

## **MITIGATION, MONITORING AND REPORTING PLAN INTERTRIBAL SINKYONE WILDERNESS TRAILS**

### **INTRODUCTION**

This Mitigation Monitoring Plan has been developed for the Mitigated Negative Declaration adopted by the Coastal Conservancy for the InterTribal Sinkyone Wilderness Public Trails Project (“project”), prepared by the InterTribal Sinkyone Wilderness Council (“Council”) pursuant to the California Environmental Quality Act (CEQA). The Council owns and manages the property on which the project will take place; the Conservancy, as a state agency assisting to fund the project, is acting as lead agency under CEQA.

Section 15097 of the guidelines for CEQA requires a program for mitigation monitoring or reporting when a public agency adopts a mitigated negative declaration (“MND”) in conjunction with approving a project. The purpose of the Mitigation Monitoring Plan is to ensure that mitigation measures discussed in the MND for avoiding potential impacts are implemented. The mitigation measures for this project address potential impacts regarding air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, and noise.

### **MONITORING**

Two types of monitoring will be carried out in conjunction with the activities proposed under the project; construction and post construction monitoring. Construction monitoring will take place during construction operations to ensure that work is carried out in compliance with the terms of this MND. If the Council determines that work is not in compliance then the contractors, trail crew and trails supervisor will be notified so that corrective measures can be taken. If problems continue, work will cease while the project is reevaluated and workers are instructed on measures necessary to improve work standards. Persistent difficulties will result in termination of the contract. Post construction monitoring will consist of the trail crew visiting the trail reroute during or directly after all large storms during the first year after construction. The crew will be responsible for doing any emergency maintenance and repairs, and will report to the Executive Director of the InterTribal Sinkyone Wilderness Council for any major repairs.

Reports will be filed with the InterTribal Sinkyone Wilderness Council and the California Coastal Conservancy and will summarize the quality and quantity of work accomplished. Any difficulties regarding compliance with the terms of the InterTribal Sinkyone Wilderness Public Trails Project MND will be noted along with recommendations to improve future efforts. Below is a table summarizing the mitigation measures to be implemented to minimize or avoid impacts regarding the affected resources as mentioned above.

### **REPORTING**

The State Coastal Conservancy is the lead state agent under CEQA and as such has developed this plan to accompany the MND, prepared by the Inter. As the land owner and manager, the Council will monitor project implementation to ensure that mitigation measures are incorporated if needed, and will report to the Conservancy upon completion of the project construction as to any measures taken during construction and thereafter, when, and if, mitigation measures become necessary.

## Exhibit 4: Mitigation and Monitoring Plan

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<p align="center"><b>InterTribal Sinkyone Wilderness Public Trails Project Mitigation, Monitoring and Reporting Plan August 2012</b></p>					
<p align="center"><b>Mitigation Measures and Project Conditions</b></p>	<p align="center"><b>Timing</b></p>	<p align="center"><b>Responsible for Implementing Mitigation</b></p>	<p align="center"><b>Responsible for Ensuring Implementation</b></p>	<p align="center"><b>Required for Task Completion (Deliverable)</b></p>	<p align="center"><b>Date Completed</b></p>
<p><b>AIR QUALITY</b></p>					
<p><b>AIR-1</b></p> <ul style="list-style-type: none"> <li>Construction activities will be restricted to the period July 12 to February 1 in any given year. Vehicles and equipment used in the project shall be allowed to idle only when absolutely necessary.</li> <li>Engines, carburetors, and exhaust systems of project's vehicles and equipment shall be maintained in excellent operating condition.</li> <li>Work crews shall camp at trailhead locations during workweeks to eliminate daily commutes to worksites.</li> <li>Work crews shall not use generators for powering camp lights or appliances. Camp stoves and lights, as well as appliances, utilities, and devices used in the camps shall be gas- or battery-powered instead of generator-powered.</li> <li>Work crews shall carpool weekly to worksites to eliminate taking individual vehicles to the worksites.</li> <li>Use of manual tools shall be maximized, and small-scale construction equipment shall be used only when needed.</li> <li>Project contractors and work crew members shall be hired locally whenever possible to reduce travel distances.</li> <li>Project equipment and materials shall be procured locally whenever possible to reduce travel distances.</li> <li>Project materials shall be procured from project property whenever possible (including wood materials for various trails structures).</li> </ul>	<p>During Operations.</p>	<p>Trails construction contractor.</p>	<p>InterTribal Sinkyone Wilderness Council.</p>		

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<b>BIOLOGICAL</b>					
<p><b>BIO-1 PLANTS</b></p> <ul style="list-style-type: none"> <li>Prior to operations surveys shall be conducted by a qualified botanist within the project boundaries (all areas of proposed operations and adjacent areas that could be impacted where sensitive plant habitat is present). Surveys shall be conducted in conformance with the DFG "Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities" (<a href="http://www.dfg.ca.gov/whdab/pdfs/guidepl.pdf">www.dfg.ca.gov/whdab/pdfs/guidepl.pdf</a> and Appendix D). Results of the survey effort shall be submitted to the DFG at least 10 business days prior to commencing operations to allow sufficient time for review of the survey effort.</li> <li>The Council's primary means of mitigation for plants listed as Rare, Threatened, and Endangered, or which occur on the CNPS Lists 1A, 1B or 2 shall be avoidance (see below). These measures are dependent on the species' natural history and the potential for adverse affects or the potential for take. CNPS List 3 and 4 plants will be avoided when feasible; however, will not be required. The Council reserves the right to develop site-specific measures in consultation with the DFG. Such measures will be amended into the MND.</li> </ul> <p><b>BIO-2 TREES</b></p> <ul style="list-style-type: none"> <li>Work crews shall not cut redwood tree roots greater than 2" diameter within the root health zone of redwood trees (5x stem diameter). Limits of this zone will be marked prior to a crew beginning excavations and crew shall closely monitor its work to ensure no root damage occurs.</li> <li>Cutting of trees (Douglas-fir and tanoak) will be limited to less than ten trees that are estimated to be &gt;10 inches dbh and less than 22 inches dbh.</li> <li>To minimize impacts to native vegetation, work crews shall limit ground disturbance whenever possible by: <ul style="list-style-type: none"> <li>—Restricting traffic to the trail prisms.</li> <li>—Allowing down woody debris already present to remain as much as possible.</li> </ul> </li> </ul>	<p>Prior to Operations During Floristically Appropriate Season.</p> <p>During Operations.</p> <p>During operations.</p> <p>During operations.</p> <p>During operations.</p>	<p>InterTribal Sinkyone Wilderness Council.</p> <p>InterTribal Sinkyone Wilderness Council and Trails Construction Contractor.</p> <p>Trails Construction Contractor.</p> <p>Trails Construction Contractor.</p> <p>Trails Construction Contractor.</p>	<p>InterTribal Sinkyone Wilderness Council.</p>	<p>Report documenting results of surveys.</p> <p>Report and document the results and mitigation measures if appropriate.</p>	<p>August 2006.</p>

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<p><b>BIO-3 AMPHIBIANS</b></p> <ul style="list-style-type: none"> <li>Care will be taken when moving woody material or large stones so that if amphibians are present they can be safely relocated away from the construction area.</li> <li>If observed in the construction path, amphibians will be carefully relocated only far enough away in order to protect them from disturbance during construction.</li> <li>When working in stream or along banks of streams, silt fences will be utilized. Any amphibians that are found will be moved outside of the fence throughout the construction period.</li> </ul>	<p>During operations.</p>	<p>Trails Construction Contractor.</p>	<p>InterTribal Sinkyone Wilderness Council.</p>	<p>When appropriate, letter of consultation from the Calif. Dept. Fish &amp; Game.</p> <p>Establish appropriate mitigation measures.</p>	
<p><b>BIO-4 BIRDS</b></p> <ul style="list-style-type: none"> <li>Generic Falconiformes and Strigiformes Mitigation Measures               <ol style="list-style-type: none"> <li>Pursuant to Fish &amp; Game Code 3503.5 it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto. Therefore prior to project operations the Council shall contract with biologists instructed in the identification of raptor nests (both occupied and unoccupied) and raptor breeding to complete bird habitat assessments for the project area.</li> <li>During construction the Council shall be responsible for assuring that no raptor nests are impacted by the proposed treatments by implementing the following measures:                   <ol style="list-style-type: none"> <li>Trail construction activities shall be restricted to the period July 12 to February 1 in any given year.</li> <li>If an unoccupied raptor nest is detected (during the generic critical period of January 15 through August 31), the nest tree and surrounding screen trees shall not be disturbed and the location shall immediately be reported to DFG.</li> <li>If an unoccupied raptor nest is detected outside of the generic critical period then operations shall cease in the vicinity of the nest and its location shall be reported to DFG. The Council will then attempt to determine the species of raptor which constructed or used the nest and then the measures stated below under Item d will be applied (based on species).</li> <li>If an occupied raptor nest is detected in the project area, then the Council will cease operations within ¼ mile of the raptor nest (unless it is known to be a peregrine falcon eerie then a 1 mile buffer shall be applied) and immediately notify qualified biologists. The biologists will then determine the species of raptor and then applicable measures shall be developed in concert with DFG.</li> </ol> </li> </ol> </li> </ul>	<p>Annually prior to operations and when seasonally appropriate prior to operations.</p> <p>During operations</p>	<p>InterTribal Sinkyone Wilderness Council.</p> <p>Trails Construction Contractor.</p>	<p>InterTribal Sinkyone Wilderness Council.</p> <p>InterTribal Sinkyone Wilderness Council.</p>	<p>Report documenting results of surveys or habitat assessment and letter of technical assistance from the U.S. Fish &amp; Wildlife Service.</p> <p>Establish appropriate mitigation measures.</p> <p>Report as DFG as required.</p> <p>Report as DFG as required.</p> <p>Notify biologists and DFG.</p> <p>Establish appropriate mitigation measures.</p>	<p>January 2007.</p> <p>January 2007.</p>

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<b>CULTURAL RESOURCES</b>					
<p><b>CULTURAL RESOURCES-1</b></p> <ul style="list-style-type: none"> <li>Prior to any operations in a given area a qualified archaeologist shall conduct an investigation of the project area to determine the presence of any archaeological or historical resources (cultural resources). A report documenting the location and type of any cultural resources deterrent shall be developed and submitted to the Council.</li> <li>The Council's preferred method of addressing potential impacts to cultural resources is through avoidance. Therefore, if any cultural resources are detected as part of the investigation a minimum 25-foot equipment exclusion zone shall be established around the resource.</li> <li>A Native American Tribal representative shall be onsite to monitor all construction activities within the four culturally sensitive areas.</li> <li>A professional archaeologist shall be onsite to monitor all construction activities within the four culturally sensitive areas.</li> <li>In the event that previously undocumented cultural resources are encountered during project construction, work within the immediate vicinity (500 feet) of the find will be temporarily halted or diverted. Work would not continue at the site until the archaeologist and Tribal representative have evaluated and or recorded the site and prepared additional recommendations. Construction shall only resume with approval by the Council's board of directors.</li> <li>If any significant cultural resources are found in a project location, a qualified historian, archaeologist and/or appropriate Native American Tribal representative will be brought in to monitor any ground-disturbing work in that area from that point forward.</li> </ul>	<p>Prior to operations.</p> <p>Prior to operations.</p> <p>During operations.</p> <p>During operations.</p> <p>During operations.</p> <p>Prior to and during operations.</p>	<p>A qualified Archaeologist or representative working under the supervision of Council.</p> <p>A qualified Archaeologist or representative working under the supervision of Council.</p> <p>A qualified Native American Tribal representative.</p> <p>A qualified Archaeologist.</p> <p>A qualified Archaeologist and/or Tribal representative working under the supervision of Council.</p> <p>A qualified Archaeologist and/or Tribal representative working under the supervision of Council.</p>	<p>InterTribal Sinkyone Wilderness Council.</p>	<p>Report and document the results and mitigation measures if appropriate.</p> <p>Report and document the results and mitigation measures if appropriate.</p> <p>Monitor construction activities.</p> <p>Monitor construction activities.</p> <p>Cultural survey and development of appropriate treatments.</p> <p>Develop appropriate treatments. Report and document the results and mitigation measures if appropriate.</p>	<p>September 2006.</p> <p>September 2006.</p>

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<p><b>CULTURAL RESOURCES-2</b></p> <ul style="list-style-type: none"> <li>In the event that human remains are discovered, work shall cease immediately in the area of the find and the project manager/site supervisor will notify the Council. Any human remains and/or funerary objects shall be left in place or returned to the point of discovery and covered with soil. The InterTribal Sinkyone Wilderness Council will notify the County Coroner, in accordance with §7050.5 of the California Health and Safety Code, Native American Tribal representatives, and the Native American Heritage Commission (NAHC). If a Native American monitor is on-site at the time of the discovery, the monitor will be responsible for notifying the InterTribal Sinkyone Wilderness Council, which in turn will notify the appropriate authorities.</li> <li>If the coroner and/or tribal representative determines the remains represent Native American interment, the Council will contact the most likely descendants and work with appropriate parties to carry out appropriate disposition of the remains. Work shall not resume in the area of the find until proper disposition is complete (PRC §5097.98). No human remains or funerary objects will be cleaned, photographed, analyzed, or removed from the site prior to determination. Only authorized persons shall handle the human remains or funerary objects.</li> <li>If it is determined the find indicates a sacred or religious site, the site shall be avoided. Formal consultation with the State Historic Preservation Office and review by the NAHC/Tribal Cultural representatives shall also occur as necessary to define additional site mitigation or future restrictions.</li> </ul>	<p>During operations.</p> <p>During operations.</p> <p>Prior to and during construction.</p>	<p>A qualified Archaeologist or representative working under the supervision of Council.</p> <p>A qualified Archaeologist or representative working under the supervision of Council.</p> <p>A qualified Archaeologist or representative working under the supervision of Council.</p>	<p>InterTribal Sinkyone Wilderness Council.</p> <p>InterTribal Sinkyone Wilderness Council.</p> <p>InterTribal Sinkyone Wilderness Council.</p>	<p>Report and document the results and mitigation measures if appropriate.</p> <p>Report and document the results and mitigation measures if appropriate.</p> <p>Historian's review of project plans.</p>	

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<p><b>HAZARDS AND HAZARDOUS MATERIALS</b></p>					
<p><b>HAZMAT-1</b></p> <ul style="list-style-type: none"> <li>All equipment will be inspected for leaks immediately prior to the start of construction, and regularly inspected thereafter until equipment is removed from project premises. Leaks that develop will be repaired immediately in the field or work with that equipment will be suspended until repairs could be made.</li> <li>The contractor(s) will prepare an emergency spill response plan prior to the start of construction. Council will ensure that the contractor maintains a spill kit on-site throughout the life of the project, or provides multiple sets of cleanup materials to each crew, if sharing will prevent timely implementation of cleanup plans. In the event of any spill or release of any chemical in any physical form on or immediately adjacent to the project sites or within the ITSW during construction, the contractor will immediately notify the appropriate Council staff (e.g., project manager or supervisor). Appropriate agencies will be notified in the event of significant spillage.</li> <li>No maintenance or fueling activities shall be permitted within 200 feet of a stream.</li> <li>Equipment will be cleaned and repaired (other than emergency repairs) outside the ITSW boundaries. All contaminated water, sludge, spill residue, or other hazardous compounds will be disposed of outside ITSW boundaries, at a lawfully permitted or authorized designation.</li> </ul>	<p>Prior to operations.</p> <p>During operations.</p> <p>During operations.</p> <p>During operations.</p>	<p>Trails Construction Contractor.</p> <p>Trails Construction Contractor.</p> <p>Trails Construction Contractor.</p> <p>Trails Construction Contractor.</p>	<p>InterTribal Sinkyone Wilderness Council.</p> <p>InterTribal Sinkyone Wilderness Council.</p> <p>InterTribal Sinkyone Wilderness Council.</p> <p>InterTribal Sinkyone Wilderness Council.</p>	<p>Report and document the results and mitigation measures if appropriate.</p>	
<p><b>HAZMAT-2</b></p> <ul style="list-style-type: none"> <li>If there is evidence of spillage from or free product discovered on or adjacent to the project sites, work will be halted or diverted from the immediate vicinity of the find and the ITCWC Executive Director will be contacted. Hazardous materials, if present, will be contained and removed from the site prior to resumption of work. Removal of all contaminants, including sludge, spill residue, or containers, will be conducted following established procedures and in compliance with all local, state, and federal regulations and guidelines regarding the handling and disposal of hazardous materials.</li> </ul>	<p>During operations.</p>	<p>Trails Construction Contractor.</p>	<p>InterTribal Sinkyone Wilderness Council.</p>		

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<p><b>HAZMAT-3</b></p> <ul style="list-style-type: none"> <li>A fire safety plan will be in place prior to the start of any construction, including availability of identified fire suppression equipment and any required employee training.</li> <li>Smoking will not be allowed on any portion of the InterTribal Sinkyone Wilderness property at any time during the project, including at the work crew camps. Campfires will not be allowed at work crew camps located on the InterTribal Sinkyone Wilderness property.</li> <li>Spark arrestors or turbo-charging (which eliminates sparks in exhaust) and fire extinguishers will be required for all heavy equipment.</li> <li>Construction crews will be required to park vehicles away from flammable material such as dry grass and brush. At the end of each workday, heavy equipment will be parked over mineral soil to reduce the chance of fire. All equipment will be required to be mechanically sound and free of flammable debris.</li> <li>Contractors will be required to have a radio or cell phone on site, which allows direct contact to California Department of Forestry and Fire Protection and centralized dispatch center, to facilitate the rapid dispatch of control crews and equipment in case of a fire.</li> </ul>	<p>Prior to operations.</p> <p>During operations.</p> <p>During operations.</p> <p>During operations.</p> <p>During operations.</p>	<p>Trails Construction Contractor.</p>	<p>InterTribal Sinkyone Wilderness Council.</p>		
<p align="center"><b>HYDROLOGY AND WATER QUALITY</b></p>					
<p><b>HYDRO-1</b></p> <ul style="list-style-type: none"> <li>All mechanized trail equipment work will occur during the dry season, before October 15.</li> <li>Trail Construction work will not occur in locations where surface runoff occurs due to rainfall.</li> </ul>	<p>During operations.</p> <p>During operations.</p>	<p>Trails Construction Contractor.</p> <p>Trails Construction Contractor.</p>	<p>InterTribal Sinkyone Wilderness Council.</p> <p>InterTribal Sinkyone Wilderness Council.</p>		

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<b>NOISE</b>					
<p><b>NOISE-1</b></p> <ul style="list-style-type: none"> <li>Construction activities will be limited to the hours between sunrise and sunset.</li> <li>Internal combustion engines used for any purpose at the job site will be equipped with a muffler of a type recommended by the manufacturer.</li> <li>Equipment and trucks used for construction will utilize the best available noise control techniques (e.g., engine enclosures, acoustically attenuating shields or shrouds, intake silencers, ducts, etc.) whenever feasible and necessary.</li> <li>Stationary noise sources and staging areas will be located as far from sensitive receptors as possible. If they must be located near sensitive receptors, stationary noise sources will be muffled to the extent feasible and/or, where practicable, enclosed within temporary sheds.</li> </ul>	<p>During operations.</p> <p>During operations.</p> <p>During operations.</p> <p>During operations.</p>	<p>Trails Construction Contractor.</p> <p>Trails Construction Contractor.</p> <p>Trails Construction Contractor.</p> <p>Trails Construction Contractor.</p>	<p>InterTribal Sinkyone Wilderness Council.</p> <p>InterTribal Sinkyone Wilderness Council.</p> <p>InterTribal Sinkyone Wilderness Council.</p> <p>InterTribal Sinkyone Wilderness Council.</p>		