

**MITIGATION MONITORING AND REPORTING PLAN**

**Sanborn County Park Master Plan**

Mitigation Measures	Staff Responsibility	Implementation Timing/Trigger	Monitoring Action	Monitoring Frequency	Completion
<p><b>Mitigation Measure BIO-1.</b> Nests of raptors, including the American Peregrine Falcon, and other birds shall be protected when in active use, as required by the federal Migratory Bird Treaty Act and the California Department of Fish and Game Code. If construction activities and any required tree removal occur during the breeding season (February 1 through August 31), a qualified biologist shall be required to conduct surveys prior to tree removal or construction activities. Preconstruction surveys are not required for tree removal or construction activities outside the nesting period. If construction would occur during the nesting season (February 1 through August 31), preconstruction surveys shall be conducted no more than 14 days prior to the start of tree removal or construction. Preconstruction surveys shall be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped. Locations of active nests containing viable eggs or young birds shall be documented and protective measures implemented under the direction of the qualified biologist until the nests no longer contain eggs or young birds. Protective measures shall include establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by a qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds.</p>	<p>County Parks Natural Resource Management (NRM) staff, consultant</p>	<p>Prior to construction</p>	<p>Review findings; retain survey results for administrative record Follow up monitoring for active nests</p>	<p>Periodically throughout nesting season during implementation of the Master Plan</p>	<p align="center"><input type="checkbox"/></p>

<p>The active nest within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. The radius of an exclusion zone may be increased by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified biologist only in consultation with California Department of Fish and Wildlife. The protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active.</p>					
<p><b>Mitigation Measure BIO-2.</b> A qualified biologist will instruct project staff including contractors and their employees regarding habitat sensitivity, identification of special status species, and required practices that are being implemented to protect the species relative to the project, and guidelines to avoid impacts to these species during construction activities. This training will occur prior to the initiation of project activities and before the start of construction with instructions for notification should a special status species be identified. A fact sheet or other supporting materials containing this information will be prepared and distributed. A crew foreman will be responsible for ensuring that all crew members comply with the guidelines.</p> <p>The instruction would include the following: a description of Western Pond Turtle (WPT), San Francisco dusky-footed woodrat (SFDFW), California Red-legged Frog (CRLF), Foothill yellow-legged frog (FYLF), California Giant Salamander (CGS), and Santa Cruz Black Salamander (SCBS), and their habitat needs; an explanation of the status of WPT, SFDFW, CRLF, FYLF, CGS, and SCBS and their protection under State and federal laws; and a list of measures being taken to reduce impacts to WPT, SFDFW, CRLF, FYLF, CGS, and SCBS during project activities.</p>	<p>County Parks NRM staff; contractor</p>	<p>Prior to construction or during construction if new contractors are brought on to project</p>	<p>Delineate high quality habitat to be avoided during construction using high visibility flagging or rope</p> <p>Periodically check for unintentional disturbance within avoidance areas</p>	<p>Once prior to or during implementation of the Sanborn Master Plan</p>	<p><input type="checkbox"/></p>

<p>Crews will be instructed that if WPT, SFDFW, CRLF, FYLF, CGS, and SCBS is found in the project footprint, it is to be left alone and all operations should cease. Project site lead and County Parks Department staff (if site lead is a contractor) or Parks Natural Resource Management Program Supervisor (if Project Lead is parks staff) shall be notified.</p>					
<p><b>Mitigation Measure BIO-3.</b> Pre-Construction Surveys. Pre-Construction Surveys for San Francisco dusky foot woodrats shall be conducted by a qualified biologist within 30 to 60 days prior to construction. The survey shall include the woodland habitat in the construction area. Copy of the survey shall be submitted to the County Parks Department., CA Dept. of Fish &amp; Wildlife, and U.S. Fish &amp; Wildlife Service. Final construction plans shall show the applicable measures.</p> <p>If any middens are found, the following mitigations are required:</p> <p><b>Inactive middens</b> If middens identified outside the breeding season are determined to be inactive and cannot be avoided during construction activities, they will be dismantled by hand and the components of the midden will be transported outside of the project footprint. The components of the midden will be deposited on the forest floor, preferably next to a large tree or similar structure in a riparian or oak woodland habitat, at an elevation above the bankfull level of streams in the area.</p> <p><b>Active middens</b> If an active midden is located during the non-breeding season, disturb the midden (e.g., nudge it) to flush rats, and then disassemble and move middens as described above. Nests shall only be moved in the early morning during the San Francisco dusky-footed woodrat non-breeding season (October through February).</p>	<p>County Parks NRM staff; consultant, contractor</p>	<p>Prior to construction</p>	<p>Delineate buffers to be avoided during construction using high visibility flagging or rope</p>	<p>Once prior to implementation of the Sanborn Master Plan</p>	<p><input type="checkbox"/></p>

<p><b>Mitigation Measure BIO-4.</b> Preconstruction bat surveys should be conducted by a qualified biologist to determine if bats or their maternity roosts are occupying any structures and subsequent measures to avoid bats shall be implemented if they are present.</p>	<p>County Parks NRM staff; consultant, contractor</p>	<p>Prior to construction</p>	<p>Additional measures to be implemented based on recommendations by qualified biologist if the presence of bats are found</p>	<p>Once prior to implementation of the Sanborn Master Plan</p>	<p><input type="checkbox"/></p>
<p><b>Mitigation Measure CR-1:</b> If prehistoric or historic cultural or archaeological resources or paleontological or unique geological resources (including but not limited to dark soil containing shellfish or groundstone) are discovered during grading and/or construction, work within the immediate vicinity of the find will be halted at a minimum of 200 feet from the find and the area will be staked off. County of Santa Clara, Parks and Recreation Department staff will then determine if it is feasible to relocate the trail to avoid and/or minimize impacts. If impacts cannot be avoided, then work will cease in the area until the archaeological evaluation has been completed. The County of Santa Clara Parks and Recreation Department will retain a qualified professional historian and/or archaeologist that meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in archaeology to evaluate and determine the significance of the find. If the find is determined to be significant, appropriate mitigation measures will be formulated and implemented.</p>	<p>County Parks NRM staff, contractor, qualified archaeologist</p>	<p>During construction</p>	<p>Record discovered resource or artifact and retain for administrative record.</p>	<p>Ongoing during implementation of the Sanborn Master Plan</p>	<p><input type="checkbox"/></p>

<p><b>Mitigation Measure CR-2:</b> If human remains are found during construction there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Santa Clara County is contacted to determine that no investigation of the cause of death is required and procedures outlined in the County Ordinance Relating to Indian Burial Grounds (County of Santa Clara, 1987) and State Public Resources Code can be implemented. If the coroner determines the remains to be Native American the coroner will contact the Native American Heritage Commission within 24 hours.</p>	<p>County Parks NRM staff, contractor, County coroner</p>	<p>During construction</p>	<p>Record discovery of remains and retain for administrative record.</p>	<p>Ongoing during implementation of the Sanborn Master Plan</p>	<p><input type="checkbox"/></p>
<p>The Native American Heritage Commission will identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to County of Santa Clara or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The County of Santa Clara or its authorized representative will rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if (a) the Native American Heritage Commission is unable to identify a likely descendent or the likely descendent failed to make a recommendation within 24 hours after being notified by the commission; (b) the descendent identified fails to make a recommendation; or (c) the County or its authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</p>					

<p><b>Mitigation Measure NOISE-1:</b> In the event that construction activity involving rollers for paving is needed within 35 feet of historic structures, static rollers will be used in place of vibratory rollers. No dozers, loaders, backhoes or similar heavy equipment shall be operated within 20 feet of historic structures.</p>	<p>County Parks staff, contractor</p>	<p>During construction</p>	<p>Delineate buffers around historic structures during construction using high visibility flagging or rope</p>	<p>Ongoing during implementation of the Sanborn Master Plan</p>	<p><input type="checkbox"/></p>
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