

Mitigation Monitoring and Reporting Program

The Initial Study-Mitigated Negative Declaration identifies the mitigation measures that will be implemented to reduce the impacts associated with the Alameda County Industries (ACI) Materials Recovery Facility (MRF) and Transfer Facility Expansion Project. The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code:

...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.

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting a mitigated negative declaration.

The mitigation monitoring table lists those mitigation measures that may be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project applicant will have the responsibility for implementing the measures, and the various City of San Leandro departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency	Compliance Verification		
				Initial	Date	Comments
BIOLOGICAL RESOURCES						
BIO-1: Nesting Bird Surveys and Avoidance						
Construction of the Transfer Facility building, and any other site disturbing activities that would involve vegetation or tree removal, shall be prohibited during the general avian nesting season (February 1 – August 31), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist, as approved by the City of San Leandro, to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation clearance and structure demolition. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed within the buffer areas until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). No ground disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and February 1.	Verify that if initial ground disturbing activities occurs between February 1 and August 31, a qualified biologist has prepared a pre-construction survey two weeks prior to start of construction. If active nests are discovered, verify buffers have been established and work is avoided in in the buffer as appropriate.	One before construction to review pre-construction survey; as needed during construction to verify buffers established and work is avoiding buffer zones.	City of San Leandro Community Development Department			
CULTURAL RESOURCES						
CR-1: Archaeological Resources						
In the event that archaeological resources are discovered during construction, operations shall stop within 50 feet of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The archaeologist shall make	Verify that in the event that archaeological artifacts are encountered during project construction, all work in the vicinity of the find has been halted until such time as the find is evaluated.	As needed during construction activities; work must stop immediately if resources are	City of San Leandro Community Development Department			

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recommendations concerning appropriate measures that will be implemented to protect the resources, which may include but not be limited to, excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and evaluated for significance in terms of CEQA criteria.		discovered, and consultation initiated as soon as practical.				
CR-2: Paleontological Resources						
In the event a fossil is discovered during construction for the proposed project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.	Verify that in the event that paleontological artifacts are encountered during project construction, all work in the vicinity of the find has been halted until such time as the find is evaluated.	As needed during construction activities; work must stop immediately if resources are discovered, and examination initiated as soon as practical.	City of San Leandro Community Development Department			
CR-3: Human Remains Recovery Procedures						
In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines §15064.5; Health and Safety Code §7050.5; Public Resources Code §5097.94 and §5097.98 shall be followed. If during the course of project development human remains are accidentally discovered or recognized, the following steps shall be taken: a. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person	Verify that if human remains are found, work is halted until the County Coroner has approved the beginning of work. Verify that if the remains are of Native American descent, the NAHC has been notified.	As needed during construction activities; work must stop immediately if resources are discovered, and consultation initiated as soon as practical.	City of San Leandro Community Development Department			

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<p>responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.</p> <p>b. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:</p> <ul style="list-style-type: none"> • The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission • The descendant identified fails to make a recommendation • The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner 						
GEOLOGY AND SOILS						
GEO-1: Geotechnical Considerations						
<p>A geotechnical report shall be prepared for the construction of the proposed Transfer Facility building. The geotechnical study shall identify geotechnical recommendations for the construction of the Transfer Facility building, as required by the San Leandro Municipal Code Section 7-12. Seismic ground motion parameters shall be provided in the geotechnical recommendations in accordance with California Building Code requirements. Recommendations for both special foundations and other geotechnical engineering measures shall be implemented during design and construction. These measures may include but not be limited to the use of deep foundations engineering and removal or improvement of potentially liquefiable soils or expansive soils, if necessary. The building plans shall incorporate all design and construction criteria specified in the geotechnical recommendations. A registered civil engineer shall sign the improvement plans and approve them as conforming to their recommendations prior to issuance of building permits. The engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with specified recommendations. The engineer of</p>	<p>Verify the preparation of a geotechnical report for the construction of the project.</p> <p>Verify building plans incorporate all design and construction criteria specified in the geotechnical report.</p>	<p>Prior to approval of grading permit.</p>	<p>City of San Leandro Community Development Department and Engineering and Transportation Department</p>			

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record shall prepare letters and as built documents to document their observances during construction and to document that the work performed is in accordance with the project plans and specifications. As required by the City of San Leandro, all construction activities shall meet the California Building Code regulations for seismic safety (i.e. reinforcing perimeter and/or load bearing walls, bracing parapets, etc.).						
TRIBAL CULTURAL RESOURCES						
TCR-1: Unanticipated Discovery of Tribal Cultural Resources						
In the event that cultural resources of Native American origin are identified during construction, the applicant shall notify the City and the City shall consult with a qualified archaeologist and begin or continue Native American consultation procedures. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.	Verify that in the event that cultural artifacts of Native American origin are encountered during project construction, all work in the vicinity of the find has been halted until such time as the find is evaluated.	As needed during construction activities; work must stop immediately if resources are discovered, and consultation initiated as soon as practical.	City of San Leandro Community Development Department			

