

# MITIGATED NEGATIVE DECLARATION for the San Joaquin Field Division Operations and Maintenance Center Drainage Culvert Replacement Project

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**Project:** San Joaquin Field Division Operations and Maintenance Center Drainage Culvert Replacement Project

**Lead Agency:** California Department of Water Resources (DWR)

California Public Resources Code Section 21081.6 requires that, upon certification of an environmental review document, “the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.”

This chapter contains the Mitigation Monitoring and Reporting Program (MMRP) that was developed for the California Department of Water Resources (DWR) San Joaquin Field Division (SJFD) Operations and Maintenance (O&M) Center Drainage Culvert Replacement Project (Project) Initial Study/Mitigated Negative Declaration (IS/MND). This MMRP was developed in compliance with Section 21081.6 of the Public Resources Code, and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. The mitigation measures in the table are coded by alphanumeric identification consistent with the IS/MND. The following items are identified for each mitigation measure:

- **Mitigation Monitoring.** This section of the MMRP lists the stage of the Project when the mitigation measure would be implemented. It also lists the party that is responsible for implementing the mitigation measure, and the agency responsible for monitoring implementation to ensure that the mitigation measure is implemented properly.
- **Verification of Compliance.** This section of the MMRP provides a location for the implementing party and/or enforcing agency to make notes and to record their initials and the compliance date for each mitigation measure.

DWR must adopt this MMRP, or an equally effective program, if it approves the proposed Project with the mitigation measures that were adopted or made conditions of Project approval.

Mitigation Monitoring and Reporting Program

| Mitigation Measure  | Mitigation Monitoring          |   |  | Verification of Compliance |      |          |
|---|--------------------------------|---|--|----------------------------|------|----------|
|   | Implementation Timing          | Party Responsible for Implementation  | Agency Responsible for Monitoring Implementation | Initial                    | Date | Comments |
| <b>Biological Resources</b>   |                                |   |  |                            |      |          |
| <p><b>MM-BIO-1: Nesting Bird Survey.</b> To avoid impacts to nesting raptors and migratory birds, construction shall occur, where possible, outside the nesting season, or September 1 through January 31.</p> <p>If construction must occur during the nesting season (February 1 through August 31), a qualified biologist shall conduct pre-construction surveys for active raptor and migratory bird nests within 5 days of the onset of these activities. Nest surveys shall include all areas on and within 500 feet of the Project site for nesting raptors, and within 100 feet of the Project site for nesting non-raptor migratory birds, where accessible. If no active nests are found within the survey area, no further mitigation is required.</p> <p>Should any active nests be discovered in or near proposed construction zones, the qualified biologist shall identify a suitable construction-free buffer around the nest. This buffer shall be identified on the ground with flagging or fencing and shall be maintained until the qualified biologist has determined that the young have fledged.</p> | Prior to demolition activities | Qualified biologist retained and approved by the California Department of Water Resources (DWR) | DWR  |                            |      |          |
| <p><b>MM-BIO-2: Pre-Construction San Joaquin Kit Fox Survey.</b> A qualified biologist will conduct a pre-activity survey for kit fox within 14 days before ground disturbance activities.</p>  | Prior to demolition activities | Qualified biologist retained and approved by DWR  | DWR  |                            |      |          |
| <p><b>MM-BIO-3: Protocol-Level Blunt-Nosed Leopard Lizard Survey.</b> A protocol survey pursuant to the California Department of Fish and Wildlife’s (CDFW) Approved</p>  | Prior to demolition activities | Qualified biologist retained and  | DWR  |                            |      |          |

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| <p>Survey Methodology for the Blunt-Nosed Leopard Lizard (October 2019) shall be conducted by a California Department of Water Resources (DWR) qualified biologist (someone who has adequate experience with the species to be able to positively identify the species in the field) in all suitable habitat for blunt-nosed leopard lizard within the Project site and 200-foot buffer (where legally accessible) surrounding the Project site within 1 year before Project implementation. Project implementation shall not proceed until survey results are provided to CDFW and until the following conditions are met:</p> <ul style="list-style-type: none"> <li>• If blunt-nosed leopard lizards are not detected on the Project site or surrounding buffer area during the protocol survey, Project implementation may proceed unless such activities that may impact suitable habitat have not begun within 1 year since completion of the negative survey results. To ensure avoidance of impacts to blunt-nosed leopard lizards during Project implementation, DWR shall implement the following actions: <ul style="list-style-type: none"> <li>○ If blunt-nosed leopard lizard is detected on the Project site during Project activities, the qualified biologist shall direct that Project activities cease and allow the individual to leave the Project area unobstructed on its own. No Project activities shall be allowed until the individual has moved on its own outside the Project area where it would not be directly or indirectly impacted by Project activities. Project activities shall not resume until authorized by the qualified biologist.</li> </ul> </li> </ul> |                       | approved by DWR                      |  |                            |      |          |

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| <ul style="list-style-type: none"> <li>• Biological construction monitoring of the Project site shall be conducted by a qualified biologist during all construction activities. The qualified biologist shall have the authority to stop the work of the construction crews if activities have the potential to directly or indirectly impact blunt-nosed leopard lizard. Monthly biological construction monitoring reports shall be provided to CDFW. All detections of blunt-nosed leopard lizards during construction monitoring shall be reported to CDFW by the qualified biologist within 48 hours, including detection location relative to the Project site and actions taken for avoidance.</li> <li>• If blunt-nosed leopard lizard is detected on the Project site or buffer area surrounding the Project site during the protocol survey, DWR shall implement the following actions:               <ul style="list-style-type: none"> <li>○ The location of the detected individual(s) shall be mapped and a minimum buffer of 50 feet around the location shall be delineated, which may be larger if determined necessary by the qualified biologist to encompass the occupied habitat of each individual.</li> <li>○ A blunt-nosed leopard lizard avoidance plan shall be written and implemented. The avoidance plan shall include the following measures:                   <ul style="list-style-type: none"> <li>▪ The occupied habitat area shall be delineated in the field with flagging and signage as off-limits to construction personnel and activities. All flagging and signage shall be actively maintained.</li> </ul> </li> </ul> </li> </ul> |                       |                                      |  |                            |      |          |

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| <ul style="list-style-type: none"> <li>▪ The occupied habitat shall not be impacted by permanent or temporary Project activities. No construction or vehicular activities shall be allowed within the delineated occupied habitat area.</li> <li>▪ Biological construction monitoring of the Project site shall be conducted by a qualified biologist during all construction activities. The qualified biologist shall have the authority to stop the work of the construction crews if activities have the potential to directly or indirectly impact blunt-nosed leopard lizard. Monthly biological construction monitoring reports shall be provided to CDFW. All detections of blunt-nosed leopard lizard during construction monitoring shall be reported to CDFW by the qualified biologist within 24 hours, including detection location relative to the Project site and actions taken for avoidance.</li> <li>▪ If blunt-nosed leopard lizard is detected on the Project site outside of the delineated occupied habitat area during Project activities, the qualified biologist shall direct that Project activities cease and allow the individual to leave the Project area unobstructed on its own. No Project activities shall be allowed until the individual has moved on its own outside the Project area where it would not be directly or indirectly impacted by Project activities. Project activities shall not resume until authorized by the monitoring qualified biologist.</li> </ul> |                       |                                      |  |                            |      |          |

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| <p><b>MM-BIO-4: Biological Monitor.</b> A biological monitor shall be present while ground-disturbing activities are occurring. The biological monitor shall aid crews in implementing Project avoidance and mitigation measures to avoid impacts to special-status species. The biological monitor is empowered to order cessation of activities if an immediate threat of “take” is identified, if take avoidance and/or mitigation measures are violated, or if a special-status species is located within the construction area. The biological monitor may stop work until the species has moved out of the area of disturbance.</p> | Prior to demolition activities                    | Qualified biologist retained and approved by DWR     | DWR  |                            |      |          |
| <b>Cultural Resources</b>   |   |  |  |                            |      |          |
| <p><b>MM-CUL-1: Inadvertent Discovery of Archaeological Resources.</b> Should any unexpected cultural resources be exposed during project activities, all work would temporarily stop in the immediate vicinity (e.g., 100 feet) of the find until it can be evaluated by a qualified archaeologist and an appropriate plan of action can be determined in consultation with DWR.</p> <p>If the resource is associated with Native American contexts or is a potential Tribal Cultural Resource, the appropriate consulting tribal entity/entities will be contacted and consulted with to produce an appropriate plan of action.</p>     | During construction-related excavation activities | Qualified archaeologist retained and approved by DWR | DWR  |                            |      |          |
| <p><b>MM-CUL-2: Inadvertent Discovery of Human Remains.</b> Should human remains be discovered during the course of project activities, all work will stop immediately in the vicinity (e.g., 100 feet) of the finds until they can be verified. The coroner will be contacted in accordance with Health and Safety Code section 7050.5(b). Protocol and</p>  | During construction-related excavation activities | DWR  | DWR  |                            |      |          |

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| requirements outlined in Health and Safety Code sections 7050.5(b) and 7050.5(c) as well as Public Resources Code section 5097.98 will be followed.  |                       |   |  |                            |      |          |
| <b>MM-CUL-3: Cultural Resources Awareness and Sensitivity Training Program.</b> Prior to project construction, a qualified archaeologist, defined as one meeting the Society for California Archaeology’s Professional Qualifications Standards for Principal Investigator, shall develop a Cultural Resources Awareness and Sensitivity Training Program for all construction and field workers involved in project ground-disturbing activities. The program shall include a presentation that covers, at a minimum, the types of cultural resources common to the area, regulatory protections for cultural resources, and the protocol for unanticipated discovery of archaeological resources (see mitigation measures MM-CUL-1 and MM-CUL-2). Personnel working in areas of project ground-disturbing activities shall receive the training prior to working in these areas. | Prior to construction | Qualified archaeologist retained and approved by DWR  | DWR  |                            |      |          |
| <b>Geology and Soils</b>   |                       |   |  |                            |      |          |
| <b>MM-GEO-1: Worker Environmental Awareness Training for Paleontological Resources.</b> Prior to the start of construction, DWR shall conduct a WEAP (worker environmental awareness training) for the construction crew members informing them of the potential to inadvertently encounter paleontological resources. In the unlikely event that paleontological resources (i.e., fossils) are exposed during construction activities, all construction work occurring within 50 feet of the find   | Prior to construction | Qualified paleontologist retained and approved by DWR | DWR  |                            |      |          |

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| shall immediately stop and the lead agency representative contacted. A qualified vertebrate paleontologist, meeting the Society of Vertebrate Paleontology standards, shall be assigned to review the unanticipated find to determine the significance. If the discovery proves potentially significant under CEQA as determined by the qualified vertebrate paleontologist, and the area cannot be feasibly avoided, additional work, such as preparation of a Paleontological Resources Impact Mitigation Program and paleontological monitoring shall be warranted. |                       |                                      |  |                            |      |          |