



## ***SOUTH FEATHER WATER & POWER AGENCY***

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**TO: Board of Directors**

**FROM: Kathy Petersen, Power Division Manager**

**DATE: February 17, 2009**

**RE: Sly Creek Dam Crest Modification Project  
Public Hearing and Adoption of Mitigated Negative Declaration  
Approval of Application for Amendment of License  
Agenda Item for 2/24/09 Board of Directors Meeting**

As you are aware, consultants have been working for the past few years on the engineering design for the modifications to Sly Creek Dam to provide for inflow/outflow control and temporary storage under a probable maximum flood event. The project is now at the point for applications to be filed with FERC and the Division of Safety of Dams to make those modifications.

One of the steps in the process was to conduct a review of the project under the California Environmental Quality ACT (CEQA). An Initial Study and Mitigated Negative Declaration (MND – copy attached) was prepared and circulated through the State Clearinghouse for review and comment. A copy was made available at the Butte County Clerk-Recorder's Office and a public notice was placed in the local papers on December 24 and 27, 2008 and January 1, 2009.

Two agencies provided responses to the MND. Caltrans stated that they had no comments. The Regional Water Quality Control Board provided information about the permits that may be required: Water Quality Certification if activities would result in impacts to jurisdictional waters, and a General Permit for Storm Water Discharges associated with construction activity. The comments do not result in any changes to the MND as the permits required were already discussed in the document.

### **a. Public Hearing on Proposed Mitigated Negative Declaration**

In addition to the filing of the notice of intent-to-adopt the MND with the State Clearinghouse and the County Clerk, a public hearing must be held. Therefore, the agenda lists a "Public Hearing on Proposed Negative Declaration."

The public hearing is initiated by the President "opening" the hearing and allowing interested individuals to comment on the proposed MND. Comments about any project aspect other than environmental are not appropriate during the hearing. This is a time for the public to make comments to the Board they feel are necessary to facilitate an objective decision about adopting the proposed MND. The Board's responsibility

is to listen. Directors may also ask questions. You are not required to debate the proposal with presenters, as your job is to evaluate the evidence and determine if the MND should be adopted.

### **b. Adoption of Mitigated Negative Declaration**

When everyone in the audience has had the opportunity to address the Board on the issue, the President will "close" the public hearing and move on to allow consideration of the MND's adoption.

If you need additional information at this time, Tom Barnard, the Project Manager for the AECOM consulting team, will be present to answer any questions you might have.

Once you are convinced the project (Sly Creek Dam Crest Raise) will not have a "significant impact" on the environment, the recommended form of action is:

**"I move adoption of the Initial Study and Mitigated Negative Declaration for the Sly Creek Dam Crest Raise project in compliance with the CEQA guidelines."**

### **c. FERC License Amendment Application**

If the MND is adopted, the next action needed is Board approval to file an application to amend the FERC project license as it pertains to the structural features of Sly Creek Dam. A draft of the amendment application is still in the process of clean it up for submittal by the consulting team. The application document will include a revised Exhibit A ("Project Description"), Exhibit C ("Construction Schedule"), Exhibit D ("Costs and Financing"), and Exhibit E ("Environmental Report"). Detailed design drawings will also be part of the package.

An Application for Alteration of Dam will be filed with the California Division of Safety of Dams (DSOD), accompanied by an estimated \$85,500 filing fee. Both applications should be ready to be filed in early March.

Once your questions have been answered, the recommended form of action is:

**"I move approval to file with the FERC an Application for Amendment of License for the Sly Creek Dam Crest Raise project, subject to final approval and signature of the General Manager, and to file with the DSOD an Application for Alteration of Dam along with the appropriate filing fee."**

**Date:** January 2, 2009

**To:** Responsible and Trustee Agencies, Interested Parties, and Organizations

**Subject:**       **NOTICE OF INTENT TO ADOPT AN INITIAL STUDY/MITIGATED  
NEGATIVE DECLARATION FOR THE SLY CREEK DAM CREST RAISE**

The South Feather Water and Power Agency (SFWPA) has prepared and intends to adopt a Mitigated Negative Declaration (MND) for the proposed project in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines.

**Project Title:** Sly Creek Dam Crest Raise

**Lead Agency:** South Feather Water and Power Agency

**Project Location:** Sly Creek Dam is located in Butte County approximately 35 miles east of Oroville. The project site is located at the southern end of Sly Creek Reservoir with the majority of the site situated in the Sly Creek Reservoir Recreation Area in the Plumas National Forest northwest and east of Sly Creek Dam. The northernmost portion of the project area is located on privately-owned timberlands. The project area is located in Township 20 North, Range 8 East, Section 20 of the 7.5 minute topographic quadrangle of Strawberry Valley at an approximate elevation of 3,550 feet above mean sea level (msl). The project site is accessed via Barton Hill/Lewis Ridge Road (U.S. Forest Service [USFS] Road 21N16), from La Porte and Barton Hill Roads.

With the exception of the Sly Creek Dam and spillway, Barton Hill/Lewis Ridge Road, and campground and day use facilities, the project site is undeveloped. A cattle guard is located across Barton Hill/Lewis Ridge Road in the northern portion of the project site at the Plumas National Forest property boundary. North of the cattle guard, Barton Hill/Lewis Ridge Road is unpaved. The northern portion of the project site has been previously disturbed from borrow pit activities during the original construction of Sly Creek Dam.

**Project Description:** The proposed project consists of modifications to the Sly Creek Dam and spillway to address safety issues associated with the probable maximum flood flow event that would be conveyed through the Sly Creek reservoir and the spillway. The project proposes to raise the crest of the dam ten feet. Proposed spillway modifications would involve replacing the existing radial gate with a pneumatic bottom-hinged spillway gate and raising the walls of the spillway channel approximately one - six feet. Portions of Barton Hill/Lewis Ridge Road would be raised to match the grade of the dam crest and maintain existing drainage patterns. Following construction, the borrow site would be reshaped and vegetated as needed to stabilize cuts or benches and restore drainage patterns. No change in authorized reservoir storage or maximum water surface level is proposed.

**Environmental Review Process:** SFWPA has prepared an initial study/proposed mitigated negative declaration (IS/MND) on the proposed project in accordance with the requirements of CEQA. The IS/MND describes the proposed Sly Creek Dam Crest Raise project and provides an assessment of the project's potential impacts on the environment. The IS/MND concludes that any potentially significant impacts that may result from the proposed project can be avoided, eliminated, or reduced to a level that is less than significant by the adoption and implementation of specified mitigation measures.

**Public Review Period:** The IS/MND is being circulated for public review and comment for a review period of 30 days starting January 2, 2009. Written comments should be submitted and received at the following address no later than close of business (4:00 p.m.) on February 2, 2009.

Ms. Kathy Petersen  
Power Division Manager  
South Feather Water and Power Agency  
2310 Oro Quincy Hwy  
Oroville, CA 95966  
Fax (530) 675-0361  
Email [kmpetersen@southfeather.com](mailto:kmpetersen@southfeather.com)

**To Review or Obtain a Copy of the Environmental Document:** Copies of the draft IS/MND may be reviewed at the following location:

Butte County Clerk-Recorder  
County Administration Building  
County Clerk-Recorder, Lower Level  
25 County Center Drive, Suite 105  
Oroville, CA 95965-3375

Your views and comments on how the project may affect the environment will be welcomed.

# PROPOSED MITIGATED NEGATIVE DECLARATION

**Project:** Sly Creek Dam Crest Raise

**Lead Agency:** South Feather Water and Power Agency

## PROJECT DESCRIPTION

This Initial Study and Proposed Mitigated Negative Declaration (IS/MND) evaluates the environmental effects of the proposed Sly Creek Dam Crest Raise project. South Feather Water and Power Agency (SFWPA) is proposing to implement modifications to the Sly Creek Dam and spillway to address safety issues associated with the probable maximum flood (PMF) flow event that would be conveyed through Sly Creek reservoir and the spillway. Sly Creek Reservoir and Dam is a component of the South Feather Power Project, Federal Energy Regulatory Commission (FERC) Project No. 2088-CA. This project is owned and operated by SFWPA.

The PMF is the calculated flood flow that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are theoretically possible in a particular drainage area. The existing Sly Creek Dam crest height, spillway dimensions, reservoir volume, annual storage curve, and flood operation rules were developed with the Inflow Design Flood (IDF) flow estimate defined by FERC guidance at the time the hydroelectric project was originally licensed. Since that time, hydrometeorological data used for PMF flow determinations have changed. In 2004, SFWPA conducted a hydraulic study that included an estimate of the PMF flows for the Sly Creek Reservoir and spillway that is consistent with current FERC engineering guidelines and dam safety regulations. The results of the hydraulic study indicated that the dam crest would overtop unless it is raised and/or the spillway modified to maintain adequate freeboard and spillway capacity during a PMF event.

Specifically, the proposed project would include the following improvements. The dam crest height would be raised approximately 10 feet using a mechanically stabilized earthen (MSE) wall constructed from approximately 20,000 cubic yards (cu. yd.) of fill from an onsite borrow area. The existing spillway radial gate would be replaced with a pneumatic bottom-hinged spillway gate (Obermeyer-type gate). The abutment walls of the spillway channel would also be raised approximately 1 to 6 feet to maintain the approved reservoir capacity. Portions of Barton Hill/Lewis Ridge Road (USFS Road 21N16) on either side of the dam would be raised to match the grade of the dam crest and maintain existing drainage patterns, and the bridge over the spillway would be replaced. The roadway sections near the approaches to the spillway and dam would also be widened, and barriers on and off the dam structure would be improved to be consistent with safety standards. Existing substandard drainage structures along the roadway and within the campground areas would be improved (e.g., culverts resized, drainage ditches repaired). To construct the spillway improvements, the reservoir would need to be drawn down approximately 37 feet to an elevation of approximately 3,490 feet to prevent overtopping of the spillway during construction.

## FINDINGS

An IS/MND has been prepared to assess the project's potential impacts on the environment and the significance of those impacts. Based on the analysis, "the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment" (Section 21064.5). This conclusion is supported by the following findings:

1. The proposed project would have no impacts related to agricultural resources, mineral resources, population and housing, transportation/traffic, and utilities and service systems.
2. The proposed project would have less-than-significant impacts on aesthetics, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, and recreation.
3. The proposed project would have potentially significant impacts related to air quality, biological resources, and cultural resources, but mitigation measures are identified, and agreed to by SFWPA that would reduce these impacts to less-than-significant levels.

Following are the mitigation measures that would be implemented by the SFWPA to avoid or minimize environmental impacts. Implementation of these mitigation measures would reduce the environmental impacts of the proposed project to less-than-significant levels.

#### **Mitigation Measure AQ-1: Implement Butte County Air Quality Management District (BCAQMD)-Recommended Emission Reduction Measures.**

SFWPA shall implement the following mitigation measures to prevent and control dust emissions, and reduce impacts from project-generated emissions of criteria air pollutants and precursors to less-than-significant levels.

- ▶ Maintain all construction equipment in proper tune according to manufacturer's specifications.
- ▶ Maximize the use of diesel construction equipment that meets the Air Resources Board's (ARB) 1996 or newer certification standard for off-road heavy-duty diesel engines.
- ▶ Maximize use of electric equipment.
- ▶ Maximize use of gasoline-powered equipment in lieu of diesel-powered equipment.
- ▶ Maximize use of alternatively fueled construction equipment on site, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
- ▶ Use equipment that has Caterpillar pre-chamber diesel engines.
- ▶ Water shall be applied by means of truck(s), hoses and/or sprinklers as needed prior to any land clearing or earth movement to minimize dust emission.
- ▶ Haul vehicles transporting soil into or out of the property shall be covered.
- ▶ A water truck shall be on site at all times. Water shall be applied to disturbed areas a minimum of 2 times per day or more as necessary.
- ▶ On-site vehicles shall be limited to a speed which minimizes dust emissions on unpaved roads, and all project entry points.
- ▶ Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.
- ▶ The telephone number of the District shall also be visible to ensure compliance with District Rule 200 & 205 (*Nuisance and Fugitive Dust Emissions*).
- ▶ All visibly dry disturbed soil surface areas of operation shall be watered to minimize dust emissions.

- ▶ Existing roads and streets adjacent to the project shall be cleaned at least once per day unless conditions warrant a greater frequency.
- ▶ All visibly dry, disturbed, unpaved road surfaces in areas of operation shall be watered to minimize dust emissions.
- ▶ Unpaved roads may be graveled in lieu of watering to reduce dust emissions.
- ▶ Haul roads shall be sprayed down at the end of the work shift to form a thin crust. This application of water shall be in addition to the minimum rate of application.
- ▶ Construction workers shall park in designated parking areas(s) to reduce dust emissions.
- ▶ Soil pile surfaces shall be moistened if dust is being emitted from the pile(s). Adequately secured tarps, plastic or other material may be required when watering is insufficient or wind speeds exceed 25 miles per hour to further reduce dust emissions.

**Mitigation Measure AQ-2: Survey Project Area for Naturally Occurring Asbestos and Implement Asbestos Air Toxic Control Measures as required by BCAQMD and ARB.**

SFWPA shall retain a registered geologist to perform a geologic evaluation of the potential disturbed areas of the project site prior to initiation of construction activities to determine whether serpentine or ultramafic rock is likely to be found in the area to be disturbed. The geologic evaluation shall be performed in accordance with California Code of Regulations (CCR), Title 17, Section 93105(c)(1), and must include the following:

1. A general description of the property and the proposed use;
2. A detailed site characterization which may include:
  - i. A physical site inspection;
  - ii. Offsite geologic evaluation of adjacent property;
  - iii. Evaluation of existing geological maps and studies of the site and surrounding area;
  - iv. Development of geologic maps of the site and vicinity;
  - v. Identification and description of geologic units, rock and soil types, and features that could be related to the presence of ultramafic rocks, serpentine, or asbestos mineralization; and
  - vi. A subsurface investigation to evaluate the nature and extent of geologic materials in the subsurface where vertical excavation is planned; methods of subsurface investigation may include, but are not limited to borings, test pits, trenching, and geophysical surveys;
3. A classification of rock types found that conforms to the nomenclature based on the International Union of Geological Science system;
4. A description of the sampling procedures used;
5. A description of the analytical procedures used, which may include mineralogical analyses, petrographic analyses, chemical analyses, or analyses for asbestos content;
6. An archive of collected rock samples for third party examination; and

7. A geologic evaluation report documenting observations, methods, data, and findings; the format and content of the report should follow the Guidelines for Engineering Geologic Reports issued by the State Board of Registration for Geologists and Geophysicists.

If the geologic evaluation does not reveal the presence of serpentine or ultramafic rock, SFWPA shall apply for an asbestos dust mitigation plan exemption from the BCAQMD. If the exemption is not granted, naturally occurring asbestos (NOA) is found at the site during the geologic evaluation, or NOA is found at the site after an asbestos dust mitigation plan exemption is granted, SFWPA shall report any discovery of NOA, serpentine, or ultramafic rock to the BCAQMD Air Pollution Control Officer (APCO) no later than the next business day, and shall comply as required by BCAQMD with all requirements outlined in the ARB Asbestos Air Toxic Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations to reduce potential impacts from exposure to NOA to a less-than-significant level. These requirements shall include: 1) an asbestos dust mitigation plan which must be approved by the BCAQMD before construction begins, and must be implemented at the beginning and maintained throughout the duration of construction and grading activities, and 2) an asbestos health and safety program (if required under CCR, Title 8, Section 1529(4) Asbestos).

The asbestos dust mitigation plan, per CCR, Title 17, Section 93105(e)(2, 4), shall specify dust mitigation practices which are sufficient to ensure that no equipment or operation emits dust that is visible crossing property lines, and shall include track-out prevention and control measures, control measures for disturbed surface area and storage piles that would remain inactive for more than seven (7) days, post-construction stabilization, and asbestos monitoring, if required. Examples of these may include, but shall not be limited to surface wetting, surface covering, surface crusting, application of chemical dust suppressants or stabilizers, installation of wind barriers, construction area speed limits, truck spillage controls, and establishment of vegetative covers. In addition, the asbestos dust mitigation plan shall include record-keeping and reporting requirements that document the results of any air monitoring, geologic evaluation, and asbestos bulk sampling.

The asbestos health and safety program shall be implemented if permissible exposure limits (PELS) for airborne asbestos are found to be exceeded within the project area. Implementation shall include applicable construction employee protection measures as defined under CCR, Title 8, Section 1529(g) and any additional measures required under Cal/OSHA to reduce exposure of construction employees to airborne asbestos.

#### **Mitigation Measure BIO-1: Conduct Preconstruction Surveys and Establish Appropriate Buffers.**

SFWPA shall implement the following mitigation measures to reduce potential impacts to nesting raptors to less-than-significant levels. If vegetation removal and/or project construction would occur during the nesting season (February 1 to August 1), preconstruction surveys for special-status nesting birds and common raptors shall be conducted by a qualified biologist. The surveys shall cover all areas of suitable nesting habitat within 660 feet of project activity (USFWS 2007) and shall be conducted within 14 days prior to commencement of project activity. If no active nests are found, no further mitigation shall be required. If active nests are found, impacts shall be avoided by establishing appropriate buffers. Typically, implementation of a 500-foot buffer is appropriate to protect an active nest from disturbance, but the size of the buffer may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist may be required if the activity has potential to adversely affect the nest. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest is no longer active.

#### **Mitigation Measure BIO-2: Avoid Sensitive Habitats.**

SFWPA shall implement the following mitigation measure to reduce potential impacts to federally protected wetlands and waters of the United States to less-than-significant levels. Protective orange fencing shall be placed around the identified ephemeral drainage and seep to prevent construction equipment from encroaching on these features.

**Mitigation Measure CUL-1: Immediately Halt Construction if any Cultural Resources are Discovered.**

SFWPA shall implement the following mitigation measure to reduce potential impacts to archaeological or historical resources to less-than-significant levels. If cultural materials (e.g., unusual amounts of shell, animal bone, glass, ceramics, etc.) are discovered during project-related construction activities, ground disturbances in the area of the find shall be halted and a qualified professional archaeologist shall be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant per the California Register of Historic Resources (CRHR) and develop appropriate mitigation. If potentially significant resources are found, mitigation may include, but not necessarily be limited to: in-field documentation, archival research, archaeological testing, and contiguous block unit excavations and shall be implemented before resuming construction in the immediate vicinity of the find.

**Mitigation Measure CUL-2: Immediately Halt Construction if any Human Remains are Discovered.**

SFWPA shall implement the following mitigation measure to reduce impacts to human remains to a less-than-significant level. In accordance with the California Health and Safety Code, if human remains or potentially human remains are uncovered during project-related ground-disturbing activities, the construction contractor shall immediately halt potentially damaging excavation in the area of the burial and notify the County Coroner and a professional archaeologist to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). Following the coroner's findings, SFWPA, an archaeologist, and the Native American Heritage Commission (NAHC)-designated Most Likely Descendent (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section (PRC) 5097.9.

Questions or comments regarding this IS/MND may be addressed to:

Ms. Kathy Petersen  
Power Division Manager  
South Feather Water and Power Agency  
2310 Oro Quincy Hwy  
Oroville, CA 95966  
Fax: (530) 675-0361  
Email: kmpetersen@southfeather.com

Mitigation Monitoring and Reporting Program  
Sly Creek Dam Crest Raise



Prepared for:  
South Feather Water and Power Agency  
Power Division

Prepared by:  
EDAW  
2022 J Street  
Sacramento, CA 95811

February 2009

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Mitigation Monitoring and Reporting Program  
Sly Creek Dam Crest Raise



Prepared for:

South Feather Water and Power Agency  
Power Division  
2310 Oro Quincy Highway  
Orville, CA 95966

Contact:

Kathy Petersen  
Power Division Manager  
(530) 534-1221

Prepared by:

EDAW  
2022 J Street  
Sacramento, CA 95811

Contact:

Andrea Shephard  
Project Manager  
(916) 414-5800

February 2009

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# MITIGATION MONITORING AND REPORTING PROGRAM

## STATUTORY REQUIREMENTS

Section 21081.6 of the Public Resources Code requires a Lead Agency that approves or carries out a project, where a California Environmental Quality Act (CEQA) document has identified significant environmental effects, to adopt a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval in order to mitigate or avoid significant effects on the environment.”

The South Feather Water and Power Agency (Agency) is the Lead Agency that must adopt the mitigation monitoring and reporting program for the Sly Creek Dam Crest Raise IS/MND (IS/MND).

The CEQA statutes and Guidelines provide direction for clarifying and managing the complex relationships between a lead agency and other agencies with respect to implementing and monitoring mitigation measures. In accordance with CEQA Guidelines Section 15097.d, “each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise.” This discretion will be exercised by implementing agencies at the time they undertake any of the actions identified in the IS/MND.

## METHODOLOGY

The Agency has agreed to implement the mitigation measures listed in this Mitigation Monitoring and Reporting Program (MMRP) as part of the Sly Creek Dam Crest Raise IS/MND project. The MMRP is contained within the following matrix and consists of the following components:

- ▶ Mitigation measures contained in the IS/MND, as adopted by the Agency;
- ▶ Party responsible for monitoring and reporting;
- ▶ Timeframe for implementation;
- ▶ Party responsible for verification of completion;
- ▶ Reporting requirements/performance criteria; and,
- ▶ Date of implementation, to be filled in by the party responsible for verifying compliance, on the date the mitigation measure is fully implemented.

This Mitigation Monitoring and Reporting Program shall be maintained in South Feather Water and Power Agency’s files for use in implementing mitigation measures adopted as part of the Sly Creek Dam Crest Raise project.

**Mitigation Monitoring and Reporting Program for the Modesto Redevelopment Master Plan Project**

Mitigation Measure	Implementation/ Monitoring Responsibility	Timing/Schedule	Verification Responsibility	Performance Criteria	Verification of Implementation (Date and Initials)
<b>AIR QUALITY</b>					
<b>Mitigation Measure AQ-1: Implement BCAQMD-Recommended Emission Reduction Measures</b> <b>Standard Mitigation Measures for Construction Equipment</b> <ul style="list-style-type: none"> <li>▶ Maintain all construction equipment in proper tune according to manufacturer's specifications.</li> <li>▶ Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines.</li> </ul>	Construction Contractor / SFWPA	Prior to and during all construction activities	BCAQMD	N/A	
<b>Discretionary Mitigation Measures for Construction Equipment</b> <ul style="list-style-type: none"> <li>▶ Electrify equipment where feasible.</li> <li>▶ Substitute gasoline-powered for diesel-powered equipment, where feasible.</li> <li>▶ Use alternatively fueled construction equipment on site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.</li> <li>▶ Use equipment that has Caterpillar pre-chamber diesel engines.</li> </ul>	Construction Contractor / SFWPA	During all construction activities	BCAQMD	N/A	
<b>Fugitive PM<sub>10</sub> Mitigation Measures</b> The following specific mitigation measures are recommended by BCAQMD. These measures apply to all projects with the potential to emit fugitive dust during land development activities. The intent of the mitigation measures is to ensure adequate dust control during all phases of project construction and operation. Compliance with the mitigation measures should minimize the potential for violations of District Rule 200, <i>Nuisance</i> and Rule 205 <i>Fugitive Dust</i> . The following mitigating measures should be employed to prevent and control dust emissions:					

Mitigation Monitoring and Reporting Program for the Modesto Redevelopment Master Plan Project					
Mitigation Measure	Implementation/ Monitoring Responsibility	Timing/Schedule	Verification Responsibility	Performance Criteria	Verification of Implementation (Date and Initials)
<p><b>Land Clearing/Earth Moving:</b></p> <ul style="list-style-type: none"> <li>▶ Water shall be applied by means of truck(s), hoses and/or sprinklers as needed prior to any land clearing or earth movement to minimize dust emission.</li> <li>▶ Haul vehicles transporting soil into or out of the property shall be covered.</li> <li>▶ A water truck shall be on site at all times. Water shall be applied to disturbed areas a minimum of 2 times per day or more as necessary.</li> <li>▶ On-site vehicles limited to a speed which minimizes dust emissions on unpaved roads.</li> <li>▶ Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.</li> <li>▶ The telephone number of the District shall also be visible to ensure compliance with District Rule 200 &amp; 205 (Nuisance and Fugitive Dust Emissions).</li> </ul>	Construction Contractor / SFWPA	During all construction activities	BCAQMD	N/A	
<p><b>Visibly Dry Disturbed Soil Surface Areas:</b></p> <ul style="list-style-type: none"> <li>▶ All visibly dry disturbed soil surface areas of operation shall be watered to minimize dust emission.</li> </ul>	Construction Contractor / SFWPA	During all construction activities	BCAQMD	N/A	
<p><b>Paved Road Track-Out:</b></p> <ul style="list-style-type: none"> <li>▶ Existing roads and streets adjacent to the project will be cleaned at least once per day unless conditions warrant a greater frequency.</li> </ul>	Construction Contractor / SFWPA	During all construction activities	BCAQMD	N/A	
<p><b>Visibly Dry Disturbed Unpaved Roads:</b></p> <ul style="list-style-type: none"> <li>▶ All visibly dry disturbed unpaved roads surface areas of operation shall be watered to minimize dust emission.</li> <li>▶ Unpaved roads may be graveled to reduce dust emissions.</li> <li>▶ A water truck shall be on site at all times. Water shall be applied to disturbed areas a minimum of 2 times per day or more as necessary.</li> </ul>	Construction Contractor / SFWPA	During all construction activities	BCAQMD	N/A	

Mitigation Monitoring and Reporting Program for the Modesto Redevelopment Master Plan Project					
Mitigation Measure	Implementation/ Monitoring Responsibility	Timing/Schedule	Verification Responsibility	Performance Criteria	Verification of Implementation (Date and Initials)
<ul style="list-style-type: none"> <li>▶ On-site vehicles limited to a speed which minimizes dust emissions on unpaved roads.</li> <li>▶ Haul roads shall be sprayed down at the end of the work shift to form a thin crust. This application of water shall be in addition to the minimum rate of application.</li> </ul>	Construction Contractor / SFWPA	During all construction activities	BCAQMD	All trucks adhere to speed limit of less than 20 mph on the project site	
<p><b>Vehicles Entering/Exiting Construction Area:</b></p> <ul style="list-style-type: none"> <li>▶ Vehicles entering or exiting construction area shall travel at a speed which minimizes dust emissions.</li> </ul>	Construction Contractor / SFWPA	During all construction activities	BCAQMD	All vehicles entering or exiting the construction area adhere to speed limit of less than 20 mph	
<p><b>Employee Vehicles:</b></p> <ul style="list-style-type: none"> <li>▶ Construction workers shall park in designated parking areas(s) to help reduce dust emissions.</li> </ul>	Construction Contractor / SFWPA	During all construction activities	BCAQMD	N/A	
<p><b>Soil Piles:</b></p> <ul style="list-style-type: none"> <li>▶ Soil pile surfaces shall be moistened if dust is being emitted from the pile(s). Adequately secured tarps, plastic or other material may be required to further reduce dust emissions.</li> </ul>	Construction Contractor / SFWPA	During all construction activities	BCAQMD	Covering required when winds exceed 20 mph	
<p><b>Mitigation Measure AQ-2: Survey Project Area for Naturally Occurring Asbestos and Implement Asbestos Air Toxic Control Measures as required by BCAQMD and ARB.</b></p> <p>SFWPA shall retain a registered geologist to perform a geologic evaluation of the potential disturbed areas of the project site prior to initiation of construction activities to determine whether serpentine or ultramafic rock is likely to be found in the area to be disturbed. The geologic evaluation shall be performed in accordance with California Code of Regulations (CCR), Title 17, Section 93105(c)(1), and must include the following:</p>	SFWPA	Prior to any construction activities	BCAQMD	BCAQMD-approved evaluation received prior to starting construction activities.	

**Mitigation Monitoring and Reporting Program for the Modesto Redevelopment Master Plan Project**

Mitigation Measure	Implementation/ Monitoring Responsibility	Timing/Schedule	Verification Responsibility	Performance Criteria	Verification of Implementation (Date and Initials)
<ol style="list-style-type: none"> <li>1. A general description of the property and the proposed use;</li> <li>2. A detailed site characterization which may include:                             <ol style="list-style-type: none"> <li>i. A physical site inspection;</li> <li>ii. Offsite geologic evaluation of adjacent property;</li> <li>iii. Evaluation of existing geological maps and studies of the site and surrounding area;</li> <li>iv. Development of geologic maps of the site and vicinity;</li> <li>v. Identification and description of geologic units, rock and soil types, and features that could be related to the presence of ultramafic rocks, serpentine, or asbestos mineralization; and</li> <li>vi. A subsurface investigation to evaluate the nature and extent of geologic materials in the subsurface where vertical excavation is planned; methods of subsurface investigation may include, but are not limited to borings, test pits, trenching, and geophysical surveys;</li> </ol> </li> <li>3. A classification of rock types found that conforms to the nomenclature based on the International Union of Geological Science system;</li> <li>4. A description of the sampling procedures used;</li> <li>5. A description of the analytical procedures used, which may include mineralogical analyses, petrographic analyses, chemical analyses, or analyses for asbestos content;</li> <li>6. An archive of collected rock samples for third party examination; and</li> <li>7. A geologic evaluation report documenting observations, methods, data, and findings; the format and content of the report should follow the Guidelines for Engineering Geologic Reports issued by the State Board of Registration for Geologists and Geophysicists.</li> </ol>					

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<p>If the geologic evaluation does not reveal the presence of serpentine or ultramafic rock, SFWPA shall apply for an asbestos dust mitigation plan exemption from the BCAQMD. If the exemption is not granted, naturally occurring asbestos (NOA) is found at the site during the geologic evaluation, or NOA is found at the site after an asbestos dust mitigation plan exemption is granted, SFWPA shall report any discovery of NOA, serpentine, or ultramafic rock to the BCAQMD Air Pollution Control Officer (APCO) no later than the next business day, and shall comply as required by BCAQMD with all requirements outlined in the ARB Asbestos Air Toxic Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations to reduce potential impacts from exposure to NOA to a less-than-significant level. These requirements shall include: 1) an asbestos dust mitigation plan which must be approved by the BCAQMD before construction begins, and must be implemented at the beginning and maintained throughout the duration of construction and grading activities, and 2) an asbestos health and safety program (if required under CCR, Title 8, Section 1529(4) Asbestos).</p> <p>The asbestos dust mitigation plan, per CCR, Title 17, Section 93105(e)(2, 4), shall specify dust mitigation practices which are sufficient to ensure that no equipment or operation emits dust that is visible crossing property lines, and shall include track-out prevention and control measures, control measures for disturbed surface area and storage piles that would remain inactive for more than seven (7) days, post-construction stabilization, and asbestos monitoring, if required. Examples of these may include, but shall not be limited to surface wetting, surface covering, surface crusting, application of chemical dust suppressants or stabilizers, installation of wind barriers, construction area speed limits, truck spillage controls, and establishment of vegetative covers. In addition, the asbestos dust mitigation plan shall include record-keeping and reporting requirements that document the results of any air</p>	<p>SFWPA</p>	<p>Prior to and during all construction activity</p>	<p>BCAQMD</p>	<p>BCAQMD-approved asbestos dust mitigation plan exemption or BCAQMD-approved asbestos dust mitigation program including all necessary air toxic control measures</p>	



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<p><b>Mitigation Measure BIO-2: Avoidance of Sensitive Habitats <sup>1</sup>.</b> The following measure shall be implemented to reduce potential impacts to federally protected wetlands and waters of the United States to a less-than-significant level:</p> <ul style="list-style-type: none"> <li>Protective orange fencing will be placed around the identified ephemeral drainage and seep to prevent construction equipment from encroaching on these features.</li> </ul>	Construction Contractor / SFWPA	Within 24 hours of project activity	SFWPA	Fencing in place to provide six foot buffer around drainage and wetland features	
<b>CULTURAL RESOURCES</b>					
<p><b>Mitigation Measure CUL-1: Immediately Halt Construction if any Cultural Resources are Discovered.</b> If cultural materials (e.g., unusual amounts of shell, animal bone, glass, ceramics, etc.) are discovered during project-related construction activities, ground disturbances in the area of the find shall be halted and a qualified professional archaeologist shall be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant per the CRHR and develop appropriate mitigation. Mitigation may include, but not necessarily be limited to, no action, in-field documentation, archival research, archaeological testing, or contiguous block unit excavations and shall be implemented before resuming construction in the immediate vicinity of the find.</p>	SFWPA	Immediately upon discovery of cultural materials	SFWPA	Construction in immediate vicinity of the find is halted until find is assessed by qualified professional archaeologist.	
<p><b>Mitigation Measure CUL-2: Immediately Halt Construction if any Human Remains are Discovered.</b> In accordance with the California Health and Safety Code, if human remains or potentially human remains are uncovered during project-related ground-disturbing activities, the construction contractor shall immediately halt potentially damaging excavation in the area of the burial and notify the County Coroner and a professional archaeologist to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery</p>	SFWPA	Immediately upon discovery of human remains or potentially human remains	SFWPA	Construction in immediate vicinity of find is halted until the County Coroner, qualified professional archaeologist, and NAHC-designated MLD, if applicable	

<sup>1</sup> Mitigation Measure BIO-2 was incorrectly labeled as BIO-3 in the Public Draft IS/MND. It has been corrected in the Final IS/MND

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<p>on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). Following the coroner's findings, SFWPA, an archaeologist, and the NAHC-designated Most Likely Descendent (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section (PRC) 5097.9.</p>				<p>have assessed the find.</p>	