

**MITIGATION MONITORING AND REPORTING PROGRAM**

**Alameda CTC Rail Safety Enhancement Project  
Oakland (29th Avenue, Fruitvale Avenue, 37th Avenue, and  
50th Avenue)**

**August 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 – Oakland at 29th Avenue, Fruitvale Avenue, 37th Avenue, and 50th Avenue 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	Monitoring Timing or Schedule
<b>Air Quality</b>			
<b>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.</b>			
<p><b>Mitigation Measure AQ-1: Bay Area Air Quality Management District’s (BAAQMD’s) Basic Construction Measures Recommend for All Projects</b></p> <p>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.</p>	Less than Significant	Construction Contractor	Before Construction
<b>Biological Resources</b>			
<b>The project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.</b>			
<p><b>Mitigation Measure BIO-1: Pre-Construction Survey and Impact Avoidance for Raptors and Other Nesting Birds</b></p> <p>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</p>	Less than Significant	Construction Contractor / Qualified Biologist	Before Construction



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<p>August 31), the following mitigation measures are recommended to reduce impacts to nesting special-status avian species, and other nesting birds protected by CFGC and the MBTA:</p> <ul style="list-style-type: none"> <li>• A pre-construction nesting bird survey should be conducted by a qualified biologist no more than 7 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.</li> <li>• 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 nesting species, 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.</li> <li>• 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</li> </ul>			



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occur only at the discretion of the qualified biologist.			
<b>The project could have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.</b>			
<p><b>Mitigation Measure BIO-2: Mitigation Measures for Waters and Wetlands</b></p> <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"> <li>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.</li> <li>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.</li> </ol>	Less than Significant	Construction Contractor	During Construction / Post-Construction
<b>The project could conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</b>			
See <b>Mitigation Measure BIO-2</b> above	Less than Significant	Construction Contractor	During Construction / Post-Construction



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<b>Cultural Resources</b>			
<b>The project could cause adverse change in the significance of a historical resource as defined in Section 15064.5.</b>			
<p><b>Mitigation Measure CUL-1: Unanticipated Discovery of Archaeological Resources</b></p> <p>If archaeological resources are encountered during ground-disturbing activities, work in the immediate area should be halted and an archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards for archaeology (National Park Service 1983) should be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate any significant impacts to historical resources.</p>	Less than Significant	Construction Contractor / Qualified Archaeologist	During Construction
<b>The project could disturb any human remains, including those interred outside of dedicated cemeteries.</b>			
<p><b>Mitigation Measure CUL-2: Unanticipated Discovery of Human Remains</b></p> <p>The discovery of human remains is always a possibility during ground-disturbing activities. If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. In</p>	Less than Significant	Construction Contractor	During Construction



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the event of an unanticipated discovery of human remains, the Alameda County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the coroner will notify the NAHC, which will determine and notify a Most Likely Descendant. The Most Likely Descendant shall complete the inspection of the site and provide recommendations for treatment to the landowner within 48 hours of being granted access.			
<b>Geology and Soils</b>			
<b>The project could directly or indirectly destroy a unique paleontological resource or site or unique paleontological feature.</b>			
<b>Mitigation Measure GEO-1: Discovery of Paleontological Resources</b>  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.	Less than Significant	Construction Contractor	During Construction
<b>Hazards and Hazardous Materials</b>			
<b>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.</b>			
<b>Mitigation Measure HAZ-1: Prepare a Site-specific Health And Safety Plan (HASP) for Construction Activities</b>	Less than Significant	Construction Contractor	Before Construction / During Construction



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<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 govern the protection of worker safety at potential hazardous material sites:</p> <ul style="list-style-type: none"> <li>• Worker education and training (Hazard Communication Standard) 29 CFR 1910.1200, 1915.1200, 1917.28, 1918.90, and 1926.59, 1910.1018 (inorganic arsenic)</li> <li>• Construction Safety Orders 8 CCR Division 1, Chapter 4</li> <li>• Lead in Construction 8 CCR 1532.1</li> <li>• General Industry Safety Orders 8 CCR 5214. Inorganic Arsenic.</li> <li>• Environmental Health Standards for Management of Hazardous Waste 22 CCR Division 4.5</li> </ul>			





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<b>Tribal Cultural Resources</b>			
<p>The project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>			
See <b>Mitigation Measure CUL-1</b> above.	Less than Significant	Construction Contractor / Qualified Archaeologist	During Construction
See <b>Mitigation Measure CUL-2</b> above.	Less than Significant	Construction Contractor	During Construction

Source: Alameda CTC, 2023. Alameda CTC Rail Safety Enhancement Project: Oakland (29th Avenue, Fruitvale Avenue, 37th Avenue, and 50th Avenue) Initial Study.