

**CALENDAR ITEM
C19**

A 10
S 2

10/14/14
W 26774
M.J. Columbus

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Sonoma-Marín Area Rail Transit
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

AREA, LAND TYPE, AND LOCATION:

Sovereign land in San Antonio Creek, adjacent to Assessor's Parcel Number 125-160-14, near the city of Novato, Marin County.

AUTHORIZED USE:

Maintenance of eight existing unattached pilings not previously authorized by the Commission; and restoration and enhancement activities for the Mira Monte Marina Wetlands Mitigation Project, which includes removal of all structures, excavation and grading of intertidal areas and channels, removal of upland fill to open the area for tidal action from San Antonio Creek, temporary restoration work areas in the creek and sloughs; and proposed construction monitoring of the restoration and enhancement of tidal marsh habitats.

LEASE TERM:

10 years, beginning October 14, 2014.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. The Sonoma-Marín Area Rail Transit (SMART) is coordinating a large scale effort to restore the Mira Monte Marina Wetlands and associated habitats. The Project will extend within Sonoma County Assessor's Parcel Number 019-370-004 and Marin County Assessor Parcel Number 125-

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160-14. The two parcels are bisected by San Antonio Creek, one in Marin County on the south side and the other in Sonoma County on the North side of the creek. The south bank of San Antonio Creek, at the Project location, is State-owned sovereign land. SMART has submitted an application for a General Lease – Public Agency Use for the portion of the project on sovereign land.

2. SMART plans to remove abandoned docks and pilings within San Antonio Creek that were formerly part of a marina operation authorized under Lease No. PRC 3821. Removal of the abandoned docks and pilings will be done from the upland and will not require construction equipment to enter San Antonio Creek. At this time, eight unattached pilings not easily accessible from the upland will remain in the creek.
3. The primary objective of the proposed Project is to re-establish 8.08 acres and rehabilitate another 4.55 acres of tidal marsh, and preserve existing tidal marsh on State-owned sovereign land. A total of 42.19 acres of tidal marsh on and off sovereign lands will be preserved. The goals of the project will be accomplished through excavation and grading of intertidal areas and channels and removal of upland fill to open the area for tidal action. Restoration activities on sovereign land are anticipated to be completed by the end of October 2016. SMART has requested authorization of a two-year term for the restoration area. After the restoration activities are complete, SMART will submit a lease quitclaim deed for the restoration area. As part of this authorization, staff is requesting a delegation to accept the lease quitclaim deed at a later date.
4. The proposed Project is also anticipated to extend onto the upland parcels and Burdell Island. This portion of the project does not take place on State-owned sovereign land, and therefore, is not required to be part of the Lease Premises.
5. **For Existing Piles:** The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

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6. **For Restoration Activities:** A Mitigated Negative Declaration, State Clearinghouse No. 2014052039, was prepared by Sonoma-Marín Area Rail Transit and adopted on June 18, 2014, for this project. The California State Lands Commission staff has reviewed such document.

A Mitigation Monitoring Program was adopted by Sonoma-Marín Area Rail Transit.

7. **For Quitclaim Deed:** The staff recommends that the Commission find that the subject authorization for a quitclaim deed does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with CEQA.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the California Environmental Quality Act (CEQA) review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

U.S. Fish and Wildlife Service
National Marine Fisheries Service

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
San Francisco Bay Regional Water Quality Control Board
California Department of Fish and Wildlife
National Oceanic and Atmospheric Administration Fisheries
State Historic Preservation Officer
San Francisco Bay Conservation and Development Commission

EXHIBITS:

- A. Land Description (A-1 and A-2)
- B. Site and Location Map
- C. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CALENDAR ITEM NO. C19 (CONT'D)

CEQA FINDING:

For Existing Piles: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

For Restoration Activities: Find that a Mitigated Negative Declaration, State Clearinghouse No. 2014052039, and a Mitigation Monitoring Program were prepared by Sonoma-Marine Area Rail Transit and adopted on June 18, 2014, for this Project and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

For Quitclaim Deed: Find that the subject authorization for a quitclaim deed is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize issuance of a General Lease – Public Agency Use to the Sonoma-Marine Area Rail Transit beginning October 14, 2014, for a term of 10 years, for maintenance of eight existing unattached pilings (Exhibit A-1) not previously authorized by the Commission; and a term of two years for the restoration and enhancement activities for the Mira Monte Marina Wetlands Mitigation Project (Exhibit A-2), which includes removal of all structures, excavation and grading of intertidal areas and channels, removal of upland fill to open the area for tidal action from San Antonio Creek, temporary construction work areas in the creek and sloughs; and proposed construction monitoring of the restoration and enhancement of tidal marsh habitats as described in Exhibit A-1 and A-2 and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration is the public use and benefit, with the State reserving the right at any time to set a

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monetary rent if the Commission finds such action to be in the best interest of the State.

2. Authorize delegation to the Executive Officer to accept a lease quitclaim deed from Sonoma-Marin Area Rail Transit for the restoration area (Exhibit A-2) upon staff's satisfaction that the restoration activities have been successfully completed.

EXHIBIT A- 1 (Pilings)

W 26774

LAND DESCRIPTION

A parcel of tide and submerged land, situate in the bed of San Antonio Creek lying adjacent to Swamp and Overflowed Lands Location 3320, patented June 13, 1894, County of Marin, State of California, and more particularly described as follows:

COMMENCING at a point on the south bank of San Antonio Creek which bears South 70°14'49" West 1425.69 feet more or less from a California State Lands Commission (CSLC) Triangulation Station "San 2, 1958" as shown on CSLC map CB 946 - "Map of the Ordinary High Water Mark on the Right Bank of Petaluma Creek, Vicinity of San Antonio Creek" on file with the CLSC, Sacramento Office, said station having CCS27, Zone 3 coordinates of Northing(y)=610,148.21 feet and Easting(x)=1,412,431.02; thence North 130.00 feet to the POINT OF BEGINNING; thence North 72°06'07 West 460.00 feet; thence leaving said bank North 70.00 feet; thence South 72°06'07 East 460.00 feet; thence South 70.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of said creek.

The Basis of Bearings is CCS27, Zone 3. All distances are grid and in U.S. survey feet.

END OF DESCRIPTION

PREPARED 10/07/14 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



EXHIBIT A- 2 (Temporary Restoration Work)

W 26774

LAND DESCRIPTION

A parcel of tide and submerged land, situate in the bed of San Antonio Creek lying adjacent to Swamp and Overflowed Lands Location 3320, patented June 13, 1894, County of Marin, State of California, and more particularly described as follows:

BEGINNING at a point on the south bank of San Antonio Creek which bears South 70°14'49" West 1425.69 feet more or less from a California State Lands Commission (CSLC) Triangulation Station "San 2, 1958" as shown on CSLC map CB 946 - "Map of the Ordinary High Water Mark on the Right Bank of Petaluma Creek, Vicinity of San Antonio Creek" on file with the CLSC, Sacramento Office, said station having CCS27, Zone 3 coordinates of Northing(y)=610,148.21 feet and Easting(x)=1,412,431.02; thence from said POINT OF BEGINNING along the following six (6) courses:

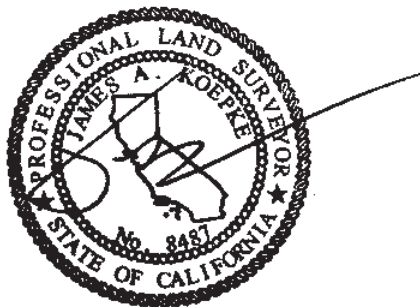
- 1) West 2500.00 feet;
- 2) North 160.00 feet;
- 3) East 750.00 feet;
- 4) North 70°35'00" East 950.00 feet;
- 5) South 72°06'07" East 897.47 feet;
- 6) South 200.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of said creek.

The Basis of Bearings is CCS27, Zone 3. All distances are grid and in U.S. survey feet.

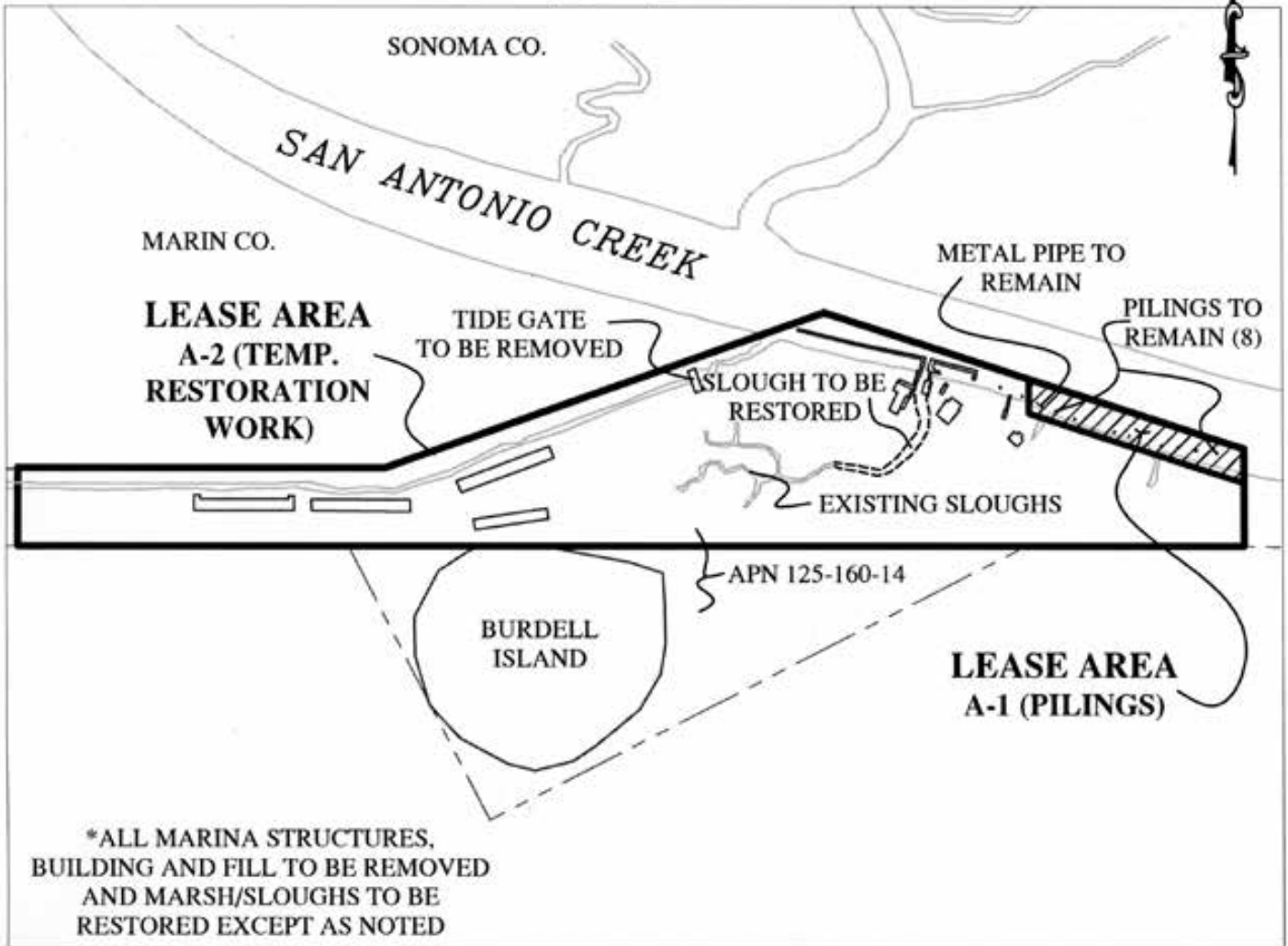
END OF DESCRIPTION

PREPARED 10/07/14 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

SITE



San Antonio Creek, near Burdell

NO SCALE

LOCATION



Exhibit B

W 26774
 SONOMA-MARIN AREA
 RAIL TRANSIT
 APN 125-160-14
 GENERAL LEASE -
 PUBLIC AGENCY USE
 MARIN COUNTY



MJF 10/08/14

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
MIRA MONTE MARSH RESTORATION PROJECT
(State Clearinghouse No. 2014052039)

The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the Mira Monte Marsh Restoration Project (Project). The CEQA lead agency for the Project is Sonoma-Marin Area Rail Transit District.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to discuss feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration. State CEQA Guidelines section 15097, subdivision (a), states in part.¹

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency has adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1) and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below.

¹ The State CEQA Guidelines are found at California Code of Regulations, Title 14, section 15000 et seq.

Table C-1. Project Impacts and Applicable Mitigation Measures.

Potential Impact	Mitigation Measure (MM) ²
AIR-3. Expose sensitive receptors to substantial pollutant concentrations.	AQ-1. Implement BAAQMD basic construction mitigation measures.
<p>BIO-1. Have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.</p>	<p>BIO-1. Conduct focused preconstruction surveys for special-status plant species throughout the project site.</p> <p>BIO-2. Confine construction disturbance and protect special-status plants during construction.</p> <p>BIO-3 Develop and implement worker awareness training.</p> <p>BIO-4. Implement nesting bird impact avoidance measures.</p> <p>BIO-5. Implement survey and avoidance measures for California clapper rail and California black rail prior to construction activities.</p> <p>BIO-7. Implement survey and avoidance measures for salt marsh harvest mouse and Suisun shrew prior to construction activities.</p>
BIO-2. Have a substantial adverse effect on a federally protected wetland through direct removal, filling, hydrological interruption, or other means.	<p>BIO-10. Avoid and protect jurisdictional wetlands during construction.</p> <p>BIO-11. Compensate for impacts on jurisdictional wetlands and waters of the United States.</p>
BIO-3. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede	BIO-3, BIO-4, BIO-5, BIO-7, and BIO-10 (as noted above).

² See Attachment C-1 for the full text of each mitigation measure taken from the MMP prepared by the CEQA lead agency.

Potential Impact	Mitigation Measure (MM) ²
the use of wildlife nursery sites.	
<p>CR-1. Cause a substantial adverse change in significance of an archaeological resource pursuant to Section 15064.5.</p> <p>CR-2. Disturb any human remains.</p>	<p>CR-1. Implement measures to protect previously unidentified cultural resources during construction.</p>
<p>GHG-1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.</p>	<p>GHG-1. Implement the BAAQMD's best management practices for GHG emissions.</p> <p>AQ-1 (as noted above).</p>
<p>HAZ-2. Create a significant hazard to the public or environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials.</p>	<p>HM-5. Prepare and implement a spill prevention, control, and countermeasure program for construction activities.</p>
<p>HYD-1. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite.</p>	<p>HYD-1. Implement measures in design phase to prevent downstream erosion or siltation.</p> <p>HYD-2. Implement measures in design phase to ensure full tidal exchange.</p>
<p>NOISE-1. Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies.</p> <p>NOISE-2. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.</p>	<p>NOI-1. Implement measures to reduce construction noise.</p>

Potential Impact	Mitigation Measure (MM) ²
<p>TRANS-1. Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system...</p> <p>TRANS-2. Conflict with an applicable congestion management program, including but not limited to, level-of-service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways.</p>	<p>T-1. Implement a traffic control plan during construction.</p>
<p>MANDATORY-1. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of CA history.</p>	<p>BIO-6, BIO-7, BIO-8, BIO-9, CR-1 (as noted above).</p>

ATTACHMENT C-1

Mitigation Monitoring Program adopted by the
Sonoma-Marín Area Rail Transit District

Mitigation Monitoring Program for the Mira Monte Marsh Restoration Project

Mitigation Measure	Description	Implementation and Monitoring Responsibility	Checklist and Notes
<p>AQ-1. Implement BAAQMD basic construction mitigation measures.</p>	<p>SMART will require all construction contractors to implement the basic construction mitigation measures recommended by BAAQMD. The emission reduction measures will include the following, at a minimum. Additional measures may be identified by BAAQMD or the contractor as appropriate.</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day. • All haul trucks transporting soil, sand, or other loose material offsite will be covered. • All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds will be limited to 15 mph on unpaved roads. • All roadways, driveways, and sidewalks to be paved will be paved as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used. • All construction equipment will be maintained and properly tuned in accordance with manufacturers' specifications. All equipment will be checked by a certified visible-emissions evaluator. • Idling times will 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). • Publicly visible signs will be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person will respond and take corrective action within 48 hours. BAAQMD's phone number will also be visible to ensure compliance with applicable regulations. 	<p>SMART</p>	
<p>AQ-2. Comply with BAAQMD Regulation 11, Rule 2, Asbestos, Demolition, Renovation, and Manufacturing</p>	<p>SMART will comply with BAAQMD Regulation 11, Rule 2, <i>Asbestos, Demolition, Renovation, and Manufacturing</i>. The purpose of this of the rule is to control emissions of asbestos to the atmosphere during demolition and building renovation.</p>	<p>SMART</p>	
<p>BIO-1. Conduct focused preconstruction</p>	<p>Prior to any construction or ground disturbing activities, SMART will retain a qualified biologist to conduct special-status plant surveys on the project site during the blooming season (one survey in April and one survey in July) for Napa false indigo, bent-flowered fiddleneck, papoose tarplant, Point Reyes</p>	<p>SMART</p>	

Mitigation Measure	Description	Implementation and Monitoring Responsibility	Checklist and Notes
<p>surveys for special-status plant species throughout the project site</p> <p>BIO-2. Confine construction disturbance and protect special-status plants during construction</p>	<p>salty bird's beak, soft salty bird's beak, small spikerush, fragrant fritillary, white seaside tarplant, delta tulle pea, woolly-headed lessingia, Marin knotweed, showy rancheria clover, and saline clover. If special-status plant species are found within the project site, the work area will be limited to areas that avoid impacts on special-status plant populations as described under Mitigation Measure BIO-2. If no special-status species are found within the project site, then no further action will be required.</p> <p>Prior to construction activities, SMART will retain a qualified botanist to work with the project engineer to delineate the extent of construction and identify areas that need to be fenced. The botanist will guide the project engineer during the installation of Ertec fencing to accurately exclude special-status plants and their habitat within the project site. The botanist will be onsite to monitor fencing installation. All crews will have a set of environmental drawings showing the locations of the known populations. The plans will also define the fencing installation procedure. The project's special provisions package, which will be written by the contractor for the construction crew, will provide clear language regarding acceptable fencing material and prohibited construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within sensitive areas.</p>	<p>SMART</p>	
<p>BIO-3. Develop and implement worker awareness training</p>	<p>Prior to construction, SMART will retain a qualified biologist to conduct a Worker Awareness Training to inform the contractors and all construction project workers of their responsibilities regarding sensitive environmental resources. The training will include environmental education about sensitive plants and wildlife with potential to be present in the project site (as identified in Tables 10 and 11), as well as sensitive resources (e.g., trees, wetlands). The training will include information regarding protected status of the resource, visual aids to assist in identifying regulated biological resources, and actions to take should protected wildlife and biological resources be observed within the project site. During construction, qualified biologists will be on call and will regularly survey the site to ensure workers and construction activities are in compliance.</p>	<p>SMART</p>	
<p>BIO-4. Implement nesting bird impact avoidance measures</p>	<p>To the extent feasible, trees and shrubs in the construction zones will be trimmed or removed by hired contractors between September 1 and January 31 (outside the nesting season) to reduce potential impacts on nesting birds. If vegetation must be removed during the period from February 1 to August 31, a qualified wildlife biologist will conduct preconstruction surveys for nesting birds. If an active nest is found, the bird will be identified to species and the approximate distance from the closest work site to the nest estimated. The buffer distance will be determined by a qualified biologist who will evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Disturbance of active nests will be avoided to the extent possible until it is determined that nesting is complete and the young have fledged.</p>	<p>SMART</p>	

Mitigation Measure	Description	Implementation and Monitoring Responsibility	Checklist and Notes
<p>BIO-5. Implement survey and avoidance measures for California clapper rail and California black rail prior to construction activities</p>	<p>Due to the detection of California clapper and California black rails in the tidal marsh habitat, a 700-foot radius no-disturbance buffer around the current breeding season's rail detections will be required during construction (outside of the nesting season). This measure will ensure other nesting birds that occupy tidal marsh habitat will also be protected.</p> <p>If construction is scheduled to occur during California clapper rail and California black rail breeding and rearing seasons (January 15 through August 31), SMART will retain a USFWS-approved biologist to conduct surveys at the project site in accordance with protocols approved by USFWS and CDFW. If California Clapper rails or black rails are identified at the project site, activities occurring within 700 feet of suitable habitat will be postponed until after young have fledged, unless activities will not affect rails, as determined by the biologist.</p> <p>If construction is scheduled to occur outside breeding season (September 1 through January 16), the contractor will retain a USFWS-approved biologist to conduct surveys of appropriate habitat for California clapper rail and California black rail within the work area, including all staging and access routes, no more than 7 days prior to initiation of work within suitable habitat. If individuals are observed during this survey, a biologist will conduct an additional survey immediately prior to initiation of construction activities. If individuals are observed within or near the work area, a no-disturbance buffer (minimum 700 feet) will be implemented. If the daily work area is expanded, then the USFWS-approved biologist will survey the suitable habitat prior to initiation of work and movement of equipment that day. No work will occur within the buffer until the biologist verifies that California clapper rail or California black rail individuals have left the area.</p> <p>If individuals are routinely detected in the work area, SMART will develop a species avoidance plan in coordination with USFWS and CDFW. If no individuals are detected during surveys, no buffers will be required. All vegetation removal within suitable habitat of these species, as determined by a biologist, will be done by hand to the extent possible.</p>	<p>SMART</p>	
<p>BIO-6. Implement survey and avoidance measures for western burrowing owls prior to construction</p>	<p>If construction is planned to occur during the fall and winter non-nesting season (September 1–January 31), SMART will retain a qualified wildlife biologist to conduct a preconstruction survey for burrowing owls prior to any construction activity. Surveys will follow the protocol outlined by the California Burrowing Owl Consortium (CBOC) (1993) and the 2012 CDFW staff report. If any burrows occupied by western burrowing owls are found within the disturbance area during the survey or at any time during the construction process, SMART will notify CDFW and will proceed under CDFW direction.</p> <p>If construction is planned to occur during the nesting season (February 1–August 31), SMART will ensure surveys for nesting owls will be conducted by a qualified wildlife biologist in the year prior to construction to determine if there is breeding within 250 feet of the construction footprint. This prior-</p>	<p>SMART</p>	

Mitigation Measure	Description	Implementation and Monitoring Responsibility	Checklist and Notes
<p>activities</p> <p>BIO-7. Implement survey and avoidance measures for salt marsh harvest mouse and Suisun shrew prior to construction activities</p>	<p>year survey will provide the project team advance notice regarding nesting owls in the project site and allow ample time to discuss with CDFW the appropriate course of action if nesting owls are found. In addition, same-year preconstruction surveys for nesting western burrowing owls will be conducted no more than 7 days prior to ground disturbance in all suitable burrowing owl habitat to ensure owls can be avoided. If the biologist identifies the presence of a nesting burrowing owl in an area scheduled to be disturbed by construction, a 250-foot no-activity buffer will be established and maintained around the nest while it is active. Surveys and buffer establishment will be performed by qualified wildlife biologists, will be coordinated with CDFW, and will be subject to CDFW review and oversight.</p> <p>To ensure full protection of the salt marsh harvest mouse, SMART will conduct both vegetation clearing and exclusionary fencing for all potential habitat within and directly adjacent to the proposed work area. Suisun shrew will also be protected by these measures, which are fully described below.</p> <ul style="list-style-type: none"> All vegetation within potential habitat for salt marsh harvest mouse within the project site and within a 2-foot buffer around the project site will be removed by hand or with small-engine “weedeaters” or chainsaws prior to the initiation of work within these areas to avoid any adverse effects on sensitive species. Vegetation will be removed to bare ground or stubble no higher than 1 inch. Vegetation will be removed under the supervision of the USFWS-approved biologist. Vegetation removal may begin when no mice are observed, and will start at the edge farthest from the salt marsh or the poorest habitat and work its way towards the salt marsh or the better salt marsh habitat. To prevent salt marsh harvest mice from moving through the work area during construction, temporary exclusion fencing will be placed around a defined work area prior to the start of construction activities. The temporary exclusion fencing will be installed immediately after the hand removal of all vegetation (as described above) from the work area and a 2-foot buffer around the work area. The fence will be made of a heavy plastic sheeting material that does not allow salt marsh harvest mice to pass through or climb, and the bottom will be buried to a depth of 4 inches so that the listed mouse cannot crawl under the fence. Fence height will be at least 12 inches higher than the highest adjacent vegetation with a maximum height of 4 feet. All supports for the exclusion fencing will be placed on the inside of the work area. No work will occur within 50 feet of suitable tidal marsh habitat for the mouse 2 hours before or after an extreme high tide event of 6.5 feet or greater at the Golden Gate Bridge adjusted to the timing of local high tides, or when the adjacent marsh plain is flooded, because this is when the mouse is most likely to approach the adjacent upland areas including the work area. Herbicides in the project site will be used in a manner to prevent primary or secondary poisoning of salt marsh harvest mice and the depletion of vegetation on which they depend. All uses of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection 	<p>SMART</p>	

Mitigation Measure	Description	Implementation and Monitoring Responsibility	Checklist and Notes
<p>BIO-8. Implement survey and avoidance measures for roosting bats</p>	<p>Agency (USEPA), California Department of Food and Agriculture, and other appropriate state and federal regulations, as well as additional project-related restrictions deemed necessary by USFWS or CDFW.</p> <ul style="list-style-type: none"> Prior to commencing construction work that can reasonably result in take of salt marsh harvest mice, and to the extent practicable, areas outside of the construction zones containing suitable habitat for salt marsh harvest mouse will be delineated with high-visibility temporary fencing at least 1.2 meters (4 feet) in height, flagging, or other barrier to prevent encroachment of construction personnel and equipment onto sensitive areas during construction. The fencing will be removed only when all construction equipment is removed from the site. Actions within the work area will be limited to vehicle and equipment operation on existing roads. No construction activities will occur outside the delineated project construction area. <p>SMART will ensure that preconstruction surveys for potentially suitable bat roosting habitat, including trees on Burdell Island and buildings, will be conducted by a qualified biologist. These surveys will be conducted within 300 feet of project disturbance areas where suitable roosting habitat exists. This effort will be used to identify potential and known roosts and determine appropriate measures, including avoidance of construction activities, additional focused night emergence surveys, seasonal timing of construction, or specific roost-removal procedures based on the presence of buildings and trees with loose bark, crevices, or cavities. The presence of roosting bats will be presumed at roost areas that cannot be verified to be unoccupied during this survey effort. Site- and species-specific no-disturbance buffers will be established based on the results of the survey.</p> <p>Maternity roosts: Roosts that are either occupied or presumed to be occupied between April 15 and August 15 are considered maternity roosts and will be avoided during that time to the extent feasible, unless preconstruction surveys confirm that the roost is unoccupied. If construction activities cannot be avoided during those dates, at least one night emergence survey will be conducted per roost. If no bats are observed during the surveys, no additional restrictions will apply, and the potential roost may be removed or disturbed to accommodate construction activities under the direction of a biological monitor. If bats are found during the surveys, construction activity buffers will be established around the occupied roost between April 15 and August 15 and bridge removal activities will not occur during that timeframe.</p> <p>Day roosts and hibernacula: Day roosts are any roosts that could be occupied during the day when bats are most vulnerable to loss of roost habitat, including dispersal, bachelor, pre-maternity, overwintering, and hibernacula roosts. All day roosts are presumed to be occupied by bats. Roosts that are either occupied or presumed to be occupied between October 31 and February 15, when bats can be in torpor, are considered hibernacula. Day roosts, including hibernacula, will be avoided to the extent</p>	<p>SMART</p>	

Mitigation Measure	Description	Implementation and Monitoring Responsibility	Checklist and Notes
	feasible, unless preconstruction surveys confirm that the roost is unoccupied. If impacts on the potential roost during times when bats are inactive are unavoidable, a visual inspection of the roost will be conducted. If no bats are observed during the visual inspection, no additional restrictions apply, and the potential roost may be removed or disturbed to accommodate construction activities under the direction of a qualified bat biologist. If bats are found during the surveys, construction activity buffers will be established around the occupied roost between October 31 and February 15 and bridge removal activities will not occur during that timeframe.		
BIO-9. Implement American badger survey and impact avoidance measures	SMART will ensure that prior to any construction activities, a qualified biologist will conduct a preconstruction survey for the presence of badger dens. The survey will be completed no more than 14 days prior to construction activities. If active dens are observed, avoidance measures will be coordinated between SMART and CDFW. These measures include, but are not limited to, collapsing inactive dens, buffers, or monitoring. During the period where cubs may be present (March through July), care will be taken to minimize disturbances. Excavation of natal dens will not occur until a qualified biologist confirms that young have left the den.	SMART	
BIO-10. Avoid and protect jurisdictional wetlands during construction	SMART will ensure that a qualified resource specialist (biologist, ecologist, or soil scientist) clearly delineates wetland areas to be preserved and wetland areas outside of the direct impact footprint before site preparation and construction activities begin at each site, or will implement another suitable low-impact measure. Exclusion fencing will be installed before construction activities are initiated, and the fencing will be maintained throughout the construction period. No construction activity, traffic, equipment, or materials will be permitted in fenced wetland areas.	SMART	
BIO-11. Compensate for impacts on jurisdictional wetlands and waters of the United States	SMART will implement the Mira Monte Marina Wetlands Project (former project name) Mitigation and Monitoring Plan (MMP) (refer to Appendix A) for wetlands and waters of the United States, subject to approval by USACE, to ensure no net loss of wetlands will result from the project's impacts. The details of site restoration, monitoring, and adaptive management are included in the MMP in compliance with the Clean Water Act. The MMP includes success criteria that will be assessed by comparing performance during the monitoring period against objective and verifiable, ecologically-based success criteria that reflect the goals and objectives of the site. Examples of success criteria include, but are not limited to: (1) physical performance standards such as target CRAM scores between 90 and 95; (2) hydric soil characteristics appropriate for the region; and (3) unobstructed opening to tidal waters. The monitoring period will be a 2 to 5-year period, depending on the performance standard. If the success criteria are not so satisfied, the maintenance and monitoring obligations will continue until performance criteria are achieved or alternative contingency measures will be negotiated with regulatory agencies. The project proposes to re-establish 8.08 acres, rehabilitate 4.55 acres, and preserve 42.19 acres of wetlands within the Mira Monte Marsh Restoration area. The plan outlines the	SMART	

Mitigation Measure	Description	Implementation and Monitoring Responsibility	Checklist and Notes
<p>CR-1. Implement measures to protect previously unidentified cultural resources during construction</p>	<p>monitoring and success criteria for the compensation wetlands/waters of the United States. Once the plan is approved, SMART will implement its wetland/waters of the state compensation measures.</p> <p>SMART or their construction contractor will implement the following measures during construction to minimize or avoid impacts on buried cultural resources, including human remains, should any be present on the project site.</p> <ul style="list-style-type: none"> ● Stop work if buried cultural resources are discovered: If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone or paleontological resources are discovered inadvertently during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified professional archaeologist can assess the significance of the find and develop appropriate treatment measures in consultation with SMART. SMART will be responsible for ensuring that treatment measures are implemented prior to the resumption of construction on that portion of the site. ● Comply with state laws relating to human remains: According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100); disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the Native American Heritage Commission (NAHC). ● If human remains of Native American origin are discovered during project construction, it will be necessary to comply with state laws relating to the disposition of Native American burials, which fall under the jurisdiction of the NAHC (Public Resources Code [PRC] Section 5097). Consequently, if any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains (1) until the Marin and Sonoma County Coroners have been informed and have determined that no investigation of the cause of death is required; and (2) if the remains are of Native American origin: <ul style="list-style-type: none"> ○ The descendants of the deceased Native American(s) have made a recommendation to the landowner or the person responsible for the excavation work regarding means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98; or ○ The NAHC has been unable to identify a descendent or the descendent failed to make a recommendation within 24 hours after being notified by the NAHC. 	<p>SMART</p>	

Mitigation Measure	Description	Implementation and Monitoring Responsibility	Checklist and Notes
<p>GHG-1. Implement the BAAQMD's best management practices for GHG emissions</p>	<p>SMART will require all construction contractors to implement the following BAAQMD-recommended best management practices (BMPs) to reduce GHG emissions, as applicable.</p> <ul style="list-style-type: none"> ● Use alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment in at least 15% of the fleet. ● Use at least 10% local building materials. ● Recycle at least 50% of construction waste or demolition materials. 	<p>SMART</p>	
<p>HM-1. Test for the presence of asbestos or lead based paint and remove in accordance with OSHA and BAAQMD procedures</p>	<p>Before demolition begins, SMART or its contractor(s) will conduct sampling in locations where asbestos-containing materials or lead-based paint are anticipated, to identify whether potential hazards exist and whether special precautions to prevent workers from exposure to lead-based paint or asbestos are necessary during structure demolition. If friable asbestos materials are identified during structure inspections, these materials will be safely removed and properly disposed of using procedures established by OSHA and the BAAQMD. Workers will be protected through the use of proper protective equipment. Standard procedures will be used for capturing lead-based paint during structure demolition and preventing it from being released into the environment.</p>	<p>SMART</p>	
<p>HM-2. Conduct additional soil sampling, testing, and treatment measures</p>	<p>Prior to and during construction, SMART or its contractor(s) will implement the recommended measures in the Phase II ESA, as follows.</p> <ul style="list-style-type: none"> ● Prior to earth-moving activities, conduct additional soil sampling for petroleum hydrocarbon, cadmium, and lead in the vicinity of the locations where elevated concentrations were detected to characterize the lateral extent of soil affected by motor oil (TPH-moro). ● During earth-moving activities, stockpile the soils excavated from these locations in a separate area onsite. ● Prior to soil disposition, analyze soils for soluble lead and cadmium per the California Waste Extraction Test and the Federal Toxicity Characteristics Leaching Procedure, in accordance with the pre-qualification screening protocols for the receiving facility, to confirm that the soil does not exceed hazardous waste criteria. If the soil does not exceed the criteria, it will be accepted by the landfill. If the soil exceeds the criteria, the contractor will contact a facility that accepts contaminated soil. ● The contaminated soils will be transported and disposed of in accordance with the rules and regulations of the following agencies: U.S. Department of Transportation, U.S. Environmental Protection Agency, California Division of Occupation Safety and Health Administration, and California Environmental Protection Agency. 	<p>SMART</p>	

Mitigation Measure	Description	Implementation and Monitoring Responsibility	Checklist and Notes
<p>HM-3. If groundwater is encountered during excavation, evaluate groundwater and implement engineering controls and best management practices</p>	<p>During construction, if groundwater is encountered during excavation activities and dewatering is necessary, SMART or its construction contractor will contact a qualified geologist to evaluate whether contaminants are present in the groundwater. If the groundwater is found to be contaminated, SMART will ensure the contractor employs engineering controls and BMPs to minimize human exposure to potential contaminants, as recommended by a qualified geologist. Engineering controls and construction BMPs will include, but may not be limited, the following.</p> <ul style="list-style-type: none"> • Contractor employees working onsite will be certified on OSHA’s 40-hour Hazardous Waste Operations and Emergency Response (HAZPOWER training) 	<p>SMART</p>	
<p>HM-4 Remove fuel tank in compliance with the Marin County Certified Unified Program</p>	<p>During construction, SMART or its contractor(s) will remove the fuel tank in compliance with the Marin County Certified Unified Program guidelines and requirements, including employing a licensed hazardous materials handler and hauler to remove the tank, and soil sampling and analysis for the presence of residual petroleum hydrocarbons.</p>	<p>SMART</p>	
<p>HM-5. Prepare and implement a spill prevention, control and countermeasure program for construction activities</p>	<p>Before construction begins, SMART or its contractor will develop a Spill Prevention, Control, and Countermeasure Program (SPCCP). SMART or its contractor will implement a SPCCP to minimize the potential for and effects from spills of hazardous, toxic, or petroleum substances during construction and demolition activities. The SPCCP will be completed before any construction activities begin. Implementation of this measure will comply with state and federal water quality regulations. SMART will review and approve the SPCCP before onset of construction activities. SMART will routinely inspect the construction area to verify that the measures specified in the SPCCP are properly implemented and maintained. SMART will notify its contractors immediately if there is a noncompliance issue and will require compliance. The federal reportable spill quantity for petroleum products, as defined in 40 CFR 110, is any oil spill that does any of the following.</p> <ul style="list-style-type: none"> • Violate applicable water quality standards. • Causes a film or sheen on or discoloration of the water surface or adjoining shoreline. • Causes a sludge or emulsion to be deposited beneath the surface of the water or adjoining shorelines. <p>If a spill is reportable, the contractor’s superintendent will notify SMART, and SMART will take action to</p>	<p>SMART</p>	

Mitigation Measure	Description	Implementation and Monitoring Responsibility	Checklist and Notes
	<p>contact the appropriate safety and cleanup crews to ensure the SPCCP is followed. SMART or its contractor will prepare a written description of the spill, including the type of material and an estimate of the amount spilled, the date of the release, an explanation of why the spill occurred, and a description of the steps taken to prevent and control future releases will be submitted to the San Francisco Water Board. The releases will be documented on a spill report form.</p> <p>If a reportable spill has occurred and results determine that project activities have adversely affected surface water or groundwater quality, a detailed analysis will be performed by a registered environmental assessor to identify the likely cause of contamination. This analysis will conform to American Society of Testing and Materials (ASTM) standards, and will include recommendations for reducing or eliminating the source or mechanisms of contamination. Based on this analysis, SMART and its contractors will select and implement measures to control contamination, with a performance standard that groundwater quality must be returned to baseline conditions.</p>		
<p>HYD-1. Implement measures in design phase to prevent downstream erosion or siltation</p>	<p>Prior to construction, SMART will use available sedimentation monitoring data to calibrate a one-dimensional sediment accretion model to determine fill placement within subsided marsh to promote natural sedimentation processes that aid habitat evolution and prevent substantial erosion or siltation downstream.</p>	SMART	
<p>HYD-2. Implement measures in design phase to ensure full tidal exchange</p>	<p>Prior to construction, SMART or its contractor will use a one-dimensional hydrodynamic model to determine channel dimensions and associated channel excavation needs to allow for full tidal exchange within the site.</p>	SMART	
<p>NOI-1. Implement measures to reduce construction noise</p>	<p>SMART's construction contractor will implement the following noise reduction measures to any construction activity at the project site.</p> <ul style="list-style-type: none"> • Limit construction to the hours of 7:00 a.m. to 6:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on Saturdays, with no noise-generating construction on Sundays or holidays. • Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment. • Utilize "quiet" models of air compressors and other stationary noise sources where technology exists 	SMART	

Mitigation Measure	Description	Implementation and Monitoring Responsibility	Checklist and Notes
<p>T-1. Implement a traffic control plan during construction</p>	<p>and is feasible to employ.</p> <ul style="list-style-type: none"> • Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. • Prohibit unnecessary idling of internal combustion engines. • Designate a “noise disturbance coordinator” who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaints (e.g., starting too early, bad muffler) and institute reasonable measures warranted to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site. <p>Prior to construction, SMART will require the construction contractor(s) to develop a traffic control plan to minimize the effects of construction traffic on the surrounding areas. The plan will be subject to review and approval by SMART. SMART will be responsible for monitoring to ensure that the plan is effectively implemented by the construction contractor. The construction traffic control plan will include the following requirements.</p> <ul style="list-style-type: none"> • Use nonskid traffic plates over open trenches to minimize hazards. • Notify and consult with emergency service providers and provide emergency access by whatever means necessary to expedite and facilitate the passage of emergency vehicles. • Avoid routing construction traffic through residential areas to the extent feasible. • Prohibit mobilization and demobilization of heavy construction equipment during AM and PM peak traffic hours. 	<p>SMART</p>	