

Town of Atherton
Cartan Field Stormwater Capture Project
Draft Mitigated Negative Declaration

Project: Cartan Field Stormwater Capture Project

State Clearinghouse #: 2020019023

Lead Agency/ Project Proponent: Town of Atherton

PROJECT DESCRIPTION

The Town of Atherton (Town) prepared a Drainage Study Update (2015) which identified the need for a stormwater detention/storage facility to reduce flooding associated with Atherton Channel. Additionally, the Town is required to comply with the Municipal Regional Permit (MRP) conditions issued by the San Francisco Bay Regional Water Quality Control Board for storm water quality. The MRP requires all permittees to implement green infrastructure improvements to reduce the amount of mercury and polychlorinated biphenyl (PCB) in stormwater discharges to the San Francisco Bay.

The Town retained engineers to design a stormwater capture facility that would help alleviate local and downstream flooding through stormwater detention and meet MRP pollutant reductions by capturing and filtering dry-weather and a portion of wet weather flows.

The project proposes to install a stormwater capture facility at Cartan Field, a joint use athletic facility owned by Menlo College and Menlo School, located at 30 Alejandra Avenue, in Atherton, California. The facility would include a diversion structure within Atherton Channel to re-direct all dry-weather urban runoff and a portion of wet-weather runoff through a pre-treatment device to remove trash, debris, and sediment before conveying the water into a buried multi-chambered storage facility with a storage capacity of up to nine (9) acre-feet. A pump system sends the water through a filter system to remove mercury and PCBs and then slowly returns filtered water back into the channel downstream of the diversion structure.

PROPOSED FINDINGS

The Town of Atherton has reviewed the attached Initial Study and determined that the Initial Study identifies potentially significant project effects, but that:

1. Revisions in the project plans made before a proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where no significant effects would occur, and
2. There is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment. Therefore, pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15064(f)(2) and 15070(b), a Mitigated Negative Declaration has been prepared for consideration as the appropriate CEQA document for the project.

BASIS OF FINDINGS

Based on the environmental evaluation presented in the Initial Study circulated for public review from January 8, 2020 through February 24, 2020 the project would not cause significant adverse effects related to Aesthetics, Agricultural/Forestry, Energy, Geology/Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Population/Housing, Public Services, Recreation,

Transportation, Utilities, and Wildfire. The project does not have impacts that are individually limited, but cumulatively considerable.

The project would have potentially significant impacts to air quality, biological resources, cultural resources, noise, and tribal cultural resources and mitigation measures have been incorporated into the project to reduce these impacts to less than significant levels.

Mitigation Measures

The project could result in significant adverse effects to air quality, biological resources, cultural resources, noise, and tribal cultural resources. However, the project has been revised to include the mitigation measures listed below, which reduce these impacts to a less-than-significant level. With implementation of these mitigation measures, the project would not substantially degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal. Nor would the project cause substantial adverse effects on humans, either directly or indirectly.

MITIGATION MEASURES INCORPORATED INTO THE PROJECT:

Impact AIR-1: Project construction could result in significant dust emissions.

Mitigation Measure AIR-1: To reduce fugitive dust that would be generated during project construction activities, the Town would require Town staff and/or its designated contractors, contractor's representatives, or other appropriate personnel to implement the following BAAQMD basic dust control measures.

- Water all exposed surfaces (e.g., staging areas, soil piles, graded areas, and unpaved access roads) two times per day during construction and adequately wet demolition surfaces to limit visible dust emissions.
- Cover all haul trucks transporting soil, sand, or other loose materials off the project site.
- Use wet power vacuum street sweepers at least once per day to remove all visible mud or dirt track-out onto adjacent public roads (dry power sweeping is prohibited) during construction of the proposed project.
- Vehicle speeds on unpaved roads/areas shall not exceed 15 miles per hour.
- Complete all areas to be paved as soon as possible and lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Minimize idling time of diesel-powered construction equipment to five minutes and post signs reminding workers of this idling restriction at access points and equipment staging areas during construction of the proposed project
- Maintain and properly tune all construction equipment in accordance with manufacturer's specifications and have a CARB-certified visible emissions evaluator check equipment prior to use at the site.
- Post a publicly visible sign with the name and telephone number of the construction contractor and Town staff person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The publicly visible sign shall also include the contact phone number for the Bay Area Air Quality Management District to ensure compliance with applicable regulations.

Impact AIR-2: Construction equipment could generate diesel particulate matter emissions in excess of regulatory standards

Mitigation Measure AIR-2: To reduce potential, short-term adverse health risks associated with PM_{2.5} emissions, including emissions of diesel particulate matter generated during project

construction activities, the Town shall require Town staff and/or its designated contractors, contractor's representatives, or other appropriate personnel to comply with the following construction equipment restrictions for the proposed project:

- All construction equipment with a rated power-output of 50 horsepower or greater shall meet U.S. EPA and CARB Tier II Standards with Level 3 Diesel Particulate Filters (DPFs), or better. This may be achieved via the use of equipment with engines that have been certified to meet Tier II emission standards with Level 3 DPFs installed, or through the use of equipment that has been retrofitted with a CARB-verified diesel emission control strategy (e.g., oxidation catalyst, particulate filter) capable of reducing exhaust PM emissions to levels that meet Final Tier IV standards.

Impact BIO-1: Project activities could result in the loss of California red-legged frog, San Francisco garter snake, and western pond turtle foraging and dispersal habitat; and could potentially result in the loss of individuals during construction and during operation.

Mitigation Measure BIO-1A: Pre-Construction/Pre-Disturbance Survey for California Red-legged Frog, San Francisco Garter Snake, and Western Pond Turtle. No more than twenty-four hours prior to the start of project activities, including installation of fencing, staging of equipment and materials, and vegetation trimming or removal, a pre-construction survey for these species will be conducted by an agency-approved biologist within the impact area. The survey will consist of walking the limits of impact to ascertain the possible presence of the species. The agency-approved biologist will investigate all potential areas that could be used by the California red-legged frog, San Francisco garter snake, and western pond turtle for feeding, breeding, sheltering, movement, and other essential behaviors. This includes an adequate examination of mammal burrows, such as California ground squirrel or gopher burrows. The results of the survey will be documented.

Mitigation Measure BIO-1B: Worker Environmental Awareness Program. All construction personnel will participate in a worker environmental awareness program. These personnel will be informed about the possible presence of all special-status species and habitats associated with the species identified here to be potentially present in the project site and that unlawful take of the animal or destruction of its habitat is a violation of FESA and CESA. Prior to construction activities, the agency-approved biologist will instruct all construction personnel about (1) the description and status of the species; (2) the importance of their associated habitats; and (3) a list of measures being taken to reduce impacts on these species during project construction and implementation. A fact sheet conveying this information will be prepared for distribution to the construction crew and anyone else who enters the project site.

Mitigation Measure BIO-1C: Construction Monitoring. An agency-approved biologist(s) will be onsite during all construction activities that may result in take of any special-status species. The agency-approved biologist(s) will be given the authority to freely communicate verbally, by telephone, electronic mail, or in writing at any time with construction personnel, any other person(s) at the project site, otherwise associated with the project, the USFWS, the CDFW, or their designated agents. The agency-approved biologist will have oversight over implementation of all the conservation measures and will have the authority and responsibility to stop project activities if they determine any of the associated requirements are not being fulfilled.

Mitigation Measure BIO-1D: Receive Agency Approval of Qualified Biologist. The qualifications of a biologist(s) experienced with the California red-legged frog, San Francisco garter snake, western pond turtle, and other special-status species that have the potential to occur in the project site will be submitted to the resource agencies if required by permits issued under the federal Clean Water Act and/or California Fish and Game code.

Mitigation Measure BIO-1E: Vegetation Removal. All vegetation in or immediately adjacent to aquatic habitat to be removed for the project will be completely removed by hand just prior to the initiation of construction activities to remove cover that might be used by California red-legged frogs, San Francisco garter snakes, or western pond turtles. The agency-approved biologist will monitor the vegetation removal and can provide on-site advice regarding what vegetation needs to be removed by hand.

Mitigation Measure BIO-1F: Dewatering of Standing Water in Impact Area. To the extent feasible, construction activities should be scheduled during the dry season (April 15 to October 15) when water levels are the lowest in the reach of Atherton Channel within the project site. If construction activities are scheduled when there is standing water in the channel, dewatering of the channel is required.

As needed, the portion of Atherton Channel to be impacted by the project will be dewatered prior to construction activities. Locations to be dewatered will be surveyed by the agency-approved biologist for San Francisco garter snakes and for California red-legged frog adults, subadults, juveniles, tadpoles, and egg masses. Dewatering will then be conducted using a pump with a 1/8-inch mesh-size screened intake to prevent inadvertent intake of tadpoles. The dewatering activity will be monitored by the agency-approved biologist. If any California red-legged frog adults, juveniles, tadpoles, or egg masses are found, they will be relocated to the appropriate habitat for that life stage per Mitigation Measure BIO-1J (below). If any San Francisco garter snakes are found, they will be monitored by the agency approved biologist and allowed to leave the site per Mitigation Measure BIO-1K (below). If any western pond turtles are found, they will be relocated to the appropriate habitat per Mitigation Measure BIO-1L (below).

Mitigation Measure BIO-1G: Pipe Inspection. All construction pipes, culverts, or similar structures that are stored at the construction site for one or more overnight periods will be either securely capped prior to storage or thoroughly inspected by the agency-approved biologist and/or the construction foreman/manager for animals before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a California red-legged frog or San Francisco garter snake is discovered inside a pipe or culvert by the agency-approved biologist or construction foreman/manager, the protocol in Mitigation Measure BIO-1I (below) will be followed.

Mitigation Measure BIO-1H: Steep-walled Holes and Trenches. To prevent inadvertent entrapment of the California red-legged frog or San Francisco garter snake during construction, the agency-approved biologist and/or construction foreman/manager will ensure that all excavated, steep-walled holes or trenches more than one foot deep are completely covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks and inspected by the agency-approved biologist. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals by the agency-approved biologist and/or construction foreman/manager. If at any time a trapped California red-legged frog, San Francisco garter snake, or western pond turtle is discovered by the agency-approved biologist or anyone else, the steps in Mitigation Measure BIO-1I (below) will be followed.

Mitigation Measure BIO-1I: Protocol if California Red-legged Frog, San Francisco Garter Snake, or Western Pond Turtle is Encountered. If a California red-legged frog, San Francisco garter snake, western pond turtle or any animal that construction personnel believes may be either of these species, is encountered during project construction, the following steps will be taken:

- All work that could result in direct injury, disturbance, or harassment of the individual animal shall immediately cease.
- The foreman and agency-approved biologist will be immediately notified.

- The agency-approved biologist will determine if the animal is a special-status species, and, if so, will follow Mitigation Measure BIO-1J (below) for California red-legged frog, Mitigation Measure BIO-1K (below) for San Francisco garter snake, and Mitigation Measure BIO-1L (below) for western pond turtle, as appropriate.

Mitigation Measure BIO-1J: Relocation of California Red-legged Frog. If any adults, subadults, juveniles, tadpoles, or eggs are found during construction the agency-approved biologist will contact USFWS to determine if moving the individuals is appropriate. If USFWS approves moving animals, the project proponent will ensure the agency-approved biologist is given sufficient time to move the animals from the impact area before ground disturbance is initiated. Only agency-approved biologists will capture, handle, and move the California red-legged frog. The agency-approved biologist will monitor any relocated frog until it is determined that it is not imperiled by predators or other dangers.

Mitigation Measure BIO-1K: Monitor San Francisco Garter Snake. The agency-approved biologist will monitor any individual of the San Francisco garter snake encountered within the impact area but allow it to leave the impact area on its own. If the agency-approved biologist determines that the snake cannot leave on its own, then USFWS and CDFW will be consulted to determine if the snake can be captured and relocated to appropriate habitat outside of the impact area.

Mitigation Measure BIO-1L: Relocation of Western Pond Turtle. If any adults, subadults, or juveniles are found during construction the agency-approved biologist will contact CDFW to determine if moving any of the individuals is appropriate. If CDFW approves moving animals, the project proponent will ensure the agency-approved biologist is given sufficient time to move the animals from the impact area before ground disturbance is initiated. Only agency-approved biologists will capture, handle, and move the western pond turtle. The agency-approved biologist will monitor any relocated turtle until it is determined that it is not imperiled by predators or other dangers.

Mitigation Measure BIO-1M: Daytime Restriction. To the maximum extent practicable, nighttime construction will be minimized to avoid conflicts with wildlife movement within the Atherton Channel riparian corridor.

Mitigation Measure BIO-1N: Food and Trash. To eliminate an attraction for the predators of the California red-legged frog, San Francisco garter snake, and western pond turtle, all food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in solid, closed containers (trash cans) and removed at the end of each working day from the entire construction site.

Mitigation Measure BIO-1O: Prohibition of Plastic Mono-filament Netting. Plastic mono-filament netting (erosion control matting), rolled erosion control products or similar material will not be used at the project site to prevent trapping California red-legged frogs, San Francisco garter snakes, or other species. Materials that can be used include 100% biodegradable non-plastic materials such as jute, sisal, or coir fiber. Degradable, photodegradable, UV-degradable, oxo-degradable, or oxo-biodegradable plastic netting (including polypropylene, nylon, polyethylene, and polyester) are not acceptable alternatives. Netting used in these products should have a loose-weave wildlife-safe design with movable joints between the horizontal and vertical twines, allowing the twines to move independently and thus reducing the potential for wildlife entanglement.

Mitigation Measure BIO-1P: Best Management Practices. During all construction and mitigation implementation in and adjacent to Atherton Channel, standard Best Management Practices (BMPs) will be used to minimize erosion and impacts to water quality to protect special-status species habitat. These measures will be incorporated into the project. Construction BMPs will be

reviewed and coordinated with the RWQCB, as necessary, for implementation during work and are expected to include the following:

- Vehicles and equipment may only be driven on established roads and crossings. Routes and boundaries will be clearly marked and located outside of driplines of preserved trees.
- Equipment staging and parking of vehicles will occur on established access roads and flat surfaces.
- Atherton Channel should be dewatered prior to construction within the channel. No heavy equipment will operate in the portion of the stream bed where flowing water is present. (See also Mitigation Measure BIO-1F, above).
- The integrity and effectiveness of erosion control measures will be inspected on a daily basis. Corrective actions and repairs will be carried out immediately for fence breaches and ineffective BMPs.
- Fueling, washing, and maintenance of vehicles will occur in the developed habitat, away from the riparian habitat and stream channel. Equipment will be regularly maintained to avoid fluid leaks. Any leaks will be captured in containers until equipment is moved to a repair location. Hazardous materials will be stored only within the developed habitat. Containment and cleanup plans will be prepared and implemented for the immediate cleanup of fluid or hazardous materials spills.
- Sediment-laden water will not be allowed to enter the stream channel.
- Prior to re-watering the site, all concrete installed during the course of project activities will be allowed to fully dry and cure to maintain water quality and reduce the possibility of project failure.
- All litter and construction debris will be disposed of off-site in accordance with state and local regulations. No trash will be deposited in the channel. All trash and debris within the work area will be placed in containers with secure lids before the end of work each day in order to reduce the likelihood of predators being attracted to the site by discarded food wrappers and other rubbish that may be left on-site. If containers meeting these criteria are not available, all rubbish will be removed from the project site on a daily basis.
- Absorbent materials designated for spill containment and clean-up activities shall be available on site for use in an accidental spill.
- Unless stipulated otherwise in the stormwater pollution prevention plan and resource agency permit conditions, final erosion control measures will include the removal of unnecessary silt fences and all fiber rolls, and a native seed mix will be casted and covered with weed-free straw and jute netting.

Mitigation Measure BIO-1Q: Project Design. Project design shall incorporate escape routes to allow amphibians and reptiles to avoid the diversion structure during operation of the facility (per communication with Ryan Olah from USFWS on November 14, 2019).

Escape routes must incorporate features that allow amphibians and reptiles to effectively avoid the inlet structure, such as a gap or structure that allows animals to bypass the inlet structure. Escape routes will be designed in consultation with a qualified biologist.

Because California red-legged frog, San Francisco garter snake, and western pond turtle are not likely to make substantial use of the habitat at the diversion structure, escape routes are adequate to minimize potential impacts of project operations on red-legged frog, garter snake, and pond turtle and to reduce the potential impacts to less than significant.

Impact BIO-2: The proposed project could impact nesting birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game code.

Mitigation Measure BIO-2A: Pre-Construction/Pre-Disturbance Survey for Nesting Birds. To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside of the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game code would be avoided. The nesting season for this project extends from February 1 through August 31.

If it is not possible to schedule construction activities between September 1 and January 31, then preconstruction surveys for nesting birds will be conducted by a qualified biologist to ensure that nesting will not be disrupted during project implementation. These surveys will be conducted no more than five days prior to the initiation of any site disturbance activities and equipment mobilization, including vegetation removal, fence installation, etc. If project activities are delayed by more than five days, an additional nesting bird survey will be performed. During the survey, the biologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings) in and immediately adjacent to the impact area, for nests. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys will be documented.

If active nests are observed within the project site, **Mitigation Measure BIO-2B** shall apply.

Mitigation Measure BIO-2B: Active Nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the biologist will determine the extent of a construction-free buffer zone to be established around the nest, to ensure that active nesting protected by the MBTA and California Fish and Game Code will not be disturbed during construction. Within the buffer zone, no site disturbance and mobilization of heavy equipment, including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, demolition, and grading will be permitted until the chicks have fledged. Monitoring will be required to ensure compliance with MBTA and relevant California Fish and Game Code requirements. Monitoring dates and findings will be documented.

Impact BIO-3: The proposed project has the potential to impact roosting bats protected by California Fish and Game code.

Mitigation Measure BIO-3A: Pre-Construction Survey for Roosting Bats. A survey of tree cavities and structures within the project site, including a 50-foot buffer (as feasible) will be conducted by a qualified bat biologist no less than 30 days before the start of construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, tree removal, vegetation removal, fence installation, demolition, and grading). If construction activities are delayed by more than 30 days, an additional bat survey will be performed.

The survey may be conducted at any time of year but should be conducted in such a way to allow sufficient time to determine if special-status bats or maternity colonies are present on the site, provide replacement habitat (if required), and exclude bats during the appropriate time of year (e.g. outside the maternity season from March 1 to August 31). The results of the survey will be documented.

If no habitat or signs of bats are detected during the habitat suitability survey, no further surveys are warranted. If suitable habitat is present and signs of bat occupancy (e.g., guano pellets or urine staining) are detected, **Mitigation Measure BIO-3B** shall apply.

Mitigation Measure BIO-3B: Acoustic Survey. If suitable habitat is present and signs of bat occupancy are detected, a follow-up dusk emergence survey should be conducted no less than 30 days prior to construction activities or removal of potential habitat during the spring or summer

months, when bats would be detected. A dusk survey will determine the number of bats present and will also include the use of acoustic equipment to determine the species of bats present. For removal of roost habitat, the 30 days allows time for the exclusion and replacement of roost habitat in the step described below. The results of the survey will be documented. If an active roost is observed within the project site, **Mitigation Measure BIO-3C** shall apply.

Mitigation Measure BIO-3C: Roost Buffer. If a day roost of a special-status bat or a maternity colony is detected and is found sufficiently close to work areas to be disturbed by construction activities, the qualified biologist will determine the extent of a construction-free buffer zone, in consultation with CDFW under its Lake and Streambed Alteration Agreement issued for the project, to be established around the roost. Within the buffer zone, no site disturbance and mobilization of heavy equipment, including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, demolition, and grading will be permitted. Monitoring will be required to ensure compliance with relevant California Fish and Game code requirements. Monitoring dates and findings will be documented. If an active roost cannot be avoided by construction activities, **Mitigation Measure BIO-3D** shall apply.

Mitigation Measure BIO-3D: Exclusion and Replacement Roost Habitat. If day roosts of a special-status bat or maternity colony are detected and cannot be avoided, replacement roost habitat appropriate for the species will be provided, as determined by the qualified biologist, prior to removal of the roost.

Outside of the maternity season, a day roost may be removed after individual bats are safely evicted under the direction of a qualified bat biologist. Eviction will occur between September 1 and March 31 but will not occur during long periods of inclement or cold weather (as determined by the bat biologist) when prey is not available, or bats are in torpor. If feasible, one-way doors will be used to evict bats from tree roosts. If use of a one-way door is not feasible, or the exact location of the roost entrance in a tree is not known, the trees with roosts that need to be removed shall first be disturbed by removing some of the trees' limbs not containing the bats. Such disturbance will occur at dusk to allow bats to escape during the darker hours. These trees shall then be removed the following day. The eviction method for structures will be determined by the qualified biologist. All of these activities will be performed under the supervision of the bat biologist. The replacement roost habitat will be monitored for two years and the criteria for success will be the occupancy of the replacement roost structure. If the roost structure is not occupied after two years, CDFW will be consulted on what adaptive management measures will be implemented. Monitoring dates and findings will be documented.

Impact BIO-4: The proposed project will temporarily impact riparian habitat.

Mitigation Measure BIO-4A: Tree Protection. The contractor shall hand trench near trees and cut roots as directed by a certified arborist. Trees adjacent to the work area shall be protected with fencing or other measures as directed by a certified arborist.

Mitigation Measure BIO-4B: Restoration. Upon completion of construction, temporary impacts to riparian habitat adjacent to the channel shall be restored in place at a 1:1 ratio through re-establishment of original contours along the top of bank, decompaction of compacted soils where necessary, and seeding with a native seed mix (as determined by a qualified restoration ecologist). Use of invasive plant species, as defined by the California Invasive Plant Council (Cal-IPC), is prohibited. To compensate for the loss of one mature coast live oak the project will replace the oak at a 3:1 mitigation ratio with 15-gallon coast live oak plantings along the top of Atherton Channel. Seeding with a native seed mix and the installation of the oak plantings shall be performed by a qualified revegetation contractor under the supervision of a qualified restoration ecologist. Plant and irrigation maintenance, including weeding (including the planting sites and invasive plant species as noted below), pruning and irrigation system repair and adjustments,

shall be conducted by the revegetation contractor monthly for a period of two years to promote plant health and vigor during the plant establishment period, unless otherwise approved by a qualified restoration ecologist. Coast live oak plantings that die in this period shall be replaced.

Temporary impact areas and the coast live oak plantings will be monitored for two years and the criteria for success will be 75% vegetation cover or more compared to pre-project conditions and no more than 5% cover of Cal-IPC-rated moderate and high impact weed species (excluding Cal-IPC-rated annual grasses). Both qualitative and quantitative measurements will be used to determine, on an annual basis, if the restoration area, including target planting and native species recruitment, achieves the goals of increasing the cover and diversity of riparian species and the habitat functions and values of the riparian corridor. Additional planting/adaptive management shall be recommended in each annual monitoring report if necessary. If the target survival rate is not met after two years, monitoring and adaptive management measures shall continue until restoration goals are achieved. Monitoring and adaptive management measures will be performed by a qualified restoration ecologist.

Impact BIO-5: The project could impact water quality and aquatic habitat in Atherton Channel.

Mitigation Measure BIO-5: Water Pollution Prevention. Project activities have the potential to cause indirect impacts on jurisdictional waters to changes in water quality. However, construction projects in California causing land disturbances that are equal to one acre or greater must comply with State requirements to control the discharge of stormwater pollutants under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit; Water Board Order No. 2009-0009-DWQ). Prior to the start of construction/demolition, a Notice of Intent must be filed with the State Water Board describing the project. A SWPPP must be developed and maintained during the project and it must include the use of BMPs to protect water quality until the site is stabilized. Standard permit conditions under the Construction General Permit require that the applicant utilize various measures including the following: on-site sediment control best management practices, damp street sweeping, temporary cover of disturbed land surfaces to control erosion during construction, and utilization of stabilized construction entrances and/or wash racks, among other factors.

A list of BMPs may include:

- Work areas that are temporarily impacted will be restored with respect to pre-existing contours and conditions, to the extent feasible, upon completion of work. Restoration work including re-vegetation and soil stabilization will be evaluated upon completion of work and performed, as needed.
- Store, handle, and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater.
- Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, wash water or sediment and non-stormwater discharges to storm drains and water courses.
- Avoid cleaning, fueling, or maintaining vehicles on site, except in a designated area in which run-off is contained and treated.
- Perform clearing and earth moving activities during dry weather to the maximum extent practical.
- Remove spoils promptly and avoid stockpiling of fill materials when rain is forecast. Cover soil stockpiles and other materials with a tarp or other waterproof material during qualifying rain events.
- Trash and construction related solid wastes must be deposited into a covered receptacle to prevent contamination and dispersal by wind.

- In the event of rain, all grading work is to cease immediately.
- Implement an erosion control plan during the wet season (October 15 through April 15), including, at a minimum, the following:
 - During the rainy season, all paved areas will be kept clear of earth material and debris.
 - Inlet protection will be installed at open inlets to prevent sediment from entering the storm drain system.
 - Straw rolls will be placed at the toe of slopes, and along the down slope perimeter of the project area.

A hazardous spill plan will be developed prior to construction. The plan will describe what actions will be taken in the event of a spill. The plan will also incorporate preventative measures to be implemented, such as vehicle and equipment staging, cleaning, maintenance, and refueling; and contaminant (including fuel) management and storage. In the event of a contaminant spill, work at the site will immediately cease until the contractor has contained and mitigated the spill. The contractor will immediately prevent further contamination and notify appropriate authorities and mitigate damage as appropriate. Adequate spill containment materials, such as oil diapers and hydrocarbon cleanup kits, shall be available on site at all times. Containers for storage, transportation, and disposal of contaminated absorbent materials will be provided in the project area.

Impact BIO-8: The proposed project includes the removal of one heritage oak tree.

Mitigation Measure BIO-8: The project would comply with the Town of Atherton heritage tree ordinance and submit a heritage tree removal application for the single heritage oak tree proposed to be removed. Also, the project would comply with all other tree removal requirements imposed by the Town, which may require replacement according to the discretion of the Planning Commission. Typically, for each tree permitted to be removed the project is required to plant three trees of a 15-gallon container size, or two trees of a 24-inch box container size, or one tree of a 15-gallon container size and one tree of a 36-inch container size, outside of the building area but within the project site.

Impact CUL-1: Ground moving activity below the existing topsoil may unearth previously unidentified buried cultural resources during project construction.

Mitigation Measure CUL-1:

Prior to the beginning of construction, a qualified professional archaeologist shall conduct a cultural resources training session for construction crew members. Information shall be provided to construction personnel about the legal requirements relating to the discovery of buried cultural resources or buried human remains, as well as information useful in identifying historic and prehistoric cultural material, and the procedures to follow in the event that cultural resources or buried human remains are encountered during project excavation.

In the event archaeological resources are unearthed during ground-disturbing activities, all ground-disturbing activities on the site shall be halted so that the find can be evaluated. Ground moving activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find.

All archaeological resources unearthed by project construction activities shall be evaluated by a qualified professional archaeologist, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. In anticipation of additional discoveries during construction, Archaeological Sensitivity Training shall then be carried out by a qualified archaeologist for all personnel who will engage in ground moving activities on the site.

It is possible for a lead agency to determine that an artifact is considered significant to a local tribe, and thus considered a significant resource under CEQA, even if it would not otherwise be considered significant under CEQA. As such, all Native American artifacts (tribal finds) shall be considered as a significant Tribal Cultural Resource, pursuant to PRC 21074 until the lead agency has enough evidence to make a determination of significance.

The Town shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis. If appropriate, the archaeologist may introduce archaeological monitoring on all or part of the site. An archaeological report will be written detailing all archaeological finds and submitted to the Town and the Northwest Information Center.

Impact CUL-2: Ground moving activity below the existing topsoil may disturb human remains during project construction.

Mitigation Measure CUL-2: In the event that human remains are unearthed during ground-disturbing activities, Section 7050.5(b) of the California Health and Safety code will be implemented. Section 7050.5(b) states:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

The County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the NAHC within 24 hours. The Commission has various powers and duties, including the appointment of a Most Likely Descendant (MLD) to the project. The MLD, or in lieu of the MLD, the NAHC, has the responsibility to provide guidance as to the ultimate disposition of any Native American remains.

Impact NOI-1: Construction activities near Peery Stables could result in groundborne vibration that could affect Peery Stables.

Mitigation Measure NOI-1: Prior to project construction, the Town shall erect fencing around Perry Stables. The fencing shall be established at a distance no less than 25 feet from the structure and be maintained throughout the duration of construction activities. If at any time heavy-duty construction equipment is required to operate within 25 feet of Perry Stables (e.g., for earth moving activities associated with the excavation of the discharge line, diversion pipe, or Atherton Chanel in-stream alteration), the fencing shall be reestablished at a distance closer to Perry Stables that will not interfere with the earth moving activity. Any heavy-duty, off-road equipment used for earth-moving activities within 25 feet of Perry Stables shall be subject to groundborne vibration monitoring using a seismograph installed near the structure façade closest to the earth moving activity being undertaken. If at any time during earth moving activities the seismograph monitors a vibration level at or in excess of Caltrans transient vibration threshold of 0.12 in/sec peak particle velocity (PPV), earth moving activities shall cease until another form of excavation

that does not generate groundborne vibration levels of 0.12 in/sec PPV is identified. This may be accomplished by utilizing a smaller or different piece of equipment, or conducting the earth moving activities by manual means (e.g., shovels, pick-axes, etc.). Monitoring may cease once earth-moving activities within 25 feet of Perry Stables are no longer taking place. The 25-foot buffer around Perry Stables shall be reestablished and maintained for the duration of construction activities, once excavation activities within 25 feet of Perry Stables has concluded.