extent practicable and feasible</p>	

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<p>Standard erosion control measures (e.g., management, structural, and vegetative controls) shall be implemented for all construction activities that expose soil. Grading operations shall be conducted to eliminate direct routes for conveying potentially contaminated runoff to drainage channels. Erosion control barriers such as silt fences and mulching material shall be installed, and disturbed areas shall be reseeded with grass or other plants where necessary.</p> <p>The SWPPP shall contain specific measures for stabilizing soils at construction-related sites before the onset of the winter rainfall season. These standard erosion control measures shall be designed to reduce the potential for soil erosion and sedimentation of drainage channels.</p> <p>The following specific BMPs are recommended for implementation:</p> <ul style="list-style-type: none"> • Conduct all work according to site-specific construction plans that identify areas for clearing, grading, and revegetation so that ground disturbance is minimized. • Avoid riparian and wetland vegetation wherever possible and identify vegetation to be retained for habitat maintenance (i.e., as identified through preconstruction biological surveys), cover cleared areas with mulches, install silt fences near riparian areas or streams to control erosion and trap sediment, and reseed cleared areas with native vegetation. • Stabilize disturbed soils at all construction sites and staging areas before the onset of the winter rainfall season. • Stabilize and protect stockpiles from exposure to erosion and flooding. The SWPPP also shall specify appropriate hazardous materials handling, storage, 					

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<p>and spill response practices to reduce the possibility of adverse impacts from use or accidental spills or releases of contaminants. Specific measures applicable to the project include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ○ Develop and implement strict on-site handling rules to keep construction and maintenance materials out of drainages and waterways. ○ Conduct all refueling and servicing of equipment with absorbent material or drip pans underneath to contain spilled fuel. Collect any fluid drained from machinery during servicing in leakproof containers and deliver to an appropriate disposal or recycling facility. ○ Maintain controlled construction staging, site entrance, concrete washout, and fueling areas at least 100 feet away from stream channels or wetlands to minimize accidental spills and runoff of contaminants in stormwater. ○ Prevent raw cement; concrete or concrete washings; asphalt, paint, or other coating material; oil or other petroleum products; or any other substances that could be hazardous to aquatic life from contaminating the soil or entering watercourses. ○ Maintain spill cleanup equipment in proper working condition. Clean up all spills immediately according to the spill prevention and response plan, and 					

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immediately notify CDFG and the RWQCB of any spills and cleanup procedures.					
<p>Mitigation Measure WQ-2: Monitor well performance before and after cutoff wall installation and restore well performance to pre-project conditions.</p> <p>TRLIA is currently conducting a detailed evaluation to identify all private wells that may be affected by the proposed project. Information from this evaluation will be used prior to, during, and after construction to determine the appropriate course(s) of action to voluntarily mitigate for impacts to wells in the project area, even though impacts are considered less than significant. For potentially affected wells, TRLIA will monitor the well performance before and after cutoff wall installation to determine whether there have been any impacts, and will voluntarily mitigate any impacts through methods including: lowering of the well intake screen; deepening of the well; replacement of the well; or reimbursement for future increased power costs.</p>	Before initiation and following completion of construction	Throughout construction period	Lead agency and primary construction contractor	Well performance is monitored and restored to pre-project conditions	
3.12 Noise					
<p>Mitigation Measure NOISE-1: Voluntary pre- and post construction survey to assess potential architectural damage from construction vibrations.</p> <ul style="list-style-type: none"> A voluntary pre- and post construction survey could be conducted in order to assess potential architectural damage from construction vibration related to the proposed project at each residence within 50 feet of major construction activities and at the swimming pool at Casa Mia Mobile Home Park, which is immediately adjacent to the levee. 	Before initiation and following completion of construction	Throughout construction period	Lead agency and primary construction contractor	Pre- and post-construction surveys have been completed	

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Potential surveys should be expanded to structures within 75 feet if the project uses pile driving.					
<p>Mitigation Measure NOISE-2: Abide by the Yuba County Noise Ordinance and Maintain and Equip Construction Equipment with Noise Control Devices.</p> <p>TRLIA shall ensure that the primary construction contractor implements the following mitigation measures during construction activities:</p> <ul style="list-style-type: none"> • To the extent practicable, construction activities shall be limited to the hours of 7 a.m. to 10 p.m. when operations occur within 500 feet of a residential or other noise-sensitive land use. Decisions as to whether nighttime construction is needed within 500 feet of residential or other noise-sensitive land uses shall only consider the need to complete project activities before the beginning of the flood season and the associated need to maintain human safety and the integrity of the flood control system. • All construction equipment shall be properly maintained and equipped with noise control, such as mufflers, in accordance with manufacturers' specifications. • To the extent feasible, the simultaneous operation of multiple construction equipment within 50 feet of residences shall be limited. 	At initiation of construction	Throughout construction period	Lead agency and primary construction contractor	Construction equipment is properly maintained and equipped with all feasible noise control, such as mufflers, in accordance with manufacturers' specifications	
<p>Mitigation Measure NOISE -3: Arrange Construction Equipment Operation and Travel to Minimize Disturbance to Occupied Residences.</p> <p>Construction equipment travel on the levee crown, the land</p>	At initiation of construction	Throughout construction period	Lead agency and primary construction contractor	Noise levels at the locations of noise-sensitive receptors, including occupied dwellings, are reduced	

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<p>side of the YRSL, landside staging/laydown areas, and public roadways shall be minimized to the extent possible and arranged to minimize disturbance to occupied residences (i.e., between 7 a.m. and 10 p.m.). Under construction Scenario 2, TRLIA will work with the construction contractor and nearby residents to minimize disturbance to occupied residences. To the extent feasible, the simultaneous operation of construction equipment in these areas shall be limited. Equipment not in use shall not be left idling for more than 5 minutes (note that this is consistent with FRAQMD guidelines as described in Mitigation Measure AQ-1). As much as possible, construction equipment operations shall occur on the water side of the YRSL to maximize the use of the levee as a noise barrier.</p>				to the extent feasible	
<p>Mitigation Measure NOISE -4: Notify Potentially Affected Receptors and Respond to Public Complaints.</p> <ul style="list-style-type: none"> • Before construction at each site near noise-sensitive receptors, TRLIA shall provide written notification to potentially affected receptors, identifying the type, duration, and frequency of construction operations. Notification materials will also identify a mechanism for residents to register complaints with TRLIA and Yuba County (the agency responsible for enforcement of the Yuba County noise ordinance) if construction noise levels are overly intrusive or construction occurs outside the permitted hours. TRLIA and/or Yuba County would then take corrective action. • Construction activities within 200 feet of the dairy buildings shall begin with minimal activity during the first hour each day to sensitize the cows to the higher noise levels that would occur during full 	Before beginning any construction or ground-disturbing activity near noise-sensitive receptors	Whenever construction is to be implemented in the vicinity of noise sensitive receptors	Lead agency	All residents or other building occupants in areas that could be adversely affected by construction noise have been notified	

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construction activities in immediate proximity to the cows.					
3.14 Public Services					
Mitigation to address the potential for construction traffic to conflict with emergency response vehicles and increase response times would be the same as described below in Section 3.16, Transportation/Traffic. No further mitigation is required.	Implement Mitigation Measures TRAFFIC-1 and TRAFFIC-4, described below.				
3.16 Transportation/Traffic					
<p>Mitigation Measure TRAFFIC-1: Develop and implement a traffic safety plan in coordination with the County and Caltrans. The construction contractor shall develop a plan for traffic safety assurance for the county roadways in the project vicinity. The contractor shall submit the plan to the County Public Works Department for review before the initiation of construction-related activity that could adversely affect traffic on county roadways. A similar plan shall be prepared for SR 70 and submitted to Caltrans for review before initiation of construction-related activity that could adversely affect traffic on the highway. If both the County and Caltrans will accept the same traffic safety plan, then only one plan need be prepared. The contractor shall train construction personnel in appropriate safety measures as described in the plan(s). The plan(s) may call for the following elements, based on the requirements of each agency:</p> <ul style="list-style-type: none"> • posting warnings about the potential presence of slow-moving vehicles; • using traffic control personnel when appropriate; 	Before beginning any construction or ground-disturbing activities, and throughout construction period	Throughout construction period	Lead agency and primary construction contractor	Traffic safety plan is submitted to Yuba County and Caltrans and the elements of the plan are implemented during construction	

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<ul style="list-style-type: none"> • scheduling truck trips outside of peak morning and evening traffic periods to the extent feasible; • placing and maintaining barriers and installing traffic control devices necessary for safety, as specified in Caltrans’s <i>Manual of Traffic Controls for Construction and Maintenance Works Zones</i> and in accordance with County requirements; • coordinating with all emergency response providers to make sure that emergency access is maintain throughout the project area during construction; and, • maintaining routes for passage of emergency response vehicles through roadways affected by construction activities. <p>TRLIA or its primary construction contractor shall implement the adopted plan(s).</p>					
<p>Mitigation Measure TRAFFIC-2: Minimize the accumulation of mud and dirt on local roadways. All operations shall limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. The construction contractor shall sweep the paved roadways (water sweeper with reclaimed water recommended) at the end of each day if substantial volumes of soil material have been carried onto adjacent paved, public roads from the project sites. Also see a similar requirement under Mitigation for Air Quality impacts related to the implementation of FRAQMD pollution-control measures to minimize temporary emissions of ROG, NO_x, and PM₁₀ during construction.</p>	<p>Before beginning any construction or ground-disturbing activities, and throughout construction period</p>	<p>Throughout construction period</p>	<p>Lead agency and primary construction contractor</p>	<p>Roadways are kept clear of construction debris, mud, and dirt</p>	
<p>Mitigation Measure TRAFFIC-3: Assess damage to haul and access routes and repair damages. TRLIA shall assess damage to roadways used during construction and shall</p>	<p>Before beginning any construction or ground-disturbing</p>	<p>Throughout construction period</p>	<p>Lead agency and primary construction contractor</p>	<p>Roadways that are damaged during construction are</p>	

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repair all potholes, fractures, or other damages.	activities, and throughout construction period			repaired	
Mitigation Measure TRAFFIC-4: Maintain emergency access during construction. TRLIA shall notify and coordinate with emergency service providers and shall undertake measures necessary to maintain emergency access and facilitate the passage of emergency vehicles on project area roadways. TRLIA shall notify landowners in the project area of the construction schedule and potential road closures and detours available in the project area. Notifications may be by mail, phone calls, and/or meetings with individual landowners. TRLIA will also maintain construction updates on their website.	Before beginning any construction or ground-disturbing activities, and throughout construction period	Throughout construction period	Lead agency and primary construction contractor	Emergency response providers are coordinated with throughout construction and emergency access is maintained during construction	