

# **APPENDIX M**

## *Mitigation and Monitoring Reporting Program*

Mitigation Measures	Responsibility for Implementation	Mitigation Schedule/Timing	Monitoring/Report Responsibility	Status/Date Completed
<b>Air Quality</b>				
<p><b>Mitigation Measure (MM-) AQ-1: Construction Exhaust Emissions Minimization Plan</b></p> <p>Prior to the issuance of a construction permit, the project applicant, or its designee, shall submit a Construction Exhaust Emissions Minimization Plan (Plan) to the City of Saratoga (City) or its designated representative for review and approval. The Plan shall detail project compliance with the following requirements:</p> <ol style="list-style-type: none"> <li>1. Where access to alternative sources of power and alternative-fueled equipment are available, portable diesel engines shall be prohibited.</li> <li>2. All diesel-powered equipment with engines equal or greater to 85 horsepower shall be powered by Tier 4 Final engines certified by the California Air Resources Board (CARB). If 85-horsepower or greater engines that comply with Tier 4 Final emissions standards are not commercially available, then the project applicant shall ensure that all diesel-powered equipment equal to or greater than 50 horsepower will have at least CARB-certified Tier 3 engines with the most effective Verified Diesel Emission Control Strategies available for the engine type, such as Level 3 Diesel Particulate Filters (Tier 4 engines automatically meet this requirement).               <ol style="list-style-type: none"> <li>a. For purposes of this mitigation measure, “commercially available” shall mean the availability of the Tier 4 Final equipment taking into consideration factors such as (1) critical path timing of construction, and (2) geographic proximity of the equipment location to the project site.</li> <li>b. The project applicant shall maintain and submit records to the City concerning its efforts to comply with this requirement.</li> </ol> </li> </ol>	Project applicant	<p>Prior to the issuance of a construction permit</p> <p>During project construction as necessary</p>	City of Saratoga – Community Development Department, Public Works Department, applicant, contractor	
<b>Biological Resources</b>				
<p><b>MM-BIO-1: Worker Environmental Awareness Training</b></p> <p>All construction workers shall receive a worker environmental</p>	Project applicant, contractor, and qualified biologist	Prior to the start of project construction	City of Saratoga – Community Development	

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<p>awareness training (WEAT) to be conducted by a qualified biologist. The WEAT may also be conducted through a video or PowerPoint presentation created by a qualified biologist specifically for this project. The WEAT shall instruct workers on how to recognize all special-status plant/wildlife species and their preferred habitat potentially present in the project site, applicable laws and regulations regarding each species, actions to take if a special-status species is observed during construction activities including the name/contact information of the monitoring biologist, and the nature and purpose of protective measures including best management practices (BMPs) and other required mitigation measures. They shall also be instructed as to sensitive resource areas, including wetlands and waters of the U.S., to avoid within the project site other than where impacts have been authorized, and relevant laws and regulations for each resource.</p>		<p>During project construction as necessary</p>	<p>Department and qualified biologist</p>	
<p><b>MM-BIO-2: Preconstruction Survey for Western Pond Turtle</b></p> <p>Forty-eight hours prior to the initiation of construction activities, a preconstruction survey for western pond turtle shall be performed by a biologist knowledgeable of western pond turtle biology. If a turtle is observed in the active construction zone, construction will cease and a qualified biologist will be notified. Construction may resume when, through coordination with the California Department of Fish and Wildlife, the biologist has either relocated the turtle to nearby suitable habitat outside the construction zone, or, after thorough inspection, determined that the turtle has moved away from the construction zone.</p>	<p>Project applicant, contractor, and qualified biologist</p>	<p>Forty-eight hours prior to the initiation of construction activities</p> <p>During project construction as necessary</p>	<p>City of Saratoga – Community Development Department and qualified biologist</p>	
<p><b>MM-BIO-3: Preconstruction Survey for Bats</b></p> <p>Within two (2) weeks prior to construction, a qualified biologist shall conduct a habitat assessment for bats within the project site. The habitat assessment shall include a visual inspection of potential roosting features (bats need not be present) and for presence of guano within the project site and accessible areas within 50 feet. Potential roosting features found during the survey shall be flagged or marked. If bats (individuals or colonies) are detected, the California Department of Fish and Wildlife (CDFW) shall be notified immediately. If a bat roosting or maternity colony cannot be completely avoided, permittee and qualified biologist</p>	<p>Project applicant, contractor, and qualified biologist</p>	<p>Within two (2) weeks prior to the start of project construction</p> <p>During project construction as necessary</p>	<p>City of Saratoga – Community Development Department and qualified biologist</p>	

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<p>shall prepare a bat mitigation and monitoring plan for CDFW review and approval.</p>				
<p><b>MM-BIO-4: Preconstruction Survey for Woodrat Nests</b></p> <p>Within two (2) weeks prior to construction, a qualified biologist shall conduct a survey for potential woodrat nests at the project site, including a 10-foot buffer surrounding the site. If any woodrat nests are discovered during the survey, the nests will be avoided to the extent feasible. An exclusion buffer of at least 10 feet from nests shall be established to avoid moving or bumping the nests or the logs or branches on which the nests rest.</p> <p>If establishing a buffer and avoiding the nests is not feasible, the nests shall be dismantled and the nesting material moved to a new location outside the project’s impact area so that it can be used by woodrats to construct new nests. Prior to nest deconstruction, each active nest shall be disturbed by a qualified biologist to the degree that all woodrats leave the nest and seek cover out of the impact area. Whether the nest is on the ground or in a tree, the nest shall be slightly disturbed (nudged) to cause the woodrats to flee. For tree nests, a tarp shall be placed below the nest and the nest dismantled using hand tools (either from the ground or from a lift). The nest material shall then be piled at the base of a nearby tree or large shrub outside of the impact area.</p>	<p>Project applicant, contractor, and qualified biologist</p>	<p>Within two (2) weeks prior to the start of project construction</p> <p>During project construction as necessary</p>	<p>City of Saratoga – Community Development Department and qualified biologist</p>	
<p><b>MM-BIO-5: Preconstruction Survey for Nesting Birds</b></p> <p>If project construction is conducted during the nesting season (February 1 through August 30), a nesting bird survey shall be completed by a qualified biologist within 2 weeks prior to the initiation of construction activities to determine if any native birds are nesting within 250 feet of the proposed disturbance area (500 feet for raptors).</p> <p>If any active nests are observed during surveys, a suitable avoidance buffer from the nests shall be determined by the qualified biologist. The avoidance buffer distance shall consider such factors as the species of bird, topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. Limits of</p>	<p>Project applicant, contractor, and qualified biologist</p>	<p>Prior to the start of project construction</p>	<p>City of Saratoga – Community Development Department and qualified biologist</p>	

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<p>construction to avoid active nests shall be established in the field with flagging, fencing, or other appropriate barriers and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist.</p> <p>If ground-disturbing activities are delayed, then additional predisturbance surveys shall be conducted such that no more than 7 days elapse between the survey and ground-disturbing activities. If possible, remove any habitat (i.e., trees and vegetation) outside of the breeding bird season (September 1 through January 31) to avoid impacts to nesting birds.</p>				
<p><b>MM-BIO-6: Riparian Vegetation</b></p> <p>The proposed project shall avoid all mapped riparian vegetation along Saratoga Creek. Prior to the initiation of ground-disturbance activities, the area between the limits of disturbance and avoided habitat shall be fenced and sediment and erosion control measures shall be utilized, which could include, but not be limited to, biodegradable straw wattles free of weed seeds, silt fencing, or biodegradable erosion control mats/blankets. No construction, staging areas, or other ground-disturbance activities are permitted beyond the fencing.</p> <p>If removal of riparian vegetation (pruning) is necessary, for project implementation, a qualified botanist shall conduct a preconstruction survey to identify and quantify the number of plants that could be potentially removed (pruned). The botanist shall prepare a propagation and planting plan to offset the loss of any vegetation/plants to be removed or disturbed. The plan shall contain, at a minimum, the following components: goals and objectives; a description of the extent of plants/vegetation to be removed or disturbed; plant collection, propagation, and planting methods; locations on the project site in which the plants will be transplanted; monitoring methods, timing, and performance criteria; measures to be taken in the event that the propagation and planting is not successful; and reporting requirements. The plan shall be approved by the City. Propagation and planting shall occur on a 1:1 basis to ensure no net loss of the California sycamore woodland community. Furthermore, the qualified biologist is required to consult with CDFW over any impacts to the</p>	<p>Project applicant, contractor, and qualified biologist</p>	<p>Prior to the start of project construction</p> <p>During project construction as necessary</p>	<p>City of Saratoga – Community Development Department and qualified biologist</p>	

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stream zone, which include the riparian trees adjacent to Saratoga Creek.				
<p><b>MM-BIO-7: Saratoga Creek</b></p> <p>The proposed project shall be implemented in accordance with the Conditions of Approval listed in Attachment 3 of the Arborist Report (dated December 4, 2017 and included as Appendix C-3) prepared by the City of Saratoga and the Arborist Report (dated April 14, 2020 and included as Appendix C-4) that are applicable to the proposed project.</p>	Project applicant, contractor, and qualified biologist	<p>Prior to the start of project construction</p> <p>During project construction as necessary</p>	City of Saratoga – Community Development Department and qualified biologist	
<p><b>MM-BIO-8: Land Use Near Streams</b></p> <p>The proposed project shall be conducted in accordance with the Santa Clara Valley Water Resources Protection Collaborative’s Guidelines &amp; Standards for Land Use Near Streams, as applicable. This includes, but is not limited to, the policies outlined in Chapter 3 Proposed Guidelines and Standards, Chapter 4 Design Guides, Chapter 4 Bank Protection/Erosion Repair Guides, and Chapter 6 Guidance for Developers.</p>	Project applicant and contractor	<p>Prior to the start of project construction</p> <p>During project construction as necessary</p>	City of Saratoga – Community Development and Santa Clara Valley Water District	
<b>Cultural Resources</b>				
<p><b>MM-CUL-1 : Archaeological Resources</b></p> <p>In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the proposed project, all earth-disturbing work occurring in the vicinity (generally within 100 feet of the find) shall immediately stop, and a qualified professional archaeologist, meeting the Secretary of Interior’s Professional Qualification Standards, shall be notified regarding the discovery. The archaeologist shall evaluate the significance of the find and determine whether additional study is warranted. If the discovery proves significant under the California Environmental Quality Act (14 CCR 15064.5[f]; California Public Resources Code, Section 21082) or Section 106 of the National Historic Preservation Act (36 CFR 60.4), additional work such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted.</p>	Project applicant, contractor, and qualified professional archaeologist	During project construction as necessary	City of Saratoga – Community Development Department	

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<p><b>MM-CUL-2: Unanticipated Discovery of Human Remains</b></p> <p>In accordance with Section 7050.5 of the California Health and Safety Code, if potential human remains are found, earth-disturbing work in the vicinity of the find (generally 100 feet is sufficient) should immediately halt, and the county coroner shall be notified of the discovery. The coroner will provide a determination within 48 hours of notification. No further excavation or disturbance of the identified material, or any area reasonably suspected to overlie additional remains, shall occur until a determination has been made. If the county coroner determines that the remains are, or are believed to be, Native American, they shall notify the Native American Heritage Commission (NAHC) within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify the person(s) believed to be the most likely descendant (MLDs) from the deceased Native American. The MLDs may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The MLDs shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.</p>	<p>Project applicant, contractor, coroner, and City of Saratoga</p>	<p>During project construction as necessary</p>	<p>City of Saratoga - Community Development Department, contractor, and coroner</p>	

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<b>Geology and Soils</b>				
<p><b>MM-GEO-1: Paleontological Monitor</b></p> <p>Prior to commencement of any grading activity on site, the applicant shall retain a qualified paleontologist per the Society of Vertebrate Paleontology (2010) guidelines. The qualified paleontologist shall attend the preconstruction meeting and a paleontological monitor shall be on site during all rough grading and other significant ground-disturbing activities in previously undisturbed, fine-grained Pliocene and Pleistocene alluvial deposits. These deposits may be encountered at depths as shallow as 5–10 feet below ground surface. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot-radius buffer. Once documentation and collection of the find is completed, the monitor will remove the rope and allow grading to recommence in the area of the find. Documentation of the appropriate salvage and recovery of fossil specimens and their transfer to an appropriate repository (e.g., University of California at Berkeley Museum of Paleontology) shall be submitted to the City of Saratoga as evidence of compliance with this mitigation measure.</p>	<p>Project applicant, contractor, and qualified professional paleontologist</p>	<p>Prior to the start of grading activities during project construction</p> <p>During project construction as necessary</p>	<p>City of Saratoga – Community Development Department, applicant</p>	
<b>Tribal Cultural Resources</b>				
<p><b>MM-TCR-1: Tribal Cultural Resources</b></p> <p>If potential archaeological resources, tribal cultural resources, or human remains are discovered during project activities, then work shall cease in the immediate vicinity of the find. If the unanticipated resource is archaeological in nature, appropriate management requirements shall be implemented as outlined in MM-CUL-1 (see Section 3.4, <i>Cultural Resources</i>) in conjunction with the following provisions specific to the management of TCRs. A qualified cultural resources specialist shall be contacted to inspect the find, and to assess if the resource is of Native American origin or otherwise has potential to be considered a tribal cultural resource. If the resource is a potential tribal cultural resource, the lead</p>	<p>Project applicant, contractor, and qualified professional archaeologist</p>	<p>During project construction as necessary</p>	<p>City of Saratoga – Community Development Department</p>	

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<p>agency shall be immediately contacted. Depending on the nature of the find, if the lead agency determines, pursuant to Public Resources Code Section 21074 (a)(2), that the find appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the NAHC-listed tribes shall be contacted and provided a reasonable period of time to make recommendations. These representatives shall be provided the opportunity to inspect the find on site. The lead agency shall review recommendations, enlisting the aid of a qualified archaeologist or other specialists if needed, and move forward with management options determined to be reasonable and feasible. The project may recommence ground disturbance activities in the vicinity of the find after it has complied with agency-approved recommendations. If human remains are found, then the procedures outlined in <b>MM-CUL-2</b> (see Section 3.4) shall be implemented.</p>				

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