

ATTACHMENT 10

Yosemite Square Subdivision Project Mitigation Monitoring and Reporting Program

August 2022

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The Mitigation Monitoring and Reporting Program (MMRP) ensures that mitigation measures imposed by the City are completed at the appropriate time in the development process.

The mitigation measures identified in the Initial Study/Mitigated Negative Declaration (IS/MND) for the Yosemite Square Subdivision Project are listed in the MMRP along with the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign-off that the mitigation measure has been implemented.

Mitigation Monitoring and Reporting Program Yosemite Square Subdivision Project				
Timing of Verification	Measure Complete? (check)	Mitigation Measures	Responsibility (Implementation)	Responsibility (Monitoring)
II. Agricultural and Forest Resources				
Prior to the issuance of building permits		Mitigation Measure II-1. Prior to the issuance of building permits, the project applicant shall be required to pay the applicable agricultural mitigation fee in place as calculated by the Manteca Building Division per Chapter 13.42 of the City of Manteca Municipal Code. Receipt of payment shall be submitted to the City of Manteca Development Services Department for review to ensure compliance.	Project Applicant	City of Manteca Development Services Department
III. Air Quality				
Prior to the issuance of building permits		Mitigation Measure III-1. Prior to issuance of building permits, the project applicant shall enter into a Voluntary Emissions Reduction Agreement with the SJVAPCD sufficient to reduce ROG emissions by 0.58 tons/year, for the review and approval by the City of Manteca Community Development Department.	Project Applicant	City of Manteca Development Services Department
IV. Biological Resources				
Within 30 days prior to the initiation of construction activities, and within 3 days prior to the initiation of construction activities should construction occur during the nesting season (February 1 through August 31)		<p>Swainson's Hawk</p> <p>Mitigation Measure IV-1. Prior to the commencement of construction activities during the nesting season for Swainson's hawk (between February 1 and August 31):</p> <p>1. A qualified biologist or qualified ornithologist shall conduct two nesting surveys within 30 days prior to construction, and within three days prior to construction to determine if active Swainson's hawk nests are present on or adjacent to the project site. If disturbance associated with the project would occur outside of the nesting season, surveys shall not be required. Results of the preconstruction survey shall be submitted to the City of Manteca Development Services Department for review. If nests are not detected, further mitigation is not required.</p>	Qualified Biologist or Qualified Ornithologist	City of Manteca Development Services Department

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		<p><i>2. If Swainson’s hawk are identified as nesting on or adjacent to the project site, a non-disturbance buffer of two times the dripline of the tree shall be established or as otherwise prescribed by a qualified ornithologist. The buffer shall be demarcated with painted orange lath or via the installation of orange construction fencing. Disturbance within the buffer shall be postponed until a qualified ornithologist has determined that the young have attained sufficient flight skills to leave the area or that the nesting cycle has otherwise completed.</i></p> <p><i>3. If a nest tree becomes occupied at any time during construction activities, all construction activities shall remain a distance of two times the dripline of the tree, measured from the nest.</i></p> <p><i>4. If nesting Swainson’s hawks are present on land adjacent to the project footprint, the biologist or qualified ornithologist shall monitor the nest throughout the nesting season and determine when the young have fledged. The approved biologist shall be on-site daily while construction-related activities are taking place within the buffer zone (two times the dripline of the tree).</i></p> <p><i>5. A qualified biologist shall conduct an environmental awareness training for all construction personnel prior to the initiation of construction activities. The training shall include identification of Swainson’s hawk, required practices to be implemented prior to and during construction, general measures that are being implemented to conserve the species as they relate to the project, penalties for non-compliance, boundaries of the non-disturbance buffer zones, and what to do/whom to contact should a Swainson’s hawk be observed onsite during construction. Upon completion of the training, all construction personnel shall sign a</i></p>		

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With 7 days prior to initiation of construction, should construction activities occur during the breeding season (February 1 through August 31)		<p><i>form stating that they have attended the training and understand all the measures. Proof of environmental awareness training completion shall be submitted to the City of Manteca Development Services Department.</i></p> <p>Nesting Migratory Birds and Raptors</p> <p>Mitigation Measure IV-2. <i>If project activities commence during the avian breeding season (February 1 through August 31), a qualified biologist shall conduct a pre-construction nesting bird survey within 7 days prior to initiation of project activities. The survey area shall include suitable raptor nesting habitat within 500 feet of the project boundary (inaccessible areas outside of the project area can be surveyed from the site or from public roads using binoculars or spotting scopes). Pre-construction surveys are not required in areas where project activities have been continuous since prior to February 1, as determined by a qualified biologist. Areas that have been inactive for more than 14 days during the avian breeding season must be re-surveyed prior to resumption of project activities. Results of the preconstruction survey shall be submitted to the City of Manteca Development Services Department for review. If active nests are not identified, further mitigation is not required. If active nests are identified, the following measure shall be implemented:</i></p> <ul style="list-style-type: none"> <i>A species-specific buffer shall be established by a qualified biologist around active nests, and construction activities shall not occur within the buffer until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest, or the nest has failed). Encroachment into the buffer may occur at the discretion of a qualified biologist. Any encroachment</i> 	Qualified Biologist	City of Manteca Development Services Department

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		<i>into the buffer shall be monitored by a qualified biologist to determine whether nesting birds are being impacted.</i>		
V. Cultural Resources				
During subsurface excavation activities		Mitigation Measure V-1. <i>If potentially significant historic or archeological resources are encountered during subsurface excavation activities, all construction activities within a 100-foot radius of the resource shall cease until a qualified archaeologist determines whether the resource requires further study. The City shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of California Environmental Quality Act criteria by a qualified archaeologist. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. If the resource is determined to be significant under CEQA, the City and a qualified archaeologist shall determine whether preservation in place is feasible. Such preservation in place is the preferred mitigation. If such preservation is infeasible, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan for the resource. The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive written report and file it with the appropriate information center (California Historical Resources Information System), and provide for the permanent curation of the recovered materials.</i>	Project Applicant/Developer Qualified Archaeologist	City of Manteca Development Services Department
During construction activities		Mitigation Measure V-2. <i>If previously unknown human remains are encountered during construction activities, Section 7050.5 of the California Health and Safety Code</i>	Project Applicant/Developer	City of Manteca Development

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		<p><i>applies, and the following procedures shall be followed: In the event of an accidental discovery or recognition of any human remains, Public Resource Code Section 5097.98 must be followed. The City shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Once project-related ground disturbance begins and if there is accidental discovery of human remains, the following steps shall be taken:</i></p> <ul style="list-style-type: none"> <i>There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the San Joaquin County Coroner's Office is contacted to determine if the remains are Native American and if an investigation into cause of death is required. If the coroner determines the remains are Native American, the coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" of the deceased Native American. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.</i> 		<p>Services Department</p> <p>San Joaquin County Coroner</p> <p>Native American Heritage Commission (NAHC)</p>
VII. Geology and Soils				
Prior to the issuance of any grading permits		<p>Mitigation Measure VII-1(a). <i>Prior to issuance of any grading permits, a Design-Level Geotechnical Exploration and Assessment shall be performed to further discuss the topics presented in the Preliminary Geotechnical Report, and address the following items:</i></p>	Project Applicant/Developer	City of Manteca Development Services Department

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Prior to the issuance of any grading permits		<ul style="list-style-type: none"> Additional field exploration and laboratory testing to support design-level recommendations as needed. Design-level analyses related to geologic and geotechnical hazards. Seismic hazard analyses based on the current building code, including a detailed liquefaction analysis. Design-level earthwork, improvements, and construction recommendations. <p>The Design-Level Geotechnical Exploration and Assessment shall be submitted to the City of Manteca Development Services Department for review and approval.</p> <p>Mitigation Measure VII-1(b). Prior to issuance of any grading permits, the project applicant shall be required to submit building plans to the City of Manteca Development Services Department for review and approval. The building plans shall demonstrate incorporation of all applicable recommendations and specifications included in the Preliminary Geotechnical Report prepared for the proposed project by ENGEO, as well as any additional recommendations included in the Design-Level Geotechnical Exploration and Assessment as required by Mitigation Measure VII-1(a). The building plans shall also comply with all applicable requirements of the most recent version of the California Building Standards Code. All on-site soil engineering activities shall be conducted under the supervision of a licensed geotechnical engineer or certified engineering geologist.</p>	Project Applicant/Developer Licensed Geotechnical Engineer or Certified Engineering Geologist	City of Manteca Development Services Department
During subsurface excavation activities		<p>Mitigation Measure VII-2. In the event that plant or animal fossils are discovered during subsurface excavation activities for the proposed project, all excavation within 50 feet of the fossil shall cease until a qualified paleontologist has</p>	Project Applicant/Developer Qualified Paleontologist	City of Manteca Development Services Department

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		<p><i>determined the significance of the find and provides recommendations in accordance with Society of Vertebrate Paleontology standards. The City shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the City of Manteca to determine procedures to be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the City determines that avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with the Society of Vertebrate Paleontology standards. The plan shall be submitted to the City for review and approval. Upon approval, the plan shall be incorporated into the project.</i></p>		
<p align="center">XVIII. Tribal Cultural Resources</p>				
<p>Prior to construction activities, and during construction</p>		<p>Mitigation Measure XVIII-1. <i>The project developer shall retain a representative of the Northern Valley Yokuts to monitor ground disturbance activities within the project site. The Northern Valley Yokuts representative shall provide a brief pre-construction training to key excavation crew members which would describe the cultural resource sensitivity of the site with regard to buried cultural resource materials that could be encountered, potential signs of historical and pre-historic use, and the responsibility to stop work and report suspected finds.</i></p> <p><i>In the event that construction encounters evidence of human remains, buried, or scattered human remains, construction in the vicinity of the encounter shall immediately halt. The project developer and or contractor shall immediately notify the County Coroner, the City of Manteca Development Department and the Northern Valley Yokuts Tribal representative. Other Federal and State agencies shall be notified as required. The project developer shall be responsible for compliance with the requirements of CEQA as</i></p>	<p>Project Applicant/Developer</p> <p>Northern Valley Yokuts Representative</p>	<p>City of Manteca Development Services Department</p> <p>San Joaquin County Coroner</p> <p>Northern Valley Yokuts Representative</p> <p>NAHC</p>

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		<p><i>to human remains as defined in CEQA guidelines, with California Health and Safety Code Section 7050.5 and as directed by the County Coroner. If the human remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission and the Native American Heritage Commission shall appoint a Most Likely Descendant.</i></p> <p><i>If other tribal cultural resources are encountered during project construction, all construction activity in the vicinity of the encounter shall be immediately halted until a qualified archaeologist and or tribal representative can examine the material and determine their "uniqueness" or significance as tribal cultural resource as defined by CEQA. The Northern Valley Yokuts representative shall recommend mitigation measures needed to reduce potential effects to a level that is less than significant. The developer would be responsible for retaining the archaeologist and Northern Valley Yokuts representative and implementing their recommendation in a written report, which shall be submitted to the City of Manteca Community Development Department with a copy to the Northern Valley Yokuts representative.</i></p>		