

– Attachment 3 –

## MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM

Mitigation Measures are summarized below and shall be implemented as discussed in each respective mitigation measure section, including specified timing and method of verification.

### **Mitigation Measure AQ-1: Measures to Reduce Air Pollution**

To reduce fugitive dust generation during any demolition, excavation, or earthmoving construction activities as a result of the Project, the following dust control measures shall be implemented by the construction contractors during any construction activities associated with the Project:

- a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, active graded areas, excavations, and unpaved access roads) shall be watered in areas of active construction as necessary.
- b) All haul trucks transporting soil, sand, demolition material, or other loose material off-site shall be covered.
- c) All vehicle speeds on unpaved surfaces shall be limited to 15 mph, unless the unpaved surface has been treated for dust suppression with water, rock, wood chip mulch, or other dust prevention measures.
- d) 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.
- e) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage noting idling time requirements shall be provided for construction workers at all access points.
- f) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications.
- g) A publicly visible sign shall be posted with the telephone numbers of both the City and NCUAQMD regarding dust complaints and to ensure compliance with applicable regulations.

### **Mitigation Measure AQ-2: Measures to Reduce Diesel Emissions During Construction**

Prior to Building Permit Issuance, the applicant shall prepare a Construction Management Plan for review and approval by the Chief Building Official or his/her designee. The Construction Management Plan shall include the following measures to reduce Toxic Air Contaminant (TAC) emissions during construction:

- a) Heavy-duty diesel vehicles will have 2010 or newer model year engines, in compliance with the California Air Resources Board's Truck and Bus Regulation;

- b) Idling of construction equipment and heavy-duty diesel trucks will be avoided where feasible, and if idling is necessary, it will not exceed five minutes;
- c) All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications and will be checked by a certified visible emissions evaluator; and
- d) All non-road diesel construction equipment will, at a minimum, meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112. Further, where feasible, construction equipment will use alternative fuels such as compressed natural gas, propane, electricity, or biodiesel.

### **Mitigation Measure BIO-1: Migratory Bird Surveys**

To avoid potential impacts to nesting birds, in accordance with the Migratory Bird Treaty Act, one of the following shall be implemented if any vegetation removal occurs during the lifespan of the Project:

- a) Conduct vegetation removal and other ground-disturbance activities associated with any construction activities between August 16 and March 14, when birds are not typically nesting, or;
- b) If vegetation removal or ground-disturbing activity is to take place during the nesting season (March 15 to August 15 for most birds), a qualified biologist shall conduct a pre-construction nesting bird survey. Within 7 days prior to disturbance, pre-construction surveys for nesting pairs, nests, and eggs shall occur within the construction limits and within 100 feet (200 feet for raptors) of the construction limits. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the USFWS and CDFW and implemented to prevent abandonment of the active nest.

### **Mitigation Measure BIO-2: Wetland Protection and Erosion Control Measures to Support a 5-foot Wetland Buffer**

Prior to construction, a qualified biologist will review and flag the wetland areas and a 5-foot buffer between the wetland areas and Staging Area A. HTA will ensure a temporary stake and rope fence (or similar fence type) is installed following the flags that demarcate the outer edge of the wetland areas buffer. Temporary signage will also be installed explaining why the area has been fenced off. HTA, through the contractor, will prepare Staging Area A for construction by installing temporary straw waddling around the proposed staging area to help direct any runoff towards 1st Street and the existing stormwater infrastructure. Silt fencing will also be installed downslope to capture any sediment that is not redirected by the straw waddles. The staging area will then be graded with a gentle slope towards 1st Street. Semi-permanent water capture and infiltration features will be installed around the staging area such as a gravel infiltration ditch. Staging Area A will then be covered with porous pavers, crushed aggregate, open pavers with grass or plantings, open pavers with gravel, or solid pavers with adequate spacing for infiltration. This will create a semi-permanent parking surface for buses and/or construction

equipment. Fencing, lighting, and a security gate will then be installed. After the Project has been completed, the silt fencing will be removed from the site. Wetland monitoring by a qualified biologist will be performed bi-annually during construction and at the completion of construction to ensure conditions remain stable and wetlands are appropriately protected from Project activities.

With respect to long-term use of Staging Area A, any post-construction or ongoing operational use of the area for overflow bus parking or other activities will require HTA to submit a long-term site plan and obtain the appropriate permits, such as a modification to the existing Coastal Development Permit CDP, a new CDP, or a CDP exemption, before occupying or converting the area for such purposes. This process will allow for a full assessment of potential environmental impacts and ensure that future uses of Staging Area A are consistent with biological resource protection policies of the Coastal Act and City LCP.

### **Mitigation Measure BIO-3: Construction-Phase Erosion and Sediment Control Plan and Post-Construction Stormwater Control Plan**

HTA will prepare both a construction-phase erosion and sediment control plan and post-construction stormwater control plan that is consistent with the City's Urban Storm Water Quality Management and Discharge Control Ordinance and MS4 permit standards. The construction-phase erosion and sediment control plan will be prepared and submitted to the City prior to the start of construction. The post-construction stormwater control plan will be prepared and submitted to the City for review and approval with the building permit application.

### **Mitigation Measure CUL-1: Inadvertent Discovery of Cultural Resources**

- a) If archaeological resources are encountered during construction activities, all onsite work shall cease in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist must be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers for the Bear River Band, Blue Lake Rancheria, and Wiyot Tribe are to be contacted immediately to evaluate the discovery and, in consultation with the Project proponent, City of Eureka, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include 19th century building foundations; structure remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.
- b) If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work shall

stop in that area and within 100 feet of the find until a qualified paleontologist can assess the nature and importance of the find and, if necessary, develop appropriate treatment measures in conformance with Society of Vertebrate Paleontology standards, and in consultation with the City of Eureka.

**Mitigation Measure CUL-2: Inadvertent Discovery of Human Remains**

In the event of discovery or recognition of any human remains during construction activities, the landowner or person responsible for excavation will be required to comply with the State Health and Safety Code section 7050.5. Construction activities within 100 feet of the find shall cease until the Humboldt County Coroner has been contacted at 707-445-7242 to determine that no investigation of the cause of death is required. If the remains are determined to be, or potentially be, Native American, the landowner or person responsible for excavation would be required to comply with Public Resources Code (PRC) section 5097.98. In part, PRC section 5097.98 requires that the Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is determined that the remains are Native American. The NAHC would then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the landowner or the person responsible for the excavation work for the appropriate means of treating the human remains and any associated grave goods within 48 hours of being granted access to the site. Additional provisions of PRC section 5097.98 shall be complied with as may be required. Implementation of this measure shall occur before and during construction activities. City of Eureka staff shall verify these requirements are included in construction plans prior to sign-off on building permits and the construction superintendent shall oversee compliance with this Mitigation Measure.