

MITIGATION MONITORING AND REPORTING PROGRAM

URBAN WATERFRONT ENHANCEMENT AND MASTER PLAN

Introduction

This document describes the mitigation monitoring and reporting program (MMRP) for ensuring the effective implementation of the mitigation measures required for City of Benicia approval of the Master Plan and Initial Study/Mitigated Negative Declaration that have been prepared for the Urban Waterfront Enhancement and Master Plan project (the Project).

City of Benicia

When a lead agency approves findings pursuant to §15074(d) upon adoption of a Mitigated Negative Declaration (MND) it is required to adopt a reporting and monitoring program. The purpose of the reporting and monitoring program is to ensure that measures adopted to mitigate or avoid significant environmental impacts are implemented. A mitigation monitoring and reporting program does not need to be included with the MND as at times the findings which trigger the program are made after considering the MND. Note that mitigation measures are enforced through permit conditions, agreements, or other measures. The reporting and monitoring program will not only direct the implementation of mitigation measures by the applicant, but also facilitate the monitoring, compliance and reporting activities of the City and any monitors it may designate.

Project Background

The proposed Project site is located on the southern shoreline of the City of Benicia along the Carquinez Strait between First Street and the Benicia Marina, south of B Street in an open space commonly referred to as “First Street Green.” The proposed Project is intended to improve and enhance the existing First Street Green, expand the current trail access and incorporate public amenities such as observation platforms, seating areas, public art, and interpretive signage. The proposed Project includes restoring wetlands along the water’s edge at the Project area’s southern boundary. The Project proposes the following enhancements commencing over four phases and 17 years: an entry plaza with seat walls and public art; an expanded and raised green; a secondary plaza with seating and public art; a perimeter trail around the green; a boardwalk, including guardrail, following the historic railroad alignment, with designated viewing platforms overlooking wetlands, salt marshes, and the Carquinez Strait; improved beach access; Bay Trail alignment; widened sidewalks; parking enhancements; stormwater rain gardens; interpretive signage; and a depot plaza.

The Initial Study for the Project found that the resulting actions would have potentially significant impacts in the areas of:

- Air Quality
- Biological Resources
- Cultural Resources
- Noise

In addition, no mitigation measures were identified for the following areas as all potential Project impacts were determined to be either no impact or less than significant:

- Aesthetics
- Agricultural and Forest Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Land Use Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Utilities and Service Systems
- Mandatory Findings of Significance

Roles and Responsibilities

As the lead agency under CEQA, the City of Benicia will be responsible for ensuring full compliance with the provisions of this monitoring program and has primary responsibility for implementation of the monitoring program. The City of Benicia has the authority to halt any activity associated with the construction and operation of the Project if the activity is determined to be a deviation from the approved project or the adopted mitigation measures. The City of Benicia will act as the mitigation monitor.

Mitigation Monitoring and Reporting Program

The table attached presents a compilation of the mitigation measures in the Mitigated Negative Declaration together with the required monitoring and reporting actions, effectiveness criteria, and timing.

Mitigation Monitoring Table

Impact	Mitigation Measure	Monitoring/ Reporting Action	Implementing Entity	Effectiveness Criteria	Timing
AIR QUALITY					
<p>AIR-1: Fugitive dust emissions (PM₁₀ and PM_{2.5}) may be considered to be significant unless the BAAQMD's Basic Control Measures for fugitive dust control are implemented during construction.</p>	<p>AIR-1: The Project contractor shall prepare a dust control plan prior to commencement of construction activities. Specification of the approved dust control measures shall be included in all construction documents and implemented during construction activities. The dust control plan shall include the following BAAQMD Basic Control Measures listed below.</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour (mph). Reclaimed water should be used whenever possible. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e. the minimum required space between the top of the load and the top of the trailer). Apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. • Sweep daily (with water sweepers using reclaimed water, if possible), or as often as 	<p>Review dust control plan for compliance with the BAAQMD Basic Control Measures and retain for administrative record</p>	<p>City of Benicia Community Development Department and Parks & Community Services Department supporting Engineering Division, Public Works Department</p>	<p>Conduct site inspection during construction practices to thwart air quality impacts</p>	<p>The dust control plan shall be submitted prior to commencement of construction activities.</p> <p>Monitoring for compliance shall continue throughout project construction</p>

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	<p>needed, all paved access roads, parking areas and staging areas at the construction site to control dust.</p> <ul style="list-style-type: none"> • Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the Project site, or as often as needed, to keep streets free of visible soil material. • Hydroseed or apply non-toxic soil stabilizers to inactive construction areas. • Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). • Limit vehicle traffic speeds on unpaved roads to 15 mph. • Vehicle idling times shall be minimized either by shutting equipment off when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). • All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator. • Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person 				

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	<p>shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p> <ul style="list-style-type: none"> • Replant vegetation in disturbed areas as quickly as possible. • Install sandbags or other erosion control measures to prevent silt runoff from public roadways. 				
BIOLOGICAL RESOURCES					
<p>BIO-1: Activities contemplated under the Master plan could adversely affect occurrences of special-status plant species if present in the marshland habitat on the site.</p>	<p>BIO-1: Protect Occurrences of Special-Status Plant Species. Supplemental surveys shall be conducted to confirm that no special-status plant species occur in areas of marshland and aquatic habitat where fills or vegetation management activities are proposed to occur in the future. The surveys shall be conducted by a qualified botanist consistent with the latest survey guidelines by the California Department of Fish and Wildlife (CDFW), and shall extend through the flowering period of special-status plant species suspected to possibly occur in the vicinity. The surveys shall continue to be valid for a period of three years from the date they were completed, but supplemental confirmation surveys may be required if more than this period of time passes before improvements are constructed in natural marshland habitat. In the event that confirmation</p>	<p>Coordinate with CDFW and USFWS for review and approval of all supplemental surveys and retain for administrative record</p>	<p>City of Benicia Community Development Department, Parks & Community Services Department and/or Public Works Department</p>	<p>A list of all supplemental surveys readily available to ensure that all required surveys are conducted and that they remain valid through all construction phases.</p>	<p>Prior to initiation of construction activities</p>

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	surveys identify any federally- or State-listed plant species that have become established on the site, all necessary permits and/or authorizations from the CDFW and U.S. Fish and Wildlife Service (USFWS) as required by federal and State law to for incidental take of those species shall be obtained. If any plant species that are not federally- or State-listed but maintained on the California Native Plant Society’s Lists 1B or 2 are found in the vicinity of proposed disturbance and cannot be avoided, a salvage/relocation plan shall be developed by a qualified biologist and approved by CDFW prior to initiation of construction and other improvements in marshland habitat.				
BIO 2: In the remote instance that special-status small mammal species are present in the project area, activities involved in implementing the proposed Project could result in harassment or	<p>BIO 2: Protect Special-Status Small Mammals.</p> <p>All construction and maintenance activities conducted in coastal salt marsh and adjacent uplands shall be performed in a manner to ensure avoidance of any salt marsh harvest mouse or Suisun shrew, in the remote instance that they are present. This shall include the following procedures to be followed:</p> <ul style="list-style-type: none"> ▪ All City staff, contractors and volunteers involved in construction and maintenance activities performed in areas of coastal salt marsh and adjacent uplands within 50 feet of marsh habitat shall be trained over the possible presence of salt marsh harvest mouse and Suisun shrew, and instructed on the 	<p>Establish training procedures.</p> <p>Review the prepared preconstruction survey to determine if the presence of a qualified biologist is necessary.</p>	<p>City of Benicia, Public Works Department, Parks & Community Services Department, and/or Community Development Department</p>	<p>A list shall be readily available of all City staff, contractors and volunteers involved in construction and maintenance with a status that the required training has been completed.</p> <p>A copy of the preconstruction survey will be</p>	<p>Prior to initiation of construction activities</p>

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loss of individuals.	<p>avoidance procedures to follow if any small mammals are encountered. This shall include training for staff and volunteers involved in routine maintenance such as mowing, weed whacking, invasive species removal and native revegetation, as well as contractors involved in placement of proposed wetland fills, wetland habitat creation, and construction of the proposed boardwalk, pathways, and landscaping within 50 feet of marsh habitat.</p> <ul style="list-style-type: none"> ▪ Prior to proposed fills, grading, or construction in the areas of coastal salt marsh, a preconstruction survey shall be performed by a qualified biologist within 48-hours of initiating grubbing or grading to confirm presence or absence of any small mammals. Where appropriate, the construction area shall be excluded from access by special-status small mammals through hand removal of existing vegetation, followed by installation of barrier fencing to keep small mammals out of the construction zone. Any hand removal of existing vegetation shall be monitored by the qualified biologist, and slash shall be disposed of in a developed area where it would not provide protective cover for small mammals of concern. ▪ In the instance that a small mammal is encountered within a construction zone, the 			readily available listing all required mitigation for the protection of small mammals.	

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	<p>qualified biologist shall be called out to determine species and whether CDFW and USFWS need to be notified. Salt marsh harvest mouse is a State and federally-endangered, Fully Protected species and as such may not be taken at any time unless permitted for scientific purposes.</p>				
<p>BIO 3: Construction in or near sensitive habitat areas could result in the inadvertent destruction or abandonment of nests in active use by protected bird species.</p>	<p>BIO 3: Protect Nesting Birds. To avoid the potential for disturbance of nesting birds associated with marsh habitat on or near the site, schedule any fills or other construction activities that encroach within 100 feet of coastal salt marsh habitat for the period of August 1 through February 28, as possible. If construction work cannot be scheduled during this period, a qualified biologist shall conduct pre-construction surveys for nesting birds in the marshland habitats within 100 feet of proposed construction. The surveys shall be conducted no later than 30 days prior to the start of work and shall focus on determining whether San Pablo song sparrow, saltmarsh common yellowthroat and/or tricolored blackbird are nesting in these areas. If these or other birds protected under the Migratory Bird Treaty Act are found nesting, then appropriate construction buffers shall be established to avoid disturbance of the nests until such time that the young have fledged. The size of the nest buffer shall be determined by the qualified biologist in consultation with CDFW, and shall be based on</p>	<p>Once all construction documents have been approved, verify the construction schedule. If construction is to take place March 1- July 31, prepare a preconstruction survey for review and approval by CDFW.</p>	<p>City of Benicia, Public Works Department, Parks & Community Services Department, and /or Community Development Department</p>	<p>Nesting birds will be protected year-round through the construction period, with implementation of the established mitigation measures and the preconstruction survey approved by CDFW.</p>	<p>Prior to initiation of construction activities</p>

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	the nesting species, its sensitivity to disturbance, and expected types of disturbance. Typically, these buffers range from 75 to 300 feet from the nest location. Nesting activities shall be monitored periodically by a qualified biologist to determine when construction activities in the buffer zone can be initiated.				
BIO-4: Improvements under implementation of the proposed Project would affect areas of coastal salt marsh habitat, considered a sensitive natural community type.	BIO-4: Coastal Salt Marsh Sensitive Natural Community. Mitigation Measures BIO-1-3 and BIO 5-6 recommended to address potential impacts on special-status species, jurisdictional wetlands, and sensitive wildlife habitat would also collectively address potential impacts on the coastal salt marsh sensitive natural community type.	See Mitigation Measures BIO 1-3 and BIO 5-6	See Mitigation Measures BIO 1-3 and BIO 5-6	See Mitigation Measures BIO 1-3 and BIO 5-6	See Mitigation Measures BIO 1-3 and BIO 5-6
BIO-5: Implementation of the proposed Project would result in direct and indirect effects on jurisdictional wetlands and	BIO-5: Provide Compensatory Mitigation for Wetland Modifications. As called for in the Master Plan, a compensatory mitigation program shall be developed and implemented to provide adequate mitigation for jurisdictional waters affected by proposed improvements. A Wetland Protection and Replacement Program (WPRP) shall be prepared by a qualified wetland specialist and implemented to provide compensatory	Review the WPRP and confirm approval by US Army Corps, RWQCB, USFWS, NOAA Fisheries,	City of Benicia, Public Works Department, Parks & Community Services Department, and Community Development Department, Planning Division /	Field verification that a qualified biologist is on site during project construction to verify the requirements established in the WPRP are being	Prior to initiation of construction activities

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other waters.	<p>mitigation at a minimum 2:1 ratio, and shall be reviewed and approved by regulatory agencies. The WPRP shall include appropriate implementation measures to prevent inadvertent loss and degradation of jurisdictional waters to be protected, and replacement for those features eliminated or modified as a result of development. The WPRP shall contain the following components:</p> <p>Where verified waters of the United States are present and cannot be avoided, authorization for modifications to these features shall be obtained from the Corps through the Section 404 permitting process. Similarly, a Section 401 Certification shall be obtained from the RWQCB where waters of the United States are directly affected by the project. All conditions required as part of the authorizations by the Corps and RWQCB shall be implemented as part of the project.</p> <p>Consultation or incidental take permitting may be required under the California and federal Endangered Species Acts. The City shall obtain all legally required permits or other authorizations from the USFWS, NOAA Fisheries, and CDFW for the potential “take” of protected species under the Endangered Species Acts.</p> <p>Install orange construction fencing around the boundary of all wetland areas to be preserved at the interface with proposed fills and grading so that they are not disturbed during construction.</p>	CDFW	Qualified Wetland Specialist / Qualified Biologist / Restoration Specialist	implemented.	

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	<p>The fencing shall be placed a minimum of 25 feet out from the boundary of the wetland but may need to be adjusted if restoration activities are to be conducted within this area. Grading, trail construction and restoration work within the wetland buffer zones shall be conducted in a way that avoids or minimizes disturbance of existing wetlands.</p> <p>A qualified biologist/restoration specialist shall be available during construction to provide situation-specific wetland avoidance measures or planting recommendation, as needed.</p>				
BIO-6: The proposed Project would result in modifications to existing wildlife habitat and could interfere with existing movement opportunities and use of native wildlife nursery sites.	<p>BIO-6: Protect and Enhance Existing Wildlife Habitat. Adequate controls shall be implemented to protect and enhance the habitat values of the existing and created marshlands on the site as part of the proposed Project. As detailed in the Master Plan, this shall include strategically placed restrictive fencing and interpretive signage along the edge of the entire frontage between the developed uplands and areas to remain as natural habitat. And signage at either end of the shoreline beach access at the terminus of First Street. Signage should indicate that the marshlands are a sensitive habitat area, that native wildlife are easily disturbed by human presence and foot-traffic tramples native vegetation, and that access by humans, dogs, and cats is prohibited.</p>	All signage shall be shown on the approved construction documents.	City of Benicia, Public Works Department, Parks & Community Services Department, and Community Development Department	Field verification that all signage is installed as stated.	Prior to initiation of construction activities
Cultural Resources					
CULT-1a:	CULT-1a: Upon approval of the grading permit,	Field	City of Benicia,	A survey	Upon approval

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There is a possibility that buried archaeological deposits could be present.	and prior to grading activities or other ground-disturbing construction activities, a survey using invasive and non-invasive techniques shall occur within the Project site to identify potential archaeological resources.	verification that the survey has been conducted prior to construction activities	Public Works Department, Parks & Community Services Department, Community Development Department, Planning Division / Construction Contractor	identifying archaeological deposits to be preserved on the site is completed.	of the grading period and prior to any grading activities or other ground-disturbing construction activities
CULT-1b: There is a possibility that buried archaeological deposits could be present and accidental discovery could occur during grading and filling activities.	CULT-1b: In the event that archaeological resources, paleontological resources, or unique geologic features are encountered during ground disturbance, such activity shall be immediately halted, and a qualified archaeologist/paleontologist shall inspect the site. The qualified expert shall arrange for removal of any resources and provide documentation of any recovered resources to the regional information center of the California Archaeological Inventory and to the local historical society.	The site shall be inspected by City-approved expert in accordance with the mitigation measure.	City of Benicia, Public Works Department, Parks & Community Services Department, and Community Development Department	If necessary, a qualified expert has arranged for recovered resources to be provided to the California Archaeological Inventory and to Benicia Historic Society.	Throughout the grading and excavation process.
CULT-2: It is possible that unknown subsurface paleontological resources could be encountered	CULT-2: If paleontological remains are uncovered, work at the place of discovery shall be halted immediately until a qualified archaeologist can evaluate the findings and determine the significance of the resources. Construction activities should not recommence until the expert has issued an opinion about the resource and	The site shall be inspected by City-approved archeologist in accordance with the mitigation	City of Benicia, Public Works Department, Parks & Community Services Department, and/or Community Development	If found, paleontological remains are identified and preserved through the determined appropriate	Throughout the grading and excavation process

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during construction activities.	appropriate mitigation has been determined.	measure.	Department	mitigation.	
Noise					
NOI-1: Construction-related short-term noise levels would be higher than existing ambient noise levels in the vicinity of the Project site, but would end once construction is completed.	<p>NOI-1: The following will be required during construction period:</p> <ul style="list-style-type: none"> • Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained. • Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding. • Grading and construction equipment shall be shut down when not in use. • The contractor shall prepare a construction plan identifying the schedule for major noise-generating construction activities. The contractor shall identify a procedure for coordination with the adjacent sensitive land uses so that construction activities can be scheduled to minimize noise disturbance. 	City shall inspect construction site for compliance with the mitigation measure.	City of Benicia, Public Works Department, Parks & Community Services Department, and/or Community Development Department	Noise levels from the construction equipment have been muffled through the construction process and all construction noise ceased at the end of construction.	Throughout the construction process.