

**Mitigation Monitoring and Reporting Program  
for the  
Mill Creek Development Project  
Draft Initial Study/Mitigated Negative Declaration  
Town of Windsor, Sonoma County, California**

Prepared for:

**Town of Windsor**

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**Table 1: Mill Creek Development Project Mitigation Monitoring and Reporting Program**

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<b>3. Air Quality</b>					
<p><b>MM AIR-1:</b> The following Best Management Practices (BMPs), as recommended by the BAAQMD, shall be included in the project design and implemented during construction:</p> <ul style="list-style-type: none"> <li>a. All active construction areas shall be watered at least two times per day.</li> <li>b. All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least three times per day, and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.</li> <li>c. All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.</li> <li>d. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>e. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.</li> <li>f. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.</li> <li>h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> </ul>	Notes on construction plans/contracts; site inspection	Prior to and during construction	Town of Windsor		

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<p>i. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact at the BAAQMD regarding dust complaints. BAAQMD and the construction contractor shall take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.</p>					
<p><b>MM AIR-2:</b> During construction activities, all off-road equipment with engines greater than 50 horsepower shall meet either EPA or ARB Tier IV Final off-road emission standards. The construction contractor shall maintain records concerning its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.</p> <p>If engines that comply with Tier IV Final off-road emission standards are not commercially available, then the construction contractor shall use the next cleanest piece of off-road equipment (e.g., Tier IV Interim) available. For purposes of this mitigation measure, “commercially available” shall mean the availability of Tier IV Final engines taking into consideration factors such as (i) critical-path timing of construction; and (ii) geographic proximity to the project site of equipment. The contractor can maintain records for equipment that is not commercial available by providing letters from at least two rental companies for each piece of off-road equipment where the Tier IV Final engine is not available.</p>	Notes on construction plans/contracts; site inspection	Prior to and during construction	Town of Windsor		
<b>4. Biological Resources</b>					

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<p><b>MM BIO-1:</b> Prior to site grading, properly timed, focused rare plant surveys shall be conducted by a qualified botanist in all suitable habitats (primarily wetlands) that are to be disturbed. To effectively survey for the following four species as needed to identify absence/presence during their blooming season, a minimum of three surveys shall be conducted: many-flowered navarretia (<i>Navarretia leucocephala</i> ssp.), Sonoma sunshine (<i>Blennosperma bakeri</i>), Sebastopol meadowfoam (<i>Limnanthes vinculans</i>), and Burke’s goldfields (<i>Lasthenia burkei</i>). The actual timing and number of surveys may be modified if local reference populations can be checked to establish when the target species are actually blooming and, therefore, identifiable in the field. Survey guidelines developed by the CNPS shall be employed for all surveys conducted for special-status plant species. If no populations of these plants species are detected during focused rare plant surveys, then no additional mitigation is warranted.</p> <p>Any populations of special-status plant detected within the development envelope and identified as potentially subject to disturbance shall be mapped, and the project shall avoid disturbance to those populations, if feasible.</p> <p>If the special-status plant species are detected and cannot be avoided, then a formal consultation with the USFWS shall be initiated under Section 7 of the ESA, as appropriate. No direct or indirect impacts to suitable habitat for these species shall occur until Incidental Take authorization has been obtained from the USFWS.</p> <p>Based on the results of formal consultation with the USFWS, species appropriate habitat preservation and/or creation credits shall be dedicated within a USFWS-approved ecosystem preservation bank. With USFWS approval, appropriate payment into an in-lieu fee fund or on-site preservation may be used to satisfy this measure.</p>	<p>Submittal of survey reports to Town of Windsor and USFWS</p>	<p>Prior to site grading</p>	<p>Town of Windsor</p>		

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<p><b>MM BIO-2:</b> If construction or tree removal is proposed during the breeding/nesting season for local avian species (typically March 1 through August 31), a focused survey for active nests of raptors and migratory birds within and in the vicinity of (no less than 250 feet outside the project boundaries, where possible) the project site shall be conducted by a qualified biologist. One survey will be conducted 30 days prior to tree removal or construction activities. If no active nests are found, then tree removal or construction activities may proceed.</p> <p>If an active nest is located during pre-construction surveys, the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife (as appropriate) shall be notified regarding the status of the nest. Furthermore, construction activities shall be restricted to avoid disturbance of the nest until it is abandoned or the biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones or alteration of the construction schedule.</p>	<p>Submittal of survey reports to Town of Windsor and, if nests are located, CDFW</p>	<p>Prior to and during tree removal if occurring March 1 through August 31</p>	<p>Town of Windsor</p>		
<p><b>MM BIO-3:</b> The Applicant shall obtain a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers for impacts to wetlands and possible waters of the United States. The Applicant shall also obtain a Clean Water Act Section 401 permit from the Regional Water Quality Control Board. These permits shall be obtained prior to issuance of grading permits and implementation of the proposed project.</p> <p>The Applicant shall ensure that the project will result in no net loss of waters of the U.S. by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the Clean Water Act Section 404/401 permits. Compensatory mitigation may consist of (1) obtaining credits from a mitigation bank; (2) making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration,</p>	<p>Submittal of USACE Section 404 permit and RWQCB Section 401 certification documentation to the Town of Windsor</p>	<p>Prior to issuance of a grading permit</p>	<p>Town of Windsor</p>		

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creation, enhancement, or preservation activities; and/or (3) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This final type of compensatory mitigation may be provided at or adjacent to the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The Project/Permit Applicant retains responsibility for the implementation and success of the mitigation project. Evidence of compliance with this mitigation measure shall be provided prior to construction and grading activities for the proposed project.					
<b>MM BIO-4:</b> To protect the long-term habitat of Windsor Creek, the Applicant shall ensure that the creek is not obstructed and human intrusion into the riparian area is minimized. In compliance with Section 1600 of the California Fish and Game Code, the Applicant shall enter into a Lake and Streambed Alteration Agreement prior to conducting any construction activities within the creek corridor (defined by the California Department of Fish and Wildlife as the top of bank plus the outer edge of the dripline of riparian vegetation) which will identify conditions the Applicant will implement. As a condition of the Lake and Streambed Alteration Agreement, the following mitigation measure shall be implemented to compensate for the removal of riparian habitat: 1. Riparian habitat shall be created at not less than a 1:1 ratio in an area within reasonable proximity to the project site, and a Riparian Restoration and Monitoring Plan shall be established.	Submittal of Lake and Streambed Alteration Agreement to the Town of Windsor	Prior to construction activities within Windsor Creek	Town of Windsor		
<b>5. Cultural and Tribal Cultural Resources</b>					
<b>MM CUL-1:</b> In the event that buried cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist	Verification of inadvertent discovery clause in construction contracts;	Prior to issuance of a grading permit; during construction	Town of Windsor		

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<p>shall be consulted to determine whether the resource requires further study. Any previously undiscovered resources found during construction on the project site shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of CEQA criteria.</p> <p>The qualified archeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. If the resources are determined to be unique historic resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the Lead Agency where they would be afforded long-term preservation to allow future scientific study.</p>	<p>submittal of documentation of Native American consultation to the Town of Windsor if resources are encountered</p>				

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<p><b>MM CUL-2:</b> Given the high potential of encountering Pleistocene vertebrates anywhere within the confines of the project site, a qualified paleontological monitor shall be present during the initial phase of ground disturbance (i.e., grading and other site preparation) in order to check for the inadvertent exposure of paleontological resources. This may be followed by regular periodic or “spot-check” archaeological monitoring during ground disturbance as needed. Should any vertebrate remains be encountered, all construction-related activities shall be diverted from the find until a professional paleontologist has properly recorded and evaluated and, if deemed appropriate, salvaged them in a timely manner. Recovered fossils shall be deposited in an appropriate repository, such as the University of California Museum of Paleontology, where they will be properly curated and available for scientific research and education.</p>	<p>Verification of inadvertent discovery clause in construction contracts; submittal of documentation of paleontologist consultation to the Town of Windsor if resources are encountered</p>	<p>Prior to issuance of a grading permit; during construction</p>	<p>Town of Windsor</p>		
<p><b>MM CUL-3:</b> In the event of the accidental discovery or recognition of any human remains, California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98 shall be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:</p> <ol style="list-style-type: none"> <li>1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be 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</li> </ol>	<p>Verification of accidental discovery clause in construction contracts; submittal of documentation of Native American consultation to the Town of Windsor if resources are encountered</p>	<p>Prior to issuance of a grading permit; during construction</p>	<p>Town of Windsor</p>		



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<p>disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or</p> <p>2. Where the following conditions occur:</p> <ul style="list-style-type: none"> <li>• The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission;</li> <li>• The descendant identified fails to make a recommendation;</li> <li>• The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.</li> </ul> <p>Then the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance.</p>					
<p><b>6. Geology and Soils</b></p>					
<p><b>MM GEO-1:</b> Prior to the issuance of a grading or building permit and during the foundation phases of construction, the project applicant shall demonstrate to the Town of Windsor that all applicable recommendations from a design-level geotechnical report have been incorporated into the project plans.</p>	<p>Submittal and approval of final geotechnical evaluation to the Town of Windsor</p>	<p>Prior to issuance of construction permits</p>	<p>Town of Windsor</p>		

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<b>9. Hydrology and Water Quality</b>					
<p><b>MM HYD-1:</b> Prior to issuance of building permits, the project applicant shall prepare and submit drainage improvement plans to the Town of Windsor that demonstrate that there would be no net increase in surface elevation adjacent to or at any point downstream or upstream of the project site between pre-development conditions and post-development conditions for any storm event with a recurrence interval of 100 years or less. The project shall provide an adequate underground storm drain capacity across the project site to accommodate 10-year flows under conditions of full development of the project site and all upstream areas draining to the project site in accordance with the most recent adoption of the Town of Windsor General Plan. The project shall provide adequate underground and overland flow capacity across the project site to accommodate 100-year flows under conditions of full development of the project site and all upstream areas draining to the project site in accordance with the most recent adoption of the Town of Windsor General Plan, without flooding of structures or unacceptable flooding or damage to other facilities, as determined by the Town Engineer. All design, analyses, and calculations shall be subject to review and approval by the Town Engineer to ensure that the project design is in compliance with these requirements.</p>	Approval of drainage improvement plans	Prior to issuance of building permits	Town of Windsor		
<p><b>MM HYD-2:</b> Prior to issuance of grading permits for the proposed project, the project applicant shall prepare and submit plans to the Town of Windsor demonstrating that all structures are at least 1 foot above the 100-year flood elevation.</p>					

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<p><b>MM HYD-3:</b> Prior to issuance of permits for the new Bell Road bridge, the project applicant shall prepare and submit plans to the Town of Windsor demonstrating that the proposed bridge does not exacerbate the existing drainage conditions within Windsor Creek.</p>	Approval of plans	Prior to issuance of permits for the new Bell Road bridge	Town of Windsor		
<p><b>12. Noise</b></p>					
<p><b>MM NOI-1:</b> To reduce potential construction noise impacts, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>• The construction contractor shall ensure that all construction equipment has appropriate sound muffling devices that are properly maintained and that are used at all times when such equipment is in operation.</li> <li>• The construction contractor shall ensure that all internal combustion engine equipment is equipped with mufflers that are in good operating condition and appropriate for the equipment.</li> <li>• The construction contractor shall ensure that “quiet” models of air compressors and other stationary construction equipment are utilized where such technology exists.</li> <li>• The construction contractor shall locate, to the maximum extent practical, on-site equipment staging areas to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</li> <li>• The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</li> <li>• The construction contractor shall prohibit idling of internal combustion engines in excess of 5 minutes.</li> <li>• All noise-producing construction activities, including deliveries of materials and warmup of equipment, shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and between the hours of 8:00 a.m. and 7:00</li> </ul>	Notes on construction plans; site inspection	Prior to and during construction	Town of Windsor		

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p.m. on Saturday. These noise-producing construction activities shall be prohibited at any time on Sundays.					
<p><b>MM NOI-2:</b> In order to reduce the potential for sleep disturbance related to noise from railroad activity along the Northwestern Pacific Railroad/Sonoma-Marina Area Rail Transit railroad line, the project shall incorporate the following design features or their equivalent:</p> <ul style="list-style-type: none"> <li>• For the proposed multi-family residential uses, all façades of rooms designed for sleeping that have a line of sight to the railroad line and are located within 300 feet of the railroad track centerline shall be designed and built to combined minimum Sound Transmission Class (STC) 30 standards. This can be achieved through the use of 2-inch x 4-inch or 2-inch x 6-inch wood studs, fiberglass insulation, a single layer of gypsum board attached to the inside of the studs, and a 7/8-inch exterior cement plaster (Stucco) or fiber cement siding (HardiPlank) finish. All windows on these façades must be STC 30 rated windows. The combined window and wall assemblies must be designed and constructed so that there are no gaps around windows, with all protrusions or openings properly sealed.</li> <li>• Prior to issuance of final building permits, wall design specifications showing the exterior-to-interior noise to achieve the interior maximum noise exposure standard shall be submitted to the City.</li> <li>• All dwelling units shall be equipped with forced-air mechanical ventilation in compliance with the Uniform Building Code requirements, to ensure that windows can remain closed for a prolonged time period.</li> </ul>	Approval of plans	Prior to issuance of building permits	Town of Windsor		