

**Mitigation Monitoring and Reporting Program
for the
William J. Payne Sports Park Renovation Project
Initial Study/Mitigated Negative Declaration
City of Livermore, Alameda County, California**

Prepared for:
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Report Date: December 4, 2018

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM AES-4: Prior to approval of the final improvement plans, the Lead Agency shall verify that athletic field lighting fixtures are directed onto the field of play and employ any necessary shielding devices to ensure that illumination does not spillover onto nearby land uses. The Lead Agency shall also install automatic shut-off timers on all athletic field lighting fixtures to shut off lights at pre-determined times or when fields are not in use.	Approval of plan	Prior to approval of final improvement plans	Livermore Area Recreation and Park District; City of Livermore		
MM AIR-1: The Lead Agency shall require the construction contractor to implement the following Basic Construction Emission Control Measures: a. All active construction areas shall be watered at least two times per day. 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. c. All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least two feet of freeboard. 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. e. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. 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. g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes, as required by the California Airborne Toxics Control Measure, California Code of Regulations Title 13, Section 2485. Clear signage regarding idling restrictions shall be provided for construction workers at all access points.	Notes on construction plans; Site inspection	During construction activities	Livermore Area Recreation and Park District; City of Livermore		

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<p>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.</p> <p>i. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. The Lead Agency and the construction contractor shall take corrective action within 48 hours. The Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.</p>					
<p>MM BIO-1: If tree removal associated with development of the property is to occur during nesting bird season (February 15 through August 31), a qualified biologist shall conduct a pre-construction survey for nesting birds to identify any potential nesting activity. The pre-construction surveys for nesting birds shall be conducted within 14 days prior to any construction-related activities (grading, ground clearing, etc.). If nesting birds are identified on-site, a buffer (e.g., 250 feet for raptors, 100 feet for native songbirds) shall be maintained around the nests; no construction-related activities shall be permitted within the buffer. A qualified biologist shall monitor the nests, and construction activities may commence within the buffer area at the discretion and in the presence of the biological monitor. The pre-construction survey for nesting birds shall not be required if construction activities occur outside of the nesting bird season (September 1 through February 14).</p>	Notes on construction plans; Site inspection; Submittal of documentation	Prior to any tree removal between February 15 and August 31	Livermore Area Recreation and Park District; City of Livermore		
<p>MM BIO-2: Prior to commencement of construction activities, the Lead Agency shall conduct an arborist tree survey and apply for the necessary permits regarding tree removal. All applicable provisions of the City of Livermore Tree Preservation Ordinance (Chapter 12.20) including removal and replacement of street</p>	Submittal of arborist study	Prior to commencement of construction activities	Livermore Area Recreation and Park District; City of Livermore		

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trees (if applicable) and protection of significant or protected native trees during construction (if applicable). The required changes (if applicable) shall be incorporated into the proposed project.					
Section 3.4—Cultural Resources					
MM CUL-1: In the event a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology has evaluated the situation. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resource, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Any previously undiscovered resources found during construction within the Project Site shall be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and will be submitted to the City of Livermore, the Northwest Information Center, and the State Historic Preservation Office, as required.	Submittal of documentation; Notes on construction plans; Site inspection	During construction (if potentially significant cultural resources are encountered)	Livermore Area Recreation and Park District; City of Livermore		
MM CUL-2: In the event that fossils or fossil-bearing deposits are discovered during construction activities, excavations within a 100-foot radius of the find shall be temporarily halted or diverted. The project contractor shall notify a qualified	Submittal of documentation; Notes on construction plans; Site inspection	During construction (if fossils or fossil bearing deposits are discovered)	Livermore Area Recreation and Park District; City of Livermore		

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paleontologist to examine the discovery. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the applicant determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The plan shall be submitted to the City of Livermore for review and approval prior to implementation, and the applicant shall adhere to the recommendations in the plan.					
<p>MM CUL-3: In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94, and Section 5097.98 must 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> <p>1. There shall be no further excavation or disturbance within 100 feet of the 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 Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the most likely descendant of the</p>	Submittal of documentation; Notes on construction plans; Site inspection	During construction (in the event of discovery or recognition of any human remains)	Livermore Area Recreation and Park District; City of Livermore		

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<p>deceased Native American. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, 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.</p> <p>2. Where the following conditions occur, the landowner or his or her authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:</p> <ul style="list-style-type: none"> • 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. • The descendant identified fails to make a recommendation. • 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. <p>Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains:</p> <ul style="list-style-type: none"> • When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code Section 5097.98. The applicant may develop a plan for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American Burials with the 					

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appropriate Native Americans as identified by the Native American Heritage Commission.					
MM NOI-1: LARPD shall require its construction contractors to implement the following noise abatement measures during construction: <ul style="list-style-type: none"> • All equipment powered by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment. • Unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) shall be prohibited. • “Quiet” models of air compressors and other stationary noise sources shall be used unless not readily available. • During project grading and construction, stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses. • A telephone number shall be posted allowing the general public to contact LARPD or the construction contractor regarding noise complaints. • The construction contractor shall limit construction activities to the hours between 7:00 a.m. to 8:00 p.m., daily. 	Notes on construction plans; Site inspection	During construction activities	Livermore Area Recreation and Park District; City of Livermore		