

Mitigation Monitoring and Reporting Program for the Three Creeks Parkway Restoration Program

This table presents a “crosswalk” between Delta Plan Mitigation Measures and the Three Creeks Parkway Restoration Project- Initial Study/Mitigated Negative Declaration (IS/MND) Final Mitigation, Monitoring and Reporting Program (MMRP), which demonstrates compliance with, or effective substitution for, the Delta Plan Mitigation Measures. Included on the following pages are sections of the Three Creeks Parkway Restoration MMRP where there is potential for significant impacts and mitigation measures are proposed.

Several supporting documents are referenced in this table, which have been uploaded in support of this submittal of Certification of Consistency (Step 2.J. Supporting Documents). These include:

- Three Creeks Parkway Restoration IS/MND
- Three Creeks Parkway Restoration MMRP
- Three Creeks Parkway Restoration Adaptive Management and Monitoring Plan (AMMP)

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
Biological Resources		
4-1	<ol style="list-style-type: none"> 1. Avoid, minimize, and compensate for reduction in area and/or habitat quality of sensitive natural communities, including wetlands, by doing the following: <ul style="list-style-type: none"> • Selecting project site(s) that would avoid sensitive natural communities, including jurisdictional wetlands and other waters, vernal pools, alkali seasonal wetlands, riparian habitats, and inland dune scrub. • Design, to the extent practicable, project elements to avoid effects on sensitive natural communities. • Replacing, restoring, or enhancing on a “no net loss” basis (in accordance with U.S. Army Corps of Engineers (USACE) and State Water Resources Control Board (SWRCB) requirements), wetlands and other waters of the United States and waters of the State that would be removed, lost, and/or degraded. • Where impacts to sensitive natural communities other than waters of the United States or State are unavoidable, compensating for impacts by restoring and/or preserving in-kind sensitive natural communities on-site, or off-site at a nearby site, or by purchasing in-kind restoration or preservation credits from a mitigation bank that services the project site and that is approved by the appropriate agencies, in consultation with applicable regulatory agencies (at ratios that offset temporal loss of habitat value). 2. Implement advanced mitigation planning for ecosystem restoration prior to construction. 3. Implement construction best management practices, including: <ul style="list-style-type: none"> • Developing and implementing a Stormwater Pollution Prevention Plan (SWPPP). • Minimizing soil disturbance, erosion, and sediment runoff from project site. 	<ol style="list-style-type: none"> 1. With the exception of the waters within Marsh Creek, sensitive natural communities do not occur within the Project area. Waters would be minimally impacted for the placement of rock slope protection and temporary creek crossings during construction. Impacts to waters would be offset with a net increase in wetland footprint and function through the creation of floodplain benches. The Project has secured Clean Water Act, Section 404 and 401 permits from USACE and RWQCB as well as approval from the East Contra Costa County Habitat Conservancy under the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan. The permits did not require mitigation as the restoration project will result in a net increase of 1 acre of frequently inundated floodplain (seasonal wetland), 1.87 acres of woody riparian vegetation and 1.87 acres of grasslands and native scrub. 2. Due to the nature of this restoration project, the Project is self-mitigating and as such has been designed accordingly for construction. 3. The Project will be required to prepare a Stormwater Prevention Pollution Plan (SWPPP) as required by the State Water Resources Control Board (SWRCB), Construction General Permit and will identify applicable BMPs to be implemented during construction as listed in Mitigation Measure BIO-4 on page 13 of the Project’s MMRP which incorporates the HCP/NCCP-required measures (Section 6.3, page 6-15: Conservation Measure 1.7. Establish Stream Setbacks; page 6-23, Conservation Measure 2.12. Wetland, Pond, and Stream Avoidance and Minimization which are consistent with the HCP/NCCP and Delta Plan’s measures. 4. Due to the nature of this restoration project, a restoration plan has been designed and reviewed by the California Department of Fish and Wildlife (DFW), Central Valley Regional Water Quality Control Board (CVRWQCB), U.S.

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<ul style="list-style-type: none"> • Avoiding and minimizing contaminant spills. • Minimizing visual and noise disturbance from construction activities. • Conducting biological construction monitoring to ensure that implemented BMPs are effective. <p>4. Restore areas temporarily affected by construction activities, including:</p> <ul style="list-style-type: none"> • Preparing restoration plan for temporary impacts sites for review by resource agencies. • Minimizing soil disturbance and stockpiling topsoil for later use in any areas to be graded. • Decompacting or amending soil if necessary before planting and use native species for revegetation. • Restoring natural communities with similar or improved function from communities that were affected. <p>5. If a project may result in conversion of oak woodlands, as identified in section 21083.4 of the Public Resources Code, one or more of the following mitigation measures shall be implemented:</p> <ul style="list-style-type: none"> • Conserve oak woodlands, through the use of conservation easements. • Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees. • Contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of section 1363 of the Fish and Game Code. <p>6. An invasive species management plan shall be developed and implemented for any project whose construction or operation could lead to introduction or facilitation of invasive species establishment. The plan shall ensure that invasive plant species and populations are kept below preconstruction abundance and distribution levels. The plan shall be based on</p>	<p>Army Corps of Engineers-Sacramento District (USACE), East Contra Costa Habitat Conservancy.</p> <p>5. The Project will not convert oak woodlands.</p> <p>6. The Adaptive Management and Monitoring Plan (AMMP) for this Project will includes invasive weed control measures.</p>

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<p>the best available science and developed in consultation with Department of Fish and Wildlife (DFW) and local experts, such as the University of California Extension, county agricultural commissioners, representatives of County Weed Management Areas (WMA), California Invasive Plant Council, and California Department of Food and Agriculture. The invasive species management plan will include the following elements:</p> <ul style="list-style-type: none"> • Nonnative species eradication methods (if eradication is feasible) • Nonnative species management methods • Early detection methods • Notification requirements • Best management practices for preconstruction, construction, and post construction periods • Monitoring, remedial actions and reporting requirements • Provisions for updating the target species list over the lifetime of the project as new invasive species become potential threats to the integrity of the local ecosystems 	
4-2	<ol style="list-style-type: none"> 1. Select project site(s) that would avoid habitats of special-status species (which may include foraging, sheltering, migration and rearing habitat in addition to breeding or spawning habitat), and to the maximum extent practicable, (re)design project elements to avoid effects on such species. 2. Schedule construction to avoid special-status species' breeding, spawning, or migration locations during the seasons or active periods that these activities occur. 3. Conduct preconstruction surveys (by a qualified biologist) for special-status species in accordance with U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS) and DFW survey methodologies and appropriate timing to determine presence and locations of any special-status species and their habitat, and avoid, minimize, or compensate for impacts to special-status species in coordination with DFW and USFWS or NMFS. 	<p>1. – 7. The Project area consists of open water and ruderal habitats surrounded by residential developments with the exception of a vacant field west of the creek. Urbanization of the area provides marginal habitat for special-status species in the Project area. The Project will provide a more diverse habitat with the installation of floodplains that will create seasonal wetlands and riparian vegetation which will provide increased wildlife habitat value. Special-status species identified to occur or have the potential to occur in the area include: California red-legged frog, golden eagle, Pacific (Western) pond turtle, Swainson's hawk, and western burrowing owl, which are HCP/NCCP-covered species, Central Valley Chinook salmon and steelhead, and raptors and birds protected by the Migratory Bird Treaty Act. Mitigation Measures BIO-1, BIO-2, BIO-3 on pages 4 – 12 of the Project's MMRP include species-specific avoidance measures that are consistent with the Delta Plan's MM 4-2. The above avoidance measures include seasonal</p>

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<ol style="list-style-type: none"> 4. Establish buffers around special-status species habitats to exclude effects of construction activities. The size of the buffer shall be in accordance with USFWS and DFW protocols for the applicable special-status species. If nest tree removal is necessary, remove the tree only after the nest is no longer active, as determined by a qualified biologist. 5. Conduct construction monitoring (by qualified biologist) to ensure effectiveness of avoidance and minimization measures and implement remedial measures if necessary. 6. When appropriate, relocate special-status plant and animal species or their habitats from project sites following USFWS, NMFS, and DFW protocols (e.g., for special-status plant species or elderberry shrubs). 7. Where impacts to special-status species are unavoidable, compensate for impacts by restoring or preserving in-kind suitable habitat on-site, or off-site, or by purchasing restoration or preservation credits (in compliance with the California Endangered Species Act (CESA) and federal Endangered Species Act (ESA) for affected State- or federally-listed species from a mitigation bank that serves the project site and that is approved by the appropriate agencies, in consultation with the appropriate regulatory agencies (at ratios that offset the temporary loss of habitat value). 	<p>exclusion for special status fish, providing wide buffers for nesting Western Burrowing Owl and Swainson's hawk, and 30d notification of USFWS and CDFW staff prior to activities of the presence of potential breeding habitat for California red-legged frog, western pond turtle and silvery legless lizard.</p>
4-3	<ol style="list-style-type: none"> 1. Select project site(s) that would avoid a substantial reduction in fish and wildlife species habitat. 2. To the maximum extent practicable, design project elements to avoid effects that would lead to a substantial loss of fish and wildlife habitat. 3. Replace, restore, or enhance habitats for fish and wildlife species that would be lost. 	<p>1. - 4. The Project area consists of open water and ruderal habitats surrounded by residential developments with the exception of a vacant field west of the creek. Urbanization of the area provides marginal habitat for special-status species in the Project area. The Project will provide a more diverse habitat with the installation of floodplains that will create seasonal wetlands and riparian vegetation which will provide increased wildlife habitat value.</p>

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	4. Where substantial loss of habitat for fish and wildlife species is unavoidable, compensate for impacts by preserving in-kind habitat.	
4-4	<ol style="list-style-type: none"> 1. Protect habitat for migratory waterfowl and shorebirds by expanding existing wildlife refuges and management areas and establishing new ones in or near wetland areas used by migratory waterfowl and shorebirds. 2. Protect, restore and enhance connectivity of habitats, including but not limited to wetland and riparian habitats that function as migration corridors for wildlife species. Habitat restoration might be accomplished by establishing suitable hydrology or other physical conditions for desirable vegetation, planting desirable vegetation, fencing and managing grazing, and other means. 3. Protect migratory pathways for migratory aquatic species such as salmon, steelhead, and sturgeon including those that use Delta tributaries and floodplain habitats by screening new diversions, and screening existing diversions and removing existing migration barriers if the specific proposed project/activity (e.g., increased intake volume through an existing unscreened diversion, new diversion, new barrier, new barrier near an existing unscreened diversion, etc.) exacerbates the negative effect on migratory aquatic species caused by the existing barrier or unscreened diversion. 4. Avoid or minimize alteration of flow patterns and water quality effects that could disrupt migratory cues for migratory aquatic species by implementing water management measures and establishing programs to reduce water pollution. 	<p>1. - 3. The overall intent of the Project is to create floodplains and restore riparian habitat which will provide increased habitat value for migratory waterfowl and aquatic species such as steelhead and Chinook salmon. In 2010, a fish ladder was constructed in Marsh Creek (near Delta Road) downstream of the Project site which provides increased opportunity for the salmon which have been observed in Marsh Creek subsequent to the fish ladder installation.</p> <p>4. The Project will contribute to improving the water quality within Marsh Creek and the Delta which will benefit aquatic species due to the filtering function of the vegetated floodplains. The creek water within the Project area will be also be monitored and reported (see attached AMMP).</p>
Air		
9-1	<ul style="list-style-type: none"> • Use equipment and vehicles that are compliant with Air Resource Board (ARB) requirements and emission standards for on-road and off-road fleets and engines. New engines and 	Mitigation Measure AIR-1 and AIR-2 of the Project's MMRP are generally in line with the Delta Plan MM 9-1.

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<p>retrofit control systems should reduce NOx and PM from diesel-fueled on-road and off-road vehicles and equipment.</p> <ul style="list-style-type: none"> Minimize idling times 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]). Clear signage should be posted for construction workers at all entrances to the site. Maintain all equipment in proper working condition according to manufacturer's specifications. Use electric equipment when possible. Use lower-emitting alternative fuels to power vehicles and equipment where feasible. Use low Volatile Organic Compounds (VOC) coatings and chemicals; minimize chemical use. Prepare a dust control plan and apply dust control measures at the construction sites. To minimize track-out of dirt and mud from dirt and gravel roads, all trucks and equipment, including their tires, shall be washed prior to leaving the site. Only exteriors of trucks and equipment are to be washed (no engine degreasing), no detergents or chemicals shall be used in the wash water, and off-site runoff of rinse water shall be prevented. For projects involving land fallowing, land conversion, or other agricultural operations, implement applicable BMPs from agencies such as the U.S. Department of Agriculture Natural Resources Conservation Service to reduce potential dust emissions. <p>BMPs for fallowed lands could include, but are not limited to, the following:</p> <ul style="list-style-type: none"> Implement conservation cropping sequences and wind erosion protection measures, such as: Plan ahead to start with plenty of vegetation residue, and maintain as much residue on fallowed fields as possible. 	

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<p>Residue is more effective for wind erosion protection if left standing.</p> <p>If residues are not adequate, small grain can be seeded about the first of the year to take advantage of the winter rains and irrigated with a light irrigation if needed to get adequate growth.</p> <p>Avoid any tillage if possible.</p> <p>Avoid any traffic or tillage when fields are extremely dry to avoid pulverization.</p> <p>Apply soil stabilization chemicals to fallowed lands.</p> <p>Re-apply drain water to allow protective vegetation to be established.</p> <p>Reuse irrigation return flows to irrigate windbreaks across blocks of land including many fields to reduce wind fetch and reduce emissions from fallowed, farmed, and other lands within the block. Windbreak species, management, and layout would be optimized to achieve the largest feasible dust emissions reduction per unit water available for their irrigation. Windbreak corridors would provide ancillary aesthetic and habitat benefits.</p> <p>Project-specific lists of mitigation measures should also include the recommendations or requirements of the local air district(s). For example, the Bay Area Air Quality Management District (BAAQMD) lists the following basic and additional mitigation measures to reduce emissions from project construction (BAAQMD, 2010. California Environmental Quality Act Air Quality Guidelines. December 2010. San Francisco, California. Site accessed February 8, 2011. http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA- GUIDELINES.aspx).</p> <p>Basic Construction Mitigation Measures Recommended for ALL Proposed Projects</p> <ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil 	

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<p>piles, graded areas, and unpaved access roads) shall be watered two times per day.</p> <ol style="list-style-type: none"> 2. All haul trucks transporting soil, sand, or other loose material off- site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. 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]). Clear signage shall be provided for construction workers at all access points. 7. 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. 8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person 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>Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions Above the Threshold</p> <ol style="list-style-type: none"> 1. All exposed surfaces shall be watered at a frequency adequate 	

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<p>to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</p> <ol style="list-style-type: none"> 2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. 3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity. 4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. 5. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. 6. All trucks and equipment, including their tires, shall be washed off prior to leaving the site. 7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel. 8. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. 9. Minimizing the idling time of diesel powered construction equipment to two minutes. 10. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet- average 20 percent NOx reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after- treatment products, add-on devices such as particulate filters, and/or other options as 	

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<p>such become available.</p> <ol style="list-style-type: none"> 11. Use low VOC (i.e., reactive organic gases or ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings). 12. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM. 13. Require all contractors to use equipment that meets ARB's most recent certification standard for off-road heavy duty diesel engines. 	
Cultural Resources		
10-1	<ol style="list-style-type: none"> 1. Before any ground-disturbing activities begin, conduct intensive archaeological surveys, including subsurface investigations to identify the locations, extent, and integrity of presently undocumented archaeological resources that may be located in areas of potential disturbance. In addition, if ground-disturbing activities are planned for an area where a previously documented prehistoric archaeological site has been recorded but no longer may be visible on the ground surface, conduct test excavations to determine whether intact archaeological subsurface deposits are present. Also conduct surveys at the project site for the possible presence of cultural landscapes and traditional cultural properties. 2. If potentially CRHR-eligible prehistoric or historic-era archeological resources are discovered during the survey phase, additional investigations may be necessary. These investigations could include, but not necessarily be limited to, measures providing resource avoidance, archival research, archaeological testing and California Register of Historical Resources (CRHR) eligibility evaluations, and contiguous excavation unit data recovery. In addition, upon discovery of potentially CRHR-eligible prehistoric resources, coordinate with the NAHC and the Native American community to provide for an opportunity for suitable individuals and tribal 	<p>1. – 7. A cultural records search and pedestrian survey of the Project area was conducted and while no cultural resources were found, the Project area has a moderate sensitivity of for cultural resources due to its location along a waterway. Mitigation Measures CUL-1 and CUL-2 of the Project's MMRP is consistent with the Delta Plan's MM-10-1.</p>

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<p>organizations, including federally recognized tribes, to comment on the proposed research.</p> <p>3. If CRHR-eligible archaeological resources or cultural landscapes/properties are present and would be physically impacted, specific strategies to avoid or protect these resources should be implemented if feasible. These measures may include:</p> <ul style="list-style-type: none"> • Planning construction to avoid the sensitive sites • Deeding the sensitive sites into permanent conservation easements • Capping or covering archaeological sites • Planning parks, green space, or other open space to incorporate the sensitive sites • Granting of cultural easements to Native American tribes for the purpose of protecting cultural resource properties <p>4. If federal agencies are participants in the activity and Section 106 of the National Historic Preservation Act applies, conduct formal consultation with the State Historic Preservation Officer, Tribal Historic Preservation Officer (THPO) or Tribal Administrator for tribes that do not have a THPO, and the Native American community. Potential adverse effects on cultural resources recommended as eligible for listing in the National Register of Historic Places (NRHP) will be resolved through the development of a memorandum of agreement and/or a program-level agreement.</p> <p>5. As part of efforts to identify, evaluate, and consider cultural resources, including prehistoric sites, Native American human remains, and traditional cultural properties, Native Americans would be consulted. The California Native American Heritage Commission (NAHC) would be asked to provide a list of Native Americans who should be contacted concerning an identified future project. The NAHC would also be asked to search its</p>	

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<p>Sacred Lands Files. Native Americans identified by the NAHC would be contacted by letter to request information on cultural resources of importance. They also would be asked to identify concerns they have about the project. THPOs and Tribal Administrators of federally recognized tribes would be contacted and asked to search their files and provide information necessary for the identification and consideration of cultural resources.</p> <p>6. Before any project-specific ground-disturbing activities begin, conduct investigations to identify submerged cultural resources. These investigations would include review of State Lands Commission (SLC) Shipwrecks Database and other SLC files, and remote sensing surveys conducted under the direction of a qualified maritime archaeologist. If avoidance of significant submerged cultural resources is not feasible, a permit from SLC may be necessary to conduct resource documentation and possible salvage of artifacts, ship components, and other data and objects.</p> <p>7. If CRHR-eligible archaeological resources, including submerged or buried shipwrecks or other maritime related cultural resources, are discovered during construction activities, work would halt within 100 feet of the discovery until the find can be evaluated by a qualified archaeologist or maritime archaeologist as appropriate. In addition, SLC would be consulted.</p>	
10-2	<p>The identification, evaluation, and determination of disposition of Native American human remains shall be conducted in accordance with Native American consultation procedures described below and in Mitigation Measure 10-1. The location, content, and character of Native American human remains are confidential and shall not be released to the public. Native American human remains and associated funerary objects shall be treated with the utmost respect and in accordance with the direction of the identified Most Likely Descendant (MLD).</p>	<p>1. Mitigation Measures CUL-1 of the Project's MMRP generally aligns with measures described in the Delta Plan's MMRP 10-2.</p> <p>2. There are no federal lands in the Project Area.</p>

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<p>1. If human remains are encountered during ground-disturbing construction activities, stop work that would potentially affect the find and contact the county coroner.</p> <ul style="list-style-type: none"> • In accordance with the California Health and Safety Code and the California Native American Grave Protection and Repatriation Act (CNAGPRA), if human remains are uncovered during ground-disturbing activities, the contractor shall immediately halt potentially damaging excavation in the area of the burial and notify the county coroner, a professional archaeologist to determine the nature of the remains, and a representative of California Indian tribes. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (Health and Safety Code section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the NAHC by telephone within 24 hours of making that determination (Health and Safety Code section 7050[c]). • Following the coroner's findings, the property owner, contractor or project proponent, an archaeologist, and the NAHC-designated Most Likely Descendent (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code section 5097.9. • Upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further activity until consultation with the MLD has taken place. The MLD shall have 48 hours to 	

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<p>complete a site inspection and make recommendations after being granted access to the site.</p> <ul style="list-style-type: none"> • A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendents, or other culturally appropriate treatment may be discussed. California Public Resources Code section 5097.9 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. The following is a list of site protection measures that the landowner shall employ: <i>(1) Record the site with the NAHC or the appropriate information center. (2) Use an open space or conservation zoning designation or easement. (3) Record a document with the county in which the property is located.</i> • The landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify a MLD or if the MLD fails to make a recommendation within 48 hours after being granted access to the site. The landowner or his or her authorized representative may also reinter the remains in a location not subject to further disturbance if he or she rejects the recommendation of the MLD and mediation by the NAHC fails to provide measures acceptable to the landowner. <p>2. If the discovery of human remains occurs on lands owned and administered by a federal agency, the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) will apply. NAGPRA requires federal agencies and certain recipients of federal funds to document Native American human remains and cultural items in their collections, notify</p>	

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<p>native groups of their holdings, and provide an opportunity for repatriation of these materials. The act also requires planning for dealing with potential future collections of Native American human remains and associated funerary objects, sacred objects, and objects of cultural patrimony.</p>	
10-3	<ol style="list-style-type: none"> 1. Inventory and evaluate historic-era buildings, structures, and linear features. Conduct cultural resource studies to determine whether historic-era buildings, structures, and linear features in the project area are eligible for listing in the CRHR. 2. Before construction activities begin, an inventory and evaluation of historic-era resources in the project area should be conducted under the direct supervision of an architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for history or architectural history. The documentation should include conducting an intensive field survey, background research on the history of the project area, and property-specific research. Based on this research, the eligibility of historic-era resources located in the project area should be evaluated by the architectural historian using criteria for listing in the CRHR. The resources would be recorded on DPR 523 forms and the findings documented in a technical report. If federal funding or approval is required, then the project implementation agencies would comply with Section 106 of the National Historic Preservation Act. 3. Identify measures to avoid significant historic resources. Avoidance through project redesign is the preferred mitigation measure for mitigating potential effects on historic-era buildings, structures, linear features, and archaeological sites that appear to be eligible for listing in the NRHP or CRHR. 4. Record photographic and written documentation to Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) standards. If avoidance of a significant historic resource is not feasible, the lead agency 	<p>1. – 6. No historic-era buildings or structures will be impacted by the Project.</p>

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<p>should ensure that HABS/HAER documentation is completed. Through HABS/HAER documentation, a qualified architectural historian and qualified photographer should formally document the historic resource through large-format photography, measured drawings, written architectural descriptions, and historical narratives. The completed documentation should be submitted to the Library of Congress.</p> <p>5. Conform to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings in the event of relocation. If any historic buildings, structures, or levees are relocated or altered, the lead agency should ensure that any changes to significant buildings or structures conform to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. Implementation of this measure can mitigate potential changes to significant architectural resources.</p> <p>6. Conform to the Secretary of the Interior's Guidance for the Treatment of Cultural Landscapes to preserve landscapes' historic form, features, and details that have evolved over time.</p>	
12-xPaleontological Resources		
12-1	<p>During the project-level analysis, a Paleontological Resources Monitoring and Recovery Plan (PRMRP) shall be developed and implemented for all actions. The PRMRP shall include protocols for paleontological resources monitoring in those areas where sediment with moderate to high paleontological sensitivity would be affected by construction-related excavations. The PRMRP also shall set forth the following procedures:</p> <ul style="list-style-type: none"> Confirming the paleontological sensitivity (high, moderate, or low) of the areas to be impacted through review of project-level geological and geotechnical data 	<p>The Project area is mapped as Quarternary-aged alluvial deposits, which have a high to moderate potential for paleontological resources. While a Paleontological Resources Monitoring and Recovery Plan (PRMRP) was not developed for this Project, Mitigation Measure CUL-2 requires that all construction stop work in the vicinity of a potential discovery until a qualified paleontologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find.</p>

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<ul style="list-style-type: none"> • Determining the qualifications of the paleontologist as established by the Society of Vertebrate Paleontology (SVP) (SVP, 1991. Standard Measures for assessment and mitigation of adverse impacts to nonrenewable paleontological resources. Society of Vertebrate Paleontology News Bulletin 152:2 – 5; SVP, 1995. Assessment and mitigation of adverse impacts to nonrenewable paleontological resources: Standard guidelines. Society of Vertebrate Paleontology News Bulletin 163: 22 – 27; SVP, 1996. Conditions of Receivership for Paleontologic Salvage Collections. Society of Vertebrate Paleontology News Bulletin. Vol. 166, pp. 31 – 32) • The assessment and recovery of discovered fossil resources • The preparation and curation of fossil finds <p>The PRMRP would provide guidelines for the establishment of a yearly or biannual monitoring program led by a qualified paleontologist to determine the extent of fossiliferous sediment being exposed and affected by erosion, and determine whether paleontological resources are being lost. If loss of scientifically significant paleontological resources can be documented, then a recovery program should be implemented.</p>	
15-x Noise		
15-1	<ol style="list-style-type: none"> 1. Limit the hours of operation at noise-generation sources located near or adjacent to noise-sensitive areas, wherever practicable, to reduce the level of exposure to meet applicable local standards. 2. Locate construction equipment away from sensitive receptors, to the extent feasible, to reduce noise levels below applicable local standards. 3. Maintain construction equipment to manufacturers' recommended specifications, and equip all construction vehicles and equipment with appropriate mufflers and other approved noise-control devices. 	<ol style="list-style-type: none"> 1. Noise impacts will be mitigated by limiting hours of operation per the Mitigation Measure NOI-1 of the Project's MMRP which requires the Project contractor to ensure that construction activities shall be limited to the hours set forth in City of Brentwood Municipal Code Section 9.32.050 - Outside Heavy Construction: Monday-Friday 8:00 AM to 5:00 PM; Saturday 9:00 AM to 4:00 PM. 2. – 4, 6. While the Project's MMRP provides no other specification regarding noise management, the Project contract requires typical noise-reducing measures for construction. Further, the contract will require that the Project provide the

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<p>4. Limit idling of construction equipment to the extent feasible to reduce the time that noise is emitted.</p> <p>5. Conduct individual traffic noise analysis of identified haul routes and provide mitigation, such as reduced speed limits, at locations where noise standards cannot be maintained for sensitive receptors.</p> <p>6. Incorporate use of temporary noise barriers, such as acoustical panel systems, between construction activities and sensitive receptors if it is concluded that they would be effective in reducing noise exposure to sensitive receptors.</p>	<p>name and contact number on-site for reporting noise complaints.</p> <p>5. The Project will not require use of haul routes as excavated soils will be placed within the vacation field adjacent to the Project area.</p>
18-x Recreation		
18-1	<p>If the substantial impairment, degradation, or elimination of recreational facilities occurs, replacement facilities of equal capacity and quality with ongoing funding provided for maintenance of these facilities.</p> <p>If degradation or impairment of recreational facilities, settings, and activities occur from implementation of water use efficient practices and water conservation measures at recreational areas, the park and recreation areas shall be redeveloped with drought-tolerant plant materials, water efficient irrigation systems, and synthetic turf substitutes where appropriate, in such a way as to retain recreational facilities and use areas.</p> <p>If the volume of water exported from the Delta declines over multiple years, the lead agencies that implement local water supplies may be unable to develop a long-term replacement water supply for the south-of-Delta surface water reservoirs with recreation uses. At these sites, facilities must be modified (including access facilities, as necessary) to accommodate lower water elevations or more frequent fluctuations in water elevations that could occur more frequently in the Proposed Project than under existing conditions.</p> <p>If the volume of water exported from the Delta declines over multiple years, the lead agencies that implement local water</p>	<p>The Project would not impair, degrade, or eliminate recreational facilities as the goal of the Project is to provide improved recreational opportunities with the Marsh Creek Trail. Further, funding for long-term maintenance will be available via the owner of the creek within the Project area – Flood Control District.</p> <p>Since the Project will use native vegetation in restoration, these plantings will be naturally water-use efficient.</p> <p>The Project is not expected to be affected by changes in the volume of water exported from the Delta or alterations in Delta water elevations.</p>

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	supplies may be unable to develop a long-term replacement water supply for the south-of-Delta surface water reservoirs with	
19-X	Transportation/Traffic	
19-1	<ol style="list-style-type: none"> 1. Avoid modifications to federal, State, and county highways, local roadways, and bridges that may reduce vehicle capacity, to the extent feasible. 2. Develop and implement a traffic control plan to reduce effects of roadway construction activities, including full and partial lane closures, bicycle and pedestrian facility closures, and reduced access to adjacent properties. Minimize lane closures during morning and evening peak hours. Limit lane closures near the affected segment. Reroute bicycle and pedestrian access around the project area. Prevent bicyclists and pedestrians from entering the work area. 3. As part of the traffic control plan, identify specific project-vehicle access routes that would avoid additional traffic in residential areas or would adversely affect other sensitive land uses, where feasible. 4. Install roadway status signs at strategic locations in the Delta to inform the public of roadway closures and limits to ingress to/egress from Delta Islands. The signs shall include maps showing the relative locations of road closures and access restrictions to other Delta features. 5. For project operations that increase traffic, prepare a traffic study. Determine haul routes that would be used. Evaluate the levels of service at affected intersections and road segments during the peak a.m. and peak p.m. periods. Model changes in traffic with project traffic. If the level of service is maintained at levels acceptable to the appropriate agency, then no additional mitigation is required. If project traffic causes an intersection or road segment to perform below the minimum level of service standard, then select an alternate route for project traffic or schedule project trips for non-peak-hour periods. If alternate routes are not feasible, then design and construct facility 	<ol style="list-style-type: none"> 1. This is not specifically addressed in the LMC MMRP, however costs of modifying federal, State, and county highways, local roadways, and bridges will likely place a natural limit on any such potential impacts. 2. Traffic impacts will be mitigated by constraining hours of operation per LMC Mitigation Measure TRAFFIC-1: Prepare a Traffic Control Plan Prior to Construction, which addresses impacts described in 19-1. 3. This is not specifically addressed in the LMC MMRP. 4. 4-7. The LMC MMRP requires that a traffic control plan be submitted with any encroachment application. This would include a traffic control plan to be submitted to the Cities of Brentwood and/or Oakley for review and approval prior to construction

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<p>improvements to intersections or road segments to maintain the acceptable level of service.</p> <p>6. During the planning and analysis of site-specific actions, coordinate with Caltrans and/or other local agencies with jurisdiction over transportation system features for the purpose of minimizing impacts on bridges, roadways, culverts, or other features that may be affected. Agencies responsible for constructing and maintaining levees on which a public roadway may be located shall also be consulted to ensure consistency with levee design criteria.</p> <p>7. For roads that will be flooded during floodplain operation, prepare and implement vehicular traffic detour planning as necessary. Provide convenient and parallel vehicular traffic detours for routes closed because of inundation. A detour plan shall be prepared and implemented in accordance with current Caltrans Standard Plans and Specifications. (A temporary crossing structure, for example a Bailey Bridge, may be used to maintain circulation and avoid a detour plan.) The detour plan shall be implemented before roadway inundation.</p> <p>The detour plan will include an assessment of existing roadway conditions, whether paved or unpaved, and provisions for repair and maintenance if the roadway conditions are substantially degraded from increased use. After the detour route is identified and before flood flows are released that would overtop roads, the condition of the detour road surface will be assessed and documented. The documentation will be submitted to the local agency responsible for maintenance of the road. After the detour is no longer needed, the condition of the road surface will be assessed and documented. The documentation will identify substantial changes in the condition of the road surface, such as potholing or rutting. Repair and maintenance actions needed to restore the road surface to predetour conditions will be identified. In coordination with the local maintenance agency, the repair and maintenance actions may be conducted by the agency</p>	

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<p>conducting the floodplain operation or by the local maintenance agency to be proportionately reimbursed by the flood management authority.</p> <p>The detour plan will prioritize paved roads for use as detour routes. If use of paved roadway detours is not feasible during flood flow road inundation periods, the detour plan will require that visible dust emissions from unpaved detour routes will be limited to the percent opacity indicated by the appropriate air pollution control district. The following dust control measures may be used to stabilize unpaved roadways:</p> <ul style="list-style-type: none"> • Watering • Uniform layer of washed gravel • Roadmix • Paving <p>Any other method that can be demonstrated to the satisfaction of the appropriate air pollution control district that effectively limits visible dust emission to the local percent opacity standard and meets the conditions of a stabilized unpaved road.</p> <p>◆Traffic impact reports shall be prepared that meet the applicable agencies' standards to assess potential impacts on appropriate street segments and intersections. The traffic impact reports shall identify impacts that exceed the agencies' guidelines for significance and identify appropriate mitigation</p> <ul style="list-style-type: none"> • Prepare and implement a waterway traffic control plan to ensure safe and efficient vessel navigation during construction in waterways. The plan shall identify vessel traffic control measures to minimize congestion and navigation hazards to the extent feasible. Construction areas in the waterway will be barricaded or guarded by readily visible barriers or other effective means to warn boaters of their presence and restrict access. Warning devices and signage will be consistent with the California Uniform State Waterway Marking System and effective during nondaylight hours and periods of dense fog. 	

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<ul style="list-style-type: none"> ◆ Where temporary partial channel closure is necessary, a temporary channel closure plan shall be developed. The waterway closure plan will identify and implement alternate detour routing and procedures for notifying boaters of construction activities and partial closures, including coordination with the U.S. Coast Guard, local boating organizations and marinas. ◆ To the extent feasible, ensure that safe boat access to public launch and docking facilities, businesses, and residences is maintained. ◆ Coordinate with transit system operators to establish appropriate alternate transit system routes to be rerouted during construction activities, as appropriate. ◆ Boat passage facilities shall be provided as an integral component of operable gate facilities, when feasible. Boat passage facilities shall be designed to provide uninterrupted boat passage when gate are in the “up” position. Floating docks with mooring bits shall be provided along the shoreline on both sides of the boat passage facility for boaters to use while they await passage. Floating barriers will guide boats into the passage facility chambers. ◆ Implement a program to provide boater education on procedures for waiting at and using the boat passage facility. ◆ Minimize impacts on bicycle and pedestrian circulation where feasible by avoiding impacts, minimizing closure of paths, and providing for temporary or permanent relocation of the facility to the extent feasible. Consult with the appropriate public works department to determine the most feasible alignment for facility relocation. • Develop and implement a program that will include procedures for routine inspections and emergency facility operation to allow safe navigation should the facility become damaged or malfunction. The program will include the following specific components: <ul style="list-style-type: none"> • Routine inspections and correction 	

Delta Plan Mitigation Measure #	Delta Plan Mitigation Measure	Three Creeks Parkway Restoration Program Consistency
	<p>procedures to ensure that facility safety features are in good working order.</p> <ul style="list-style-type: none"> • Routine inspections and correction procedures for navigational hazards around facilities, including floating or submerged debris and the formation of shoals. • Contingency and emergency operating procedures to address the possibility that a boat colliding with the flow control facilities will damage the facilities or otherwise render them unable to operate as engineered, and provisions to allow safe navigation. 	