



REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2604
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STAFF
August 7, 2008

Honorable Mayor and
Members of the City Council

Title: Gardenland Sand and Gravel Mine (Urrutia Site) Restoration and Enhancement

Location/Council District: 599 Garden Highway/Council District 1

Recommendation: Adopt a **Resolution:** 1) transferring \$105,000 of General Funds (Fund 1001) from L19003500 to B18216000 to cover the City contribution toward remaining costs for appraisals, hazardous materials assessments, environmental permitting and related staff costs as preparation for potential property acquisition, reclamation and restoration of the Gardenland Sand and Gravel Mine property located at 599 Garden Highway and 2) adopting the Mitigated Negative Declaration and approving the Mitigation Monitoring Plan prepared for the project.

Contact: J. P. Tindell, Park Planning & Development Manager, 808-1955

Presenters: J.P. Tindell, Park Planning & Development Manager

Department: Parks and Recreation

Division: Park Planning and Development Services

Organization No: 4725

Description/Analysis:

Issue: The Gardenland Sand and Gravel Mine (referred to herein as the Urrutia Site) is a 123+/- acre site on the north side of the American River in the South

Natomas area between the American River and Garden Highway (Attachment 1, page 7). This former mining site has ceased operations because further excavation would affect the integrity of the flood control system. Consistent with prior City Council direction and allocations of funding in support of a site to add property to the American River Parkway (Parkway) including possible use by the California Indian Heritage Center (CIHC) (starting with Resolution 2004-198), staff has completed a draft Mitigated Negative Declaration (MND) and related studies necessary for consideration of acquisition of the property for the Parkway. Staff is seeking City Council approval of: 1) a budget augmentation to cover the estimated costs to complete real estate appraisals and staff time, hazardous materials assessment, reclamation and restoration design, and permitting activities in preparation for possible acquisition and securing of funds for property purchase; and 2) the Mitigated Negative Declaration and Mitigation Monitoring Plan prepared for the project.

In 2006 (Resolution 2006-366), a total of \$6.3 million was approved for support of land acquisition for the CIHC from the Community Reinvestment Capital Improvement Program (CRCIP). Based on a decision in May 2007 by the State's CIHC Task Force to proceed with West Sacramento as their preferred site for the majority of the Center's facilities, the scope of a City contribution in support of the CIHC project was reduced to \$300,000. In June 2008, the State secured agreement with the City of West Sacramento for their preferred site for the main CIHC facility along the Sacramento River. The CIHC continues to have interest in use of property in the Northgate Area of the American River Parkway for integration of both outdoor and indoor facilities into the natural setting, consistent with the American River Parkway Plan Update. (See also Attachment 2, page 8, for additional project background information.)

A budget augmentation is necessary to fully accomplish all the required environmental permitting, hazardous materials assessment and remediation, and real estate appraisals and negotiations associated with possible acquisition, reclamation, and restoration of the Urrutia site. Staff would seek separate approval from City Council to proceed with property acquisition negotiations and to secure the funds needed for land purchase only if a determination to pursue acquisition of the Urrutia Site is made.

Policy Considerations: The proposed actions are consistent with the City General Plan (Land Use and Open Space Elements), the Parks & Recreation Master Plan 2005-2010, the adopted 1985 American River Parkway Plan, and the proposed American River Parkway Plan Update.

Committee/Commission Action: The Parks and Recreation Commission was updated on the CIHC project in April 2007 and on the American River Parkway Plan Update in November 2006. Staff will be providing an informational update on the Urrutia Site project at its September 2008 meeting and on the American River Parkway Plan Update at its August 2008 meeting.

The State CIHC Task Force is an appointed advisory group for the overall CIHC project which meets regularly. State and City project staff plans to provide informational presentations on the CIHC project throughout the course of planning and implementation phases to groups such as the City's Parks and Recreation Commission, Planning Commission, Neighborhood Leadership Groups (Downtown NAG), River District Board, County Board of Supervisors, County Recreation and Parks Commission, and the Sacramento Area Flood Control Agency (SAFCA) Board.

Environmental Considerations:

California Environmental Quality Act (CEQA): The Development Services Department, Environmental Planning Services Division has determined that the Urrutia Site project as proposed may have potentially significant impacts to the environment. In compliance with section 15070(b)1 of the California Environmental Quality Act (CEQA) Guidelines, mitigation measures have been identified that are incorporated into the project to reduce impacts to a less-than-significant level, and an Initial Study/Mitigated Negative Declaration (MND) has been prepared. These mitigation measures address air quality, biological resources, cultural resources, hazards, and noise. Exhibit A is the MND which also meets the requirements of the State Water Board for the grant funding associated with this project. This MND was circulated for public review on June 23, 2008, for a 30-day period which ended on July 23, 2008. Exhibit B is the Mitigation Monitoring Plan (MMP). Exhibit C summarizes comments received from the public and responses to those comments. Three comment letters on the draft Mitigated Negative Declaration were received during the public review period from Save the American River Association, Inc. (SARA), Department of Conservation Office of Mine Reclamation (OMR), and Sacramento Area Sewer District (formerly CSD-1), and are attached as Exhibit C. None of these comment letters concern the adequacy of the environmental document.

The letter from SARA concerns the final ownership of the Urrutia property. The project description in the MND contains a section on site acquisition, which states that "it is the intent of the City of Sacramento to purchase the property for open space as part of the American River Parkway. The property may then be transferred to the County of Sacramento who administers the American River Parkway." SARA's letter emphasizes their recommendation that the Urrutia property be incorporated into the American River Parkway under the ownership of the County of Sacramento. As indicated in the MND, it is the intent of the City and the County to ultimately transfer ownership of the property to the County as a contributing feature of the Parkway. SARA has also requested a copy of the Mitigation Monitoring Plan (MMP), upon its approval. A copy of the MMP will be provided to Frank F. Cirill, as requested.

The OMR letter is related to previous mining activities and the preparation of a reclamation plan. Upon preparation of a reclamation plan, OMR asks that it be submitted to their office for a 30-day review. The City and the Sacramento Area Flood Control Agency (SAFCA) are working together with a consultant to prepare a mining reclamation plan for the site. The City has been in contact with OMR and intends to coordinate review of the plan with OMR. OMR had no comments related to the MND.

The Sacramento Area Sewer District letter states that "the subject project will not significantly impact District or Sacramento Regional County Sanitation District (SRCSD) facilities." There were no other comments on the project.

Approval of the attached resolution by the Council would adopt the MND as adequate under CEQA and approve the MMP.

Sustainability Considerations: This project is consistent with City Sustainability Master Plan goals by: expanding acres of public parks, improving public access to open space, preserving critical habitat resources, improving the health of residents with opportunities for exercise and recreation, protecting sources of water, and providing exceptional flood protection.

Rationale for Recommendation: The Urrutia Site is the largest private in-holding in the American River Parkway within the Sacramento region.

The site is designated "Parks and Open Space" on the City General Plan, and is a high priority for public acquisition in the adopted 1985 American River Parkway Plan and the proposed American River Parkway Plan Update (scheduled for adoption in 2008). Because of the regional interest in acquiring this site as a part of the American River Parkway and the City's commitment to support the CIHC, the City Parks and Recreation Department, County of Sacramento and Sacramento Area Flood Control Agency (SAFCA) share a strong interest in restoring the open space and habitat values. The site is located within the City of Sacramento and the City is serving as the lead agency for potential acquisition.

Since the 1950's the site has been used as a sand and gravel mine. As a result of excavation of sand and gravel, approximately one half of the site is comprised of a large water bearing pond. Further mining is not permitted under the mining permit or the Reclamation Board Permit. As such, the site must be reclaimed and restored under the Surface Mining Reclamation Act (SMARA) (Cal. Public Resources Code, §2710 et seq.).

To accomplish acquisition, reclamation and restoration of the site, the following tasks would need to be completed:

- Preliminary and Final Appraisal of the Site
- Real Estate Negotiations

- Hazardous Materials Risk Assessments (Phase I and Phase II Site Assessments to determine the risk of soil or water contamination)
- Development of a Reclamation and Restoration Plan to restore safe slopes to the borrow pond edges, re-vegetate and meet other SMARA requirements
- Restoration of riparian and riverine habitat on the southern portion of the site which fronts on the American River
- Entering into Memorandum(s) of Understanding with project partners to formalize roles and responsibilities

Additionally, the above activities and the requirements of the State and Federal grants secured by SAFCA for the proposed Urrutia Site restoration project require the following permit activities:

- Section 404 of the Clean Water Act Wetlands Delineation
- Consultation with U.S. Fish and Wildlife Service, the National Marine Fisheries Service and California Department of Fish and Game
- Central Valley Flood Protection Board (formerly Reclamation Board) Permit
- State Lands Commission Approval
- State Streambed Alteration Agreement

If acquired and restored, the site would be managed by the County as part of the American River Parkway. Initially, the site would remain as open space with pedestrian and bike access only. The Jedediah Smith Bike Trail runs along the northern perimeter of the site.

Financial Considerations: The current City budget for this project is \$300,000 from 2006 Community Reinvestment Capital Improvement Program (CRCIP) funds. Based on the estimates required to complete real estate negotiations, hazardous materials assessments, environmental permitting, and reclamation and restoration planning, additional funds are required. Staff recommends transferring \$105,000 in General Funds (Fund 1001) from L19003500 to B18216000. The City is not yet committed to any funding for actual land purchase, but will continue to work with the County and SAFCA to secure this funding. Should the City decide to pursue property acquisition, Memorandums of Understanding among project partners would be developed.

SAFCA has secured a grant in the amount of \$1,480,000 from the State Water Resources Board and an additional \$480,000 from the California Department of Water Resources for the restoration of the site. The County is prepared to be an active partner in securing funds for potential property acquisition.

While the City may continue to serve as lead agency for potential property acquisition, the County of Sacramento is prepared to take on the responsibility and costs for management (operations and maintenance) of this property should it become part of the American River Parkway.

Emerging Small Business Development (ESBD): The selection of consultants and contractors for this project follow City established guidelines for inclusion of ESBD firm. The Mitigated Negative Declaration for this project was prepared by a qualified ESBD firm.

Respectfully Submitted by:



JAMES L. COMBS
Director, Parks and Recreation

Recommendation Approved:


RAY KERRIDGE
City Manager

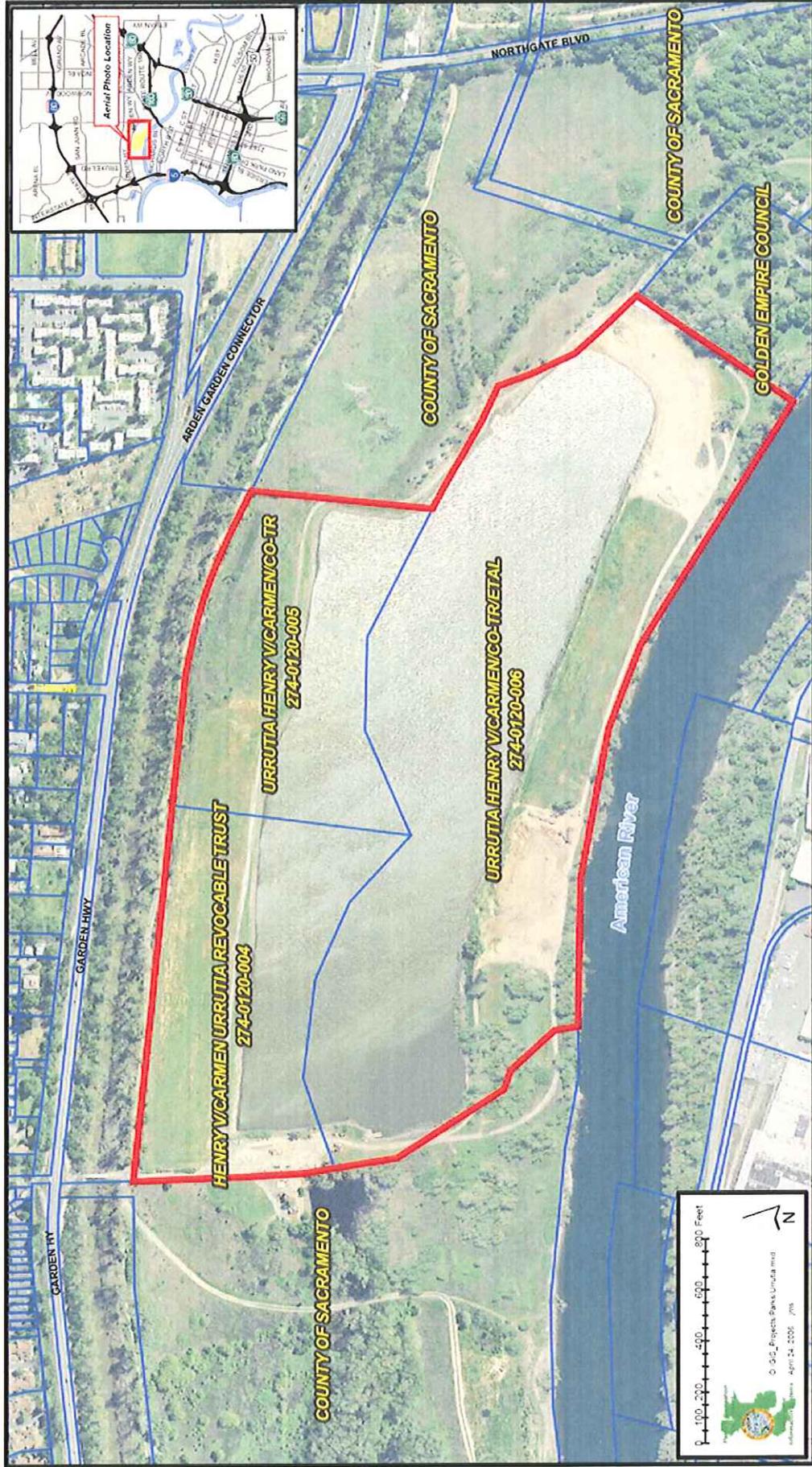
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City of Sacramento

Department of Parks and Recreation

Urrutia Property Aerial Photo and Parcels



Attachment 2**Background Information*****Project Descriptions***

Urrutia Site: The Urrutia Site consists of a 123+/- acres located at 599 Gardenland Highway in the South Natomas Community Planning Area. The site is bounded on the south by the American River, on the north by Bannon Slough (and the Garden Highway), on the east by Camp Pollock Boy Scout Camp, and on the west by lands owned by the County of Sacramento as part of the American River Parkway. It is the largest remaining private inholding in the American River Parkway in the Sacramento region. It has been a shared goal of the State, City and County for at least two decades to acquire additional land for the American River Parkway. These agencies adopted the 1985 American River Parkway Plan which includes an implementation measure to "pursue land acquisition of privately owned lands within the Parkway." The 2008 draft American River Parkway Plan, pending adoption by the City, County and State, provides policy and guidelines for interpretive facilities and services in this area of the Parkway which would allow for these in association with a facility such as the California Indian Heritage Center (CIHC).

California Indian Heritage Center: The purpose of the CIHC is to honor the diversity and history of California Native Indian people. It will also house the state's extensive collection of Native Indian cultural objects, and will replace the current State Indian Museum. The Center's main facilities will be built on the Sacramento River in West Sacramento, across from Discovery Park, serving as its "front door." In the American River Parkway, the CIHC will be unique in its integration of both outdoor and indoor facilities into the natural setting. There is also interest on the part of the State for consideration of bridge connections across both the Sacramento and American Rivers. Facilities in the Parkway must comply with the adopted American River Parkway Plan.

Key Milestones/Local Actions in Project History (starting 2004)

March 23, 2004: City Council adopted Resolution 2004-198 supporting the location of the new California Indian Cultural Center and Museum within the City of Sacramento at a possible site on the Lower American River between Cal Expo and confluence with the Sacramento River.

July 21, 2005: City Council adopted Resolution 2005-047 directing City evaluation of riverfront parcels located within the Richards Boulevard area in support of the proposed CIHC and allocating funds in support of property acquisitions.

April 18, 2006: City Council approved addition of \$6.3M in Community Reinvestment Capital Improvement Program (CRCIP) as a contribution to land acquisition for the CIHC (Resolution 2006-366).

May 2006

- a) Sacramento Area Flood Control Agency (SAFCA) Board adopted Resolution 06-053 supporting the establishment of the CIHC within the Richards Blvd. Redevelopment Area and the Lower Reach of the American River Parkway.
- b) County of Sacramento Board of Supervisors adopted Resolution 2006-0640 supporting the establishment of the CIHC within the Richards Boulevard Redevelopment Area and the Lower Reach of the American River Parkway where facilities and programming can be accommodated in a naturalistic setting consistent with the American River Parkway Plan.
- c) State CIHC Task Force reconfirmed commitment to split site in Sacramento along American River.

June 2006: Capitol Station District announced new name as River District; new "Vision for the Future" identified a Top Priority Action to "Plan and develop the California Indian Heritage Center" to meet their goal for "Enhanced Community Facilities and Amenities."

Summer 2006: County completed draft of American River Parkway Plan Update with Update Citizen Advisory Committee (UCAC), providing policy and guidelines for interpretive facilities and services in the Parkway which would allow for these in association with a facility such as the CIHC.

May 23, 2007: CIHC Task Force voted to proceed with West Sacramento as preferred site for majority of Center's facilities. Also indicated continued interest in use of property in Northgate Area of American River Parkway. CRCIP project budget subsequently reduced by City to \$300,000 (Resolution 2007-883).

Summer 2007-2008: Local project partners (City, County, and SAFCA) completed Mitigated Negative Declaration for Urrutia Site Restoration and Enhancement Project, including potential property acquisition for the American River Parkway.

June 2008: State secured agreement with City of West Sacramento for preferred site for main CIHC facility along Sacramento River.

RESOLUTION NO. 2008-

Adopted by the Sacramento City Council

August 7, 2008

**APPROVING GARDENLAND SAND AND GRAVEL MINE (URRUTIA SITE)
RESTORATION AND ENHANCEMENT**

BACKGROUND:

- A. The Gardenland Sand and Gravel Mine (Urrutia Site) is a 123+/- acre site located along the north bank of the American River in the South Natomas Community Planning Area.
- B. Since adoption of the 1985 American River Parkway Plan, public acquisition of this site has been a high local priority to achieve the restoration, habitat and open space goals of the City General Plan and the American River Parkway Plan.
- C. The City has committed to support providing a place in Sacramento for the programs and activities of the California Indian Heritage Center.
- D. The Gardenland Mine is no longer operational and no further sand or gravel can safely be removed from the site. Therefore, the City, with the Sacramento Area Flood Control Agency and the County of Sacramento, is interested in support of potential purchase of this property as an addition to the American River Parkway.
- E. The City of Sacramento's Environmental Planning Services conducted or caused to be conducted an initial study on Urrutia Site Restoration and Enhancement Project ("Project") to determine if the Project may have a significant effect on the environment.
- F. The initial study identified potentially significant effects of the Project. Revisions to the Project made by or agreed to by the Project applicant before the proposed mitigated negative declaration and initial study were released for public review were determined by City's Environmental Planning Services to avoid or reduce the potentially significant effects to a less than significant level, and, therefore, there was no substantial evidence that the Project as revised and conditioned would have a significant effect on the environment. A Mitigated Negative Declaration (MND) for the Project was then completed, noticed and circulated in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures as follows:
 - a. On June 23, 2008, a Notice of Intent to Adopt the MND (NOI), dated June 23, 2008, was circulated for public comments for 30 days. The NOI was sent to those public agencies that have jurisdiction by law with respect to the proposed

project and to other interested parties and agencies, including property owners within 500 feet of the boundaries of the proposed project. The comments of such persons and agencies were sought.

- b. On June 23, 2008, the NOI was published in the Daily Recorder, a newspaper of general circulation, and the NOI was posted in the office of the Sacramento County Clerk.

G. The City Council has reviewed and considered the information contained in the MND, including the initial study, the revisions and conditions incorporated into the Project, and the comments received during the public review process and the hearing on the Project. The City Council has determined that the MND constitutes an adequate, accurate, objective and complete review of the environmental effects of the proposed project.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. That \$105,000 of General Funds (Fund 1001) is transferred from L19003500 to B18216000 to cover the City contribution toward remaining costs for appraisals, hazardous materials assessments, environmental permitting and related staff costs as preparation for potential property acquisition, reclamation and restoration of the Gardenland Sand and Gravel Mine property located at 599 Garden Highway is approved.
- Section 2. Based on its review of the MND and on the basis of the whole record, the City Council finds that the MND reflects the City Council's independent judgment and analysis and that there is no substantial evidence that the Project will have a significant effect on the environment.
- Section 3. With respect to the Project over which the City Council has final approval authority, the City Council adopts the MND for the Project.
- Section 4. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project, the City Council adopts a Mitigation Monitoring Plan to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Plan.
- Section 5. Upon approval of the Project, the City's Environmental Planning Services shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and section 15075 of the State EIR Guidelines adopted pursuant thereto.

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- Exhibit A: Mitigated Negative Declaration (Location – City Clerk's Office)
- Exhibit B: Mitigation Monitoring Plan
- Exhibit C: Public Comments Received on the Mitigated Negative Declaration

EXHIBIT A: MITIGATED NEGATIVE DECLARATION (*CEQA Plus*)

This document is available on the City of Sacramento's website at:
http://www.cityofsacramento.org/webtech/streaming_video/live_council_meetings.htm
under *Future and Archived Meetings* and is on file in hard copy in the Office of the City Clerk at 915 I Street, Historic Building, First Floor.

EXHIBIT B

MITIGATION MONITORING PLAN

Urrutia Site Acquisition and Restoration Project

INTRODUCTION

The California Environmental Quality Act (CEQA) requires review of any project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require reporting on and monitoring of mitigation measures adopted as part of the environmental review process. This Mitigation Monitoring Plan (MMP) is designed to aid the City of Sacramento in its implementation and monitoring of measures adopted from the Urrutia Site Acquisition and Restoration Project Mitigated Negative Declaration (MND) prepared for the City of Sacramento in July 2008.

MITIGATION MEASURES

The Mitigation Monitoring Program (MMP) describes the actions that must take place to implement each mitigation measure identified in the MND prepared for the project, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

MMP COMPONENTS

The components of each monitoring form are addressed briefly, below.

Impact: This column summarizes the potentially significant impact stated in the MND.

Mitigation Measure: The mitigation measures from the MND are identified by topic and number.

Action: For every mitigation measure, one or more actions are described. These are the center of the MMP, as they delineate the means by which MND measures will be implemented, and, in some instances, the criteria for determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.

Implementing Party: This item identifies the entity that will undertake the required action.

Timing: Each action must take place prior to the time at which a threshold could be exceeded. Implementation of the action must occur prior to or during some part of approval, project design or construction or on an ongoing basis. The timing for each measure is identified.

Monitoring Party: As the lead agency, the City of Sacramento is responsible for ensuring that most mitigation measures are successfully implemented. Within the City, a number of departments and divisions would have responsibility for monitoring some aspect of the overall project. Occasionally, monitoring parties outside the City are identified; these parties are referred to as "Responsible Agencies" by CEQA. For example, the Sacramento Area Flood Control Agency (SAFCA) is a responsible agency for this project and may be responsible for compliance with some mitigation measures.

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action (s)	Implementing Party	Timing	Monitoring Party
<u>AIR QUALITY - SHORT TERM CONSTRUCTION EMISSIONS</u>	<p><u>MITIGATION MEASURE III.a.1 Air Quality NOx Emissions</u></p> <p>Prior to the issuance of grading permits for the project, the City and SAFC/A shall prepare a construction mitigation plan and implement air quality emission reduction measures. The construction mitigation plan shall be reviewed and approved by SMAQMD staff prior to beginning construction. At a minimum, the construction mitigation plan shall include the following measures:</p> <ol style="list-style-type: none"> 1. The following measures shall be included to reduce NOX and visible emissions from heavy-duty diesel equipment. <ol style="list-style-type: none"> a. The project shall provide a plan 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 NOX 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. b. The project applicant shall submit 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 required for any 30-day period in which no construction operations occur. c. 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. d. The project 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 	<ol style="list-style-type: none"> 1. Prepare vehicle fleet inventory and emission reduction plan. 2. Submit project construction timeline to SMAQMD 3. Pay fee 	<p>City in coordination with SAFC/A</p>	<p>Prior to start of construction. Timeline must be submitted to SMAQMD 48 hours prior to construction. Fee to be paid prior to any ground disturbance.</p>	<p>City of Sacramento, Department of Parks and Recreation</p>

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action (s)	Implementing Party	Timing	Monitoring Party
	<p>40-percent opacity (or Rule/Reg 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.</p> <p>e. The project applicant shall pay into the SMAQMD's construction mitigation fund to offset construction generated emissions of NOX that exceed SMAQMD's daily emission threshold of 85 lbs/day. The project applicant shall coordinate with the SMAQMD for payment of fees into the Heavy-Duty Low-Emission Vehicle Program designed to reduce construction related emissions within the region. Fees shall be paid based upon the current SMAQMD Fee of \$14,300/ton of NOx emissions generated. This fee shall be paid prior to issuance of building permits. Detailed construction information for the proposed project is not yet available. If the projected construction equipment or phases change, the City and SAFCA shall coordinate with the SMAQMD to determine if the mitigation fee needs to be recalculated.</p> <p>f. All heavy-duty equipment shall be properly tuned and maintained in accordance with manufacturers' specifications. Construction equipment will utilize the Best Available Technology (BAT) so as to minimize vehicle emissions to the extent possible. This may include the use of diesel particulate filters and cooled exhaust gas recirculation or equivalent measures on all off-road and on-road diesel equipment in the construction phase of the project. The City and SAFCA will review amendments to CARB and SMAQMD regulations, and City of Sacramento ordinances during construction, and comply immediately with newly adopted regulations, including those for equipment idling, which would reduce the cumulative release of pollutants.</p> <p>g. Timing Implementation: The fee will be paid in total prior to issuance of any grading permit and/or ground disturbance.</p>				

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN				
Impact	Mitigation Measure	Action(s)	Implementing Party	Monitoring Party
AIR QUALITY: DUST AND PARTICULATES	<p>MITIGATION MEASURE III. a 2 Air Quality Particulates and Fugitive Dust</p> <p>1. All disturbed areas, including storage piles that are not being actively used for construction purposes, as well as any portions of the construction site that remain inactive longer than a period of 3 months, shall be effectively stabilized of dust emissions using water, a chemical stabilizer or suppressant, or vegetative ground cover. Soil shall be kept moist at all times. Alternatively, non-toxic soil stabilizers shall be applied to all inactive construction areas in accordance with manufacturer's specifications.</p> <p>2. During clearing, grading, earth-mooving, or excavation operations, fugitive dust emissions shall be controlled by watering exposed surfaces two times per day, watering haul roads three times per day or paving of construction roads, or other dust-preventive measures. All onsite unpaved roads and onsite unpaved access roads shall be effectively stabilized of dust emissions using water or a chemical stabilizer or suppressant.</p> <p>3. All vehicles hauling dirt, sand, soil or other loose material shall be covered or should maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code Section 25114.</p> <p>4. All operations shall limit or expeditiously remove the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring.</p> <p>5. Onsite vehicle speeds on unpaved roads shall be limited to 15 mph. Excavation and grading activities shall be suspended when winds exceed 20 mph.</p>	<p>Incorporate dust control mitigation measures shall be incorporated into construction contracts and included on all construction plans.</p>	<p>City in coordination with SAACA</p>	<p>Prior to start of construction</p>
			<p>City of Sacramento Department of Parks and Recreation</p>	

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Urrutia Acquisition and Restoration Plan
Mitigation Monitoring Program

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN				
Impact	Mitigation Measure	Action (s)	Implementing Party	Monitoring Party
BIOLOGY- GIANT GARTER SNAKE	<p>MITIGATION MEASURE IN A DE- GIANT GARTER SNAKE IMPACT</p> <p><i>Construction Timing- General</i></p> <p>1. Construction activity within habitat shall be targeted to occur between May 1 and October 1. This is the active period for GGS and direct mortality is lessened, because snakes are expected to actively move and avoid danger. Any construction that may occur between October 2 and April 30 shall be approved by the Sacramento Office of the USFWS. Any additional mitigation required by the USFWS shall be followed.</p> <p><i>Construction Areas- General</i></p> <p>2. Confine clearing to the minimal area necessary to facilitate construction activities. Flag and designate avoided GGS habitats. These areas shall be fenced with temporary construction fencing and avoided by all construction personnel. Construction personnel shall receive USFWS-approved worker environmental awareness training. Under this program, workers shall be informed about the presence of GGS and habitat associated with the species and that unlawful take of the animal or destruction of its habitat is a violation of the Act. Prior to construction activities, a qualified biologist approved by the USFWS shall instruct all construction personnel about: (1) the life history of the GGS; (2) the importance of irrigation canals, marshes, wetlands, and seasonally flooded areas, such as rice fields, to the GGS; and (3) the terms and conditions of the biological opinion. Proof of this instruction shall be submitted to the City and the USFWS.</p> <p><i>Prior to Construction</i></p> <p>3. Within 24-hours of construction activities, the project area (northern perimeter near the Bonnon Slough) shall be surveyed by a qualified biologist approved by USFWS for GGS. Survey of the project area shall be repeated if a lapse in construction activity of two weeks or greater has occurred. A field report form documenting monitoring efforts shall be submitted to the City and USFWS. If snakes are observed on site, netting and salvage of prey items may be necessary.</p>	<p>Hire biologist to conduct pre-construction survey and fence or flag avoidance areas.</p> <p>Biologist to train construction workers regarding GGS.</p> <p>City and Biologist to ensure that site is restored following construction activities.</p>	<p>City in coordination with SA/CA</p>	<p>Prior to start of construction.</p> <p>City of Sacramento, Department of Parks and Recreation</p>

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN				
Impact	Mitigation Measure	Action (s)	Implementing Party	Monitoring Party
	<p>During Construction</p> <p>4. If a live GGS is found during construction activities, all construction activities shall cease until the monitoring biologist has deemed that recommencing work will not harm the snake. GGS encountered during construction activities should be allowed to move away from construction activities on their own. Escape routes for GGS shall be determined in advance of construction. The monitor shall remain in the area for the remainder of the work day to make sure the snake is not harmed or if it leaves the site, does not return. If a GGS does not leave on its own volition within one working day, further consultation with USFWS may be required. Capture and relocation of trapped or injured individuals can only be attempted by personnel or individuals with current USEWS recovery permits pursuant to section 06(a)(1)(A) of the Act. The biologist shall be required to report any incidental take to the USFWS immediately and by written letter addressed to the Chief, Endangered Species Division, within one working day.</p> <p>Other Measures</p> <p>5. After completion of construction activities, remove any temporary fill and construction debris and, wherever feasible, restore disturbed areas to pre-project conditions. Restoration work may include such activities as replanting species removed from banks or replanting emergent vegetation in the active channel. To the extent possible, restoration activities shall conform to the guidelines set forth in Appendix C of the Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Grant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California (USFWS 1997).</p> <p>6. Upon locating any dead, injured or sick GGS, the applicant or their designated agents shall notify within one working day the USFWS' Division of Law Enforcement (2800 Cottage Way, Sacramento CA 95825) or the Sacramento Fish and Wildlife Office (2800 Cottage Way, Room W-2605, Sacramento, CA 95825, telephone 916 414-6600).</p> <p>7. Fill or construction debris may be used by GGS as an over-wintering site. Therefore, upon completion of construction activities any temporary fill and/or construction debris from the site shall be removed. If this material</p>			

7

Urrutia Acquisition and Restoration Plan
Mitigation Monitoring Program

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action (s)	Implementing Party	Timing	Monitoring Party
	is situated near undisturbed GGS and it is to be removed between October 1 and April 30; it shall be inspected by a qualified biologist to ensure that GGS are not using it as hibernacula.				

8

Urrutia Acquisition and Restoration Plan
Mitigation Monitoring Program

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action(s)	Implementing Party	Monitoring Party	
BIOLOGY – SWAINSON HAWK AND RAPTORS	<p>MITIGATION MEASURE IV. a. 2: Swainson's Hawk and Raptor Impacts</p> <p>1. To mitigate impacts to Swainson's hawk and other raptors during the nesting season (March 1 through August 31), the project applicant(s) shall retain a qualified biologist (acceptable to the City in consultation with DFG) to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the project site. The surveys shall be conducted prior to the approval of grading and/or improvement plans (as applicable) and no more than 14 days before the beginning of construction. To the extent feasible, guidelines provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley (Swainson's Hawk Technical Advisory Committee 2000) shall be followed.</p> <p>2. If no nests are found, no further mitigation is required.</p> <p>3. If active nests are found, impacts to nesting Swainson's hawks and other raptors shall be avoided by establishment of appropriate buffers around the nests. No project activity (including tree removal) shall commence within the buffer area until a qualified biologist confirms that any young have fledged and the nest is no longer active. DFG guidelines recommend implementation of 0.25-mile buffers for most raptors and 0.5-mile buffers for Swainson's hawk, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with DFG, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist (acceptable to the City in consultation with DFG) during and after construction activities will be required if the activity has potential to adversely affect the nest.</p> <p>4. If suitable nesting trees will be required to be removed as a part of the project, the trees may be removed prior to the start of the nesting season.</p>	<p>Hire biologist to conduct pre-construction survey and fence or flag avoidance areas and nesting tree buffer areas as necessary.</p> <p>Biologist to monitor any active nests during and after construction activities.</p>	<p>City in coordination with SA/CA</p>	<p>Prior to start of construction.</p>	<p>City of Sacramento, Department of Parks and Recreation</p>

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN				
Impact	Mitigation Measure	Action (s)	Implementing Party	Monitoring Party
BIOLOGY - NESTING BIRDS	<p>MITIGATION MEASURE IV a 3: Other Nesting Bird Species</p> <ol style="list-style-type: none"> 1. A preconstruction survey of potential nest trees and ground nesting sites or rookeries shall be conducted not more than two weeks prior to construction. 2. If no active nests are found, no mitigation will be necessary. 3. If an active nest is located within 250 feet of the impact area, a biologist shall record the location(s) on a site map. A buffer shall be established around the nest site in consultation with CDFG. A biologist shall delineate the buffer zone with yellow caution tape or temporary flagging where feasible. The buffer zone shall be maintained throughout the construction period. These protections shall remain in place until birds have voluntarily fledged. 4. During construction, a biologist shall monitor nests weekly to evaluate potential nesting disturbance caused by construction activities. The biological monitor shall have the authority to stop construction if the nesting birds appear to be adversely affected. 4. If occupied nesting trees will be required to be removed as a part of the project, the trees may be removed prior to the start of the nesting season. 	<p>Hire biologist to conduct pre-construction survey and fence or flag avoidance areas and nesting tree buffer areas as necessary.</p> <p>Biologist to monitor any active nests during and after construction activities.</p>	<p>City in coordination with SAFCA</p>	<p>Prior to start of construction.</p> <p>City of Sacramento, Department of Parks and Recreation</p>

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN				
Impact	Mitigation Measure	Action (s)	Implementing Party	Monitoring Party
BIOLOGY-VELB	<p>MITIGATION MEASURE IV. a. 3: Valley Elderberry Longhorn Beetle (VELB)</p> <p>Prior to Construction. Prior to start of site disturbance activities, a pre-construction survey shall be completed to identify the presence and location of any elderberry (<i>Sambucus</i> sp.) bushes on the project site. Any elderberry plants identified shall be examined for exit holes, stem size, and condition. Surveys will be conducted by a qualified biologist or other qualified professional (acceptable to the City) and shall follow the USEWS Conservation Guidelines for the Valley Elderberry Longhorn Beetle (VELB).</p> <p>During Construction. If elderberry plants with stems measuring 1.0 inch or greater in diameter at ground level are identified, the conservation measures outlined in the USEWS Conservation Guidelines for VELB (1999) which include among other guidance:</p> <ol style="list-style-type: none"> 1. Fence and tag all areas to be avoided during construction activities providing a 100 foot buffer or wider around elderberry plants containing stems measuring 1.0 inch or greater in diameter at ground level. In areas where encroachment on the 100-foot buffer has been approved by the USEWS, provide a minimum setback of at least 20 feet from the dripline of each elderberry plant. 2. Brief contractors on the need to avoid damaging the elderberry plants and the possible penalties for not complying with these requirements. 3. Erect signs every 50 feet along the edge of the avoidance area with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction. 4. Instruct work crews about the status of the beetle and the need to protect its elderberry host plant. 	<p>Hire biologist to conduct pre-construction survey and sign, fence or flag avoidance areas and buffer areas as necessary.</p> <p>Biologist to instruct contractor and work crews regarding protection of the beetle</p> <p>Biologist to monitor during and after construction activities.</p> <p>City and biologist to develop mitigation plan for any plants that cannot be avoided and shall ensure implementation of required mitigation.</p>	<p>City in coordination with SAFC</p>	<p>Prior to start of construction.</p> <p>City of Sacramento, Department of Parks and Recreation</p>

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN				
Impact	Mitigation Measure	Action (s)	Implementing Party	Monitoring Party
	<p>Plants That Cannot Be Avoided. If the pre-construction survey reveals elderberry plants that cannot be avoided, the following measures shall be employed:</p> <ol style="list-style-type: none"> 1. Transplant all healthy plants with stems greater than 1 inch to a USFWS-approved conservation area in accordance with the guidance provided in the USFWS Conservation Guidelines for VELB (1999). 2. Mitigate for plants that cannot be replaced in accordance with the USFWS Conservation Guidelines for VELB (1999). Replacement seedling plants will be provided at a ratio of 2 to 1 to 8 to 1 depending on the extent of VELB utilization of the plants moved or lost. A 1,800-square-foot area will be provided for each transplanted elderberry shrub or every five elderberry seedling plants. 3. Annual monitoring of VELB habitat will be provided in the planned mitigation sites for a ten year period and shall be conducted in accordance with the monitoring requirements of the USFWS Conservation Guidelines for VELB (1999). 4. Replacement elderberry shrubs will meet a 60% survival rate by the end of the ten year period and the 60% survival rate shall be required for the term of the applicable permit. <p>After Construction</p> <ol style="list-style-type: none"> 1. Restore any damage done to the buffer area (area within 100 feet of elderberry plants) during construction. Provide erosion control and re-vegetate with appropriate native plants. 2. Buffer areas must continue to be protected after construction from adverse effects of the project. Measures such as fencing, signs, weeding, and trash removal are usually appropriate. 3. No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant should be used in the buffer areas, or within 100 			

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action (s)	Implementing Party	Timing	Monitoring Party
	<p>feet of any elderberry plant with one or more stems measuring 1.0 inch or greater in diameter at ground level.</p> <p>4. Mowing of grasses ground cover may occur from July through April to reduce fire hazard. No mowing should occur within five (5) feet of elderberry plant stems. Mowing must be done in a manner that avoids damaging plants.</p>				

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action (s)	Implementing Party	Timing	Monitoring Party
	<p>be retained to supervise the relocation, (e) the proposed method of capture and transport for the owls to the new site, (f) a description of the site preparations at the relocation site (e.g., enhancement of existing burrows, creation of artificial burrows, one-time or long-term vegetation control, etc.), and (g) a description of efforts and funding support proposed to monitor the relocation.</p> <p>4. Relocation options may include passive relocation to another area of the site not subject to disturbance through one-way doors on burrow openings, or construction of artificial burrows in accordance with the CDWG's October 17, 1995 Staff Report on Burrowing Owls Mitigation (see Appendix D). On-site abandoned burrows shall be excavated to ensure that the owls do not become trapped and cannot re-occupy.</p> <p>5. If burrows and adjacent foraging habitat are disturbed by the project, replacement habitat shall be provided based on consultation between the City and CDWG using the 1995 CDWG Staff Report on Burrowing Owl Mitigation as guidance.</p>				

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN				
Impact	Mitigation Measure	Action(s)	Implementing Party	Monitoring Party
BIOLOGY - RARE PLANTS	<p>MITIGATION MEASURE IV-a 5: Rare Plant Impacts</p> <p>1. Prior to site disturbance a qualified biologist or botanist shall conduct a pre-construction survey of the site during the appropriate blooming months (or when species can be unmistakably identified) for CNPS List 1B and List 2 plant species that could potentially occur within the project area. If rare plants are observed on site, the occurrences of the species found within the project area would be mapped on project maps, flagged on the ground, and avoided to the extent feasible.</p>	Hire biologist to conduct pre-construction survey and fence or flag avoidance areas and sensitive plant areas as necessary.	City in coordination with SA/CA	Prior to start of construction. City of Sacramento, Department of Parks and Recreation

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action (s)	Implementing Party	Timing	Monitoring Party
BIOLOGY: WETLANDS	<p>MITIGATION MEASURE IV a 6: Wetlands and Waters of the U.S.</p> <p>1. Prior to start of construction, the project applicant shall consult with the Corps and, if deemed appropriate, obtain a Section 404 CWA permit. If it is necessary to discharge fill materials including soil into wetlands or jurisdictional waters, a wetland delineation shall be submitted to the Corps and the appropriate Section 404 permit shall be acquired prior to any fill activities or discharges within jurisdictional wetlands.</p> <p>2. If required by the Corps the project applicant shall prepare a mitigation and monitoring plan. The mitigation plan shall demonstrate how the project has been designed to minimize and mitigate impacts to jurisdictional waters.</p> <p>3. A Section 401 Water Quality Certification, or waiver thereof, shall be obtained from the Central Valley Regional Water Quality Control Board before a Section 404 permit becomes valid.</p>	<p>Hire biologist to prepare a wetland delineation and consult with Corps.</p> <p>If required prepare and apply for a Section 404 permit for the site.</p> <p>Comply with any mitigation requirements appended to the Section 404 permits.</p>	City in coordination with SAFCA	Prior to start of construction.	City of Sacramento, Department of Parks and Recreation

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN				
Impact	Mitigation Measure	Action(s)	Implementing Party	Monitoring Party
<p>BIOLOGY - FISH SPECIES</p>	<p>MITIGATION MEASURE IV.a.7: Impacts to Fish Species</p> <p>During construction, the following measures shall be employed to reduce siltation and sedimentation in the American River and to reduce impacts to fish species.</p> <ol style="list-style-type: none"> All in-stream work will be conducted within the seasonal work window suggested by NOAA Fisheries, CDFG, and USEWS to minimize effects to the affected protected fish species which include Central Valley steelhead (<i>Oncorhynchus mykiss</i>), spring run Chinook salmon (<i>Oncorhynchus tshawytscha</i>), Sacramento splittail (<i>Pogonichthys macrolepidotus</i>), Delta smelt (<i>Hypomesus transpacificus</i>) and Green sturgeon (<i>Acipenser medirostris</i>). Standard construction Best Management Practices (BMPs) will be incorporated into construction designs, plans and specifications, and will be required of contractors during construction. BMPs will be designed based on the City of Sacramento's NPDES permit standards. BMPs will include measures to reduce erosion and sedimentation (silt curtains, temporary bank stabilization, etc) which contributes to turbidity and other water quality impacts that affect fish species. The project design shall avoid changing connectivity between the pond and either Bannon Slough or the American River. If changes to connectivity are desired or unavoidable, consultation shall be initiated with the CDFG, NOAA Fisheries, and USEWS to ensure that measures are included in the design so the changes in connectivity have a net beneficial effect on protected fish species. 	<p>Hire biologist consult with resource agencies regarding protections of fish species.</p> <p>Include best management practices in construction plans and contracts.</p>	<p>City in coordination with SAICA</p>	<p>Prior to start of construction.</p> <p>City of Sacramento, Department of Parks and Recreation</p>

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action(s)	Monitoring Party		
BIOLOGY - TREES	<p>MITIGATION MEASURE IV, a 8: Heritage and Street Tree Resources</p> <p>1. Prior to start of construction, the City of Sacramento and SAFCFA shall coordinate with the City Arborist as part of the development of final construction drawings for methods to <i>avoid</i> heritage trees through redesign if feasible.</p> <p>2. If avoidance of heritage trees is not feasible, the City and SAFCFA shall submit and comply with a tree replacement mitigation plan developed in consultation with the City Arborist and any other conditions related to compliance with the Heritage Tree Ordinance and related Tree Removal Permit.</p> <p>3. During construction the City and SAFCFA shall follow the procedures necessary to protect existing trees. All work near the trees shall be coordinated with the City Arborist, Department of Transportation Urban Forest Section, phone number (916) 808-6345. The Contractor shall comply with direction as given by the City Arborist and the following requirements for those trees protected by the City of Sacramento Tree Preservation Ordinance and not shown for removal on construction plans:</p> <p>a. A circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of each tree. Limbs must not be cut back in order to change the dripline. The area beneath the dripline is a critical portion of the root zone and defines the minimum protected area of each tree. Removing limbs that make up the dripline does not change the protected area.</p> <p>b. Protective fencing shall be installed at the driplines of the protected trees prior to the start of any construction work (including grading or placement of vehicles on site) in order to avoid damage to the trees and their root systems. This fencing may be installed around the outermost dripline of clusters of trees proposed for protection, rather than individual trees. Fencing shall be shown all project plans.</p> <p>c. No vehicles, construction equipment, mobile home office, supplies, materials or facilities shall be driven, parked, stockpiled or located within</p>	<p>Prior to construction, City and Arborist shall review proposed grading and restoration plans, and identify any trees for removal and those which must be protected</p> <p>Any trees removed must be mitigated in accordance with a Tree Mitigation Plan to be approved by the City Arborist.</p> <p>Prior and during construction all tree preservation standards including fencing shall be implemented</p>	<p>City in coordination with SAFCFA</p>	<p>Prior to start of construction.</p>	<p>City of Sacramento, Department of Parks and Recreation</p>

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN				
Impact	Mitigation Measure	Action (s)	Implementing Party	Monitoring Party
	<p>the driplines of protected trees. A luminated sign indicating such shall be attached to fencing surrounding trees on-site.</p> <p>d. No grading (grade cuts or fills) shall be allowed within the driplines of protected trees.</p> <p>e. Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of any protected tree.</p> <p>f. No trenching shall be allowed within the driplines of protected trees. If it is absolutely necessary to install underground utilities within the dripline of a protected tree, the utility line shall be bored and jacked under the supervision of a certified arborist.</p> <p>g. The construction of impervious surfaces within the driplines of protected trees shall be stringently minimized. When it is absolutely necessary, a piped aeration system shall be installed under the supervision of a certified arborist. Whenever possible, pervious concrete shall be used as an alternative to traditional concrete, when it is required under tree driplines.</p> <p>h. No sprinkler or irrigation system shall be installed in such a manner that sprays water or requires trenching within the driplines of protected trees. An above ground drip irrigation system is recommended.</p> <p>i. Landscaping beneath protected trees may include non-plant materials such as bark mulch or wood chips. The only plant species that shall be planted within the driplines of protected trees are those that are tolerant of the natural environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the under-story plants.</p> <p>j. Any protected trees on the site, which require pruning, shall be pruned by a certified arborist prior to the start of construction work. All pruning shall be in accordance with the American National Standards Institute (ANSI) A300 pruning standards and the International Society of Arboriculture (ISA) "Tree Pruning Guidelines." Approval shall be obtained from the City Arborist prior to any tree pruning.</p> <p>k. No signs, ropes, cables (except those which may be installed by a</p>			

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN				
Impact	Mitigation Measure	Action (s)	Implementing Party	Monitoring Party
	<p>certified arborist to provide limb support) or any other items shall be attached to the protected trees.</p> <p>l. If during construction grading, tree roots two inches (2") in diameter or greater are encountered, work shall stop immediately and the City Arborist shall be contacted for a root inspection, and the root shall not be cut unless the arborist approves. Roots approved by the arborist to be severed during the course of project construction shall be neatly trimmed. If a large number of roots require cutting, the tree will then have to be evaluated by the arborist for possible removal.</p> <p>m. The Contractor shall be responsible for damages to trees. Trees damaged by the Contractor during construction activities shall be assessed by the City Arborist using the International Society of Arborists (ISA) appraisal guide. The Contractor's responsibility for damaged trees will be determined by the City Arborist.</p>			

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN					
Impact	Mitigation Measure	Action (s)	Implementing Party	Monitoring Party	
CULTURAL RESOURCES SUBSURFACE FEATURES	<p>MITIGATION MEASURE V a 1: Impacts to Subsurface Historic or Cultural Features</p> <p>1. Prior to start of construction, the lead agency (City or SAFC) for site restoration shall retain a qualified archeological consultant to prepare and undertake an archeological survey or sensitivity assessment for the north and western portion of the property between the pond and the north and western property lines. If it is determined that there is a potential for encountering subsurface cultural resources, an archeological testing plan for prehistoric and historic archeological resources shall be prepared by a qualified archaeologist. The testing plan shall identify the types of expected archeological resources that potentially could be impacted by the construction, the locations recommended for testing and the testing methods. If testing indicates significant deposits, then a protection and/or recovery program shall be developed. Based on the survey and the testing plan, the methods for archeological monitoring shall be established.</p> <p>2. The lead agency (City or SAFC) for site restoration shall retain a qualified archeological monitor on-site during site excavation activities. Such archeological monitor shall be authorized to stop work and investigate any subsurface historic or cultural materials uncovered. In the event historic cultural materials are determined by the archeological monitor to be significant, work shall cease within 100 feet of the feature discovered until consultation with a qualified archaeologist and a Native American Heritage Commission (NAHC) representative. If necessary, further mitigation measures may be developed and implemented by the qualified archaeologist and NAHC representative.</p> <p>3. Construction contracts shall provide for immediate cessation of work within the vicinity of finding human bone of unknown origin and immediate contact of County Coroner, the Coroner will notify the NAHC if the remains are determined to be Native American and NAHC will notify the person it believes to be the most likely descendant who will work with the contractor to develop a program for re-entombment of the human remains and any associated artifacts. No additional work is to take place in the immediate vicinity of the find until the appropriate actions have been carried out.</p>	<p>Hire qualified archeologist to conduct sensitivity assessment and testing plan.</p> <p>Archeologist shall be retained to monitor during site activities.</p> <p>Instruct contractors on historic and cultural indicators, in case of discovery, cease work and retain qualified archeologist or in the case of discovery of cultural materials or human remains, the Coroner shall be contacted.</p>	<p>City in coordination with SAFC</p>	<p>Prior to start of construction.</p>	<p>City of Sacramento, Department of Parks and Recreation</p>

URRUTIA ACQUISITION AND RESTORATION PLAN MITIGATION MONITORING PLAN				
Impact	Mitigation Measure	Action(s)	Implementing Party	Monitoring Party
	<p>4. If human burials are encountered, all work in the area shall stop immediately and the County Coroner's office shall be notified immediately. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited (CEQA Section 15064.5). Health and Safety Code Section 70860.5, Public Resources Code Section 5097.94 and 5097.98. The NAHC will notify the person it believes to be the most likely descendant who will work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place in the immediate vicinity of the find until the appropriate actions have been carried out.</p>			

EXHIBIT C: PUBLIC COMMENTS RECEIVED ON THE MITIGATED NEGATIVE
DECLARATION

STATE OF CALIFORNIA, RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR



DEPARTMENT OF CONSERVATION

OFFICE OF MINE RECLAMATION

801 K STREET • MS 09-06 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 323-9198 • FAX 916 / 445-6066 • TODD 916 / 324-2555 • WEBSITE conservation.ca.gov

July 1, 2008

Shelly Amrhein
City of Sacramento, Development Services Department
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

Dear Ms. Amrhein:

**DRAFT MITIGATED NEGATIVE DECLARATION FOR THE URRUTIA SITE
(GARDENLAND SAND AND GRAVEL) RESTORATION AND ENHANCEMENT
PROJECT, CA MINE ID# 91-34-0019**

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the draft mitigated negative declaration (DMND) for the Urrutia Site Restoration and Enhancement Project. The site was formerly known as the Gardenland Sand and Gravel Mine, State Mine ID #91-34-0019. The proposed project is the public acquisition and restoration of the Urrutia Site. The City of Sacramento is the lead agency and the Sacramento Area Flood Control Agency (SAFCA) will be the agency responsible for restoration and enhancement of the 123-acre site once it is in public ownership.

The Urrutia family operated Gardenland Sand and Gravel on the site since 1966 under a Special Permit issued by the City. Mining has created a steep-sided pit covering 60 to 70 acres. The site is currently used for sorting, distribution, and recycling of earth and construction debris brought to the site. A letter from our office to the City dated September 15, 2005 pointed out the fact that this mine has never had an approved reclamation plan and has been operating out of compliance with SMARA for many years.

The project description included in the DMND includes a statement that the site will be reclaimed pursuant to SMARA. The Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code section 2710 et seq.) and the State Mining and Geology Board Regulations (California Code of Regulations (CCR) Title 14, Division 2, Chapter 8, Subchapter 1) require that specific items be addressed or included in reclamation plans. OMR recommends that a reclamation plan be developed for the site and submitted to our office for a 30-day review. Mitigation measures developed under CEQA should be incorporated into the reclamation plan.

*The Department of Conservation's mission is to protect Californians and their environment by:
Protecting lives and property from earthquakes and landslides; Ensuring safe mining and oil and gas drilling;
Conserving California's farmland; and Saving energy and resources through recycling.*

Shelly Amrhein
July 1, 2008
Page 2

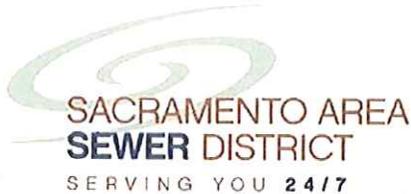
OMR has no specific comments on the draft mitigated negative declaration at this time.

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 323-8565.

Sincerely,



James S. Pompy, Manager
Reclamation Unit



July 16, 2008
E225.000

Shelly Amrhein
City of Sacramento
Development Services Department
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

**Subject: Notice of Availability/Intent to Approve – Draft
Mitigated Negative Declaration for Urrutia Site
Restoration and Enhancement Project**

Board of Directors
Representing:

County of Sacramento
City of Citrus Heights
City of Elk Grove
City of Folsom
City of Rancho Cordova
City of Sacramento

Dear Ms. Amrhein:

Sacramento Area Sewer District (District, formerly CSD-1) has reviewed the Notice of Availability/Intent to Approve a Draft Mitigated Negative Declaration for the subject project.

The proposed project is the public acquisition and Restoration of the Urrutia Site, located approximately one mile upstream of the confluence of the American and Sacramento Rivers.

The subject project will not significantly impact District or Sacramento Regional County Sanitation District (SRCSD) facilities. Additional comments are not needed at this time.

If you have any questions regarding these comments, please call Amandeep Singh at 876-6296 or myself at 876-6094.

Mary K. Snyder
District Engineer

Christoph Dobson
Collection System Manager

Wendell H. Kido
District Manager

Marcia Maurer
Chief Financial Officer

Sincerely,

Salam Khan, P.E.
Sacramento Area Sewer District
Development Services

10545 Armstrong Avenue
Mather, California 95655
Tel 916.876.6000
Fax 916.876.6160
www.sacsewer.com

SK/CJ:clm

cc: File

Amrhein071608.ltr



SAVE THE AMERICAN RIVER ASSOCIATION, INC.

P.O. BOX 277638 - SACRAMENTO, CA 95827-7638 - (916) 387-1763

July 28, 2008

Shelley Amrhein, Associate Planner
City of Sacramento, Development Services Department
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811

Dear Ms. Amrhein:

The Save the American River Association (SARA) has received the Draft Mitigated Negative Declaration for the Urrutia Site Restoration and Enhancement Project (MND). Members of the SARA Board have reviewed the draft MND and these are our comments.

SARA enthusiastically supports acquisition of the Urrutia property for addition to the American River Parkway. The Urrutia property would make a large contribution to the Parkway. SARA is concerned, however, about the final ownership of the Urrutia property. On p. 12 of the MND, it states "it is the intent of the City of Sacramento to purchase the property for open space as part of the American Parkway. The property may then be transferred to the County of Sacramento who administers the American River Parkway.

The County of Sacramento owns most of the land in the American River Parkway. Also, the Sacramento County Parks Department has, for many years, been an excellent steward and administrator of the Parkway. SARA believes and recommends that the ownership of the Urrutia property ultimately be transferred to the County of Sacramento so that it can be incorporated into the American River Parkway.

SARA requests that be it provided with a copy of the approved Mitigation, Monitoring and Reporting Program applicable to the subject Mitigated Negative Declaration.

Frank F. Cirill, SARA President Emeritus will be the contact person for the Urrutia Site Restoration and Enhancement Project. His address and phone number is:
Frank F. Cirill - 5515 State Avenue - Sacramento, CA 95819. - 916-455-2880

Thank you for the opportunity to review the subject environmental document.

Sincerely,

Warren Truitt,
President SARA

Frank F. Cirill
President Emeritus, SARA

CC: Sacramento Area Flood Control Agency
Attn: Tim Washburn, Agency Counsel

SARA Board of Directors