

MITIGATION MONITORING/ REPORTING PROGRAM

FOR THE

DEMONSTRATION RECHARGE EXTRACTION AND AQUIFER MANAGEMENT (DREAM) PROJECT & NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT SOUTH SYSTEM IMPROVEMENTS

San Joaquin County, CA

August 8, 2016

San Joaquin County
Department of Public Works
1810 E. Hazelton Avenue
Stockton, CA 95205

1.0 INTRODUCTION

San Joaquin County, the North San Joaquin Water Conservation District and the East Bay Municipal Utilities District are considering approval of the Demonstration Recharge Extraction and Aquifer Management (DREAM) Project, the North San Joaquin Water Conservation District South System Improvements and surface water conveyance system. The County has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the overall project that identifies its significant environmental effects and mitigation measures needed to avoid or reduce these effects. The Final IS/MND will be adopted before the project is approved. This document describes the Mitigation Monitoring/Reporting Program (MMRP) for the project. The primary source document for the MMRP is the Final IS/MND for the project dated August 8, 2016.

1.1 PROPOSED PROJECT

The IS/MND addresses proposed actions by three agencies: the County of San Joaquin (County), the North San Joaquin Water Conservation District (NSJWCD) and the East Bay Municipal Utility District (EBMUD). The overall project consists of three components: 1) the Demonstration Recharge Extraction and Aquifer Management (DREAM) Project, which is a one-time, short-term pilot conjunctive use groundwater replenishment project of limited scale involving 1,000 acre-feet of water, 2) NSJWCD South System surface water distribution facility improvements, and 3) conveyance of 1,000 acre-feet of water from EBMUD to NSJWCD for in-lieu groundwater recharge purposes. The project area is east of the City of Lodi, west of the unincorporated community of Lockeford and south of the Mokelumne River in San Joaquin County.

San Joaquin County (County) is the lead agency for the project and has responsibility for planning and engineering of the DREAM Project as well as issuance of a Groundwater Export Permit for the project. EBMUD would supply the DREAM Project with up to 1,000 acre-feet (AF) of surface water to be applied to approximately 350 acres of developed farmland in lieu of groundwater extraction. The existing NSJWCD Mokelumne River South System intake and South System delivery pipeline would be rehabilitated and used to convey surface water to farmlands currently pumping groundwater. In exchange for providing the surface water supply, EBMUD would receive up to 500 AF of groundwater extracted from an existing well for export to EBMUD customers. The DREAM Project would document the feasibility of in-lieu recharge and partial groundwater extraction for consideration of similar activities in the future.

1.2 CEQA REVIEW OF THE PROJECT

The County prepared an IS/MND in cooperation with NSJWCD and EBMUD. The IS/MND determined that the project would have potentially significant environmental effects and identified mitigation measures that would avoid the environmental effects or reduce them to a “less than significant” level.

The IS/MND was circulated for a 30-day agency and public review in April of 2016. The review period was extended three times to provide additional time for agency review and discussion, finally closing July 8, 2016. Several comments were received from agencies and interested persons. The County prepared responses to each of the comments; comments and responses are documented in the Final IS/MND, which will be considered by the County and the other involved agencies before project approval. The comments did not result in changes to any of the environmental effects or mitigation measures identified in the Public Review Draft IS/MND. It is anticipated that the Final IS/MND, which incorporates the Public Review Draft IS/MND dated April 8, 2016 by reference, will be adopted by the County, in conjunction with this document, prior to taking action on the project.

1.3 CEQA REQUIREMENTS REGARDING MITIGATION MONITORING AND REPORTING

To ensure that mitigation measures included in a Mitigated Negative Declaration are implemented, CEQA requires the adoption of a mitigation monitoring or reporting program (CEQA Guidelines Section 15074). Specifically, the Guidelines require that the lead agency:

" . . . adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects."

These requirements are met collectively by the Mitigation Monitoring/Reporting Table shown in Section 2.0 of this document. The table lists all of the potential environmental effects of the project that were identified in the Public Review Draft IS/MND, identifies all of the mitigation measures that address these effects, and identifies the entities that would be responsible for implementing, and monitoring implementation of, the mitigation measures.

2.0 MITIGATION MONITORING/REPORTING PROGRAM

The following table summarizes the environmental effects that could result from approval of the DREAM project and NSJWCD South System Improvements. The table identifies 1) each environmental effect and its significance prior to mitigation, 2) how each significant environmental effect would be mitigated, 3) the responsibility for implementation of each mitigation measure, 4) the responsibility for monitoring of the mitigation measures, if the project is approved, and 5) the source of the information supporting the significance of the potential effect after mitigation. The table follows the same sequence as the impact analysis in the IS/MND.

At this time, it is believed that San Joaquin County will assign responsibility for construction of DREAM and NSJWCD South System improvements to NSJWCD. Therefore, mitigation and monitoring responsibilities are assigned to the NSJWCD Project Engineer and Contractor. In the event that the County or other agencies become responsible for construction activities, the agencies shall designate a representative to assume mitigation monitoring and reporting responsibilities in compliance with this MMRP.

The party with monitoring responsibility shall, upon the close of each project, file a brief report on the status and effectiveness of mitigation measures with the County Public Works Department.

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY	MONITORING/REPORTING RESPONSIBILITY	SOURCE
<p>3.1 AESTHETICS</p> <p>The IS/MND does not identify significant effects or mitigation measures in this issue area.</p>			
<p>3.2 AGRICULTURE RESOURCES</p> <p>The IS/MND does not identify significant effects or mitigation measures in this issue area.</p>			
<p>3.3 AIR QUALITY</p> <p>The IS/MND does not identify significant effects or mitigation measures in this issue area.</p>			
<p>3.4 BIOLOGICAL RESOURCES</p> <p>Potential Impacts on Special-Status Species.</p>			
<p>BIO-1 The DREAM project agencies will seek coverage under the San Joaquin County Multi-species Habitat Conservation Plan (SJMSCP) (SJCOG, 2000) as applicable. SJMSCP participation will involve payment of fees and implementation of standard Take Avoidance measures outlined in the HCP for Swainson’s hawks, burrowing owls, and other species of nesting birds, and Take Avoidance measures for Pacific pond turtle.</p>	<p>The DREAM project agencies will be responsible for making application for SJMSCP coverage and implementing ITMMs.</p>	<p>The Public Works Department (PWD) will be responsible for ensuring that SJMSCP coverage has been obtained prior to issuing DREAM project authorizations.</p>	<p>IS/MND, Section 3.4</p>
<p>BIO-2 If construction occurs during the nesting season, pre-construction surveys for nesting Swainson’s hawks and burrowing owls will also be completed for improvements to NSJWCD’s South System. If NSJWCD participates in the SJMSCP, the standard Take Avoidance measures outlined in the HCP for Swainson’s hawks, burrowing owls shall be undertaken. Otherwise, pre-construction surveys for nesting Swainson’s hawks within 0.25 miles of the project site and burrowing owls within 250 feet of the site should be conducted for construction activities between March 1 and September 15 (for hawks) and February 1 through August 31 (for owls). If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. These determination(s) should be made pursuant to criteria set forth by CDFG (1994) and/or CDFG (1995).</p>	<p>The NSJWCD Project Engineer and/or Contractor will be responsible for making application for SJMSCP coverage and implementing ITMMs, or for retaining a qualified biologist for pre-construction surveys and implementing the biologist’s recommendations.</p>	<p>The NSJWCD Project Engineer and/or Contractor will be responsible for ensuring that ITMMs are implemented if SJMSCP coverage is obtained, or the pre-construction surveys have been performed and construction is occurring in accordance with the biologist’s recommendations.</p>	<p>IS/MND, Section 3.4</p>
<p>BIO-3 If construction occurs during the nesting season, pre-construction surveys for all species of nesting birds will be completed for improvements to NSJWCD’s South System. Trees, shrubs, and grasslands in the area could be used by other birds protected by the Migratory Bird Treaty Act of 1918. Any construction or vegetation removal during the avian nesting season (February 1 through August 31) shall be immediately preceded by survey. If active nests are found, a qualified biologist shall mark the nest location(s), and identify an appropriate setback between the nest and construction or vegetation removal activities. Construction or vegetation removal within the setback shall be delayed until the young fledge.</p>	<p>The NSJWCD Project Engineer and/or Contractor will be responsible for retaining a qualified biologist for pre-construction surveys and implementing the biologist’s recommendations.</p>	<p>The NSJWCD Project Engineer and/or Contractor will be responsible for ensuring that pre-construction surveys have been performed and construction is occurring in accordance with the biologist’s recommendations.</p>	<p>IS/MND, Section 3.4</p>
<p>BIO-4 If construction occurs during the nesting season (i.e., between April 1 through October 31), pre-construction surveys for Pacific pond turtle and their nests will be completed prior to construction of improvements to NSJWCD’s South System. This will involve a search for nests in uplands adjacent to the creek. If nest sites are located, a 50-foot buffer area around the nest shall be staked and work will be delayed</p>	<p>Same as BIO-3</p>	<p>Same as BIO-3</p>	<p>Same as BIO-3</p>

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY	MONITORING/REPORTING RESPONSIBILITY	SOURCE
until hatching is complete and the young have left the nest site.			
BIO-5 Construction of the NSJWCD South System pump station shall be scheduled between August 1 and October 31 to reduce the potential for sedimentation of Mokelumne River, and associated impacts to aquatic resources including special-status fish that occur in downstream waterways on a seasonal basis. This work window may be adjusted through consultation with CDFW, NMFS and/or USFWS.	The NSJWCD Project Engineer and/or Contractor will be responsible for construction scheduling.	The NSJWCD Project Engineer and/or Contractor will be responsible for ensuring that construction scheduling requirements are met.	IS/MND, Section 3.4
BIO-6 Permits from ACOE, CDFW, and the RWQCB shall be secured prior to the placement of any fill material within the jurisdictional waters of the U.S. With the exception of "Maintenance Activities" as defined in CCR Title 23, permit(s) from CVFPB shall also be secured prior to work in Bear Creek, the Mokelumne River, and Mosher Creek. The County and/or NSJWCD shall implement all permit conditions and mitigation measures related to the protection of sensitive aquatic habitats and species, including any conditions resulting from ACOE Section 7 consultations with USFWS and/or the National Marine Fisheries Service (NMFS) on federally-listed species or critical habitat.	The NSJWCD Project Engineer and/or Contractor will be responsible for obtaining required permits prior to construction.	The NSJWCD Project Engineer and/or Contractor will be responsible for ensuring that all permits and approvals have been obtained prior to construction and that all permit and approval conditions and mitigation measures are implemented before, during and after construction.	IS/MND, Section 3.4
Potential Impacts on Riparian and Other Sensitive Habitats.			
BIO-7 The County and/or NSJWCD shall implement all permit conditions and mitigation measures related to the protection of sensitive plant communities. As a result, the project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service.	Same as BIO-6	Same as BIO-6	IS/MND, Section 3.4
Potential Impacts on Protected Wetlands.			
BIO-8 Permits from ACOE, CDFW, and RWQCB shall be secured prior to the placement of any fill material within jurisdictional waters of the U.S. With the exception of "Maintenance Activities" as defined in CCR Title 23, permit(s) from CVFPB shall also be secured prior to work in Bear Creek, the Mokelumne River, and Mosher Creek. The County and/or NSJWCD shall implement all permit conditions and mitigation measures related to the protection of waters and wetlands.	Same as BIO-6	Same as BIO-6	IS/MND, Section 3.4
3.5 CULTURAL RESOURCES			
Potential Impacts on Historical and Archaeological Resources. This is a potentially significant impact.			
CULT-1. If any archaeological remains are unearthed during project construction, construction within 50 feet of the find shall be halted and a qualified archaeologist shall be retained to evaluate the find. If the find is determined to be significant, then the archaeologist shall recommend steps to mitigate impacts to the resource pursuant to the CEQA Guidelines. Mitigation measures could include a range of treatment options, including a) detailed recordation, b) undertaking historic documentary research as a means of preserving the information values of a particular site, or c) data recovery-level excavation.	The NSJWCD Project Engineer and/or Contractor will be responsible for issuing stop work orders, for contracting a qualified cultural resources professional to evaluate archeological materials if found, to recommend cultural resource protection controls and to implement controls.	The NSJWCD Project Engineer and/or Contractor will be responsible for review and approval of the cultural resources professional evaluation reports and recommendations, and for overseeing any cultural resource follow up work that may be required.	IS/MND, Section 3.5
Potential Impacts on Paleontological Resources and Unique Geologic Features. This is a potentially significant impact.			
CULT-2. If any paleontological resources are encountered during project construction, all construction activity within 50 feet of the encounter shall cease until a qualified paleontologist examines the materials, determines their significance, and recommends mitigation measures that would reduce potentially significant impacts to a less than	The NSJWCD Project Engineer and/or Contractor will be responsible for issuing stop work orders, for notifying the City and	The NSJWCD Project Engineer and/or Contractor will be responsible for ensuring that the coroner is notified and that a cultural resources professional evaluates remains, makes and reports recommendations and	IS/MND, Section 3.5

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY	MONITORING/REPORTING RESPONSIBILITY	SOURCE
significant level, in accordance with CEQA.	for contracting a qualified cultural resources professional to evaluate materials if found, to recommend and implement cultural resource protection controls.	oversees any cultural resource follow up work that may be required.	
3.6 GEOLOGY AND SOILS			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.7 GREENHOUSE GAS EMISSIONS			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.8 HAZARDS AND HAZARDOUS MATERIALS			
Potential Impacts on Emergency Response or Evacuation Plans. This is a potentially significant impact.			
HAZ-1. Prior to the start of DREAM Project construction at the Live Oak Road and Eight Mile Road crossings, the contractor shall develop and implement a Traffic Control Plan. The Traffic Control Plan shall include such items as traffic control requirements, resident notification of access closure, and daily access restoration. The contractor shall specify dates and times of road closures or restrictions, if any, and shall ensure that adequate access will be provided for emergency vehicles. The Traffic Control Plan shall be reviewed and approved by the County Department of Public Works, and also shall be coordinated with the San Joaquin County Sheriff's Department and the appropriate fire protection district if construction will require road closures or lane restrictions.	The NSJWCD Project Engineer and/or Contractor will be responsible for retaining a qualified professional to conduct required testing and address any health risks identified.	The NSJWCD Project Engineer and/or Contractor will be responsible for ensuring that this requirement is met prior to issuing construction permits for the project.	IS/MND, Section 3.7
3.9 HYDROLOGY AND WATER QUALITY			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.10 LAND USE			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.11 MINERAL RESOURCES			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.12 NOISE			

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY	MONITORING/REPORTING RESPONSIBILITY	SOURCE
Potential Exposure of Persons to Noise.			
NOISE-1. If construction work occurs within 300 feet of a residence, work shall be limited to the hours of 8:00 AM to 5:00 PM. All equipment used on the construction site shall be fitted with mufflers in accordance with manufacturers' specifications.	The NSJWCD Project Engineer and/or Contractor	The NSJWCD Project Engineer and/or Contractor will be responsible for ensuring that noise requirements are met.	IS/MND, Section 3.12
3.13 POPULATION AND HOUSING			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.14 PUBLIC SERVICES			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.15 RECREATION			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.16 TRANSPORTATION			
The IS/MND does not identify significant effects or mitigation measures in this issue area. These conclusions are based in part on mitigation measures prescribed in Section 3.8 Hazards.			
3.17 UTILITIES AND SERVICES			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.18 MANDATORY FINDINGS OF SIGNIFICANCE			
The IS/MND does not identify significant effects or mitigation measures in this issue area. These conclusions are based in part on mitigation measures prescribed in Sections 3.4 Biological Resources and 3.5 Cultural Resources.			