

4. MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for the Heritage Oaks Estates East Project (proposed project). The intent of the MMRP is to ensure implementation of the mitigation measures identified within the EIR for the proposed project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMRP shall be funded by the applicant.

4.2 COMPLIANCE CHECKLIST

The MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the EIR prepared for the proposed project. This MMRP is intended to be used by City of Wheatland staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the EIR.

The EIR presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA Guidelines, Section 15370, as a measure that:

- Avoids the impact altogether by not taking a certain action or parts of an action;
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project; or
- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMRP is to ensure the implementation of adopted mitigation measures. The MMRP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by City of Wheatland. The table attached to this report identifies the mitigation measures, the monitoring action for each mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and



effectively implementing the mitigation measures contained within the MMRP. The City will be responsible for monitoring compliance.

4.3 MITIGATION MONITORING AND REPORTING PROGRAM

The following table indicates the mitigation measure number, the impact the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.



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Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
4.1 Air Quality and Greenhouse Gas Emissions					
4.1-2	Conflict with or obstruct implementation of the applicable air quality plan during project operation.	4.1-2 <i>Implement Mitigation Measure 4.3-3.</i>	See Mitigation Measure 4.3-3	See Mitigation Measure 4.3-3	
4.1-5	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).	4.1-5 <i>Implement Mitigation Measure 4.1-2.</i>	See Mitigation Measure 4.1-2	See Mitigation Measure 4.1-2	
4.1-6	Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.	4.1-6 <i>Prior to approval of project Improvement Plans, proof of compliance with the following sustainability measure listed in the City CAP's Sustainability Checklist shall be submitted to the City of Wheatland Community Development Department for review and approval:</i> <ul style="list-style-type: none"> • <i>At least 25 percent of all proposed roadways and intersections shall be designed with traffic calming and congestion management measures. Such measures could include, but shall not be limited to, the following:</i> <ul style="list-style-type: none"> ○ <i>Raised median islands;</i> 	City of Wheatland Community Development Department	Prior to approval of project Improvement Plans	



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		<ul style="list-style-type: none"> ○ Marked crosswalks; ○ Count-down signal timers; ○ Curb extensions; ○ Raised crosswalks; ○ Raised intersections; ○ Median islands; ○ Chicanes/chokers; ○ Rumble strips; ○ Roundabouts or mini-circles; ○ Speed tables; ○ Tight corner radii; ○ On-street parking; and ○ Planter strips with street trees. 			
4.3 Transportation					
4.3-1	Conflict with a program, plan, ordinance, or policy addressing the circulation system during construction activities.	<p>4.3-1 Prior to issuance of grading and building permits, for all improvements where implementation may cause impacts on traffic along roadways within their respective areas of jurisdiction, the project applicant shall prepare a traffic control plan for review and approval by the City of Wheatland Public Works Department and the California Department of Transportation (Caltrans). The traffic control plan must follow all applicable City standards. Measures typically used in traffic control plans include advertising of planned lane closures, warning signage, a flag person to direct traffic flows when needed, and methods to ensure continued access by emergency vehicles. During project construction, access to existing land uses shall be maintained at all times, with detours used as necessary during road closures. The traffic control plan shall, at minimum, include the</p>	<p>City of Wheatland Public Works Department</p> <p>California Department of Transportation (Caltrans)</p>	Prior to issuance of grading and building permits	



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		<p><i>following measures:</i></p> <ul style="list-style-type: none"> • <i>Maintain the maximum amount of travel lane capacity during non-construction periods, as possible, and provide advanced notice to drivers through construction signage.</i> • <i>Maintain alternate one-way traffic flow past the lay down area and site access when feasible.</i> • <i>Heavy trucks and other construction transport vehicles shall avoid the busiest commute hours (7:00 AM to 8:00 AM and 5:00 PM to 6:00 PM on weekdays).</i> • <i>The contractor(s) shall provide a minimum 72-hour advance notice to the City of access restrictions, which shall include the identification of alternative routes and detours to enable the avoidance of the immediate construction zone.</i> • <i>The contractor(s) shall provide a phone number and community contact for inquiries about the schedule of the construction throughout the construction period.</i> • <i>All construction equipment shall be staged on-site.</i> 			
4.3-3	Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	<p>4.3-3 <i>Prior to the issuance of building permits, the project applicant shall develop a Transportation Demand Management (TDM) Plan for review and approval by the City of</i></p>	City of Wheatland Department of Public Works	Prior to the issuance of building permits	



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		<p>Wheatland Department of Public Works. The TDM Plan shall contain the following VMT reduction strategy:</p> <ul style="list-style-type: none"> Implement community-based travel planning through a residential-based approach to outreach that provides households and residents with information, incentives, and support to encourage the use of alternative modes of transportation to single-occupancy vehicles. Implementation of this measure shall include the project applicant providing future homeowners of the proposed project with information regarding carpooling, vanpooling, and other ride-sharing programs available for residents within the community as part of the Conditions, Covenants and Restrictions (CC&Rs). 			
4.4 Tribal Cultural Resources					
4.4-1	Cause a substantial adverse change in the significance of a tribal cultural resource, as defined in PRC Section 21074.	4.4-1(a) Prior to initiation of construction, all construction crew members, consultants, and other personnel involved in project implementation shall receive project-specific tribal cultural resource awareness training. The training shall be conducted in coordination with qualified cultural resource specialists and representatives from culturally-affiliated Native American Tribes. The training will emphasize the requirement for confidentiality and culturally-appropriate, respectful treatment of any find of significance to culturally-affiliated	City of Wheatland Community Development Department	Prior to initiation of construction	



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		<p><i>Native Americans Tribes. All personnel required to receive the training shall also be required to sign a form that acknowledges receipt of the training, which shall be submitted to the City of Wheatland Community Development Department for review and approval.</i></p> <p><i>As a component of the training, a brochure will be distributed to all personnel associated with project implementation. At a minimum the brochure shall discuss the following topics in clear and straightforward language:</i></p> <ul style="list-style-type: none"> <i>• Field indicators of potential archaeological or cultural resources (i.e., what to look for; for example: archaeological artifacts, exotic or non-native rock, unusually large amounts of shell or bone, significant soil color variation, etc.);</i> <i>• Regulations governing archaeological resources and tribal cultural resources;</i> <i>• Consequences of disregarding or violating laws protecting archaeological or tribal cultural resources; and</i> <i>• Steps to take if a worker encounters a possible resource.</i> <p><i>The training shall include project-specific guidance for on-site personnel including agreed upon protocols for resource</i></p>			



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		<p>avoidance, when to stop work, and who to contact if potential archaeological or tribal cultural resources are identified. The training shall also direct work to stop, and contact with the County Coroner and the NAHC to occur immediately, in the event that potential human remains are identified. NAHC will assign a Most Likely Descendant if the remains are determined by the Coroner to be Native American in origin.</p> <p>4.4-1(b) The following language shall be noted on project Improvement Plans, subject to review and approval by the City of Wheatland Community Development Department, and shall be implemented during project construction:</p> <p>If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered during construction activities, all work shall cease within 100 feet of the find (based on the apparent distribution of cultural resources) or an agreed upon distance based on the project area and nature of the find. Work shall cease in and within the immediate vicinity of the find regardless of whether the construction is being actively monitored by a Tribal Monitor, cultural resources specialist, or professional archaeologist. Examples of potential cultural materials include ash or charcoal</p>	<p>City of Wheatland Community Development Department</p> <p>County Coroner</p> <p>NAHC</p> <p>Native American Representative</p>	During project construction and noted on project Improvement Plans	



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		<p><i>deposits, midden soil, artifacts, chipped stone, exotic (non-native) rock, or unusual amounts of baked clay, shell, or bone.</i></p> <p><i>A qualified cultural resources specialist from the Lead Agency and Native American Representative from the traditionally and culturally affiliated Native American Tribe(s) will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, construction monitoring of further construction activities by Tribal representatives of the traditionally and culturally affiliated Native American Tribe, and/or returning objects to a location within the project area where they will not be subject to future impacts. The United Auburn Indian Community of the Auburn Rancheria (UAIC) does not consider curation of tribal cultural resources to be appropriate or respectful and requests that materials not be permanently curated, unless specifically requested by the Tribe.</i></p>			



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		<p><i>The construction contractor(s) shall provide secure, on-site storage for culturally sensitive soils or objects that are components of tribal cultural resources that are found or recovered during construction. Only Tribal representatives shall have access to the storage. Storage size shall be determined by the nature of the tribal cultural resource and can range from a small lock box to a conex box (shipping container). A secure (locked), fenced area can also provide adequate on-site storage if larger amounts of material must be stored.</i></p> <p><i>The construction contractor(s) and City of Wheatland shall facilitate the respectful reburial of the culturally sensitive soils or objects, which may include providing a reburial location consistent with the Tribe's preferences, excavation of the reburial location, and assisting with the reburial, upon request.</i></p> <p><i>Any discoveries shall be documented on a Department of Parks and Recreation (DPR) 523 form within two weeks of the discovery and submitted to North Central Information Center (NCIC) of the California Historical Resources Information System (CHRIS) in a timely manner.</i></p>			



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		<p><i>Work at the tribal cultural resource discovery location shall not resume until authorization is granted by the City of Wheatland in coordination with the culturally affiliated Tribe.</i></p> <p><i>If articulated or disarticulated human remains are discovered during construction activities, the County Coroner and Native American Heritage Commission shall be contacted immediately. Upon determination by the County Coroner that the find is Native American in origin, the Native American Heritage Commission will assign the Most Likely Descendant(s) who will work with the project proponent to define appropriate treatment and disposition of the burials.</i></p> <p><i>Following a review of the find and consultation with appropriate experts, the authority to proceed may be accompanied by the addition of development requirements which provide for protection of the site and/or additional measures necessary to address the unique or sensitive nature of the site. The treatment recommendations made by the cultural resource specialist and the Native American Representative will be documented in the project record. Any recommendations made by these experts that are not implemented, must be documented and explained in the project</i></p>			



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		<p><i>record. Work in the area(s) of the cultural resource discovery may only proceed after authorization is granted by the City of Wheatland Community Development Department following coordination with cultural resources experts and tribal representatives as appropriate.</i></p> <p><i>4.4-1(c) The following language shall be noted on project Improvement Plans, subject to review and approval by the City of Wheatland Community Development Department, and shall be implemented during project construction:</i></p> <p><i>The project proponent shall give at least two (2) months' notice, if feasible, prior to initiating ground-disturbing activities within the mapped sensitive areas agreed upon during AB 52 consultation between the City of Wheatland and the UAIC (confidential mapped areas provided to the City). The purpose of the notification will be to allow UAIC the opportunity to conduct monitoring. In the event that UAIC does not respond, or a tribal monitor does not report to the job site at the scheduled time, construction activities may proceed without monitoring as long as at no time, regardless of the presence or absence of a tribal monitor, shall suspected tribal cultural resources be mishandled or disrespected.</i></p>	<p>City of Wheatland Community Development Department</p> <p>The United Auburn Indian Community of the Auburn Rancheria (UAIC)</p>	During project construction as noted on project Improvement Plans	



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		<p><i>A contracted Tribal Monitor(s) shall monitor the vegetation grubbing, stripping, grading, trenching, and other ground-disturbing activities in the project area. All ground-disturbing activities shall be subject to Tribal Monitoring unless otherwise determined unnecessary by the UAIC.</i></p> <p><i>The Tribal Monitor shall have the authority to temporarily pause ground disturbance within 100 feet of a discovery for a duration long enough to examine the resource. If no resources are identified, then construction activities shall proceed, and no agency notifications are required. In the event that a tribal cultural resource is identified, the Tribal Monitor shall flag off the discovery location and notify the City immediately to coordinate regarding appropriate and respectful treatment pursuant to State law.</i></p> <p><i>Appropriate treatment of tribal cultural resources may include, but is not limited to, the following:</i></p> <ul style="list-style-type: none"> <i>• Recordation of the resource(s)</i> <i>• Avoidance and preservation of the resource(s)</i> <i>• Recovery and reburial of the resource(s) on-site or in a feasible off-site location in a designated area not subject to future disturbance. The location of the</i> 			



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		<p><i>reburial shall be acceptable to the AUIC.</i></p> <p><i>To track the implementation of this measure, the Tribal Monitor(s) shall document field-monitoring activities on a Tribal Monitor log. The Tribal Monitor shall wear appropriate construction safety equipment including steel-toed boots, construction vest, and hard hat.</i></p> <p><i>The Tribal Monitor, in consultation with the UAIC Tribal Historic Preservation officer and the project applicant, shall determine a mutual end or reduction to the on-site monitoring if/when construction activities have a low potential for impacting tribal cultural resources. The City of Wheatland shall assist with resolution of disagreements between the project applicant/contractor and the UAIC if such occurs.</i></p>			
4.5 Utilities and Service Systems					
4.5-5	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would	<p>4.5-5 As part of the improvement plan and final map submittal process, the project applicant shall prepare and submit a Final Drainage Plan to the City Engineer for review and approval. The Final Drainage Plan shall be reviewed in concert with the improvement plans to confirm conformity between the two. The Final Drainage Plan shall be prepared in conformance with the applicable requirements of City of Wheatland Public Works</p>	City Engineer	As part of the Improvement Plan and final map submittal process	



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	exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	<i>Construction Standards that are in effect at the time of improvement plan submittal.</i>			
4.6 Other Effects					
4.6.4 Biological Resources					
4.6.4	a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	<u>Crotch's Bumble Bee</u> 4.6-1 <i>A qualified biologist shall conduct one preconstruction nesting surveys with focus on detecting active Crotch's bumble bee nesting colonies within seven days prior to ground-disturbing activities that are scheduled to occur during the flight season (February through October). The results of the survey shall be submitted to the City of Wheatland Community Development Department.</i> <i>The survey shall be conducted within suitable nesting habitat during suitable weather conditions at an appropriate time of day for detection. If nests or Crotch's bumble bees are not observed, further measures are not necessary. If nests are not found, but the species is present, a qualified biological monitor shall be present during initial vegetation or ground-disturbing activities that are scheduled to occur between February and October. The qualified biologist shall immediately notify the California Department of Fish and Wildlife (CDFW) of the detection,</i>	City of Wheatland Community Development Department CDFW	Within seven days prior to ground-disturbing activities that are scheduled to occur during the flight season (February through October)	



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		<p>as further coordination may be required to avoid or mitigate certain impacts.</p> <p>If an active Crotch's bumble bee nest is detected on-site, an appropriate no-disturbance buffer zone shall be established around the nest, as determined by the qualified biologist, to reduce the risk of disturbance or incidental take. The designated biologist shall coordinate with CDFW to determine if additional avoidance or minimization measures are required. Nest avoidance buffers may be removed at the completion of the flight season and/or once the qualified biologist deems the nesting colony is no longer active, and CDFW agrees with the determination. Proof of compliance with applicable avoidance or minimization measures shall be submitted to the Wheatland Community Development Department.</p> <p><u>Northwestern Pond Turtle</u></p> <p>4.6-2 Ten days prior to the start of ground- or vegetation-disturbing activities, a qualified biologist shall conduct a focused survey for northwestern pond turtle nests within all suitable habitat in the project site. Any discovered nests shall remain undisturbed until eggs have hatched. The results of the survey shall be submitted to the City of Wheatland Community Development Department.</p>			
			City of Wheatland Community development Department	Ten days prior to the start of ground or vegetation disturbing activities	



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		<p>4.6-3 <i>Forty-eight hours prior to the start of ground-or vegetation-disturbing activities, a qualified biologist shall conduct a preconstruction survey for northwestern pond turtle within all suitable habitat in the project site. Any individual northwestern pond turtles discovered on-site immediately prior to or during construction of the proposed project shall be allowed to move out of the work area of their own volition. If leaving the species to evacuate the project site voluntarily is not feasible, the on-site individuals shall be captured by a qualified biologist and relocated out of harm's way to the nearest suitable habitat at least 100 feet from the on-site location where they were found. The results of the survey shall be submitted to the City of Wheatland Community Development Department.</i></p> <p><u>Valley Elderberry Longhorn Beetle</u></p> <p>4.6-4 <i>Prior to commencement of construction activities, avoidance zones for elderberry shrubs shall be established and clearly demarcated, where feasible, to the satisfaction of the City of Wheatland Community Development Department. Avoidance zones shall include the drip line of the elderberry shrub plus a 20-foot buffer, unless otherwise determined by a qualified biologist, and shall be maintained until the completion of construction. The area to be avoided shall be fenced and/or flagged as close to construction limits as possible. Ground- or vegetation-</i></p>	<p>City of Wheatland Community Development Department</p> <p>City of Wheatland Community Development Department</p>	<p>Forty-eight hours prior to the start of ground-or-vegetation-disturbing activities</p> <p>Prior to commencement of construction activities</p>	



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		<p><i>disturbing activities shall not occur within avoidance zones. A qualified biologist/biological monitor shall be present if work must occur within the avoidance buffer to ensure elderberry shrubs are not impacted by the proposed project.</i></p> <p>4.6-5 <i>Prior to commencement of construction activities, the elderberry shrub along Malone Avenue shall be transplanted to the portion of the Bear River riparian area located south of the project site at a location that avoids existing shrubs by a minimum of 20 feet. The transplanting shall follow USFWS VELB Guidance and the most current version of the Tree Care Industry Association (TCIA) ANSI A300 (Part 6) guidelines for transplanting. A qualified biologist/biological monitor shall be present for the duration of transplanting activities to ensure VELB and existing elderberry shrubs are not impacted by the work. Proof of transplantation shall be submitted to the Wheatland Community Development Department.</i></p> <p>4.6-6 <i>During construction activities associated with the proposed project, dust generation shall be minimized by applying water or by presoaking work areas for all work within 30 feet of elderberry bushes. Proof of compliance shall be submitted to the Wheatland Community Development Department.</i></p>	<p>City of Wheatland Community Development Department</p> <p>City of Wheatland Community Development Department</p>	<p>Prior to commencement of construction activities</p> <p>During construction activities</p>	



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		<p><u>Pallid Bat</u> 4.6-7 Prior to any construction activities that may impact pallid bat habitat (e.g., mature trees), a qualified biologist shall conduct a bat habitat assessment for suitable bat roosting habitat. The results of the survey shall be submitted to the City of Wheatland Community Development Department. If suitable roosting habitat is not identified, further measures are unnecessary. If suitable roosting habitat and/or signs of bat use are identified during the assessment, the roosting habitat shall be avoided to the extent possible, and the following measures shall be implemented:</p> <ul style="list-style-type: none"> If suitable roosting habitat and/or signs of bat use are identified in a tree or other habitat structure that must be removed, a qualified biologist shall conduct a night emergence survey within 14 days prior to habitat removal to determine if bats are roosting. Visual emergence surveys shall be conducted 45 minutes prior to sunset and continue for two hours. The qualified biologist shall observe potential roosting features using ambient light conditions and/or night observation devices, when applicable, for exiting bats. Acoustic monitoring shall be conducted to collect bat echolocation calls to facilitate species identification. Emergence surveys shall not be conducted during the bat 	<p>City of Wheatland Community Development Department</p> <p>CDFW</p>	<p>Prior to any construction activities that may impact pallid bat habitat (e.g., mature trees)</p>	



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		<p><i>hibernation period (typically October 15 through March 1, or when nighttime low temperatures are 45°F or lower and rain is not over 0.5 inch in 24 hours), as bats are not detectable using emergence survey methods during their inactive period.</i></p> <ul style="list-style-type: none"> <i>If occupied roosting habitat is found within 50 feet of proposed construction activities, a qualified biologist shall prepare a Bat Management Plan for CDFW's review and approval prior to removal of the trees. The Bat Management Plan shall include specific methods and materials for passive exclusion of bats, and/or a two-step tree removal process, species-specific habitat replacement mitigation, and/or post-construction mitigation monitoring. If a maternity roost is located, the roost shall remain undisturbed until after the maternity season, or until a qualified biologist has determined the roost is no longer active. If bat roost mitigation is required, roost mitigation shall be installed as far in advance of the bat maternity season as possible, but at least than 30 days prior to roost removal.</i> <p><u>Western Red Bat</u> 4.6-8 <i>If the shrubs or trees proposed to be removed or trimmed are determined by a qualified bat</i></p>			
			City of Wheatland	Prior to the removal of any trees and	



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		<p>biologist to be suitable day-roosting habitat for western red bat, then a qualified bat biologist shall prepare a Bat Management Plan. The Bat Management Plan shall include specific avoidance and minimization measures to reduce impacts to roosting western red bats, including requiring preconstruction acoustic surveys for western red bats, a preconstruction survey report including methods, results, and recommendations based on the acoustic survey, roost removal timing outside of the maternity and hibernation seasons, non-disturbance buffers, methods and materials for bat deterrents, and/or species-specific habitat replacement mitigation as necessary and appropriate. The Bat Management Plan shall be submitted to CDFW and the Wheatland Community Development Department for approval prior to the removal of trees and shrubs.</p> <p><u>Swainson's Hawk</u></p> <p>4.6-9 If construction activities occur between March 1 to August 31, a qualified biologist shall conduct a preconstruction survey for Swainson's hawks' nests on-site and in a 0.25-mile buffer around the project site within 14 days prior to the start of ground- or vegetation-disturbing activities. The results of the survey shall be submitted to the City of Wheatland Community Development Department. Any active nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until a</p>	<p>Community Development Department</p> <p>CDFW</p> <p>City of Wheatland Community Development Department</p> <p>CDFW</p>	<p>shrubs that are determined by a qualified bat biologist to be suitable day-roosting habitat for western red bat</p> <p>Within 14 days to the start of ground- or vegetation-disturbing activities, if construction activities occur between March 1 to August 31</p>	



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		<p><i>qualified biologist has determined that the young have fledged or the nest is otherwise no longer occupied.</i></p> <p>4.6-10 <i>Prior to the commencement of ground-disturbing activities, the project applicant shall consult with CDFW to determine mitigation for loss of on-site Swainson's hawk foraging habitat, which consists of the disturbed grassland and agricultural areas on-site. Mitigation at a to-be-determined ratio based on CDFW guidelines may be achieved through purchase of CDFW-approved mitigation bank credits. A report summarizing compliance with the provisions established herein shall be submitted to the City of Wheatland Community Development Department.</i></p> <p><u>Burrowing Owl</u></p> <p>4.6-11 <i>Prior to the commencement of ground-disturbing activities, a qualified biologist shall conduct a take avoidance preconstruction survey according to CDFW guidelines. The results of the survey shall be submitted to the City of Wheatland Community Development Department. If no burrowing owls or evidence are detected, no further measures are necessary.</i></p> <p><i>If active or occupied burrows are detected during the breeding season (February 1 through August 31), avoidance buffers shall be established in coordination with CDFW until the end of the breeding season. If active or</i></p>	<p>CDFW</p> <p>City of Wheatland Community Development Department</p> <p>City of Wheatland Community Development Department</p> <p>CDFW</p>	<p>Prior to the commencement of ground disturbing activities</p> <p>Prior to the commencement of ground-disturbing activities</p>	



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		<p><i>occupied burrows are located within the project site and destruction is unavoidable, the project applicant shall develop a Burrowing Owl Exclusion Plan, which could include passive relocation according to CDFW guidelines. Upon CDFW review and approval of the Burrowing Owl Exclusion Plan, all measures contained therein shall be implemented.</i></p> <p><u>Tricolored Blackbird</u></p> <p>4.6-12 <i>Within 30 days prior to the start of construction activities, a qualified biologist shall conduct a preconstruction survey for nesting tricolored blackbird on-site and within a 500-foot buffer around the project site. The results of the survey shall be submitted to the City of Wheatland Community Development Department. If active nesting colonies are not present, further measures are not necessary.</i></p> <p><i>If any active nesting colonies are observed, the nesting colony shall be designated a sensitive area and protected by an avoidance buffer of 500 feet, or as otherwise determined in coordination with CDFW. The avoidance buffer shall be maintained until a qualified biologist has determined that the young have fledged and the colony is no longer active. Monitoring of active nesting colony shall be conducted by a qualified biologist during construction activities, and avoidance buffers may be adjusted if any agitated behavior by the nesting birds is observed.</i></p>	<p>City of Wheatland Community Development Department</p> <p>CDFW</p>	<p>Within 30 days prior to the start of construction activities</p>	



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		<u>Nesting Raptors and Migratory Birds</u> 4.6-13 <i>If construction activities begin during February 1 to September 30, a qualified biologist shall conduct a preconstruction nesting bird survey on-site and within a 500-foot buffer (for raptors) and a 100-foot buffer (for other non-raptor migratory birds) around the project site within 14 days prior to the start of ground- or vegetation-disturbing activities. If any active nests are observed, the nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until a qualified biologist has determined that the young have fledged or that the nest is otherwise no longer occupied. The results of the survey shall be submitted to the City of Wheatland Community Development Department.</i>	City of Wheatland Community Development Department CDFW	Within 14 days prior to the start of any ground-or-vegetation-disturbing activities, if construction activities begin during February 1 to September 30	
4.6.4	b) Have a substantial adverse effect on any riparian habitat or other Sensitive Natural Community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.	4.6-14 <i>Prior to the commencement of ground-disturbing activities, a qualified biologist shall conduct vegetation surveys within the project site and establish a 25-foot buffer to delineate Sensitive Natural Communities. If Sensitive Natural Communities are identified on-site, avoidance zones for Sensitive Natural Communities shall be established and clearly demarcated prior to construction. Avoidance zones shall include the extent of the Sensitive Natural Community plus a 25-foot buffer, unless otherwise determined by a qualified biologist, and shall be maintained until the completion of construction. A qualified biologist or biological monitor shall be present if work must occur within the avoidance buffer</i>	City of Wheatland Community Development Department	Prior to the commencement of ground-disturbing activities	



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		<i>to ensure Sensitive Natural Communities are not impacted by the work. Proof of compliance shall be submitted to the City of Wheatland Community Development Department for approval.</i>			
4.6.4	e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	4.6-15 <i>Prior to commencement of ground-disturbing activities, including tree removal, a certified arborist shall prepare an arborist report documenting all trees with a diameter at breast height (DBH) of five inches or greater within the project site. The results of the arborist report shall be submitted to the City of Wheatland Community Development Department. If such oak trees are identified as a result of the arborist report, further measures shall be taken according to the Oak Woodlands Conservation Law, including the creation of an Oak Woodlands Management Plan, dedication of easements, or other measures developed by the City of Wheatland, such as long-term cost-sharing incentive payments.</i>	City of Wheatland Community Development Department	Prior to commencement of ground-disturbing activities, including tree removal	
4.6.5 Cultural Resources					
4.6.5	b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5. c) Disturb any human remains, including those interred outside of dedicated cemeteries	4.6-16 <i>Prior to commencement of any construction activities, a Contractor Awareness Training Program shall be delivered to train equipment operators about cultural resources. The program shall be designed to inform construction personnel about: federal and State regulations pertaining to cultural resources and tribal cultural resources; the subsurface indicators of resources that shall require a work stoppage; procedures for notifying the City of Wheatland of any</i>	City of Wheatland Community Development Department	Prior to commencement of any construction activities	



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		<p>occurrences; project-specific requirements and mitigation measures; and enforcement of penalties and repercussions for non-compliance with the program.</p> <p>The training shall be prepared by a qualified professional archaeologist and may be provided either through a brochure, video, or in-person tailgate meeting, as determined appropriate by the archaeologist. The training shall be provided to all construction supervisors, forepersons, and operators of ground-disturbing equipment. All personnel shall be required to sign a training roster. The construction manager is responsible for ensuring that all required personnel receive the training. The construction manager shall provide a copy of the signed training roster to the City of Wheatland as proof of compliance.</p> <p>4.6-17 Prior to the start of trenching activity, the project applicant shall retain a qualified professional archaeologist to monitor all trenching activities and any below-ground utility installation associated with project construction. Monitoring is not required for placement of equipment or fill inside excavations that were monitored, above-ground construction activities, or redistribution of soils that were previously monitored (such as the return of stockpiles to use in backfilling).</p> <p>The monitoring archaeologist shall meet or work under the direct supervision of someone</p>			
			City of Wheatland Community Development Department	Prior to the start of trenching activity	



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		<p><i>meeting the Secretary of the Interior's professional qualifications standards for prehistoric and historic archaeology. The monitoring archaeologist shall have the authority to temporarily halt ground-disturbing or construction-related work within 100 feet of any discovery of potential historical or archaeological resources in order to address unanticipated discoveries. Proof of compliance with this mitigation measure shall be submitted to the Wheatland Community Development Department.</i></p> <p>4.6-18 <i>The following requirements shall be included through a notation on all project improvement plans prior to the issuance of grading permits and shall be implemented during project construction, to the satisfaction of the City Engineer:</i></p> <p><i>In the event subsurface deposits believed to be cultural or human in origin are discovered during construction, all work shall halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for precontact and historic archaeologists, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:</i></p>	<p>City Engineer</p> <p>Yuba County Coroner</p> <p>NAHC</p>	<p>Prior to issuance of grading permits and noted on project Improvement Plans</p>	



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		<ul style="list-style-type: none"> If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and agency notifications are not required. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City of Wheatland and applicable landowner. The Office of Historic Preservation (OHP) shall be consulted on a finding of eligibility and appropriate treatment measures shall be implemented, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. Appropriate treatment measures that preserve or restore the character and integrity of a find may be, but are not limited to, processing materials for reburial, minimizing handling of historical objects, leaving objects in place within the landscape, construction monitoring of further construction activities, and/or returning objects to a location within the project area where they will not be subject to future impacts. Work shall not resume within the no-work radius until the determination is made through consultation, as appropriate, that the site either: 1) is not a historical resource 			



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		<p>under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to the City's satisfaction.</p> <ul style="list-style-type: none"> If the find includes human remains, or remains that are potentially human, the professional archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the City of Wheatland and the Yuba County Coroner (per Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 shall be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner shall notify the NAHC, which then shall designate a Native American Most Likely Descendant (MLD) for the proposed project (Section 5097.98 of the PRC). The designated MLD shall have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC shall mediate (Section 5097.94 			



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		<p><i>of the PRC). If an agreement is not reached, the landowner shall rebury the remains where they shall not be further disturbed (Section 5097.98 of the PRC). The burial shall also include either recording the site with the NAHC or the appropriate information center, using an open space or conservation zoning designation or easement, or recording a reinternment document with Yuba County (AB 2641). Work shall not resume within the no-work radius until the City, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.</i></p>			
4.6.7 Geology and Soils					
4.6.7	<p>a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</p> <ul style="list-style-type: none"> iii: Seismic-related ground failure, including liquefaction; iv. Landslides. <p>c) Be located on a geologic unit or soil that is unstable as a result of</p>	<p>4.6-19 <i>Prior to issuance of any grading permits, the project applicant shall submit to the City of Wheatland Engineer, for review and approval, a design-level geotechnical exploration study produced by a California Registered Civil Engineer or Geotechnical Engineer and identify grading and building practices necessary to achieve compliance with the latest adopted edition of the California Building Standards Code's geologic, soils, and seismic requirements. The design-level geotechnical exploration study shall include additional soil borings and sampling, laboratory testing. The design-level geotechnical exploration study shall present the geotechnical engineering conclusions and specific recommendations for</i></p>	City Engineer	Prior to issuance of any grading permits	



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	the project, and potentially result in, on, or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.	<i>site preparation, foundation design, slab support, sound-wall foundations, site drainage, and pavement design. The City Engineer shall ensure that all recommendations specified in the design-level geotechnical exploration study are properly incorporated and utilized in the project design.</i>			
4.6.7	d) Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.	4.6-20 <i>Implement Mitigation Measure 4.6-19.</i>	See Mitigation Measure 4.6-19.	See Mitigation Measure 4.6-19.	
4.6.7	f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	4.6-21 <i>Should paleontological resources be discovered during ground-disturbing activities, work shall be halted in the area within 50 feet of the find. The City of Wheatland Community Development Department shall be notified and a qualified paleontologist shall be retained to inspect the discovery. If deemed significant under criteria established by the Society for Vertebrate Paleontology with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution (e.g., University of California Museum of Paleontology [UCMP]), where the discovery would be properly curated and preserved for the benefit of current and future generations. Construction may continue in areas outside of the buffer zone. The language of this mitigation measure</i>	City of Wheatland Community Development Department	Should paleontological resources be discovered during ground disturbing activities	



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		<i>shall be included on any future grading plans, utility plans, and improvement plans approved by the City of Wheatland Community Development Department for the proposed project, where ground-disturbing work would be required.</i>			
4.6.8 Hazards and Hazardous Materials					
4.6.8	b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.	4.6-22 <i>Prior to approval of grading permits, the project applicant shall ensure that additional testing of on-site soils is conducted for the presence of organochlorine pesticides (OCPs), asbestos-containing materials (ACMs) and lead-based paints (LBPs) to determine both the lateral and vertical extent of the potential contamination. Soil samples shall be collected in areas previously used for agricultural purposes for the testing of OCPs, and in areas associated with the previous unidentified structure for the testing of ACMs and LBPs. The testing shall be conducted in accordance with U.S. Environmental Protection Agency (USEPA) Method 8081A for OCPs, USEPA Method 600/R-93/116 for ACMs, and USEPA Method 6010B for lead. Where the concentrations exceed the applicable California Department of Toxic Substances Control (DTSC) Human and Ecological Risk Screening Levels, the soil shall be excavated, and that portion of material may be transported, and disposed of off-site at an appropriate Class I or Class II facility permitted by DTSC, or other options implemented as deemed satisfactory to Yuba County Environmental Health Department (YCEHD) and/or DTSC. The results of soil</i>	City of Wheatland Community Development Department YCEHD DTSC	Prior to the approval of grading permits	



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		<p><i>sampling and analysis, as well as verification of proper remediation and disposal, shall be submitted to the City of Wheatland Community Development Department for review and approval. Any remediation shall be completed prior to acceptance of the site improvements.</i></p> <p>4.6-23 <i>Prior to improvement plan approval, the project applicant shall hire a licensed well contractor to obtain a well abandonment permit from the YCEHD for all on-site wells not proposed for use, and properly abandon the on-site wells, pursuant to Department of Water Resources Bulletin 74-81 (Water Well Standards, Part III). A report verifying abandonment of the on-site wells in compliance with Bulletin 74-81 shall be submitted for review and approval to the YCEHD and City of Wheatland Community Development Department.</i></p>	<p>City of Wheatland Community Development Department</p> <p>YCEHD</p>	Prior to Improvement Plan approval	
4.6.9 Hydrology and Water Quality					
4.6.9	a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.	<p>4.6-24 <i>Prior to issuance of any grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the Central Valley Regional Water Quality Control Board (RWQCB). The contractor shall file the Notice of Intent (NOI) and associated fee to the State Water Resources Control Board (SWRCB). The SWPPP shall serve as the framework for identification, assignment, and implementation of Best Management Practices (BMPs). The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. Construction</i></p>	<p>Central Valley RWQCB</p> <p>City Engineer</p>	Prior to issuance of any grading permits	



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		<p>(temporary) BMPs for the project may include, but are not limited to: fiber rolls, straw bale barrier, straw wattles, storm drain inlet protection, velocity dissipation devices, silt fences, wind erosion control, stabilized construction entrance, hydroseeding, revegetation techniques, and dust control measures. The SWPPP shall be submitted to the City Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the contractor shall subsequently demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable.</p> <p>4.6-25 Prior to approval of final project improvement plans, a detailed BMP and water quality maintenance plan shall be submitted to the City Engineer for review and approval. The BMP and water quality maintenance plan shall meet the standards of the City's Unregulated Small Traditional MS4 Permit, and the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment. Site design measures, source control measures, hydromodification management, and Low Impact Development (LID) standards, as necessary, shall be incorporated into the design and shown on the improvement plans.</p>	City Engineer	Prior to approval of final project Improvement Plans	



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4.6.9	c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: iv. Impede or redirect flood flows.	<p>4.6-26 <i>Prior to construction of the foundation or at the completion of final grading, whichever comes first, project improvement plans shall show that all finished building pad elevations at the site shall be a minimum of one foot above the 100-year BFE, in accordance with Section 15.20.150 of the City of Wheatland Municipal Code. Project improvement plans shall be submitted to the City Engineer for review and approval.</i></p> <p><i>The final pad elevation shall be certified by a California registered civil engineer or licensed land surveyor and submitted to the City Engineer and Floodplain Manager for review and approval. Building construction shall not occur until the certification has been received and approved. Benchmark elevation and location shall be shown on the improvement plans to the satisfaction of the City of Wheatland Engineering Department.</i></p>	City Engineer	Prior to construction of the foundation or at the completion of final grading, whichever comes first	
		<p>4.6-27 <i>Prior to issuance of building permits, a Hydrology Study must be submitted to the City Engineer demonstrating the project's compliance with all relevant sections of the City's Municipal Code and applicable federal standards (such as those established by FEMA). Compliance with FEMA standards may include obtaining a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Revision based on Fill (CLOMR-F) for fill within a Special Flood Hazard Area, if required. A copy of the letter shall be provided</i></p>	City Engineer	Prior to issuance of building permits	



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		to the Engineering and Surveying Division. A Letter of Map Revision (LOMR), or a Letter of Map Revision based on Fill (LOMR-F) from FEMA shall be submitted to the City's Engineer prior to acceptance of project improvements as complete.			

