

EXHIBIT B
MITIGATION MONITORING AND REPORTING PROGRAM

Alameda CTC Rail Safety Enhancement Project
Berkeley (Cedar Street, Addison Street, and Bancroft Way)

May 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 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.

The Initial Study/Mitigated Negative Declaration prepared for the Alameda CTC Rail Safety Enhancement Project at Cedar Street, Addison Street, and Bancroft Way 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 Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does not discuss those subjects for which the Initial Study/Mitigated Negative Declaration concluded that the impacts from implementation of the project would be less than significant.

I, _____, the applicant, on the behalf of _____, hereby agree to fully implement the mitigation measures described below which have been developed in conjunction with the preparation of an Initial Study/Mitigated Negative Declaration for my proposed project. I understand that these mitigation measures or substantially similar measures will be adopted as conditions of approval with my development permit request to avoid or significantly reduce potential environmental impacts to a less-than-significant level.

Project Applicant's Signature _____

Date _____



MITIGATIONS	MONITORING AND REPORTING PROGRAM		
	Level of Impact After Mitigation	Responsible Party	Timing
Air Quality			
The project could potentially result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under federal or State ambient air quality standards.			
Mitigation Measure AQ-1: Bay Area Air Quality Management District’s (BAAQMD’s) Basic Construction Measures Recommend for All Projects These conditions include the following: water exposed surfaces two times daily; cover haul trucks; clean track outs with wet powered vacuum street sweepers; limit speeds on unpaved roads to 15 miles per hour; complete paving as soon as possible after grading; limit idle times to 5 minutes; properly maintain mobile and other construction equipment; and post a publicly visible sign with contact information to register dust complaints and take corrective action within 48 hours.	Less than Significant	Construction Contractor	During Construction
Biological Resources			
The project could have a substantial adverse impact on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to: marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.			
Mitigation Measure BIO-1: Pre-construction Survey and Impact Avoidance for Raptors and Other Nesting Birds Ground disturbing activities should be restricted to the non-breeding season (September 1 to January 31) when feasible. If construction activities occur during the nesting bird season (February 1 to August 31), the following mitigation measures are recommended to reduce impacts to nesting special-status avian species, and other	Less than Significant	Construction Contractor / Qualified Biologist	Before Construction



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<p>nesting birds protected by the California Fish and Game Code and the MBTA:</p> <ul style="list-style-type: none"> • A preconstruction nesting bird survey should be conducted by a qualified biologist no more than 14 days prior to initiation of ground disturbance and vegetation removal. The survey area should include all work areas and, at a minimum, a 150-foot buffer for passerines and a 500-foot buffer for raptors. The survey should be conducted by a biologist familiar with the identification of avian species known to occur in the region and should focus on trees, human-made structures, and vegetated areas. • If nests are found, an appropriate avoidance buffer will be determined and demarcated by the qualified biologist with high visibility material. Avoidance buffers should be established based on the nest location in relation to project activity, the line-of-sight from the nest to the project activity and observed behavior at the nest. • All construction personnel should be notified as to the existence of the buffer zones and to avoid entering buffer zones during the nesting season. No ground disturbing activities should occur within the buffer until the qualified biologist has confirmed that breeding/nesting is complete, and the young have fledged the nest. Encroachment into the buffer should occur only at the discretion of the qualified biologist. 			
<p>Mitigation Measure BIO-2: Mitigation Measures for Waters and Wetlands</p>	Less than Significant	Construction Contractor	During Construction



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<p>At a minimum, the following Best Management Practices (BMPs) will be implemented on-site during and following construction to prevent any indirect impacts to downstream waters and wetlands.</p> <ol style="list-style-type: none"> 1. Vehicles and equipment should be checked at least daily for leaks and maintained in good working order. Spill kits should be available on-site at all times and a spill response plan should be developed and implemented. 2. Sediment and erosion control measures (e.g., sand or gravel bags, hay bales, check dams) should be implemented and maintained throughout the project site to prevent the entry of sediment and/or pollutants into any waterways or jurisdictional areas. No monofilament plastic will be used for erosion control. 			
Cultural Resources			
The project could cause a substantial adverse change in the significance of an archaeological resource, pursuant to Section 15064.5.			
<p>Mitigation Measure CUL-1: Unanticipated Discovery of Archaeological Resources</p> <p>In the event archaeological resources are encountered during construction, work shall be halted within 100 feet of the discovered materials and workers shall avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations.</p>	Less than Significant	Construction Contractor, Qualified Archaeologist	During Construction



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<p>If an archaeological resource is encountered in any stage of development, a qualified archaeologist will be consulted to determine whether the resources qualify as historical resources or unique archaeological resources. In the event that the encountered resources qualify, the archaeologist will prepare a research design and archaeological data recovery plan to be implemented prior to resuming construction at the affected area. The archaeologist shall also prepare a written report of the finding, file it with the appropriate agency, and arrange for curation of recovered materials.</p>			
Disturb any human remains, including those interred outside of dedicated cemeteries?			
<p>Mitigation Measure CUL-2: Unanticipated Discovery of Human Remains</p> <p>In the event that human remains are discovered during project construction, all activity within a 50-foot radius of the discovery site shall be halted. The Alameda County Coroner would be notified and would make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the NAHC immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.</p>	Less than Significant	Construction Contractor	During Construction
Geology and Soils			



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The project could directly or indirectly destroy a unique paleontological resource or site or unique paleontological feature.			
<p>Mitigation Measure GEO-1: Discovery of Paleontological Resources</p> <p>Discovery of a paleontological specimen during any phase of the project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to mitigate the impact.</p>	Less than Significant	Construction Contractor	During Construction
Hazards and Hazardous Materials			
The project could 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 it create a significant hazard to the public or the environment.			
<p>Mitigation Measure HAZ-1: Prepare a Site-specific Health And Safety Plan (HASP) for Construction Activities</p> <p>The construction contract specifications shall provide that a licensed hazardous materials professional shall prepare a site-specific HASP for construction activities. The HASP will establish protocols for preventing uncontrolled worker exposure to contaminated media during construction. The HASP will implement the following State and federal regulations to govern the protection of worker safety at potential hazardous material sites:</p> <ul style="list-style-type: none"> • Worker education and training (Hazard Communication Standard) 29 CFR 1910.1200, 	Less than Significant	Construction Contractor	Before Construction / During Construction



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1915.1200, 1917.28, 1918.90, and 1926.59, 1910.1018 (inorganic arsenic) <ul style="list-style-type: none"> • Construction Safety Orders 8 CCR Division 1, Chapter 4 • Lead in Construction 8 CCR 1532.1 • General Industry Safety Orders 8 CCR 5214. Inorganic Arsenic. • Environmental Health Standards for Management of Hazardous Waste 22 CCR Division 4.5 Upon operation of the project, no hazardous materials would be used at the crossings, and no hazardous materials would be released into the public.			

Source: Alameda CTC. 2022. Alameda CTC Rail Safety Enhancement Project: Berkeley (Cedar Street, Addison Street, and Bancroft Way) Initial Study.