

# **MITIGATION MONITORING AND REPORTING PROGRAM**

## **Municipal Water New Offices Project File No. ER22-114**

**January 2023**



# P R E F A C E

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation. In instances in which the mitigation, monitoring, compliance, or other responsibility is assigned to the Director of the Planning, Building, and Code Enforcement or the Director's designee, the designee is understood to be other staff member(s) of the Planning, Building and Code Enforcement Department.

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Municipal Water New Offices Project concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This MMRP addresses those measures in terms of how and when they will be implemented. This document does not discuss those subjects for which the IS/MND concluded that the impacts from implementation of the project would be less than significant.

The City of San José hereby agrees to fully implement the Mitigation Measures described below, which have been developed in conjunction with the preparation of an Initial Study/Mitigated Native Declaration for the proposed project. The City understands that these mitigation measures, or substantially similar measures, will be adopted as conditions of approval to avoid or significantly reduce potential environmental impacts to less than significant levels.

This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<b>AIR QUALITY</b>					
<b>Impact AIR-1:</b> Development of the Project would expose sensitive receptors to substantial pollutant concentrations associated with cancer risk.					
<p><b>Mitigation Measure AIR-1: Construction.</b> Prior to the start of any construction activity, the project proponent shall prepare and submit a construction operations plan that includes specifications of the equipment to be used during construction. The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.</p> <ul style="list-style-type: none"> <li>All construction equipment larger than 25 horsepower operating on the site for more than two days continuously or 20 total hours shall, at a minimum, meet USEPA Tier 4 Final emission standards.</li> <li>If Tier 4 Final equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet USEPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent reduction in particulate matter exhaust and 40 percent reduction in NOx in comparison to uncontrolled equipment.</li> <li>The project proponent shall submit a construction operations plan prepared by the construction contractor that outlines how the contractor will</li> </ul>	<p>Prepare and submit construction documents and plans to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval.</p> <p>Municipal Water or its contractor shall ensure that all measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>Prior to start of any construction activities.</p> <p>Construction equipment measures shall be implemented during all phases of construction.</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee.</p> <p>Municipal Water</p>	<p>Review and approve construction operations plan.</p> <p>Ensure that all measures are printed on all construction documents, contracts, and project plans.</p>	<p>Prior to start of any construction activities.</p>

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<p>achieve the measures outlined in this mitigation measure. The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the start of any construction activity The plan shall include, but not be limited to the following:</p> <ul style="list-style-type: none"> <li>- List of activities and estimated timing;</li> <li>- Equipment that would be used for each activity;</li> <li>- Manufacturer's specifications for each equipment that provides the emissions level; or the manufacturer's specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure;</li> <li>- How the construction contractor will ensure that the measures listed are monitored;</li> <li>- How the construction contractor will remedy any exceedance of the thresholds; and</li> <li>- How often and the method the construction contractor will use to report compliance with this mitigation measure.</li> </ul> <p>Implementation of this mitigation will reduce the air quality from more than 10 in one million to 7.2 in one million consistent with BAAQMD standards.</p>					

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<b>BIOLOGICAL RESOURCES</b>					
<b>Impact BIO-1:</b> Development of the Project could have a substantial adverse effect to nesting birds.					
<p><b>Mitigation Measure BIO-1: Avoid Impacts to Nesting Birds.</b></p> <p>The project would implement the following measures to avoid impacts to nesting migratory birds:</p> <ul style="list-style-type: none"> <li>• <b>Avoidance:</b> Prior to any tree removal, or start of any construction activity, the Project proponent shall schedule all construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive). Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, demolition, grading and trenching.</li> <li>• <b>Nesting Bird Surveys:</b> If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive), Municipal Water or its contractor shall retain a qualified ornithologist or biologist to conduct pre-construction surveys for nest birds to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of</li> </ul>	<p>Contract a qualified ornithologist or biologist to conduct preconstruction surveys for nesting birds. If active nests are identified, establish no disturbance buffer zones around each nest, monitor construction activities near suitable habitat, when applicable, and implement the additional requirements in Mitigation Measure BIO-1.</p>	<p>Pre-construction nesting surveys within 14 days prior to the start of vegetation removal, tree trimming and removal, ground disturbance, and demolition or after any construction breaks of 2 days or more.</p> <p>Also, during and after construction work if active.</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee.</p> <p>Municipal Water</p>	<p>Confirm receipt of executed contract with a qualified ornithologist or biologist to perform pre-construction surveys prior to construction activities. Receive and review survey documentation as well as monitoring reports and a final report if active nests are identified.</p> <p>Ensure that all measures are printed on all construction documents, contracts, and project plans.</p>	<p>Executed contract with qualified ornithologist or biologist must be submitted prior to construction activities. Within 14 days during the early part of breeding season and no more than 30 days during the late part of the breeding season. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary. Also, during and after construction work if active nests are identified.</p>

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<p>the breeding season (May 1st through August 31st inclusive). During this survey, the qualified ornithologist/biologist shall inspect all trees and other possible nesting habitats within 250 feet of the site for nests.</p> <ul style="list-style-type: none"> <li>• <b>Buffer Zones:</b> If an active nest is found within 250 feet of the Project area to be disturbed by construction, the qualified ornithologist/biologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance buffer shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.</li> <li>• <b>Reporting:</b> Prior to any tree removal, or start of any construction activity the qualified ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee.</li> </ul>					
<b>Impact BIO-2:</b> Development of the Project could have a substantial adverse effect to western burrowing owl.					

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<p><b>Mitigation Measure BIO-2: Avoid Impacts to Western Burrowing Owl</b></p> <p>To avoid or minimize direct impacts of Project activities on western burrowing owls, the Project proponent shall ensure the following procedures are implemented in all suitable burrowing habitat (i.e., grasslands and barren, undeveloped areas) surrounding the Mountaire Court site.</p> <ol style="list-style-type: none"> <li>1. Habitat Survey <ol style="list-style-type: none"> <li>a) Western burrowing owl habitat surveys shall be required in the Project area in all suitable habitat. Habitat surveys are required in both breeding and non-breeding seasons.</li> <li>b) Qualified biologist(s) shall conduct a pedestrian survey of the Project area and accessible areas within 250-feet of the Project area. Pedestrian survey transects shall be spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines shall be no more than 50 feet and can be reduced to account for differences in terrain, vegetation density, and ground surface visibility. Poor weather may affect the biologist's ability to detect burrowing owls; therefore, the biologist shall avoid conducting surveys when wind speed is greater than 20 kilometers per hour and there is precipitation or dense fog. The biologist shall map areas with burrows or burrow complexes that could support burrowing owls and all burrows that</li> </ol> </li> </ol>	<p>Municipal Water or it's contractor shall contract a qualified biologist to conduct pre-construction habitat assessment on western burrowing owl. If potential western burrowing owl habitat or potentially active nests are identified, establish a no-disturbance buffer, monitor construction activities near suitable habitat, and implement the additional requirements in Mitigation Measure BIO-2.</p>	<p>Pre-construction western burrowing owl habitat surveys between 14 and 4 days prior to initiating ground disturbance related to Project construction activities.</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee.</p> <p>Municipal Water</p>	<p>Confirm receipt of executed contract with a qualified biologist to perform pre-construction surveys prior to construction activities. Receive and review survey documentation as well as monitoring reports and a final report if western burrowing owl habitat or active nests are identified.</p>	<p>Executed contract with qualified biologist must be submitted prior to construction activities. Between 14 and 4 days prior to initiating ground disturbance related to Project construction activities. Also, during and after construction work if western burrowing owl habitat or active nests are identified.</p>

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<p>may be occupied (as indicated by tracks, feathers, egg shell fragments, pellets, prey remains, or excrement).</p> <p>c) To avoid impacts to owls from surveyors, owls and/or occupied burrows shall be avoided by a minimum of 150 feet wherever practical to avoid flushing occupied burrows. Disturbance to occupied burrows shall be avoided during all seasons.</p> <p>d) If suitable habitat is identified during the habitat survey, and if the Project does not fully avoid impacts to the suitable habitat, preconstruction surveys shall be required. Suitable habitat is fully avoided if the project footprint does not impinge on a 250-foot buffer around the suitable burrow.</p> <p>2. Preconstruction Surveys</p> <p>a) A qualified biologist shall conduct preconstruction surveys in all suitable habitat identified in the habitat surveys within 250 feet of construction activity, between 14 and 4 days prior to initiating ground disturbance related to Project construction activities. The 250-foot buffer zone shall be surveyed to identify burrows and owls outside of the Project area which may be impacted by factors such as noise and vibration (heavy equipment) during project construction. As burrowing owls may recolonize a site after only a few days, time lapses between Project activities shall require</p>					



MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<p>subsequent take avoidance surveys including but not limited to a final survey conducted no more than 2 days prior to ground disturbance to ensure absence. A minimum of two surveys shall be conducted (if owls are detected on the first survey, a second survey is not needed).</p> <p>b) The preconstruction survey shall be a minimum of 3 hours, beginning 1 hour before sunrise and continuing until 2 hours after sunrise (3 hours total) or beginning 2 hours before sunset and continuing until 1 hour after sunset. Additional time may be required for large project sites.</p> <p>Municipal Water shall also notify the Director of Planning Building and Code Enforcement or Director's Designee when the mitigation actions will occur for approval prior to the start of construction.</p> <p>3. Avoidance Measures</p> <p>The Project proponent shall employ avoidance measures described below to avoid direct take of individual burrowing owls during Project construction.</p> <p>Breeding Season Avoidance –Measures - February 1 to August 31 (inclusive)</p> <p>a) If preconstruction surveys identify evidence of Western burrowing owls within 250 feet of the Project area during the breeding season, the Project proponent shall avoid all nest sites that could be disturbed by</p>					

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<p>Project construction activities during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging). Avoidance shall include establishment of a 250-foot no-disturbance buffer zone around active nest sites by a qualified biologist.</p> <p>b) If active nests cannot be avoided, construction may occur within 250 feet of active nest sites if 1) the nest is not disturbed, and 2) the Project proponent develops and implements an Avoidance, Minimization, and Monitoring Plan, subject to approval by CDFW. The plan shall incorporate the following criteria:</p> <p>i. A qualified biologist shall monitor the owls for at least 3 days prior to Project construction to determine baseline nesting and foraging behavior (i.e., behavior without construction). The qualified biologist shall monitor the owls during construction and find no change in owl nesting and foraging behavior in response to construction activities.</p> <p>ii. If there is any change in owl nesting and foraging behavior as a result of Project construction activities, these activities shall cease within the 250-foot buffer. Construction shall not resume</p>					

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<p>within the 250-foot buffer until the adult owls and juveniles from the occupied burrows have moved out of the project site.</p> <p>iii. If monitoring indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in use by owls, the no-disturbance buffer zone may be removed. The biologist shall excavate the burrow following the protocol described in the CDFW (CDFG, 2012).</p> <p>Non-Breeding Season Avoidance Measures – September 1st to January 31st, (inclusive)</p> <p>a) If preconstruction surveys identify evidence of Western burrowing owls within 250 feet of the Project area during the non-breeding season (September 1st to January 31st, inclusive), the Project proponent and qualified biologist shall identify a no-disturbance buffer of up to 250 feet around occupied overwintering burrows, to minimize construction impacts to burrowing owls located outside of the Project work envelope, as determined by a qualified biologist.</p> <p>b) If occupied burrows cannot be avoided, construction may occur within 250 feet of overwintering burrows sites if:</p> <p>i. A qualified biologist monitors the owls for at least 3 days prior to construction to</p>					

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<p>determine baseline foraging behavior (i.e., behavior without construction).</p> <p>ii. The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.</p> <p>iii. If there is any change in owl nesting and foraging behavior as a result of construction activities, these activities shall cease within the 250-foot buffer.</p> <p>iv. If the owls are gone for at least one week, the Project proponent may request approval from the HCP Habitat Agency for qualified biologist to excavate usable burrows to prevent owls from re-occupying the site. After all usable burrows are excavated, the no-disturbance buffer zone shall be removed and construction may continue. Monitoring must continue as described above for the non-breeding season as long as the burrow remains active.</p> <p>4. Construction Monitoring and Environmental Training</p> <p>During construction, the no-disturbance buffer zones shall be established and maintained where applicable and based on the Project Avoidance, Minimization, and Monitoring Plan. A qualified biologist shall monitor the site consistent with the requirements described in the Avoidance</p>					

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<p>Measures, described above, to ensure that buffers are enforced and owls are not disturbed. The qualified biological monitor shall prepare and perform an environmental training for all Project personnel on the avoidance procedures, buffer zones, and protocols in the event that a burrowing owl flies into an active construction zone.</p> <p>5. Passive Relocation</p> <p>If avoidance measures described cannot be implemented with the Project, Passive Relocation shall be implemented according to the protocol described in the Habitat Plan and in coordination with, and approval by CDFW.</p>					
<b>Impact BIO-3: Development of the Project could have a substantial adverse effect to roosting bats, and removal of a tree or structure containing roosting bats could result in a significant impact to those species.</b>					
<p><b>Mitigation Measure BIO-3: Avoid and Minimize Impact on Roosting Bats.</b></p> <p>A qualified biologist who is experienced with bat surveying techniques (including auditory sampling methods), behavior, roosting habitat, and identification of local bat species shall be consulted prior to demolition or building relocation activities or tree work to conduct a pre-construction habitat assessment of the Project study area (focusing on trees and buildings to be demolished or relocated) to characterize potential bat habitat and identify potentially active roost sites. No further action is</p>	<p>Municipal Water or its contractor shall contract a qualified biologist to conduct pre-construction habitat assessment on roosting bats. If potential roosting habitat or potentially active bat roosts are identified, establish a no-disturbance buffer, monitor construction</p>	<p>Pre-construction roosting habitat surveys within 14 days prior to building demolition or relocation, or any tree trimming or removal.</p> <p>Also, during and after construction</p>	<p>Director of Planning, Building and Code Enforcement or the Director's designee.</p> <p>Municipal Water</p>	<p>Confirm receipt of executed contract with a qualified biologist to perform pre-construction surveys prior to construction activities. Receive and review survey documentation as well as monitoring reports and a final</p>	<p>Executed contract with qualified biologist must be submitted prior to the start of any construction activity.. Within 14 days prior to the start of demolition or building relocation activities or tree work. Also, during and after</p>

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<p>required should the pre-construction habitat assessment not identify bat habitat or signs of potentially active bat roosts within the project area (e.g., guano, urine staining, dead bats, etc.).</p> <p>The following measures shall be implemented should potential roosting habitat or potentially active bat roosts be identified during the habitat assessment in buildings to be demolished or relocated, or in trees adjacent to construction activities that could be trimmed or removed within the Project study area:</p> <p>a) In areas identified as potential roosting habitat during the habitat assessment, initial building demolition, relocation, and any tree work (trimming or removal) shall occur when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15, to the extent feasible. These dates avoid the bat maternity roosting season and period of winter torpor.<sup>[2]</sup></p> <p>b) If seasonal avoidance of potential roosting habitat is infeasible, the qualified biologist shall conduct pre-construction surveys of potential bat roost sites identified during the initial habitat assessment no more than 14 days prior to building demolition or relocation, or any tree trimming or removal.</p> <p>c) If active bat roosts or evidence of roosting is identified during pre-construction surveys for building demolition and relocation or tree work, the</p>	<p>activities near suitable habitat, and implement the additional requirements in Mitigation Measure BIO-2.</p>	<p>work if active bat roosts are found.</p>		<p>report if roosting habitat or active bat roosts are identified.</p> <p>Ensure that all measures are printed on all construction documents, contracts, and project plans.</p>	<p>construction work if roosting habitat or active bat roosts are identified.</p>

<sup>[2]</sup> Torpor refers to a state of decreased physiological activity with reduced body temperature and metabolic rate.

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<p>qualified biologist shall determine, if possible, the type of roost and species. A no-disturbance buffer shall be established around roost sites until the seasonal windows identified above or the qualified biologist determines they are no longer active. The size of the no-disturbance buffer would be determined by the qualified biologist and would depend on the species present, roost type, existing screening around the roost site (such as dense vegetation or a building), as well as the type of construction activity that would occur around the roost site. Municipal Water shall also notify the Director of Planning Building and Code Enforcement or Director's Designee when the mitigation actions will occur for approval prior to the start of construction.</p> <p>d) Buildings and trees with potential bat roosting habitat or active roosts shall be disturbed only under clear weather conditions when precipitation is not forecast for three days and when daytime temperatures are at least 50 degrees Fahrenheit.</p> <p>e) The demolition or relocation of buildings containing or suspected to contain potential bat roosting habitat or active bat roosts shall be done under the supervision of the qualified biologist. When appropriate, buildings shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost, likely in the evening and after bats have emerged from the roost to forage. Under no circumstances shall active</p>					

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<p>maternity roosts be disturbed until the roost disbands at the completion of the maternity roosting season or otherwise becomes inactive, as determined by the qualified biologist.</p> <p>f) Trimming or removal of existing trees with potential bat roosting habitat or active (non-maternity or hibernation) bat roost sites shall follow a two-step removal process (which shall occur during the time of year when bats are active, according to a) above</p> <ol style="list-style-type: none"> <li>1) On the first day and under supervision of the qualified biologist, tree branches and limbs not containing cavities or fissures in which bats could roost shall be cut using chainsaws or other handheld equipment.</li> <li>2) On the following day and under the supervision of the qualified biologist, the remainder of the tree may be trimmed or removed, either using chainsaws or other equipment (e.g., excavator or backhoe).</li> <li>3) All felled trees shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats to escape, or be inspected once felled by the qualified biologist to ensure no bats remain within the tree and/or branches.</li> </ol>					



MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<b>CULTURAL RESOURCES</b>					
<b>Impact CUL-1: Development of the Project could cause a substantial adverse change in the significance of an unrecorded archaeological resource.</b>					
<b>Mitigation Measure CUL-1: Cultural Resources Awareness Training.</b> Prior to the start of any construction activity, Municipal Water or its contractor shall retain a Secretary of the Interior (SOIS)-qualified archaeologist to conduct a training program for all construction and field personnel involved in ground disturbance. A Native American representative registered with the NAHC for the City of San José and that is traditionally and culturally affiliated with the geographic area, as described in Public Resources Code Section 21080.3 will be invited to participate. On-site personnel shall attend a mandatory pre-Project training that shall outline the general archaeological sensitivity of the area and the procedures to follow in the event an archaeological resource and/or human remains are inadvertently discovered. A training program shall be established for new Project personnel before they begin Project work. The Project proponent shall submit a copy of the training documents to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the start of any construction activity. Documentation confirming the training sessions conducted shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior start of construction activities.	A Secretary of the Interior – qualified archaeologist shall conduct a training program for all construction and field personnel.	Submit a copy of the training documents prior to start of construction activities.	Director of Planning Building and Code Enforcement or the Director's designee. Municipal Water	Review and approve training documents. Prior to construction, receive documentation to confirm training conducted.	Prior to the start of construction activities.

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<b>GEOLOGY AND SOILS</b>					
<b>Impact GE-5a: Development of the Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.</b>					
<b>Mitigation Measure GE-5a: Worker Training.</b> Prior to the start of any ground-disturbing activity (including vegetation removal, grading, etc.), the qualified paleontologist shall prepare paleontological resources sensitivity training materials for use during the Project-wide Worker Environmental Awareness Training (or equivalent). The paleontological resources sensitivity training shall be conducted by a qualified environmental trainer (often the Lead Environmental Inspector [LEI] or equivalent position, like the qualified paleontologist. In the event construction crews are phased, additional trainings shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the Project site and the procedures to be followed if they are found, as outlined in the approved Paleontological Resources Monitoring and Mitigation Plan in Mitigation Measure GE-5c. The Project proponent for specific construction work proposed and/or its contractor shall retain documentation demonstrating that all construction personnel attended the training prior to the start of work on the site and shall provide the documentation to the Director of the City of San José Planning, Building and Code Enforcement, or the Director's designee, upon request.	Municipal Water or its contractor shall contract a qualified paleontologist to prepare paleontological resources sensitivity training materials.	Prior to start of construction activities.	Director of Planning, Building and Code Enforcement, or the Director's designee. Municipal Water	Documentation demonstrating that all construction personnel attended the training.	Prior to start of work on the site. Also, in the event construction crews are phased, additional trainings shall be conducted for new construction personnel.

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<p><b>Mitigation Measure GE-5b: Paleontological Monitoring.</b></p> <p>The qualified paleontologist shall prepare, and the Project proponent for specific construction work proposed and/or its contractors shall implement, a Paleontological Resources Monitoring and Mitigation Plan (PRMMP). The Project proponent shall submit the plan to the City of San José Director of Planning Building and Code Enforcement or Director’ designee for review and approval at least 30 days prior to the start of construction. This plan shall address the specifics of monitoring and mitigation and comply with the recommendations of the Society of Vertebrate Paleontology (SVP) (2010), as follows.</p> <ol style="list-style-type: none"> <li>1. The qualified paleontologist shall identify, and the Project proponent or its contractor(s), shall retain, qualified paleontological resource monitors (qualified monitors) meeting the SVP standards (2010).</li> <li>2. The qualified paleontologist or the qualified monitors under the direction of the qualified paleontologist shall conduct full-time paleontological resources monitoring for all ground-disturbing activities, including excavation that exceeds two feet in depth, in previously undisturbed sediments within the Project site that have high paleontological sensitivity. The PRMMP shall clearly map these portions of the Project site based on final design provided by the Project proponent and/or its contractor(s).</li> </ol>	<p>Municipal Water or its contractor shall contract a qualified paleontologist to prepare a Paleontological Resources Monitoring and Mitigation Plan. The Project proponent for specific construction work proposed and/or its contractors shall implement the Paleontological Resources Monitoring and Mitigation Plan.</p>	<p>Submit the plan at least 30 days prior to the start of construction.</p>	<p>Director of Planning Building and Code Enforcement or Director’ designee. Municipal Water</p>	<p>Review and approve the Paleontological Resources Monitoring and Mitigation Plan.</p>	<p>At least 30 days prior to the start of construction.</p>

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
<p>3. If multiple pieces of heavy equipment (gross vehicle weight of 10,000 pounds or more) are in use simultaneously but at diverse locations, each location will need to be individually monitored.</p> <p>4. Qualified monitors shall have the authority to temporarily halt or divert work away from exposed fossils in order to evaluate and recover the fossil specimens, establishing a 50-foot buffer.</p> <p>5. If construction or other Project personnel discover any potential fossils during construction, regardless of the depth of work or location and regardless of whether the site is being monitored, work at the discovery location shall cease in a 50-foot radius of the discovery until the qualified paleontologist has assessed the discovery and made recommendations as to the appropriate treatment.</p> <p>6. The qualified paleontologist shall determine the significance of any fossils discovered and shall determine the appropriate treatment for significant fossils in accordance with the SVP standards. The qualified paleontologist shall inform the Project proponent of these determinations as soon as practicable.</p> <p>7. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any discoveries. The qualified paleontologist shall prepare a final monitoring and mitigation report to document the results of the monitoring effort and any curation of fossils. The project proponent shall provide the daily logs to the City of San José Director of Planning,</p>					

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
Building and Code Enforcement or the Director's designee upon request, and shall provide the final report to the City of San José Director of Planning, Building and Code Enforcement or Director's designee upon completion.					

## HAZARDS AND HAZARDOUS MATERIALS

**Impact HAZ-1: The Project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.**

<b>Mitigation Measure HAZ-1: Site Management Plan.</b> The City will require the construction contractor for the Project to develop and implement a Site Management Plan (SMP) or similar document to manage excavation of the area of the possible septic tank and leach field. The SMP shall be prepared prior to construction to reduce or eliminate exposure risk to human health and the environment, specifically, potential risks associated with the presence of contaminated materials associated with the possible septic tank and leach field. At a minimum, the SMP shall include the following: 1) excavation procedures to determine whether the septic tank and leach field are still present; 2) septic tank and leach field removal procedures, including stockpile management and dust control; 3) proper disposal procedures of the septic tank and contaminated materials, if any; 4) monitoring, reporting, and regulatory oversight notifications; and 5) a health and safety plan for each contractor and subcontractor working at the site that addresses the safety and health hazards with the requirements and procedures for employee protection. The health and safety plan will	Municipal Water or its contractor shall contract with a construction contractor to develop and implement a Site Management Plan.	The Site Management Plan shall be prepared prior to construction.	The City of San Jose Director of Planning Building and Code Enforcement or Director' designee.  Municipal Water	Review and approve the Site Management Plan. (Municipal Water also keep for their records)	Prior to the approval of construction documents.
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------	--------------------------------------------------

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Oversight Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
also outline proper septic tank and soil handling procedures and health and safety requirements to minimize worker and public exposure to contaminated soil during construction. The SMP shall be prepared prior to approval of construction documents and provided to the City's Director of Planning, Building, and Code Enforcement, or the Director's designee for review and approval. Measures in the SMP shall be included on approved construction plans and implemented during construction activities.					

**Source:** City of San José. Initial Study/Mitigated Negative Declaration. Municipal Water New Offices Project. January 2023.