



MITIGATION MONITORING AND REPORTING PROGRAM

CITY OF BRENTWOOD SOLID WASTE ORGANICS DIVERSION PROJECT CIP PROJECT NO. 542-54021

Adoption Date: October 22, 2024 (City Council Meeting)

In accordance with Section 15074(d) of the California Environmental Quality Act Guidelines, this Mitigation Monitoring and Reporting Program identifies the mitigation measures for the City of Brentwood's (City) Solid Waste Organics Diversion Project (Project).

The City's Director of Public Works will be responsible for ensuring that these mitigation measures are implemented for the Project. This includes ensuring that, where applicable, the appropriate mitigation measures are included in construction contracts and construction specifications and drawings that are prepared for the Project. The City will also be responsible for overseeing field inspections that are conducted (as necessary) on a timely basis to ensure that the specified mitigation measures are being implemented. The construction contractor(s) selected for the Project will be required to implement the specified measures in a timely manner.

The measures shown in **Table 1** are to be adopted by the City Council as part of the approval of this Project. Table 1 provides the adopted mitigation measures, including the timing, implementing responsibility, and monitoring responsibility for each measure.

Table 1. Mitigation Measures and Monitoring and Reporting Requirements for the City of Brentwood Solid Waste Organics Diversion Project

Measure	Timing	Implementation Responsibility	Implementation Action
Biological Resources			
<p>Mitigation Measure BIO-1: General Construction Measures</p> <p>All contractors and equipment operators will be made aware of the ecological values of the site and will be given instructions to comply with all mitigation measures. Construction activities will be limited to a designated work area (including the work corridor and staging areas). The work area will be clearly identified and will be staked and flagged where necessary prior to initiation of construction activities. This will include flagging of riparian and wetland habitats in the vicinity of work areas to ensure their avoidance and protection.</p>	Pre-construction; Construction	City; Construction Contractors; Qualified Biologist	<p>(1) City to include the identified measures in the construction specifications issued to construction contractors.</p> <p>(2) City to retain Qualified Biologist to prepare and provide ecological training to construction contractors.</p> <p>(3) Construction contractors to implement measures.</p>
<p>Mitigation Measure BIO-2: Participation in the ECCCHCP</p> <p>The City will participate in the East Contra Costa County Habitat Conservation Plan (ECCCHCP) for the project to mitigate potential impacts to special-status species or their habitats covered under the ECCCHCP. This coverage will allow the City to minimize and compensate for potential effects resulting from construction- and operation-related activities associated with the project through implementation of all applicable conservation measures and compensation mechanisms of the ECCCHCP. To compensate for unavoidable project-related effects the City will pay either the applicable fee or dedication of land in lieu of the fee as described in Chapter 9, Funding, and in Brentwood Ordinance number 850.</p>	Pre-construction	City	<p>(1) City to obtain ECCCHCP Certificate of Coverage from City Planning Division.</p> <p>(2) City to submit payment for applicable fees to the East Contra Costa County Habitat Conservancy.</p>
<p>Mitigation Measure BIO-3: Special-Status Amphibians and Reptiles</p> <p>The City will implement pre-construction surveys, as necessary per the ECCCHCP, for California tiger salamander, silvery legless lizard, western pond turtle, California horned lizard, giant garter snake, and San Joaquin whipsnake in the annual,</p>	Pre-construction; Construction	City; Qualified Biologist	<p>(1) City to retain Qualified Biologist to conduct pre-construction surveys.</p> <p>(2) City to retain Qualified Biologist to conduct construction monitoring and develop avoidance and minimization measures, if needed.</p>

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<p>ruderal grassland habitat associated with the project.</p> <p>Surveys will be implemented in accordance with methods described in Section 6.4.3 of the ECCCHCP.</p> <p>If any ECCCHCP-covered species are found (California tiger salamander, silvery legless lizard, western pond turtle, or giant garter snake), all applicable avoidance and minimization measures, construction monitoring, conservation measures, and/or mitigation fees of the ECCCHCP will be implemented.</p> <p>If any special-status species not covered by the ECCCHCP (California horned lizard and San Joaquin whipsnake) are discovered, measures to reduce impacts to less-than-significant levels would be developed in consultation with CDFW. Protection measures developed in consultation with CDFW could include developing appropriate construction buffers, use of exclusion fencing, and biological monitoring of all initial clearing and grubbing activities.</p>			<p>(3) City to include requirement to implement avoidance and minimization measures in construction contracts.</p>
<p>Mitigation Measure BIO-4: Burrowing Owls</p> <p>The City will implement pre-construction surveys for burrowing owls or burrows at proposed construction sites with potential habitat in accordance with methods described in Section 6.4.3 of the ECCCHCP.</p> <p>If the burrowing owls nests or burrows are discovered in the work areas, all applicable avoidance and minimization measures, construction monitoring, conservation measures, and/or mitigation fees for this species in the ECCCHCP will be implemented.</p>	<p>Pre-construction; Construction</p>	<p>City; Qualified Biologist</p>	<p>(1) City to retain Qualified Biologist to conduct pre-construction surveys.</p> <p>(2) City to retain Qualified Biologist to conduct construction monitoring and develop avoidance and minimization measures, if needed.</p> <p>(3) City to include requirement to implement avoidance and minimization measures in construction contracts.</p>
<p>Mitigation Measure BIO-5: Other Special-Status Birds</p> <p>If construction activities are scheduled to occur between February 15 and September 15, preconstruction surveys will be conducted at proposed construction sites within 30 days prior</p>	<p>Pre-construction; Construction</p>	<p>City; Qualified Biologist</p>	<p>(1) City to retain Qualified Biologist to conduct pre-construction surveys.</p> <p>(2) City to retain Qualified Biologist to conduct construction monitoring</p>

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<p>to any such activities to determine whether any nests of special-status birds are present. A qualified biologist will search within 1,000 feet of sites for raptor nests, and within 250 feet of sites for passerine nests. Biologists will conduct a visual and aural search of the survey area on foot, using binoculars to scan tree tops for the presence of nests.</p> <p>If any nests are identified, measures to reduce impacts to less-than-significant levels, such as species-specific buffers and nest monitoring, would be developed in consultation with appropriate resource agencies (CDFW and/or USFWS).</p>			<p>and develop avoidance and minimization measures, if needed.</p> <p>(3) City to include requirement to implement avoidance and minimization measures in construction contracts.</p>
<p>Mitigation Measure BIO-6: American Badger</p> <p>The City will implement pre-construction surveys for American badgers or burrows at proposed construction areas with potential habitat in conjunction with burrowing owl surveys.</p> <p>If any American badgers or burrows are found, measures to reduce impacts to less-than-significant levels would be developed in consultation with CDFW, and/or mitigation fees for this species in the ECCCHCP will be implemented. Protection measures developed in consultation with CDFW could include developing appropriate construction buffers, use of exclusion fencing, biological monitoring of all initial clearing and grubbing activities, and species trapping and relocation.</p>	<p>Pre-construction; Construction</p>	<p>City; Qualified Biologist</p>	<p>(1) City to retain Qualified Biologist to conduct pre-construction surveys.</p> <p>(2) City to retain Qualified Biologist to conduct construction monitoring and develop avoidance and minimization measures, if needed.</p> <p>(3) City to include requirement to implement avoidance and minimization measures in construction contracts.</p>
<p>Mitigation Measure BIO-7: Ringtail</p> <p>The City will implement pre-construction surveys for ringtail and their burrows at proposed construction areas with potential habitat.</p> <p>If any ringtail or ringtail burrows are found, measures to reduce impacts to less-than-significant levels would be developed in consultation with CDFW, and/or mitigation fees for this species in the ECCCHCP will be implemented. Protection</p>	<p>Pre-construction; Construction</p>	<p>City; Qualified Biologist</p>	<p>(1) City to retain Qualified Biologist to conduct pre-construction surveys.</p> <p>(2) City to retain Qualified Biologist to conduct construction monitoring and develop avoidance and minimization measures, if needed.</p> <p>(3) City to include requirement to implement avoidance and</p>

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measures developed in consultation with CDFW would likely be similar to those developed for American badger and could include developing appropriate construction buffers, use of exclusion fencing, biological monitoring of all initial clearing and grubbing activities, and species trapping and relocation.			minimization measures in construction contracts.
Cultural Resources			
<p>Mitigation Measure CULT-1: Accidental Discovery of Archaeological Resources</p> <p>In the event that cultural resources are inadvertently discovered during project construction activities, work will be halted within 100 feet of the find and a qualified archaeologist (i.e., an archaeologist that meets the qualifications at 36 CFR Part 61) will be retained to assess its potential significance. In the event that indigenous cultural resources are identified, the consulting Native American Tribes will be notified and both the archaeologist, and a Tribal cultural resource specialist will evaluate the find for potential significance as a cultural resource and Tribal cultural resource. Construction activities may continue in other areas but may not resume in the area of the find until its significance is assessed and it is appropriately treated. If the find is not significant, then no additional cultural resources investigations are necessary and project work may resume in the area of the find. If the find is determined significant then a mitigation plan will be developed in consultation with the City of Brentwood, and the consulting Native American Tribes. The mitigation plan will address the boundaries of the find and will direct efforts to avoid further impacts to the resource. Should the resource not be able to be avoided by project design, additional cultural resources investigations such as data recovery may be warranted and would be determined in consultation with the City of Brentwood, Native American Tribe traditionally and culturally affiliated with the geographic area of the project site, and any other relevant regulatory agencies or interested parties, as</p>	Construction	City; Construction Contractors; Qualified Archaeologist	<p>(1) City to include identified measures in construction contracts.</p> <p>(2) City to confirm work halted within required buffer in the event of inadvertent discovery of cultural resources.</p> <p>(3) City to retain Qualified Archaeologist to oversee implementation of associated measures.</p>

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<p>appropriate and will be described in the mitigation plan. Best efforts will be taken to protect the cultural character, integrity, and steps will be taken to protect the confidentiality of any identified cultural resources.</p>			
<p>Mitigation Measure CULT-2: Accidental Discovery of Human Remains</p> <p>If human remains are inadvertently uncovered during project activities, then the stipulations of State of California Health and Safety Code Section 7050.5 will be followed to treat the discovery. This code section states that the County Coroner must be notified immediately of the discovery of human remains and no further disturbance may occur in the area of the discovery until the County Coroner has made a determination regarding the origin and disposition of the remains pursuant to PRC Section 5097.98. If the human remains are determined to be of Native American origin, the County Coroner will notify the NAHC, who will determine and notify a Most Likely Descendent. There shall be no pictures taken or testing done on Native American human remains. Treatment of the remains will be determined in consultation with the Most Likely Descendent, the City of Brentwood, and appropriate regulatory agencies.</p>	<p>Construction</p>	<p>City; Construction Contractors</p>	<p>(1) City to include identified measures in construction contracts.</p> <p>(2) City to notify County Coroner in the event of accidental discovery of human remains.</p> <p>(3) City to confirm implementation of measures based on determination of County Coroner.</p>

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Geology and Soils			
<p>Mitigation Measure GEO-1: Accidental Discovery Of Paleontological Resources</p> <p>Should construction or grading activities result in the discovery of unique paleontological resources (e.g., teeth, bones, fossils), the finds shall be set aside and all excavation activity shall cease within 100 feet of the specific place of discovery until a qualified archaeologist, paleontologist, or historian has assessed the find and, if deemed significant, salvaged the find in a timely manner. The decision to conduct paleontological salvage operations will be determined by the qualified archaeologist, paleontologist, or historian in consultation with City staff. Work may proceed on other parts of the project while assessment and/or salvage by the qualified archaeologist, paleontologist, or historian is underway. Finds determined significant by the paleontologist shall be conserved and deposited with a recognized repository such as the University of California Museum of Paleontology.</p>	Construction	City; Construction Contractors; Qualified Archaeologist	<p>(1) City to include identified measures in construction contracts.</p> <p>(2) City to confirm work halted within required buffer in the event of accidental discovery of paleontological resources.</p> <p>(3) City to retain Qualified Archaeologist to oversee implementation of associated measures.</p>
Noise			
<p>Mitigation Measure NOISE-1. Reduce Operational (Permanent) Stationary Noise</p> <p>To ensure that City of Brentwood’s daytime (i.e., 55 dBA L_{eq}) and nighttime (45 dBA L_{eq}) and Contra Costa County’s residential noise limits (i.e., 60 dBA L_{dn}) are not exceeded, the City shall implement the following measures.</p> <p>Prior to commencing operation of the proposed anaerobic digester and BDPS, the City of Brentwood shall prepare an operational noise mitigation and monitoring plan, in consultation with a qualified acoustical engineer. Specific measures that may be recommended include the selection of alternative, quieter equipment options, selection and</p>	Pre-construction; Construction	City; Construction Contractor; Qualified Acoustical Engineer	<p>(1) City to include the identified measures in the construction specifications issued to construction contractors.</p> <p>(2) City to retain Qualified Acoustical Engineer to assist with noise mitigation and monitoring plan.</p> <p>(3) City to ensure project noise levels do not exceed City of Brentwood and Contra Costa County noise standards.</p>

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<p>installation of equipment enclosures, and, or in combination with the aforementioned, construct a solid (i.e., no openings between noise sources and offsite receptors) sound barrier on the eastern boundary of the project site.</p> <p>Based on the final selection of alternative equipment type, enclosures and barriers, and prior to final installation and operation of equipment, the plan shall be verified by the acoustical professional, using site-specific parameters (equipment sound pressure levels, enclosure transmission loss parameters, individual equipment operational activity hours) to confirm that the daytime and nighttime noise levels adopted by the City of Brentwood and Contra Costa County are not exceeded at any nearby noise-sensitive receptor. Documentation (e.g., noise model inputs, noise reduction recommendations, residual noise levels) shall be prepared and submitted to the City of Brentwood for approval.</p>			