

MITIGATION MONITORING AND REPORTING PROGRAM
WATER RIGHT CHANGE PETITIONS AND
TRACY LAKE GROUNDWATER RECHARGE PROJECT
North San Joaquin Water Conservation District
March 2014

In accordance with Section 15074(d) of the CEQA Guidelines, the following Mitigation Monitoring and Reporting Program (MMRP) describes the best management practices (BMPs) and mitigation measures to be implemented for construction and operation of the Tracy Lake Groundwater Recharge Project. The project manager for the North San Joaquin Water Conservation District (NSJWCD), or an agent that is authorized by NSJWCD, shall ensure that the following best management practices (BMPs) and mitigation measures are implemented during the project. This includes ensuring that the BMPs and measures are included in construction contracts, and that field inspections are made as necessary to ensure that the contracted requirements are being implemented.

DESCRIPTION

The Tracy Lake Groundwater Recharge Project consists of constructing and operating a new water diversion facility on the lower Mokelumne River. The new diversion will divert up to 40 cubic-feet-per second to Tracy Lake between April 1 and October 30, for a total annual diversion of up to 13,600 acre-feet, where it will be stored to provide groundwater recharge and directly used for agricultural irrigation of adjacent fields. Anticipated diversion would occur only in years when NSJWCD, in coordination with other stakeholders, determines there is surplus water available under the water rights, which is generally anticipated to be in about 60% of years (e.g., primarily normal and above water year-types). The new diversion facility will include an intake structure with fish screen to prevent entrainment of sensitive species, a pump station located adjacent to the river, an approximately 1,000-foot long, 36-inch diameter pipeline to convey the water to Tracy Lake, and outfall and stilling basin in Tracy Lake.

LOCATION

Project location is approximately 7 miles northwest of Lodi, California. Access to the site is from West Brovelli Woods Lane.

BEST MANAGEMENT PRACTICES

NSJWCD will incorporate the following BMPs into the Proposed Project. Where applicable, the BMPs will be clearly identified on the construction drawings and in the specifications. The proposed project's construction permit will address NPDES criteria as set by the State Water Resources Control Board (SWRCB). The construction contractor(s) will be required to implement the BMPs in a timely manner.

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- Construction activities will be limited to a designated work area (including the work corridor and staging area). The work area will be clearly identified on the construction drawings and will be staked and flagged where necessary prior to initiation of construction activities.
- All open trenches that pose risks to pedestrians, vehicles, or wildlife (via entrapment) will be filled or covered each night.
- Erosion control measures will be installed and maintained in place during the precipitation season (October-April). Soil disturbance activities will cease if adverse weather conditions substantially increase the likelihood of transporting soil off site.
- Construction will avoid where possible, damage and removal of mature trees. Construction will minimize activities required in the drip line of trees.
- Construction will be limited to the daylight hours. Construction activities will be coordinated prior to their start with the adjacent property owners.
- All construction equipment must have sound-control devices no less effective than those provided on the original equipment. No equipment will have an unmuffled exhaust system.
- To reduce potential contamination by spills, all refueling, storage, servicing, and maintenance of equipment will be performed at designated sites. Any fluids drained from the machinery during servicing will be collected in leak-proof containers and taken to an appropriate disposal or recycling facility. If such activities result in spillage or accumulation of a product on the soil, the contaminated soil will be disposed of properly. Under no circumstances will contaminated soils be added to a spoils pile or trench backfill.
- All maintenance materials (e.g., oils, grease, lubricants, and antifreeze) will be stored at staging areas.

ADOPTED MITIGATION MEASURES

The following mitigation measures have been adopted by the NSJWCD Board of Directors as part of the approval of this project. The following table provides the adopted mitigation measures, including the timing, implementing responsibility, and monitoring responsibility for each measure.

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| Biological Resources | | | |
| <p>Participate in and Implement Requirements of SJMSCP Authorization. NSJWCD shall obtain authorization from San Joaquin County Council of Governments (SJCOG) for the Tracy Lake Recharge Project under the San Joaquin County Multi-Species Habitat Conservation Plan and Open Space Plan (SJMSCP). This coverage will allow NSJWCD to minimize and compensate for potential effects resulting from construction- and operation-related activities associated with the water diversion, pump station, conveyance pipeline, and outfall facilities through implementation of all applicable Measures to Minimize Impacts pursuant to Section 5.2.4 of the SJMSCP. NSJWCD shall provide mitigation pursuant to the compensation methods described in Section 5.3 of the SJMSCP. Additionally, NSJWCD shall pay all appropriate fees associated with coverage under the SJMSCP.</p> | Prior to construction | NSJWCD | NSJWCD |
| <p>Conduct Pre-construction Surveys for Special-status Plants and Minimize Disturbances. Preconstruction special-status plant surveys shall be completed within the construction and staging areas and Tracy Lake lakebed in accordance with Section 5.2.2 of the SJMSCP. The SJMSCP requires that surveys be conducted by a qualified biologist during appropriate blooming times in areas with characteristics likely to support special-status plant species. If special-status plant populations are identified within the Tracy Lake Recharge Project area, NSJWCD shall implement appropriate compensation and minimization measures described in Section 5.2.4.29 of the SJMSCP to the areas that are occupied by the species identified under the SJMSCP.</p> | Prior to construction | Contractor | NSJWCD |
| <p>Conduct Pre-construction Surveys for Special-status Amphibians and Minimize Disturbances. Preconstruction surveys for California tiger salamander and western spadefoot toad shall be completed within the construction and staging areas in accordance with Section 5.2.2 of the SJMSCP. The SJMSCP requires that surveys are conducted by a qualified biologist within 30 calendar days of Tracy Lake Recharge Project implementation, using survey methodologies consistent with Section 5.2.2.5 of the SJMSCP. If California tiger salamander or western spadefoot toad are identified within the pipeline alignment portion of the Tracy Lake Recharge Project area, NSJWCD shall implement appropriate compensation and minimization measures described in 5.2.4.5 of the SJMSCP.</p> | Prior to construction | Contractor | NSJWCD |
| <p>Acquire and Implement Requirements of Construction-related Permits to Minimize Habitat Disturbances.</p> | Prior to, and during, | Contractor | NSJWCD |

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| <p>NSJWCD shall complete and submit a wetland delineation and significant hydrologic nexus assessment, for the Tracy Lake Recharge Project area, including proposed construction and staging areas and the Tracy Lake lakebed. Based on U.S. Army Corps of Engineers (USACE) determination of jurisdictional Waters of the U.S. and isolated waters of the state, NSJWCD shall prepare and submit applications to obtain the following permits, as appropriate: (1) Clean Water Act (CWA) Section 404 permit for discharge of dredge and fill material; (2) CWA Section 401 water quality certification from the Central Valley Regional Water Quality Control Board; and (3) Section 1602 Streambed Alteration Agreement (SAA) authorization from the California Department of Fish and Wildlife (CDFW) prior to the beginning of construction. All avoidance, protection, and mitigation measures included in these permits shall be implemented.</p> | <p>construction</p> | | |
| <p>Conduct Pre-construction Surveys for Special-status Reptiles and Minimize Disturbances. Preconstruction surveys for western pond turtle and San Joaquin whipsnake shall be completed within the pipeline construction and staging areas in accordance with Section 5.2.2 of the SJMSCP. The SJMSCP requires that surveys are conducted by a qualified biologist within 30 calendar days of Tracy Lake Recharge Project implementation, using survey methodologies consistent with Section 5.2.2.5 of the SJMSCP. If western pond turtle or San Joaquin whipsnake are identified within the pipeline alignment portion of the project area, NSJWCD shall implement appropriate compensation and minimization measures described in Sections 5.2.4.8 through 5.2.4.10 of the SJMSCP.</p> | <p>Prior to construction</p> | <p>Contractor</p> | <p>NSJWCD</p> |
| <p>Conduct Pre-construction Surveys for Special-status Birds and Minimize Disturbances. Preconstruction surveys for special-status birds shall be completed within the pipeline construction and staging areas in accordance with Section 5.2.2 of the SJMSCP. The SJMSCP requires that surveys are conducted by a qualified biologist within 30 calendar days of Tracy Lake Recharge Project implementation, using survey methodologies consistent with Section 5.2.2.5 of the SJMSCP. If special-status birds are identified within the pipeline alignment portion of the project area, NSJWCD shall implement appropriate compensation and minimization measures described in Sections 5.2.4.11 through 5.2.4.22 of the SJMSCP.</p> | <p>Prior to construction</p> | <p>Contractor</p> | <p>NSJWCD</p> |
| <p>Conduct Pre-construction Surveys for Special-status Bats and Minimize Disturbances. Preconstruction surveys for special-status bats shall be completed within the pipeline construction and staging areas in accordance with Section 5.2.2 of the SJMSCP. The SJMSCP requires that surveys are conducted by a qualified biologist within 30 calendar days of Tracy Lake Recharge Project implementation, using survey methodologies</p> | <p>Prior to construction</p> | <p>Contractor</p> | <p>NSJWCD</p> |

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| consistent with Section 5.2.2.5 of the SJMSCP. If special-status bats are identified within the pipeline alignment portion of the project area, NSJWCD shall implement appropriate compensation and minimization measures described in Section 5.2.4.28 of the SJMSCP. | | | |
| <p>Conduct Pre-construction Surveys for Special-status Plants and Minimize Disturbances. Preconstruction surveys for San Joaquin kit fox, American badger, and ringtail shall be completed within the pipeline construction and staging areas in accordance with Section 5.2.2.5 of the SJMSCP. The SJMSCP requires that surveys are conducted by a qualified biologist within 30 calendar days of Tracy Lake Recharge Project implementation, using survey methodologies consistent with Section 5.2.2.5 of the SJMSCP. If San Joaquin kit fox, American badger, or ringtail are identified within the pipeline alignment portion of the project area, NSJWCD shall implement appropriate compensation and minimization measures described in Sections 5.2.4.25 through 5.2.4.26 of the SJMSCP.</p> | Prior to construction | Contractor | NSJWCD |
| <p>Implement Riparian Habitat Mitigation Requirements of SJMSCP Authorization. To compensate for impacts within 100 feet of the dripline of riparian vegetation along the Mokelumne River, NSJWCD shall implement the applicable Incidental Take Minimization Measures described in Section 5.2.4.31 of the SJMSCP.</p> | During construction | Contractor | NSJWCD |
| <p>Conduct Pre-construction Surveys for Protected Raptors and Minimize Disturbances. In order to avoid take (Fish and Game Code [FGC] § 86) of protected raptors (FGC § 3503.5), a pre-construction raptor nest survey shall be conducted within a quarter-mile (1320 feet) of the Tracy Lake Recharge Project site, and within 15 days prior to the beginning of construction activities by a CDFW approved biologist in order to identify active nests in the site vicinity. The results of the survey shall be submitted to the city of Stockton and the CDFW. If active nests are found, a quarter-mile initial temporary nest disturbance buffer shall be established. If project-related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor experienced with raptor behavior shall be retained by the project proponent to monitor the nest, and shall along with the project proponent, consult with the CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be only allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of the CDFW. The designated on-site biologist/monitor shall be on-site daily while construction related activities are taking place within the above quarter-mile buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior.</p> | Prior to construction | Contractor | NSJWCD |

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| <p>Avoid Interfering with the JSA Requirements and EBMUD's Mitigation Measures in its EIR for the Permit 10478 Time Extension Project.</p> <p>The JSA flow requirements and East Bay Municipal Utility District's (EBMUD) mitigation measures in its EIR for the Permit 10478 Time Extension Project ensure that the extension of NSJWCD's permit to 2040 will have less-than-significant impacts to fish resources. NSJWCD agrees not to interfere with either the JSA flow requirements or EBMUD mitigation measures.</p> | During operations | NSJWCD | NSJWCD |
| Cultural Resources | | | |
| <p>Protection of human remains.</p> <p>Because of the known presence of significant archaeological resources in areas surrounding Tracy Lakes, a qualified archaeologist shall be present to monitor initial ground disturbance in those areas of proposed construction for the pump station and pipeline alignment. A pre-construction meeting should be conducted with any inexperienced construction workers that will be operating clearing and excavation equipment to inform them of the potential for discovery of archaeological resources and the conditions of this mitigation requirement. The monitor should be present during all initial grading, grubbing, vegetation removal, and excavation to these areas.</p> <p>If an archaeological resource is encountered, all activity shall be halted in the immediate vicinity of the find and the lead agency shall determine if the site is a historical resource in reference to Public Resources Code Section 21084.1 and Guidelines Section 15126.4, and determine if further mitigation is required. If an archaeological resource does not meet the criteria in the above sections, but does meet the definition of a unique archaeological resource in Public Resources Code Section 21083.2, then the site shall be treated in accordance with the provisions in Public Resources Code Section 21083.2. If an archaeological site is neither a unique archaeological resource nor historical resource, the effects of the Tracy Lake Recharge Project on that resource shall not be considered a significant effect on the environment. The construction monitoring shall be included as a condition of the construction contract between NSJWCD and the responsible construction contractor(s), and as appropriate, shall additionally be included in final project designs and specifications that are prepared for the Tracy Lake Recharge Project.</p> | During construction | Contractor | NSJWCD |
| <p>Protection of historic artifacts and other cultural resources.</p> <p>In the event that a paleontological resource is encountered, all construction activity shall be halted in the immediate vicinity of the find. The lead agency shall consult with a qualified</p> | During construction | Contractor | NSJWCD |

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| paleontologist to determine if the artifact is a unique resource. The decision to conduct paleontological salvage operations will be determined by the paleontologist in consultation with NSJWCD staff. Any salvage operation, if deemed necessary, shall be conducted in accordance with professional paleontological standards. This will include removal of identifiable paleontological remains, fossil preparation and subsequent curation of these remains at a recognized repository such as the University of California Museum of Paleontology. | | | |
| <p>Protection of paleontological resources.</p> <p>Under California law, if human remains are encountered, all work must cease in the immediate vicinity of the find and the County Coroner must be notified. No further disturbance of the find shall occur until the coroner has made the necessary findings as to origin and disposition of the remains and any grave goods. If the coroner determines that no investigation of the cause of death is required and if the remains are of Native American origin, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend appropriate disposition of the remains and any grave goods. The human remains and grave goods will then be removed and treated in accordance with Public Resources Code Section 5097.98.</p> | During construction | Contractor | NSJWCD |
| Hydrology and Water Quality | | | |
| <p>Implement Construction Erosion Control, Spill Control, and Water Quality Protection Measures.</p> <p>The conservation measures and BMPs outlined in Section 2 (Project Description) have been incorporated into the Proposed Project by NSJWCD to minimize potential adverse effects of construction-related activities such as soil erosion, discharges of sediment associated with in-river construction, and spills of contaminants. The conservation measures and BMPs shall be included as conditions of the construction contract between NSJWCD and the responsible construction contractor(s), and as appropriate, shall additionally be included in final project designs and specifications that are prepared for the Tracy Lake Recharge Project. Additionally, construction requirements specified in permits issued for the project, including, but not limited to, the Section 401 Water Quality Certification and Section 1602 Streambed Alteration Agreement, shall be included in the construction contract between NSJWCD and the construction contractor(s).</p> | During construction | Contractor | NSJWCD |