

**CR-4.** Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the City of Sacramento, Environmental Planning Services shall be immediately notified at (916) 808-5935.

At that time, the City of Sacramento will coordinate any necessary investigation of the find with appropriate specialists as needed. The project applicant shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.97 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

**CR-5.** Design interpretive uses so that locational data of sensitive cultural resources is not disclosed to the general public. If locational data of cultural resources is crucial to an interpretive use than the following shall apply:

- A. Limit accessibility to envisioned cultural interpretive uses by requiring docent led tours or restricting access through fencing or elevated wooden walkways.
- B. Consult with qualified cultural resources staff, local Native Americans, and historical societies during the design phases in order to create interpretive uses that are appropriate for specific cultural resources sites.

#### Finding

Implementation of these mitigation measures will avoid the potentially significant impacts associated with cultural resources. Thus, the City Council finds that implementation of these mitigation measures will reduce these impacts to less than significant levels.

## VI. ALTERNATIVES

The Final EIR considered three possible alternatives to the proposed Plan. The alternatives are as follows:

- Avoid Sensitive Habitat
- Reduce Grassland Loss
- No Plan Alternative

### **Alternative 1 - Avoid Sensitive Habitat**

Under Alternative 1, all Developed Recreation and Limited Recreation designations are a minimum of 200 feet from the bank of the American River. Similarly, all proposed

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**EXHIBIT B**

**MITIGATION MONITORING PLAN**

**FOR:**  
AMERICAN RIVER PARKWAY PLAN 2006

**PREPARED BY:**  
CITY OF SACRAMENTO  
DEPARTMENT OF PARKS AND RECREATION

**TYPE OF ENVIRONMENTAL DOCUMENT:**  
ENVIRONMENTAL IMPACT REPORT

**DATE:**  
NOVEMBER 6, 2008

**ADOPTED BY:**  
CITY OF SACRAMENTO, CITY COUNCIL

## AMERICAN RIVER PARKWAY PLAN 2006 MITIGATION MONITORING PLAN

This Mitigation Monitoring Plan (MMP) has been required by and prepared for the City of Sacramento Department of Parks and Recreation, 915 I Street, 5<sup>th</sup> Floor, Sacramento, CA 95814, pursuant to CEQA Guidelines Section 21081.6.

### SECTION 1: PROJECT IDENTIFICATION

**Project Name/File Number:** American River Parkway Plan 2006/  
(M03-002)

**Assessor's Parcel Numbers:** Multiple

**Project Location:**

The American River Parkway is a multi-jurisdictional open space greenbelt, extending along an approximately 29-mile long section of the American River, from the American River's confluence with the Sacramento River to Folsom Dam. Council Districts 1, 2, 3, and 6.

**Project Description:**

The American River Parkway Plan 2006 (Plan) has been updated to incorporate new technical and scientific elements of natural resources management, to make minor land use and programming changes, and to address newly proposed recreation and interpretive interests. The City recognizes the American River Parkway (Parkway) as an exceptionally important resource and feature of our region. City staff from the Parks and Recreation Department and the Planning Department has actively participated for the past six years as partners with the County, other local agencies, and many community stakeholders to develop a plan that is a much needed update to the 1985 Plan

**Environmental Determination:** Environmental Impact Report

## SECTION 2: GENERAL INFORMATION

### **PURPOSE AND PROCEDURES**

Pursuant to Section 21081.6 of the Public Resources Code, a Mitigation Monitoring Plan has been established for the project entitled American River Parkway Plan 2006.

### **PURPOSE**

The purpose of this program is to assure diligent and good faith compliance with the Mitigation Measures which have been recommended in the environmental document, and adopted as part of the project or made conditions of project approval, in order to avoid or mitigate potentially significant effects on the environment.

### **NOTIFICATION AND COMPLIANCE**

It shall be the responsibility of a project developer to provide written notification to the City of Sacramento in a timely manner, of the completion of each Mitigation Measure as identified on the following pages. The City of Sacramento, Development Services, Environmental Planning Services will verify that the project is in compliance. Any non-compliance will be reported to the Project Developer, and it shall be the Project Developer's responsibility to rectify the situation by bringing the project into compliance and re-notifying Environmental Planning Services.

### **STANDARD PROVISIONS**

The Project Developer shall submit one copy of all Project Plans and Construction Specifications and/or revisions to the Environmental Planning Services prior to board approval to advertise Plans and Specifications. If Environmental Planning Services determines that the Plans are not in full compliance with the adopted MMRP, the Plans shall be returned to the Project Developer with a letter specifying the items of non-compliance, and instructing the applicant to revise the Plans, and then resubmit one copy of the revised Plans to Environmental Planning Services prior to board approval to advertise.

Additionally, the Project Developer shall notify Environmental Planning Services **no later than 48 hours** prior to the start of construction and no later than 24 hours after its completion. The applicant shall notify the Environmental Planning Services no later than 48 hours prior to any/all Final Inspection(s) by the City of Sacramento.

The Project Developer shall notify the Environmental Planning Services of any pre-construction meetings. Upon notification, a determination will be made as to whether or not Environmental Planning Services will need to attend the meeting.

### **MITIGATION MEASURE BR-1**

Prior to approval of grading plans or issuance of building permits, all development projects within the Discovery Park and Cal Expo Area Plans must provide documentation that there are no wetlands present within the construction area (including staging areas and similar). A person qualified to perform wetland delineations (in accordance with the most recent United States Army Corps of Engineers delineation manual) shall inspect the construction area, determine if wetlands are present, and provide written documentation of the findings. This need not include a formal wetland delineation if the site investigator determines a finding of negative presence can be made without the delineation. If wetlands are not present, no further action is required. If wetlands are present, Mitigation Measure BR-2 shall apply.

#### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Prior to start of construction in the Discovery Park and Cal Expo Area Plans, submit either documentation that wetlands are not present or a jurisdictional wetland delineation verified by the U.S. Corps of Engineers to the Environmental Planning Services. Include the name, address and phone number of the qualified professionals that prepared the wetland delineation.

#### **Verification (Action by the Environmental Planning Services):**

1. Review the submitted documentation for compliance.

#### **Comments:**

#### **Completion of Mitigation Verified:**

## **MITIGATION MEASURE BR-2**

All projects that have identified wetlands within the construction area (which includes staging areas and similar) shall adhere to one or a combination of the following, to the satisfaction of the Environmental Planning Services (unless the wetland is habitat for vernal pool branchiopods, in which case Mitigation Measure BR-21 shall apply):

1. *Total avoidance: The project is designed to achieve total wetland avoidance, which requires that the construction footprint shall be no closer than 50 feet to any wetland.* Orange temporary construction fencing shall be installed to delineate this buffer area. If total avoidance is achieved, no further action is required.
2. *Partial avoidance: The project is designed to avoid encroaching within the delineated wetland boundaries, but is within 50 feet of the wetland boundaries.* In such a case, orange temporary construction fencing shall be installed at the limits of construction. Regardless of the construction season, this shall be supplemented by straw wattles (or similar) and silt fencing. If the edge of the facility is closer than 50 feet to the wetland margin, informational signage shall be installed next to the facility to inform Parkway users that a sensitive wetland habitat is located nearby and that off-trail activities could result in serious harm to this resource. Any new parking lot in the buffer area shall be designed so that runoff from the surface of the lot shall be directed away from the wetland. Fencing shall also be placed around the boundary of the facility on all sides where a wetland is within 50 feet. The fencing shall be of open style, to allow the passage of wildlife (e.g. vertical pipe fencing).
3. *Compensation: Compensation may be either through restoration or creation of wetlands, with priority being placed on the restoration option, and shall take place within the Parkway.*
  - a. *Restoration: Restoration may include either enhancing an existing degraded wetland area (rehabilitation) or returning function to an historic wetland area that is no longer functioning (re-establishment).* As the former type of restoration does not result in net-gain of wetland habitat, this type of restoration shall only be permissible when mitigating for loss of a wetland that is also degraded or otherwise low-quality (according to a qualified biologist). High-quality wetlands must be mitigated through either the re-establishment restoration method or through creation (see item b, below). Mitigation may take place at multiple locations if multiple wetlands are impacted, but the total size of each restoration area shall be at least the same size as the wetland impacted. Any vegetation planted as part of the restoration activities shall be locally native plants chosen from the Army Corps list of wetland plants that is current at the time of project approval. In the case of re-establishment, mitigation is required at a minimum 1:1 ratio. In the case of rehabilitation, mitigation is required at a minimum 2:1 ratio.

- b. *Creation*: An equivalent amount of in-kind wetland habitat removed shall be created within the Parkway. Creation shall be in accordance with the Army Corps guidelines that are current at the time of project approval.

**Implementation and Notification (Action by Project Developer):**

1. Include the above measure verbatim as a Construction Note and incorporate it as necessary into any/all Preliminary Grading Plans, Improvement Plans and Building/Development Plans which are submitted to the Environmental Planning Services for projects subject to this measure, and any/all revisions to those Plans which are subsequently submitted.
2. Prior to construction within 50 feet of the on-site wetlands, submit to the Environmental Planning Services a copy of any/all permit(s) from the USACOE and written evidence of compliance.
3. Notify the Environmental Planning Services no later than 48 hours prior to the start of each phase of construction work (including clearing and grubbing) and no later than 24 hours after its completion.
4. Comply fully with the above measure.
5. Notify the Environmental Planning Services no later than 48 hours prior to any/all Final Inspection(s).

**Verification (Action by the Environmental Planning Services):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Review the required jurisdictional wetland delineation, and consult with the professional contacts as necessary to determine compliance.
3. Review any/all applicable permits from the USACOE and written evidence.
4. Monitor compliance during periodic site inspections of the construction work.
5. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

### **MITIGATION MEASURE BR-6**

This Measure applies to the expanded Developed Recreation area in the Woodlake Area Plan (the "Woodlake Gateway"). No more than 10% of the native trees of 19" dbh or greater in this location may be removed, and no more than 5 acres of riparian habitat area may be removed. Mitigation Measure BR-9 applies to any removal of riparian habitat, and Mitigation Measure BR-12 shall apply to all native trees that will not be removed.

#### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for projects in the Woodlake Gateway area, and submit one copy to the Urban Forest Services for review and approval prior to the start of any construction work (including clearing and grubbing).

#### **Verification (Action by the Urban Forest Services):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

#### **Comments:**

#### **Completion of Mitigation Verified:**

## **MITIGATION MEASURE BR-9**

To mitigate riparian woodland and scrub habitat removal, an equivalent amount of habitat removed shall be restored elsewhere in the American River Parkway. Mitigation may also be achieved by invasive plant removal activities in a riparian area, but in this case the invasive plant removal area must be twice the size of the area impacted by the project. Preference shall be given to complying with this mitigation by passive restoration activities consisting of blocking off and restoring unauthorized/undesignated roads or trails within the Parkway (if the roads are within riparian habitat). Signs shall be placed at all access points to these roads and trails indicating that restoration is in progress and entry is prohibited (or similar message). This passive restoration area will take longer to replace the lost habitat, and therefore must be twice the size of the area impacted.

For active restoration mitigation, revegetation shall consist of locally native riparian plant and tree species. To ensure species diversity, a single species shall not comprise more than 50% of the total number of trees planted. Restoration activities shall commence prior to or concurrent with removal of riparian habitat and shall be monitored for three years from the date of planting. The success criteria for plant survival shall be 80 percent throughout the monitoring period. If the survival rate falls below the success criteria during the monitoring period, in-kind replacement plantings are required. Any new plantings shall be monitored for a further three years. Prior to commencement of restoration activities, a planting plan shall be submitted to and approved by the Environmental Planning Services. The planting plan shall include plant species, planting locations, spacing, maintenance provisions, monitoring requirements, success criteria and plant replacement provisions should a plant die within the monitoring period.

### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Prior to start of construction submit the required Planting Plan to the Environmental Planning Services for review and approval.
3. Prior to the start of construction, submit evidence that planting has occurred.
4. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Planning Services for review and approval prior to the start of any construction work (including clearing and grubbing).

### **Verification (Action by the Environmental Planning Services):**

1. Review the Planting Plan and Project Plans prior to the start of construction. Approve Plans that are determined to be in compliance with all required mitigation.
2. Prior to start of construction, verify tree plantings have occurred.

3. Monitor compliance during periodic site inspections of the construction work.

4. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

## **MITIGATION MEASURE BR-10**

Mitigation shall be required for oak woodland canopy removed. The mitigation site shall be within the Parkway, shall be contiguous to an existing oak woodland area, and shall be equal in size to the canopy area removed. Oak trees shall be planted in this area. Tree plantings shall be varied from a 10-foot minimum to a 40-foot maximum, averaging 25 feet apart, in a mosaic pattern that mimics existing oak woodlands. A Replacement Oak Tree Planting Plan commensurate with the description in Mitigation Measure BR-13 shall be required, except that the monitoring period shall be seven years. Where removed oak trees are part of a riparian canopy area, instead of an oak woodland canopy area, mitigation for the oak trees shall be pursued through Mitigation Measure BR-9. Any individual oak tree that is standing alone, not part of any other canopy area, shall be treated as a fragment of riparian woodland if it is within a riparian scrub environment, and shall be treated as a fragment of oak woodland if within a grassland environment.

### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Prior to the start of construction, submit the required Replacement Oak Tree Planting Plan to the Urban Forest Services for review and approval.
3. Prior to the start of construction, submit evidence that tree planting has occurred or that a bond has been posted.
4. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Planning Services for review and approval prior to the start of any construction work (including clearing and grubbing).

### **Verification (Action by the Urban Forest Services):**

1. Review the Replacement Oak Tree Planting Plan and Project Plans prior to the start of construction. Approve Plans that are determined to be in compliance with all required mitigation.
2. Prior to start of construction, verify tree plantings have occurred.
3. Monitor compliance during periodic site inspections of the construction work.
4. Participate in any Final Inspection(s) as necessary.

### **Comments:**

### **Completion of Mitigation Verified:**

### **MITIGATION MEASURE BR-11**

In lieu of either BR-10 or BR-13, the oak tree(s) proposed for removal may be transplanted to an area outside the construction footprint. An ISA-certified arborist must concur that relocation of the tree(s) in question is feasible, and any transplantation shall be planned and conducted under the supervision of an ISA-certified arborist. The transplanted tree(s) shall be monitored for a period of three years. If during this time the tree(s) die, mitigation shall be required in accordance with Mitigation Measures BR-10 or BR-13.

#### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Prior to the start of construction, submit proposal for the relocation of the oak tree(s), prepared by an ISA-certified arborist, to the Urban Forest Services for review and approval.
3. Prior to the start of construction, submit evidence that the tree(s) have been relocated in accordance with the approved proposal.
4. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Planning Services for review and approval prior to the start of any construction work (including clearing and grubbing).

#### **Verification (Action by the Urban Forest Services):**

1. Review the relocation proposal prior to the start of construction. If appropriate, approve the proposal.
2. Prior to start of construction, verify that the tree(s) have been relocated in accordance with the approved proposal.
3. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
4. Monitor compliance during periodic site inspections of the construction work.
5. Participate in any Final Inspection(s) as necessary.

#### **Comments:**

#### **Completion of Mitigation Verified:**

## **MITIGATION MEASURE BR-12**

With the exception of the trees removed and compensated for through Mitigation Measures above, all native trees of 6 inches dbh or larger whose trunks or driplines are within 100 feet of construction activities shall be preserved and protected as follows:

- A. A circle with a radius measurement from the trunk of the protected 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.
- B. Chain link fencing or a similar protective barrier shall be installed one foot outside the driplines of the protected trees prior to initiation of project construction, in order to avoid damage to the trees and their root systems.
- C. No signs, ropes, cables (except cables which may be installed by a certified arborist to provide limb support) or any other items shall be attached to the protected tree.
- D. No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the dripline of the protected tree.
- E. Any soil disturbance (scraping, grading, trenching, and excavation) is to be avoided within the dripline of the protected trees, unless specific authorization has been granted by the Environmental Coordinator. Where this is necessary and approved by the Environmental Coordinator, an ISA Certified Arborist will provide specifications for this work, including methods for root pruning, backfill specifications and irrigation management guidelines. In no case shall the impact area be greater than 20% of the protected tree dripline.
- F. Before grading or excavation for footings, walls, or trenching within five feet outside the driplines of protected trees, root pruning shall be required at the limits of grading or excavation to cut roots cleanly to a depth of the excavation or 36 inches (whichever is less). Roots shall be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades or other approved root-pruning equipment under the supervision of an ISA Certified Arborist.
- G. All underground utilities and drain or irrigation lines shall be routed outside the driplines of protected trees. If lines must encroach upon the dripline, they should be tunneled or bored under the trees.
- H. If temporary haul or access roads must pass within the driplines of protected trees, a roadbed of six inches of mulch or gravel shall be

created to protect the soil. The roadbed shall be installed from outside of the dripline and while the soil is in a dry condition, if possible. The roadbed material shall be replenished as necessary to maintain a six-inch depth.

- I. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use. Any pesticides used on site must be tree-safe and not easily transported by water.
- J. Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of an oak tree.
- K. No sprinkler or irrigation system shall be installed in such a manner that it sprays water within the dripline of the protected tree.
- L. Tree pruning required for clearance during construction must be performed by an ISA Certified Arborist or Tree Worker.
- M. All portions of permanent fencing that will encroach into the dripline protection area of any protected tree shall be constructed using posts set no closer than 10 feet on center. Posts shall be spaced in such a manner as to maximize the separation between the tree trunks and the posts in order to reduce impacts to the trees.
- N. Trunk protection measures, per City of Sacramento standards, shall be used for all protected trees where development/construction activity, including installation of fencing, occurs within 10 feet of the trunk of a tree.
- O. Landscaping beneath protected oak trees may include non-plant materials such as boulders, decorative rock, wood chips, organic mulch, non-compacted decomposed granite, etc. Landscape materials shall be kept two (2) feet away from the base of the trunk. The only plant species which shall be planted within the dripline of protected oak trees are those which are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.

**Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Planning Services for review and approval prior to the start of any construction work (including clearing and grubbing).
3. Regarding the above mitigation measure items B, D, H, and I, submit written evidence to the Urban Forest Services from an ISA-

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certified arborist that indicates that the work has been properly completed as required. Provide the name, address and phone number of the certified arborist.

**Verification (Action by the Urban Forest Services):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

### **MITIGATION MEASURE BR-13**

Replacement Planting Plans shall adhere to this measure. The removal of native oak trees shall be compensated by planting native oak trees equivalent to the dbh inches lost, based on the ratios listed below, at locations that are authorized by the City of Sacramento.

Equivalent compensation based on the following ratio is required:

- one preserved native oak tree < 6 inches dbh on-site = 1 inch dbh
- one D-pot seedling (40 cubic inches or larger) = 1 inch dbh
- one 15-gallon tree = 1 inch dbh
- one 24-inch box tree = 2 inches dbh
- one 36-inch box tree = 3 inches dbh

Replacement tree planting shall be completed prior to the start of construction. Prior to the approval of Improvement Plans or building permits, a Replacement Oak Tree Planting Plan shall be prepared by a certified arborist or licensed landscape architect and shall be submitted to the City of Sacramento, Urban Forest Services for approval. The Replacement Oak Tree Planting Plan(s) shall include the following minimum elements:

1. Species, size and locations of all replacement plantings and < 6-inch dbh trees to be preserved
2. Method of irrigation
3. If planting in soils with a hardpan/duripan or claypan layer, include the Sacramento County Standard Tree Planting Detail L-1, including the 10-foot deep boring hole to provide for adequate drainage
4. Planting, irrigation, and maintenance schedules;
5. Identification of the maintenance entity and a written agreement with that entity to provide care and irrigation of the trees for a 3-year establishment period, and to replace any of the replacement oak trees which do not survive during that period.
6. Designation of 20 foot root zone radius and landscaping to occur within the radius of oak trees < 6-inches dbh to be preserved on-site.

No replacement tree shall be planted within 15 feet of the driplines of existing oak trees or landmark size trees that are retained on-site, or within 15 feet of a building foundation or swimming pool excavation. The minimum spacing for replacement oak

trees shall be 20 feet on-center. Examples of acceptable planting locations are publicly owned lands, common areas, and landscaped frontages (with adequate spacing). Generally unacceptable locations are utility easements (PUE, sewer, storm drains), under overhead utility lines, private yards of single family lots (including front yards), and roadway medians.

Oak trees <6 inches dbh to be retained on-site shall have at least a 20-foot radius suitable root zone. The suitable root zone shall not have impermeable surfaces, turf/lawn, dense plantings, soil compaction, drainage conditions that create ponding, utility easements, or other overstory tree(s) within 20 feet of the tree to be preserved. Trees to be retained shall be determined to be healthy and structurally sound for future growth, by an ISA-Certified Arborist subject to Environmental Planning Services approval.

If oak tree replacement plantings are demonstrated to the satisfaction of the Urban Forest Services to be infeasible for any or all trees removed, then compensation shall be made as determined by the Director of the Department of Transportation.

**Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Prior to the start of construction, submit the required Replacement Oak Tree Planting Plan to the Urban Forest Services for review and approval.
3. Prior to the start of construction, submit evidence that tree planting has occurred or that a bond has been posted.
4. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Planning Services for review and approval prior to the start of any construction work (including clearing and grubbing).

**Verification (Action by the Urban Forest Services):**

1. Review the Replacement Oak Tree Planting Plan and Project Plans prior to the start of construction. Approve Plans that are determined to be in compliance with all required mitigation.
2. Prior to building permits verify tree plantings or bond has been posted.
3. Monitor compliance during periodic site inspections of the construction work.
4. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

### **MITIGATION MEASURE BR-16**

The following shall be required for any construction activities within 300 feet of marsh or other wetland habitat that includes dense stands of bulrush, cattail, or blackberry bushes: In order to mitigate potential impacts to tricolored blackbird, two pre-construction surveys of the project impact area and areas of appropriate habitat within 300 feet of the site shall be performed by a qualified biologist. The surveys shall be done during the months of March and April (one each month) the year of project construction. If tricolored blackbirds are found nesting within the survey area, project construction shall be postponed until fledging of all nestlings (about July 15). If no active nests are found during the survey, submit a written report with date and the name of biologist to the Environmental Planning Services. Upon receiving the report, no further mitigation will be required. If construction is proposed outside the nesting season (the nesting season is March 1 – July 15), no pre-construction surveys would be required.

#### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Submit written evidence of compliance with the above Mitigation Measure to the Environmental Planning Services.

#### **Verification (Action by the Environmental Planning Services):**

1. Review the submitted written evidence of compliance.
2. Consult with the California Department of Fish and Game as necessary to determine compliance.
3. Monitor compliance during periodic site inspections of the construction work.
4. Participate in any Final Inspection(s) as necessary.

#### **Comments:**

#### **Completion of Mitigation Verified:**

### **MITIGATION MEASURE BR-17**

Any construction activity within 200 feet of the bank of the American River shall comply with the following: A focused survey for bank swallow nests shall occur between April 1 and July 1 and be conducted by a qualified biologist no less than 14 days and no more than 30 days before construction commences. If active nests are found, the applicant shall consult with the California Department of Fish and Game for appropriate avoidance measures. If no active nests are found during the focused survey, submit a written report with date and the name of biologist to the Environmental Planning Services. Upon receiving the report, no further mitigation will be required.

#### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Submit written evidence of compliance with the above Mitigation Measure to the Environmental Planning Services.

#### **Verification (Action by the Environmental Planning Services):**

1. Review the submitted written evidence of compliance.
2. Consult with the California Department of Fish and Game as necessary to determine compliance.
3. Monitor compliance during periodic site inspections of the construction work.
4. Participate in any Final Inspection(s) as necessary.

#### **Comments:**

#### **Completion of Mitigation Verified:**

### **MITIGATION MEASURE BR-18**

If construction occurs between March 1 and September 15, pre-construction nesting surveys for raptor nesting sites shall be conducted by a qualified raptor biologist. If any active nests are located both within the Parkway and within a quarter-mile of proposed heavy equipment operations or construction activities, the project proponent shall then consult with the California Department of Fish and Game to determine the appropriate course of action to reduce potential impacts upon nesting raptors and to determine under what circumstances equipment operation and construction activities can occur.

#### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Submit written evidence of compliance with the above Mitigation Measure to the Environmental Planning Services.

#### **Verification (Action by the Environmental Planning Services):**

1. Review the submitted written evidence of compliance.
2. Consult with the California Department of Fish and Game as necessary to determine compliance.
3. Monitor compliance during periodic site inspections of the construction work.
4. Participate in any Final Inspection(s) as necessary.

#### **Comments:**

#### **Completion of Mitigation Verified:**

**MITIGATION MEASURE BR-19**

For all migratory bird species not covered in the prior mitigation measures (including purple martin and western yellow-billed cuckoo), the following guidelines shall be followed:

- A. Trees slated for removal shall either be removed during the non-nesting season (September – January), or if removed during the nesting season (February – August) the trees that are to be removed shall be surveyed by a qualified biologist and will only be removed if no nesting birds are found.
  
- B. Pre-construction surveys of all potentially active nesting trees within 200 feet of the construction area shall be conducted by a qualified biologist no less than 14 days and no more than 30 days before construction commences. If active nests are found in the vicinity of the project site, non-disturbance buffers must be established and maintained based on species-specific protocols approved by the California Department of Fish and Game.

**Implementation and Notification (Action by Project Developer):**

- 1. Comply fully with the above measure.
  
- 2. Submit written evidence of compliance with the above Mitigation Measure to the Environmental Planning Services.

**Verification (Action by the Environmental Planning Services):**

- 1. Review the submitted written evidence of compliance.
  
- 2. Consult with the California Department of Fish and Game as necessary to determine compliance.
  
- 3. Monitor compliance during periodic site inspections of the construction work.
  
- 4. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

## **MITIGATION MEASURE BR-20**

The date, time, and location of any sighting of the American badger shall be reported to the California Department of Fish and Game. This mitigation shall be satisfied by either:

- A. An administrative policy (not a Parkway Policy) shall be adopted that requires all Parkway employees and volunteers to be notified about the above requirement, and to be given basic information about how to identify the species. A copy of the policy shall be provided to the Environmental Planning Services within 6 months of the adoption of the Parkway Plan.
- B. Some other measure suggested by the Parkway Manager to comply with the above that meets with the satisfaction of the Environmental Planning Services. This other measure must be implemented within 6 months of the adoption of the Parkway Plan.

### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure, and submit a copy of the policy (in the case of item A) or a proposal to comply with the measure (item B).

### **Verification (Action by the Environmental Planning Services):**

1. Review the submitted documentation for compliance with the measure, and approve the submitted proposal, as appropriate and necessary.

### **Comments:**

### **Completion of Mitigation Verified:**

## **MITIGATION MEASURE BR-21**

In all vernal pools, presence of listed vernal pool branchiopods shall be assumed unless determinate surveys that comply with Fish and Wildlife protocol conclude that the species is absent. In order to reduce impacts to listed vernal pool branchiopods the applicant shall comply with one of the following:

- A. *Avoid impacts to listed vernal pool branchiopods.* Establish buffers with fencing around the perimeter of branchiopod habitat to be preserved. Fencing shall be installed as far from the shrimp habitat as possible (to be determined by the Environmental Planning Services using US Fish and Wildlife Service guidelines). No project activity shall occur within fenced area(s) without prior approval by Environmental Planning Services staff.
- B. *Compensate for habitat removed (on-site).* An equivalent amount of vernal pool habitat removed shall be created within the Parkway. Creation shall be in accordance with Fish and Wildlife guidelines.
- C. *Compensate for habitat removed (off-site).* If compensation within the Parkway is demonstrated to the satisfaction of the Environmental Planning Services to be infeasible, off-site mitigation in accordance with Fish and Wildlife guidelines shall be permitted. An equivalent amount of vernal pool habitat removed shall be created, and in addition an equivalent amount shall be preserved.

### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it as necessary into any/all Preliminary Grading Plans, Improvement Plans and Building/Development Plans which are submitted to the Environmental Planning Services for this project, and any/all revisions to those Plans which are subsequently submitted.
3. Prior to the start of construction less than 250-feet from the on-site vernal pool habitat, submit special status species surveys (unless presence is being assumed) and jurisdictional wetland delineations verified by the U.S. Corps of Engineers to the Environmental Planning Services. Include the name, address and phone number of the qualified professionals that prepared the species survey and wetland delineation. Also submit to the Environmental Planning Services a copy of any/all permit(s) from the USACOE and written evidence of compliance.
4. Notify the Environmental Planning Services no later than 48 hours prior to the start of each phase of construction work (including clearing and grubbing) and no later than 24 hours after its completion.

5. Notify the Environmental Planning Services no later than 48 hours prior to any/all Final Inspection(s).

**Verification (Action by the Environmental Planning Services):**

1. Review the approved Plans pursuant to item #1 in the Standard Provisions section of this Mitigation Monitoring Plan.
2. Review any special status species surveys and jurisdictional wetland delineations, and consult with the professional contacts as necessary to determine compliance.
3. Review any/all applicable permits from the USACOE and written evidence of compliance.
4. Monitor compliance during periodic site inspections of the construction work.
5. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

## **MITIGATION MEASURE BR-22**

Any construction project within 100 feet of an elderberry plant with at least one stem of a one inch diameter shall adhere to the following measures, consistent with United States Fish and Wildlife Service guidelines:

- A. Unless a permit for removal is obtained from the Fish and Wildlife Service, temporary construction fencing and flagging shall be installed at least 100 feet outside the edge of the driplines of the elderberry plants. In areas where encroachment on the 100-foot buffer has been approved by Fish and Wildlife, provide a minimum setback of at least 20 feet from the dripline of each elderberry plant and provide documentation of Fish and Wildlife approval of the reduced setback. Contractors and work crews shall be briefed on the need to avoid damaging the elderberry plants, the status of the beetle, and the possible penalties for non-compliance with these requirements. Signs shall be erected 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.
- B. Prior to construction within the 100-foot buffer area (or lesser buffer, as approved by Fish and Wildlife) established around the elderberry plants implement one of the following methods (or a combination of the following two methods) to reduce impacts to the Valley Elderberry Longhorn Beetle to a less than significant level:
  - a. Elderberry plants with one or more stems measuring 1.0 inch or greater in diameter at ground level shall be transplanted to a conservation area approved by Fish and Wildlife. The Project Developer shall consult with Fish and Wildlife on all transplantation activities and obtain all applicable permits.
  - b. The Project Developer shall compensate for the loss of elderberry plants on the site to the satisfaction of Fish and Wildlife and shall obtain any/all applicable permit(s) from the U.S. Army Corps of Engineers and Fish and Wildlife.

### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Submit written evidence of compliance with the above Mitigation Measure to the Environmental Planning Services.

### **Verification (Action by the Environmental Planning Services):**

1. Review the submitted written evidence of compliance.
2. Consult with the United States Fish and Wildlife Service as necessary to determine compliance.
3. Monitor compliance during periodic site inspections of the construction work.
4. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

### **MITIGATION MEASURE BR-23**

To avoid potential taking of northwestern pond turtle, for all construction projects involving work in or within 300 feet of a linear waterway (creek, slough, etc), a qualified biologist shall inform all construction personnel that turtles may occur in the area. A description of their natural history and identifying characteristics shall also be provided. The foreperson(s) shall be further instructed of the proper techniques for handling and relocating turtles if relocation is required. The biologist shall distribute reporting forms to all foreperson(s) to document observances or the relocation of any turtles.

If a turtle of any species enters an active construction area, or is in imminent danger, the foreperson shall carefully remove the turtle to a point at least 300 feet upstream of the project limits within the leveed floodway. Upon relocation the foreperson shall immediately notify the Environmental Planning Services of the action taken and provide a completed reporting form within 48 hours of the relocation. Turtles found outside the active or proposed construction areas shall be left unharrassed, uninjured and alive. All observances of turtles within the construction limits shall be immediately reported via telephone to the Environmental Planning Services (808-5935) and subsequently documented on a reporting form.

#### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Submit written evidence of compliance with the above Mitigation Measure to the Environmental Planning Services.

#### **Verification (Action by the Environmental Planning Services):**

1. Review the submitted written evidence of compliance.
2. Consult with the California Department of Fish and Game as necessary to determine compliance.
3. Monitor compliance during periodic site inspections of the construction work.
4. Participate in any Final Inspection(s) as necessary.

#### **Comments:**

#### **Completion of Mitigation Verified:**

## **MITIGATION MEASURE BR-24**

In order to avoid impacts to the steelhead, chinook salmon and Sacramento splittail, the following measures must be implemented for all work within the Ordinary High Water Mark of the American River:

- A. In-channel construction and riparian revegetation work on the main channel of the American River during the peak migration period for all three species (November through May, or specific periods that are specified in permits issued for the project by the National Marine Fisheries Service, U.S. Fish and Wildlife Service and/or the California Department of Fish and Game) shall be prohibited.
- B. Erosion control measures that prevent soil and sediment from entering the river shall be installed, monitored for effectiveness and maintained throughout construction operations.
- C. Refueling of construction equipment and vehicles and storage of fuel shall not occur within the leveed floodway.
- D. Truck and concrete equipment wash-down shall not occur within the leveed floodway.
- E. Equipment and vehicles operated within the leveed floodway shall be checked and maintained daily to prevent leaks of fuels, lubricants or other fluids into the river.
- F. Litter and construction debris shall be removed from below the Ordinary High Water Mark daily, and disposed of at an appropriate site.
- G. Comply with water pollution protection provisions and conditions established by the Department of Fish and Game and all regulatory authorities with jurisdiction over the project.
- H. An erosion control and water quality protection plan shall be prepared and implemented that will be subject to the review and approval of the City Department of Utilities.

### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Submit written evidence of compliance with the above Mitigation Measure to the Environmental Planning Services.

### **Verification (Action by the Environmental Planning Services):**

1. Review the submitted written evidence of compliance.

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2. Consult with the California Department of Fish and Game or the United States Fish and Wildlife Service, as necessary to determine compliance.
3. Monitor compliance during periodic site inspections of the construction work.
4. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

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## **MITIGATION MEASURE BR-25**

Rare plant surveys will be required in any wetland, marsh, or stream habitats prior to any grading, grubbing, or excavation within 250 feet of the wetland margin. The rare plant surveyor shall have:

- A. experience as a botanical field investigator;
- B. taxonomic experience and a knowledge of plant ecology (the surveyor should have some college coursework in plant taxonomy and ecology, and be a biological professional), and
- C. familiarity with the local flora and potential rare plants in the habitats to be surveyed.

The surveys shall be conducted when the rare plants at the site will be easiest to identify (i.e. flowering stage), and when the plants reach that stage of maturity. A minimum of three site visits shall be required, during the plants' flowering period in order to determine absence. Each site visit must be no less than 7 days apart. Submit a written report to the Environmental Planning Services. The survey report should include a brief description of the vegetation, survey results, photographs, time spent surveying, date of surveys, a map showing the location of the survey route and any rare plant populations and copies of any rare plant occurrence forms. Notify Fish and Game and Fish and Wildlife if species are found, and apply for "take" authorization (state law section 2081 of the Fish and Game Code and federal Endangered Species Act) prior construction. Priority shall be given to transplanting individual plants to a different surface water in the Parkway, unless it can be demonstrated to the satisfaction of the Environmental Planning Services that transplantation is infeasible.

### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Prior to the start of construction, submit written evidence that rare plant survey has been performed to the Environmental Planning Services for review and approval.
3. If listed species are found provide written evidence of consultation with the California Department of Fish and Game and the United States Fish and Wildlife Service.

### **Verification (Action by the Environmental Planning Services):**

1. Review the rare plant survey report and project plans prior to the start of construction. Approve Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.

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3. Participate in any Final Inspection(s) as necessary.

Comments:

Completion of Mitigation Verified:

**MITIGATION MEASURE HY-1**

All new construction projects within the Parkway shall incorporate the design components within the latest version of the City of Sacramento's *The Administrative and Technical Procedures for Grading and Erosion and Sediment Control Plan*, even if a grading permit is not required for the project. No grading shall be permitted from October 1 – April 30, unless the grading is associated with an emergency project or it can be demonstrated to the Environmental Planning Services that there is an environmental benefit to wet-season construction.

**Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Department of Utilities for review and approval prior to the start of any construction work (including clearing and grubbing).

**Verification (Action by the Environmental Planning Services):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

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## **MITIGATION MEASURE HY-2**

All new construction or redevelopment of facilities within the Parkway shall incorporate the design components within the latest version of the City of Sacramento's *Manual for Stormwater Quality Design*, unless the City of Sacramento determines that the project does not have the potential to release post-construction pollutants (e.g. signage). This shall include all new roads and trails, which shall be designed to minimize transport of sediment from the road or trail surface into nearby water bodies.

### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Department of Utilities for review and approval prior to the start of any construction work (including clearing and grubbing).

### **Verification (Action by the Environmental Planning Services):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

### **Comments:**

### **Completion of Mitigation Verified:**

### **MITIGATION MEASURE AQ-1**

All projects shall comply with the following mitigation if active project grading in any one day falls within the acreage ranges below. This mitigation shall also apply if multiple projects occur in the Parkway within 0.25 miles of each other, and the aggregate total active grading for those projects fall within the acreage ranges below. This mitigation may be modified if current guidance from the Sacramento Metropolitan Air Quality Management District varies from the below.

- A. 5.1 – 8 acres: Water exposed soil twice daily and maintain two feet of freeboard space on haul trucks.
- B. 8.1 – 12 acres: Water exposed soil and soil piles three times daily and maintain two feet of freeboard space on haul trucks.
- C. 12.1 – 15 acres: Keep soil moist at all times, maintain two feet of freeboard space on haul trucks, and use emulsified diesel or diesel catalysts on applicable heavy duty diesel construction equipment.

#### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.

#### **Verification (Action by the Environmental Planning Services):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

#### **Comments:**

#### **Completion of Mitigation Verified:**

## **MITIGATION MEASURE AQ-2**

All future construction projects shall include an ozone precursor analysis. If the analysis results indicate that the project will generate ozone precursors that exceed the current Sacramento Metropolitan Air Quality Management District thresholds, this mitigation shall apply. This mitigation shall also apply if multiple projects occur in the Parkway within 0.25 miles of each other, and the aggregate total emissions for those projects exceed thresholds. This mitigation may be modified if current guidance from the Sacramento Metropolitan Air Quality Management District varies from the below.

*Category 1: Reducing NOx emissions from off-road diesel powered equipment* The project shall provide a plan, for approval by the lead agency and AQMD, 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 (acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.) compared to the most recent CARB fleet average at time of construction; and The project representative shall submit to the lead agency and AQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. 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 activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide AQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.

**and**

*Category 2: Controlling visible emissions from off-road diesel powered equipment* The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the lead agency and AQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The AQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supersede other AQMD or state rules or regulations.

**Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.

**Verification (Action by the Environmental Planning Services):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

### **MITIGATION MEASURE CR-1**

Retain all important cultural features in the design of all future Parkway projects, unless doing so is proven to be infeasible to the satisfaction of the Environmental Planning Services.

#### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Planning Services for review and approval prior to the start of any construction work (including clearing and grubbing).

#### **Verification (Action by the Environmental Planning Services):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

#### **Comments:**

#### **Completion of Mitigation Verified:**

## **MITIGATION MEASURE CR-2**

Prior to start of construction, all proposed facilities projects within the Parkway must provide documentation that there are no cultural resources present within the construction area (including staging areas and similar). A qualified cultural resources professional shall perform a preliminary analysis of the construction area, to determine the relative sensitivity of the construction area. This need not include a formal cultural resources survey if the cultural resources investigator determines a finding of negative presence can be made from previous surveys or otherwise. If cultural resources are considered not to be present, Mitigation Measure CR-4 will still apply. If additional work is required, Mitigation Measure CR-3 and CR-4 shall apply.

### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Planning Services for review and approval prior to the start of any construction work (including clearing and grubbing).

### **Verification (Action by the Environmental Planning Services):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

### **Comments:**

### **Completion of Mitigation Verified:**

### **MITIGATION MEASURE CR-3**

All projects that have been determined sensitive for known and/or unknown cultural resources within the construction area (which includes staging areas and similar) shall adhere to one or a combination of the following, to the satisfaction of the Environmental Planning Services:

- A. Conduct an archaeological/historical survey and assessment, by a qualified professional archaeologist, of the area of direct impact. If the project area includes known resources, then the survey will assess the condition of the resource.
- B. Based on this review and, as appropriate, a subsurface testing program will be developed and implemented to determine the significance of the resource.
- C. Following the field investigations, a technical report describing the evaluation shall be prepared to the satisfaction of the Environmental Planning Services.
- D. If based on the results of the field investigations the resource is not considered significant or important, no additional work would be required for that resource, and all construction related impacts would be considered less than significant.
- E. If based on the results of the field investigations resources were identified as being significant the following mitigation would apply:
  - a. Total Avoidance: Redesign the proposed project as to preserve and protect all significant cultural resources. This would reduce impacts to less than significant levels.
  - b. Or, if a redesign is determined infeasible by the Environmental Planning Services, then,
  - c. Data Recovery: After all design options have been exhausted that would result in the preservation of significant resources, institute a data recovery program to the satisfaction of the Environmental Planning Services. Impacts to the resource would remain significant.

#### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Planning Services for review and approval prior to the start of any construction work (including clearing and grubbing).

**Verification (Action by the Environmental Planning Services):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

#### **MITIGATION MEASURE CR-4**

Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the Environmental Planning Services shall be immediately notified at (916) 808-5935.

At that time, Environmental Planning Services will coordinate any necessary investigation of the find with appropriate specialists as needed. The Project Developer shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.97 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

#### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Planning Services for review and approval prior to the start of any construction work (including clearing and grubbing).

#### **Verification (Action by the Environmental Planning Services):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

#### **Comments:**

#### **Completion of Mitigation Verified:**

### **MITIGATION MEASURE CR-5**

Design interpretive uses so that locational data of sensitive cultural resources is not disclosed to the general public. If locational data of cultural resources is crucial to an interpretive use then the following shall apply:

- A. Limit accessibility to envisioned cultural interpretive uses by requiring docent led tours or restricting access through fencing or elevated wooden walkways.
- B. Consult with qualified cultural resources staff, local Native Americans, and historical societies during the design phases in order to create interpretive uses that are appropriate for specific cultural resources sites.

#### **Implementation and Notification (Action by Project Developer):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Planning Services for review and approval prior to the start of any construction work (including clearing and grubbing).

#### **Verification (Action by the Environmental Planning Services):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

#### **Comments:**

#### **Completion of Mitigation Verified:**

more intensive land uses and facilities are removed from sensitive habitats, or shifted to less-sensitive habitats. The details of Area Plan changes in Alternative 1 are as follows:

Woodlake Area Plan: A reduction in the size of the proposed Woodlake Gateway to maintain a river-front setback and to avoid the areas of most dense riparian canopy. A 200-foot wide stretch from the Ordinary High Water Mark would be designated as Protected Area. This still allows the boat launch, but it must comply with the car-top boat launch definition provided in the section describing details of policy changes, below.

Cal Expo Area Plan: Remove three proposed maintenance road sections, one near the proposed boat launch, another in the area of the proposed Limited Recreation area on the American River, and the last on the western side of Bushy Lake. Replace the proposed Limited Recreation area along the river with Protected Area, and designate the location as a restoration area. Restore all of the unauthorized trails in this location. Remove the proposed Limited Recreation area in the northwestern portion of the site and maintain the existing Nature Study Area designation. Realign one of the proposed maintenance roads so that it runs along the boundary of the temporary Cal Expo parking area. The boat launch is car-top.

SARA Park Area Plan: The proposed Developed Recreation designation would remain in the existing Protected Area designation.

Sunrise Bluffs Area Plan: Only the newly acquired property would be designated Protected Area. The rest of the Area Plan would be Open Space Preserve.

The details of policy changes in Alternative 1 are as follows:

Add a definition for car-top boat launches: Launching of motorized boats from this access is prohibited, and all boats must be hand-carried to the water down the designated trail. No impervious surfacing shall be used to create either the boat launch site or access pathway. Car-top boat launches shall be sited in areas where the natural conditions are supportive of hand-carried boat launching, so that access improvements are minimal.

Add a definition for boat ramp/trailer boat launches: All boats, both motorized and non-motorized, may be launched from this point. Pervious surfacing is permissible. Preference shall be given to situating boat ramps/trailer boat launches in areas where there is existing infrastructure to support the use without the need for extensive new roadways or access ways.

Under Alternative 1, the following Mitigation Measures would no longer apply: LU-1, LU-3, BR-3, BR-4, BR-5, BR-7, and BR-8.

### Finding

Many of the impacts which would be addressed by Alternative 1 are also avoided by mitigation measures adopted for the Plan. As for those impacts of the Plan that would be avoided by Alternative 1 but are not mitigated by mitigation measures adopted for the Plan, the City Council finds that the Plan as adopted is the product of a multi-year effort involving a multitude of stakeholders (including environmental groups) and chooses to support the consensus reached by the stakeholders given that Alternative 1 is not clearly preferable to the Plan.

### **Alternative 2 – Reduce Grassland Loss**

Grassland is the only habitat in the Parkway subject to net-loss of habitat as a result of the Plan. This alternative is intended to reduce that grassland loss within the Parkway, while still preserving the intent of the Plan. The most significant portion of grassland loss is within the Rossmoor Bar Area Plan, where a native plant arboretum is proposed. To reduce grassland loss while still providing the arboretum, this alternative suggests moving the Sacramento Valley Live Steamers (Live Steamers) facility to an off-Parkway location, acquiring a portion of Hagan Park, and redesignating a portion of the Developed Recreation area adjacent to the CSD-1 pump station to Limited Recreation. The property owner would need to agree to lease or sell a portion of this 40-acre parcel, and the Live Steamers would need to obtain permits from the City of Rancho Cordova.

The off-site alternative parcel is nearly seven times the size of the existing Live Steamers site. Depending on negotiations with the property owner, the ultimate configuration of the small railroad tracks could vary. The facility could be limited to the approximately 11-acre Folsom Road frontage that is devoid of trees, or could span a much larger area. The analysis assumes that any portion of the site may be used except for a 200-foot wide buffer along the American River. It is also assumed that the amount of track will not change – as reported on the group’s website, that amount is 6,300 feet.

Alternative 2 would provide approximately 26 acres of land for the arboretum, but would only involve the loss of approximately 5.7 acres of grassland instead of up to 51 acres. The Alternative would also shift the existing intensive recreation uses away from the riverfront and replace it with more diverse managed habitat that still preserves the recreational component.

### Finding

The grassland in this location is low-quality, as it is heavily invaded by yellow starthistle. A native plant arboretum and sensory garden proposed by the Plan would provide habitat, so Alternative 2 is not warranted. Furthermore, Alternative 2 would require the acquisition or leasing of property not under County ownership, some of which is in the City of Rancho Cordova, and the removal and relocation of a privately-owned facility (Sacramento Valley Live Steamers) that is not on County land. Live Steamers has expressed no desire to relocate, so this alternative is infeasible.

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## No Plan Alternative

The No Plan Alternative would leave the Parkway Plan in its existing condition. Overall, the No Plan Alternative would retain more land in more intensive land use designations than the Plan, approximately 265 acres of land within the Limited Recreation or Developed Recreation designations compared to the Plan. The existing designations in Discovery Park, Woodlake Area Plan, Watt Avenue Area Plan, and River Bend Area Plan are more intensive than those shown by the Plan. The existing designations in Cal Expo, SARA Park Area Plan, Rossmoor Bar Area Plan, and Sunrise Bluffs Area Plan are less intensive than those shown by the Plan.

### Finding

The No Plan Alternative does not meet the Plan objectives, to update the 23-year old Parkway Plan to reflect current interests and technical information. Furthermore, the No Plan Alternative is the least environmentally sensitive of the Plan or the alternatives, particularly with respect to biological resources impacts. For these reasons, the No Plan Alternative is rejected.

## VII. STATEMENT OF OVERRIDING CONSIDERATIONS

The environmental impact report identifies significant and unavoidable Plan impacts related to visual and aesthetic quality, specifically associated with the bridges in Discovery Park, the Developed Recreation Area in the Woodlake Area Plan, and some of the roadways and Limited Recreation areas in Cal Expo. Some of these impacts can be avoided or offset by mitigation measures adopted herein, but the Final EIR concludes that that bridges in Discovery Park and the Developed Recreation area in Woodlake Area Plan remain significant. At a project-level stage, specific mitigation related to facility design and location could be imposed, but not at this plan-level stage.

Despite these significant and unavoidable impacts, the City Council nevertheless chooses to approve the Plan. LU-2 involves the mitigation of a significant impact resulting from the proposed pedestrian bridge on the eastern side of Discovery Park which would physically disrupt and divide the Riverdale Mobile Home Park. This significant impact can be offset by mitigation to remove Policy 10.8.4 of the Parkway Plan and the associated proposed pedestrian bridge crossing. However, the Board of Supervisors agreed to reject this mitigation measure as infeasible and made a statement of overriding considerations to override the significant impact of the proposed pedestrian bridge. The Parkway Plan has existing policies that require acquisition of the mobile home park prior to the installation of the proposed bridge, and therefore resolves the issues of community displacement via adopted policy. The Woodlake Area Plan includes an expansion of the Developed Recreation designation, along with a boat launch. The Developed Recreation designation could allow a host of facilities, many of which would be visually intrusive. However, a car-top boat launch rather than a paved boat launch has been mapped based on input from all stakeholders including the Update Citizens Advisory Committee and the Plan Management Team, which reduces visual impacts.

Furthermore, Parkway Plan Policies 7.20 through 7.22 govern any structures which will be placed within the Parkway in order to limit visual intrusion. For the foregoing reasons, the City Council finds that the Plan's benefits override its environmental impacts.

The City Council hereby recognizes and adopts the Findings of Fact and Statement of Overriding Considerations for the Plan.

#### VIII. MITIGATION MONITORING PLAN

As required by Public Resources Code section 21081.6(a)(1), the City Council, in adopting these Findings, also adopts an Mitigation Monitoring Plan (MMP). The MMP is designed to ensure that, during Parkway Plan implementation, the City and any other responsible parties comply with the feasible mitigation measures identified.

**Attachment 5**

**RESOLUTION ADOPTING THE PARKWAY PLAN**

## RESOLUTION NO.

Adopted by the Sacramento City Council

### ADOPTING AND FORWARDING TO THE STATE LEGISLATURE FOR FINAL ADOPTION THE AMERICAN RIVER PARKWAY PLAN 2006 AND REPEALING RESOLUTION NO. 86-225 (M03-002)

#### BACKGROUND

- A. The City Council adopted the 1985 American River Parkway Plan as a Specific Plan of the Sacramento City General Plan on March 25, 1986 by Resolution No 86-225.
- B. The County of Sacramento and Cities of Sacramento and Rancho Cordova initiated an update of the American River Parkway Plan in the summer of 2003.
- C. Five tasks were completed including: 1) involving representation of Parkway stakeholders working collaboratively to develop advisory recommendations; 2) incorporating information from the River Corridor Management Plan, 3) conducting integrated area planning for the Cal Expo floodplain and areas west of Capitol City Freeway, 4) considering refining Parkway-wide policies, and 5) exploring funding options and making recommendations on how to grow and sustain Parkway funding.
- D. The Update Citizens Advisory Committee held 34 meetings over a two and one-half year period to provide consensus based recommendations for the American River Parkway Plan 2006 draft.
- E. The Project Management Team consisting of staff representatives of the County of Sacramento Parks and Planning Departments, the City of Sacramento Parks and Planning Departments, the City of Rancho Cordova Planning Department, the Cordova Park and Recreation District, the Sacramento Area Flood Control Agency (SAFCA), the Water Forum, and Cal Expo provided project management guidance to the process.
- F. The American River Parkway Plan 2006 incorporates Project Management Team recommended modifications to the Update Citizens Advisory Committee's recommended American River Parkway Plan 2006 draft to resolve inconsistencies and maintain jurisdictional consensus.
- G. On October 9, 2008, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to adopt the American River Parkway Plan 2006 and to repeal Resolution No. 86-225.

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H. On **November 6, 2008**, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(2)(a)(publication), and received and considered evidence concerning the American River Parkway Plan 2006.

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

- Section 1. The City Council adopts and forwards the American River Parkway Plan 2006 to the California State Legislature for final adoption.
- Section 2. Resolution No. 86-225 that adopted the 1985 American River Parkway Plan as a Specific Plan of the Sacramento City General Plan is repealed.