

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

The California Environmental Quality Act (CEQA) Guidelines, Section 15074(d), requires public agencies, as part of the adoption of a mitigated negative declaration, to adopt a reporting and monitoring program to ensure that changes made to the project as conditions of project approval to mitigate or avoid significant environmental effects are implemented.

The Mitigation Monitoring and Reporting Program (MMRP) contained herein is intended to satisfy the requirements of CEQA as they relate to the Elk Grove Intermodal Rail Station project in the City of Elk Grove. The MMRP is intended to be used by City staff, project contractors, and mitigation monitoring personnel during implementation of the project.

The MMRP will provide for monitoring of construction activities as necessary in-the-field identification and resolution of environmental concerns, and reporting to City staff. The MMRP will consist of the components described below.

4.2 COMPLIANCE CHECKLIST

Table 4-1 contains a compliance-monitoring checklist that provides a synopsis of all adopted mitigation measures, a suggested monitoring action, identification of agencies responsible for enforcement and monitoring, and timing of implementation.

4.3 FIELD MONITORING OF MITIGATION MEASURE IMPLEMENTATION

During construction of the project facilities, the City of Elk Grove's designated construction inspector will be responsible for monitoring the implementation of mitigation measures. The inspector will report to the City of Elk Grove Department of Public Works, and will be thoroughly familiar with all plans and requirements of the project. In addition, the inspector will be familiar with construction contract requirements, construction schedules, standard construction practices, and mitigation techniques. Aided by **Table 4-1**, the inspector will typically be responsible for the following activities:

1. On-site, day to day monitoring of construction activities;
2. Reviewing construction plans to ensure conformance with adopted mitigation measures;
3. Ensuring contractor knowledge of and compliance with all appropriate conditions of project approval;
4. Evaluating the adequacy of construction impact mitigation measures, and proposing improvements to the contractors and City staff;
5. Requiring correction of activities that violate project mitigation measures, or that represent unsafe or dangerous conditions. The inspector shall have the ability and authority to secure compliance with the conditions or standards through the City of Elk Grove Public Works Department, if necessary;
6. Acting in the role of contact for property owners or any other affected persons who wish to register observations of violations of project mitigation measures, or unsafe or dangerous conditions. Upon receiving any complaints, the inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such observations and for developing any necessary corrective actions in

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consultation with the construction representative and the City of Elk Grove Public Works Department;

7. Maintaining prompt and regular communication with City staff;
8. Obtaining assistance as necessary from technical experts, such as archaeologists and wildlife biologists, to develop site-specific procedures for implementing the mitigation measures adopted by the City for the project. For example, it may be necessary at times for a wildlife biologist to work in the field with the inspector and construction contractor to explicitly identify and mark areas to be avoided during construction; and
9. Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

4.4 PLAN CHECK

Many mitigation measures will be monitored via plan check during project implementation. City staff will be responsible for monitoring plan check mitigation measures.

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM-ELK GROVE INTERMODAL RAIL STATION

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
<i>3.3 Air Quality</i>				
MM 3.3.1	<p>In accordance with SMAQMD recommendations, the following measures shall be implemented to reduce NOX and visible emissions from heavy-duty diesel equipment (SMAQMD 2007):</p> <ul style="list-style-type: none"> The construction contractor shall provide a plan for approval by the City, in consultation with SMAQMD, demonstrating that the heavy-duty (>50 horsepower), off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20-percent NO_x reduction and 45-percent particulate reduction compared to the most recent CARB fleet average at the time of construction. Acceptable options for reducing emissions include the use of late-model engines, low-emission diesel products, alternative fuels, particulate matter traps, engine retrofit technology, after-treatment products, and/or such other options as become available. The construction contractor shall submit to the City and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 hp, that will be used an aggregate of 40 or more hours during any portion of the project. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be 	City of Elk Grove Planning Department	Prior to and during construction activities	

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	<p>required for any 30-day period in which no construction operations occur. At least 48 hours before subject heavy-duty off-road equipment is used, the project representative shall provide the SMAQMD with the anticipated construction timeline including start date, and the name and phone number of the project manager and onsite foreman.</p> <ul style="list-style-type: none"> The construction contractor shall ensure that emissions from off-road, diesel-powered equipment used on the project site do not exceed 40-percent opacity for more than 3 minutes in any 1 hour, as determined by an on-site inspector trained in visual emissions assessment. Any equipment found to exceed 40-percent opacity (or Ringlemann 2.0) shall be repaired immediately, and the SMAQMD shall be notified of non-compliant equipment within 48 hours of identification. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of visual survey results shall be submitted throughout the duration of the construction project, except that the monthly summary shall not be required for any 30-day period in which no construction operations occur. The monthly summary shall include the quantity and type of vehicles surveyed, as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. 			
MM 3.3.2	The following measures shall be implemented to reduce emissions of fugitive dust:	City of Elk Grove Planning Department	During construction	

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	<ul style="list-style-type: none"> • The construction contractor shall implement SMAQMD's "Level Two" mitigation measures: <ul style="list-style-type: none"> - Water exposed soil three times daily. - Water soil piles three times daily. - Maintain two feet of freeboard space on haul trucks. • The construction contractor shall comply with applicable SMAQMD Rules and Regulations, including, but not limited to, the following: <ul style="list-style-type: none"> - Rule 403, Fugitive Dust - Rule 902, Asbestos 			
MM 3.3.3	During project operation, extended idling time of all public transit buses shall be minimized to five minutes.	City of Elk Grove Planning Department	Throughout project operation	
<i>3.4 Biological Resources</i>				
MM 3.4.1	The City shall consult with USFWS regarding impacts on giant garter snake habitat and implement mitigation conditions. If the USFWS determines that the project is unlikely to affect giant garter snakes, no further action would be required; otherwise the project would require an incidental take permit and the following mitigation shall be implemented. Authorization for incidental take would be initiated by formal consultation under §7 of the federal ESA. The consultation shall proceed as part of the permitting process for the §404 permit from USACE. During this consultation, an appropriate mitigation plan shall be	City of Elk Grove Planning Department	Prior to and during project construction	

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	<p>developed and approved by USFWS. The proposed project is expected to qualify for implementation under the <i>Programmatic Formal Consultation for USACE 404 Permitted Projects with Small Effects on the Giant Garter Snake</i> (USFWS 1997). To avoid and minimize impacts to potential giant garter snakes and northwestern pond turtles the following shall be implemented:</p> <ul style="list-style-type: none"> • The <i>Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake Habitat</i> established by the USFWS, November 13, 1997 (Programmatic Consultation; Service file number 1-1-97-F-149) shall be followed; • Exclusionary fencing to avoid wetland and other areas outside of the proposed construction right-of-way shall be incorporated into project plans and installed prior to the start of construction; • A survey for the giant garter snakes and northwestern pond turtles shall be conducted within the construction zone 24 hours prior to the start of construction and any time thereafter when activities are halted for more than two weeks; • Any giant garter snake or northwestern pond turtle encountered shall be allowed to move away from construction activities on their own; and • The use of plastic, monofilament, jute, or similar erosion control matting that could entangle snakes at the project site shall be prohibited. 			

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MM 3.4.2	For temporary disturbance to giant garter snake upland habitat, the City shall restore an equal amount of acres as will be temporarily disturbed by the proposed project. In addition, the City shall require one year of monitoring with a photo documentation report due one year from the completion of restoration implementation showing pre- and post-project area photos.	City of Elk Grove Planning Department	Prior to and after construction	
MM 3.4.3	For permanent removal of the amount of acres of giant garter snake upland habitat, the City shall replace affected giant garter snake habitat at a 1:1 ratio, or at another ratio as determined appropriate during consultation with the USFWS. Habitat replacement shall occur as outlined in the <i>Programmatic Formal Consultation for USACE 404 Permitted Projects with Small Effects on the Giant Garter Snake</i> (USFWS 1997), through payment of in-lieu fees to a giant garter snake conservation fund, or through some other mechanism deemed appropriate during consultation with USFWS.	City of Elk Grove Planning Department	Prior to and during construction	
MM 3.4.4	<p>Prior to any site disturbance, such as clearing or grubbing, the City shall:</p> <ul style="list-style-type: none"> • Preserve 1.0 acre of similar habitat for each acre lost. This land shall be protected through a fee title or conservation easement acceptable to the CDFG and the City of Elk Grove as set forth in Chapter 16.130.040(a) of the City of Elk Grove Municipal Code as such may be amended from time to time and to the extent that said Chapter remains in effect, OR • Submit payment of Swainson's hawk impact mitigation fee per acre of habitat impacted 	City of Elk Grove Planning Department	Prior to any site disturbance	

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	<p>(payment shall be at a 1:1 ratio) to the City of Elk Grove in the amount set forth in Chapter 16.130 of the City of Elk Grove Code as such may be amended from time to time and to the extent that said chapter remains in effect, OR</p> <ul style="list-style-type: none"> Submit proof that mitigation credits for Swainson's hawk foraging habitat have been purchased at a California Department of Fish and Game approved mitigation bank. 			
MM 3.4.5	<p>In order to mitigate for potential adverse impacts to nesting Swainson's hawks, a pre-construction survey shall be conducted by a qualified biologist to determine if any active raptor or migratory bird nests occur within the PSA. The survey shall be conducted no more than 30 days prior to the start of construction activities for a 500-foot radius. In addition, a survey of the project site and areas within 500 feet of the project site shall be conducted once in April and once in May of the construction season. If active Swainson's hawk's nests are found, the applicant shall consult with the Department of Fish and Game and clearing and construction shall be postponed or halted within an appropriate radius of the nest (as determined during consultation with CDFG,) until all young have fledged and additional nesting attempts no longer occur.</p>	City of Elk Grove Planning Department	Prior to any site disturbance	
MM 3.4.6	<p>If construction is proposed during the breeding/nesting season for local avian species (typically March 1 through August 31), a focused survey for active nests of raptors and migratory birds within and in the vicinity of (no less than 100-feet outside project boundaries, where possible) the project site shall be conducted within 30 days prior to the beginning of construction activities by a qualified</p>	City of Elk Grove Planning Department	Prior to any site disturbance	

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	<p>biologist. If an active nest is located during pre-construction surveys, USFWS and/or CDFG (as appropriate) shall be notified regarding the status of the nest. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or the biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100-feet around an active raptor nest and 50-foot radius around an active migratory bird nest) or alteration of the construction schedule.</p> <p>No action is necessary if no active nests are found or if construction will occur during the non-breeding season (generally September 1 through February 28).</p>			
MM 3.4.7	<p>Prior to working near Whitehouse Creek, all heavy equipment shall be closely examined by the City's construction inspector for oil and fuel discharges. All equipment operated adjacent to these areas shall be checked and maintained daily by the construction contractor, to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic life downstream. Petroleum from project-related activities shall be prevented from contaminating the soil and or/entering the creek. Any of these materials placed within or where they may enter the creek shall be removed immediately. Regulating agencies shall be notified immediately if a spill occurs, and shall provide consultation regarding clean-up procedures.</p>	City of Elk Grove Planning Department	Prior to and during construction	
MM 3.4.8	<p>Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum</p>	City of Elk Grove	During project	

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	products, or any other substances which could be hazardous to aquatic life, resulting from project-related activities, shall be prevented from contaminating the soil and/or entering Whitehouse Creek. Any of these materials placed within or where they may enter these areas shall be removed immediately.	Planning Department	construction	
MM 3.4.9	<p>To the extent practicable, the discharge of dredged or fill material into Whitehouse Creek shall be avoided. This includes avoiding activities that would obstruct the flow of, or alter the bed, channel, or bank of this creek. If complete avoidance is implemented, no further measures are necessary. If complete avoidance is not practicable, a no net loss of wetlands policy shall be employed and the appropriate permits (i.e.; Section 404 permit) shall be obtained prior to start of construction. In addition, the project applicant shall obtain a Section 401 certification from the Regional Water Quality Control Board (RWQCB), as necessary. The project shall comply with all permit conditions and employ best management practices and measures (established by the U.S. Army Corps of Engineers (USACE) and other regulatory agencies) to minimize and compensate for potential impacts to any jurisdictional waters or habitat areas. Furthermore, the following measures shall be implemented:</p> <p>1) Prior to any discharge of dredged or fill material into Whitehouse Creek, authorization under a Nationwide Permit shall be obtained from the USACE. For any features determined to not be subject to USACE jurisdiction during the verification process, authorization to discharge (or a waiver from regulation) shall be obtained from the</p>	City of Elk Grove Planning Department	Prior to the start of and throughout project construction	

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	<p>RWQCB. For fill requiring a USACE permit, water quality certification shall be obtained from the RWQCB prior to discharge of dredged or fill material.</p> <p>2) Prior to any activities that would obstruct the flow of, or alter the bed, channel, or bank of Whitehouse Creek, notification of streambed alteration shall be submitted to the California Department of Fish and Game (CDFG); and, if required, a streambed alteration agreement shall be obtained.</p> <p>3) Construction activities within Whitehouse Creek shall be conducted during the dry season to minimize erosion.</p> <p>4) Appropriate sediment control measures to protect Whitehouse Creek shall be in place prior to the onset of construction and shall be monitored and maintained until construction activities have ceased. Temporary stockpiling of excavated or imported material shall occur only in approved construction staging areas. Excess excavated soil shall be used on site or disposed of at a regional landfill or other appropriate facility. Stockpiles that are to remain on the site through the wet season shall be protected to prevent erosion (e.g. silt fences, straw bales).</p> <p>5) Any permitting, monitoring, maintenance, and reporting required by the regulatory agencies (i.e. USACE, RWQCB, CDFG) shall be included in the</p>			

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	contract plans prior to the start of construction.			
<i>3.7 Hazardous Materials</i>				
MM 3.7.1	Prior to start of construction, the construction contractor shall designate staging areas where fueling and oil-changing activities will take place. The staging area(s) shall be reviewed and approved by City's Planning Department and the Storm Water pollution Prevention Plan (SWPPP) Manager prior to the start of construction. No fueling and oil-changing activities shall be permitted outside the designated staging areas. The staging areas, as much as practicable, shall be located on level terrain and away from sensitive land uses such as residences, day care facilities, and schools. Staging areas shall not be located near any stream, channel, or wetlands. The proposed staging areas shall be identified in the SWPPP.	City of Elk Grove Planning Department	Prior to the start of and during project construction	
MM 3.7.2a	During the plans, specifications, and estimates phase of project development, Phase II soil sampling shall be conducted within areas where UTS have been known to occur. If contaminated soil is detected at concentrations that could pose a health hazard and/or violate local, state, or federal health standards, remediation of the affected areas shall be undertaken in accordance with the requirements of the City of Elk Grove and the Sacramento County Environmental Management Department. Development of the site shall not commence until the City, in consultation with the Sacramento County Environmental Management Department, deems the site remediated and clear for development.	City of Elk Grove Planning Department	Prior to the start of and during project construction	
MM 3.7.2b	If any unknown UST are encountered during excavation, additional assessment shall be required depending on the	City of Elk Grove Planning Department	Prior to the start of and during project	

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	<p>conditions encountered. Work shall stop until the completion of a Phase II Hazardous Waste Investigation is completed to determine the extent of the contamination and remediation. In the event that contamination is not found, the construction may proceed, but if contamination is found, a hazardous waste remediation plan shall be developed and implemented throughout construction. If substances are detected at concentrations that could pose a health hazard and/or violate state, or federal health standards, remediation of the affected areas shall be undertaken in accordance with the requirements of the City of Elk Grove and the Sacramento County Environmental Management Department. Development of the site shall not commence until the City in consultation with the Sacramento County Environmental Management Department deems the site remediated and clear for development.</p>		<p>construction</p>	
<p>MM 3.7.3</p>	<p>If traffic markings will be removed separately from the adjacent pavement (during the project), the Contractor shall prepare a project specific Lead Compliance Plan to prevent or minimize worker exposure to lead while handling removed yellow thermoplastic and yellow paint residue in accordance with Title 8, California Code of Regulations, Section 1532.1, "Lead," for specific Cal-OSHA requirements when working with lead. Before submission to the engineer, an Industrial Hygienist shall approve the Lead Compliance Plan. The Plan shall be submitted to the Engineer at least seven (7) days prior to beginning removal of yellow thermoplastic and yellow paint. The yellow thermoplastic striping shall be removed and disposed of in accordance with the Caltrans Standard Specifications, Section 15-2.02B and 15-2.03 and Standard</p>	<p>City of Elk Grove Planning Department</p>	<p>During project design and construction</p>	

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	Special Provisions for removal of yellow traffic stripe and pavement markings.			
MM 3.7.4	A geophysical investigation to further evaluate the presence of the underground storage tank (UST) shall be performed. If the UST remains onsite, it shall be abandoned or removed in accordance with local regulations.	City of Elk Grove Planning Department	Prior to project construction	
MM 3.7.5	If stained or odiferous soils or subsurface utilities are encountered during construction, additional assessment shall be performed to identify the findings and determine hazard potential. If required, removal shall be performed in accordance with local regulations.	City of Elk Grove Planning Department	During project construction	
MM 3.7.6	Hazardous materials found at the onsite residence and barn shall be: <ul style="list-style-type: none"> • Stored in a secure location and manner to prevent accidental releases; or • Removed from the site and recycled or disposed of in accordance with local regulations. 	City of Elk Grove Planning Department	Prior to and during project construction	
<i>3.11 Noise</i>				
MM 3.11.1	Noise-generating construction operations shall be limited the hours of 6 a.m. and 8 p.m., Monday through Friday, and between the hours of 7 a.m. and 8 p.m. on Saturday and Sunday.	City of Elk Grove Planning Department	During project construction	
MM 3.11.2	Construction equipment and equipment staging areas shall be located at the furthest distance possible from adjacent noise-sensitive residential properties.	City of Elk Grove Planning Department	During project construction	
MM 3.11.3	Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust	City of Elk Grove	During project	

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	mufflers and engine shrouds, in accordance with manufacturers' recommendations. The onsite construction Contractor shall ensure that equipment engine shrouds are closed during equipment operation.	Planning Department	construction	
MM 3.11.4	When not in use, motorized construction equipment shall not be left idling.	City of Elk Grove Planning Department	During project construction	