

# Mitigation Monitoring and Reporting Program

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The Initial Study-Mitigated Negative Declaration (IS-MND) for the City of Milpitas Trail, Pedestrian, and Bicycle Master Plan (Plan) identifies the mitigation measures that will be implemented to reduce the impacts associated with the Plan. The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to a proposed project. As stated in Section 21081.6(a)(1) of the Public Resources Code, "... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment."

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting an IS-MND.

The mitigation monitoring table lists those mitigation measures that would be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure.

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
Biological Resources							
BIO-1: Biological Resources Screening and Assessment							
Prior to final design approval of individual active transportation projects listed in the Plan that involve ground disturbance in or directly adjacent to natural habitat, or the removal or trimming of trees, the City shall have a qualified biologist conduct an analysis of the project to identify biological constraints and potential impacts to sensitive biological resources, including potential impacts to special-status plants, animals, and their habitats, as well as protected natural communities including wetland and terrestrial communities and protected trees. For those projects where ground disturbance would not affect natural habitat (i.e., work is limited to paved, ruderal, or developed areas only), a desktop analysis to identify biological constraints for the project may be sufficient. This analysis shall include queries of agency databases such as the CNDDDB, the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), USFWS Critical Habitat Portal, and USFWS National Wetlands Inventory (NWI) as well as other relevant literature for baseline information on special-status species and other sensitive biological resources occurring at the individual project site and in the immediate surrounding area. The qualified biologist shall determine, based on the nature of construction activities, if a field	Confirm a qualified biologist is retained to conduct a preliminary biological analysis of constraints and impacts for applicable individual active transportation projects listed in the Plan.	During design review of individual active transportation projects, prior to construction.	Once	City of Milpitas			
	If an individual project listed in the Plan has potential to adversely affect protected biological resources, confirm avoidance, minimization, or mitigation of impacts.	Prior to final design approval for avoidance and minimizing impacts to biological resources. Prior to project construction for mitigation approval. During construction for mitigation implementation.	As needed during design review for avoidance and minimization measures. Once for approval of mitigation. As needed during construction for mitigation implementation.				

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<p>reconnaissance is necessary for such projects to completely assess biological constraints.</p> <p>If the biologist identifies protected biological resources within the limits of and/or potentially adversely affected by the project, the City shall first prepare alternative designs that seek to avoid and/or minimize impacts to the biological resources. If the project cannot be designed without complete avoidance, the City shall have the qualified biologist identify the specific impacts to special-status species, develop project-specific avoidance and mitigation procedures to be followed to reduce biological impacts to a less-than-significant level, identify any state or federal listed species that would necessitate coordination with the appropriate regulatory agency (i.e., USFWS, National Marine Fisheries Services [NMFS], CDFW, U.S. Army Corps of Engineers [USACE]) to obtain regulatory permits, and implement project-specific avoidance and mitigation measures prior to and during any construction activities.</p> <p>Mitigation actions that may be required should impacts to special-status species be identified include:</p> <ul style="list-style-type: none"> <li>▪ Pre-construction surveys to identify the presence of special-status species within and adjacent to work areas.</li> <li>▪ Worker Environmental Awareness Program training for all construction personnel.</li> <li>▪ Complete avoidance of special-status species where and if possible. Avoidance measures may include:</li> </ul>							

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<ul style="list-style-type: none"> <li>▫ Delimiting and flagging of special-status species avoidance buffer areas (Environmentally Sensitive Areas or ESAs)</li> <li>▫ Monitoring of construction activity near ESAs</li> <li>▫ Installation of special-status species exclusion fencing.</li> <li>▪ Relocation of special-status species out of work areas (with applicable permits and authorizations as necessary).</li> <li>▪ Restoration of temporarily disturbed special-status species' habitat.</li> <li>▪ Compensatory mitigation for impacts to special-status species habitat at a minimum ratio appropriate for extent and quality of permanently disturbed habitat. Mitigation ratios may vary from 1:1 to 5:1.</li> </ul>							
<b>BIO-2: Construction Best Management Practices</b>							
Based on the results of the biological resources screening and assessment required by Mitigation Measure BIO-1 for certain active transportation projects, and the extent of potential impacts to special-status species, the City shall incorporate one or more of the following construction Best Management Practices (BMPs) as recommended by a qualified biologist into all grading and construction plans:	Confirm incorporation of appropriate BMPs into all grading and construction plans.	During design review of individual active transportation projects, prior to issuance of grading permits.	Once	City of Milpitas			
<ul style="list-style-type: none"> <li>▪ A 20 mile-per-hour speed limit shall be designated in all construction areas to minimize dust emissions and noise.</li> <li>▪ All vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas, and clearing</li> </ul>							

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<p>of vegetation for vehicle access shall be avoided to the greatest extent feasible.</p> <ul style="list-style-type: none"> <li>▪ The number of access routes, number, and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the goal of the project.</li> <li>▪ Equipment washout and fueling areas shall be located within the limits of grading at a minimum of 100 feet from waters, wetlands, or other sensitive resources as identified by a qualified biologist. Washout areas shall be designed to fully contain polluted water and materials for subsequent removal from the site.</li> <li>▪ Daily construction work schedules shall be limited to between 7:00 a.m. and 7:00 p.m. only (consistent with the City's noise ordinance).</li> <li>▪ Mufflers shall be used on all construction equipment and vehicles shall be in good operating condition.</li> <li>▪ Drip pans shall be placed under all stationary vehicles and mechanical equipment.</li> <li>▪ All trash shall be placed in sealed containers and shall be removed from the project site a minimum of once per week.</li> <li>▪ No pets are permitted on project site during construction.</li> </ul>							

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BIO-3: Riparian Communities							
For trail projects located within or immediately adjacent to natural areas, if the initial screening of biological resources under Mitigation Measure BIO-1 identifies the presence of riparian communities within or adjacent to a project site, the City shall design or modify the project to avoid direct and indirect impacts on these habitats, if feasible. Additionally, the City shall minimize the loss of riparian vegetation by trimming rather than removal where feasible.  Prior to construction, the City shall install orange construction barrier fencing to identify environmentally sensitive areas around the riparian area (50 feet from edge) and other sensitive natural communities (50 feet from edge), or as defined by the agency with regulatory authority over the resource(s). The location of the fencing shall be marked in the field with stakes and flagging and shown on the construction drawings. The fencing shall be installed before construction activities are initiated and shall be maintained throughout the construction period. The following paragraph shall be included in the construction specifications:  The Contractor’s attention is directed to the areas designated as “environmentally sensitive areas.” These areas are protected, and no entry by the Contractor for any purpose will be allowed unless specifically authorized in writing by lead agency overseeing the bicycle improvement project. The Contractor will take measures to ensure that the	If an individual trail project would impact riparian communities, confirm the project is redesigned to avoid the impact, if feasible.	During design review of individual projects	Once	City of Milpitas			
	Ensure riparian vegetation is trimmed, not removed, where feasible.	During construction	As needed during construction				
	Confirm proper installation of temporary fencing to protect riparian areas from construction activity.	Prior to construction	Once				
	Stabilize exposed soil/ slopes.	Upon completion of construction	Once				

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<p>Contractor's forces do not enter or disturb these areas, including giving written notice to employees and subcontractors.</p> <p>Temporary fences around the environmentally sensitive areas shall be installed as the first order of work. Temporary fences shall be furnished, constructed, maintained, and removed as shown on the plans, as specified in the special provisions, and as directed by the project engineer. The fencing shall be commercial-quality woven polypropylene, orange in color, and at least 4 feet high (Tensor Polygrid or equivalent). The fencing shall be tightly strung on posts with maximum 10-foot spacing.</p> <p>Immediately upon completion of construction activities, the contractor shall stabilize exposed soil/slopes. On highly erodible soils/slopes, the contractor shall use a non-vegetative material that binds the soil initially and breaks down within a few years. If more aggressive erosion control treatments are needed, geotextile mats, excelsior blankets, or other soil stabilization products shall be used. All stabilization efforts should include habitat restoration efforts.</p>							

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BIO-4: Compensatory Mitigation							
If individual trail projects located within or immediately adjacent to natural areas involve the disturbance of riparian communities during construction, the City shall compensate for the disturbance to ensure no net loss of habitat functions and values. Compensatory mitigation ratios shall be determined on a project-by-project basis during the project-level CEQA review once project impacts have been determined. Compensatory mitigation shall be at a minimum ratio of two acres restored, created, and/or preserved for each acre disturbed. Compensation may comprise on-site restoration/creation, off-site restoration, preservation, or mitigation credits (or a combination of these elements). The City shall develop and implement a restoration and monitoring plan that describes how the habitat shall be created, the success criteria that will be used to quantify mitigation success, and the frequency and duration of monitoring.	If an individual project would disturb riparian communities, ensure no net loss of habitat functions and values. Ensure the compensatory mitigation ratio is at minimum two acres restored, created, and/or preserved for each acre disturbed.	During design review of individual projects, prior to project construction	Once	City of Milpitas			
	Ensure completion of a restoration and monitoring plan.	Prior to construction	Once				
	Ensure implementation of the monitoring plan.	Following project construction	As needed according to the monitoring plan				
BIO-5: Jurisdictional Delineation and Restoration for Impacts to Waters and Wetlands							
For individual trail projects listed in the Plan, if waters of the state or waters of the U.S. are present within or immediately adjacent to the area of construction, a qualified wetlands biologist shall perform a wetland delineation following the 1987 Army Corps of Engineers Wetlands Delineation Manual and any applicable regional supplements to the Delineation Manual. The jurisdictional delineation shall determine the extent of the jurisdiction for CDFW, USACE, and/or	If an individual active transportation project would be within or immediately adjacent to protected waters, ensure a qualified biologist is retained to perform wetland delineation. Ensure the preliminary jurisdictional delineation is submitted to the appropriate responsible agencies.	Prior to final design approval of individual active transportation project.	Once	City of Milpitas			
	Confirm impacts to waters and wetlands are avoided or	Prior to final design approval for	Once for mitigation				



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<p>RWQCB, and shall be conducted in accordance with the requirement set forth by each agency. The result shall be a preliminary jurisdictional delineation report to be submitted to the implementing agency, USACE, RWQCB, and CDFW, as appropriate, for review and approval. Jurisdictional areas shall be avoided to the maximum extent possible.</p> <p>Impacts to waters and wetlands shall be mitigated through one or more options to meet the required amount of mitigation based on direct impacts from project development under the mitigation ratios outlined below. Mitigation for impacts to waters and wetlands can be achieved through the acquisition and in-perpetuity management of similar habitat or through the in-lieu funding of such through an existing mitigation bank. Funding and management of internal mitigation areas can be managed internally. Funding and management of off-site mitigation lands shall be provided through purchase of credits from an existing, approved mitigation bank or land purchased by implementing entity and placed into a conservation easement or other covenant restricting development (e.g., deed restriction). Internal mitigation lands, or in lieu funding sufficient to acquire lands shall provide habitat at a minimum 1:1 ratio for impacted lands, comparable to habitat to be impacted by individual project activity. Compensatory mitigation for wetlands communities can be combined with other compensatory mitigation (e.g., sensitive vegetation communities) as applicable.</p>	<p>appropriately mitigated.</p> <p>If mitigation is achieved through acquisition of similar habitat, ensure the land is managed in perpetuity or that credits are purchased at an existing approved mitigation bank through in-lieu funding.</p>	<p>avoidance and minimizing impacts to biological resources.</p> <p>Prior to project construction for mitigation approval. During construction for mitigation implementation.</p>	<p>approval.</p> <p>As needed to monitor purchased habitat and once for purchasing credits.</p>				

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Cultural Resources							
CUL-1: Archaeological Resources Assessment							
If cultural resources are encountered during ground-disturbing activities for a proposed active transportation project listed in the Plan, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards for archaeology in either prehistoric or historic archaeology shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work such as excavating the cultural deposit to fully characterize its extent, and collecting and curating artifacts may be warranted to mitigate any significant impacts to cultural resources. In the event that archaeological resources of Native American origin are identified during project construction, a qualified archaeologist will consult with the City to begin Native American consultation procedures.	<p>If cultural resources are encountered during grading, ensure work is halted and retain an archaeologist to evaluate find.</p> <p>If significant resource cannot be avoided, mitigate by collecting and curating.</p> <p>Consult with a qualified archaeologist and ensure Native American consultation procedures if Native American archaeological resources are identified during project construction.</p>	<p>During grading for individual active transportation projects</p> <p>During grading for individual active transportation projects</p> <p>During ground disturbing activities for individual active transportation projects</p>	<p>As needed during ground disturbing activities</p> <p>As needed during ground disturbing activities</p> <p>As needed during ground disturbing activities</p>	City of Milpitas			

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Geology and Soils							
GEO-1 Expansive Soils							
If a Class I, IIIB, or IV shared-use path project listed in the Plan is located in an area mapped as having expansive underlying soil, the City shall ensure that a site-specific geotechnical investigation is conducted by a qualified engineer. The investigation shall identify hazardous conditions and recommend appropriate design factors to minimize hazards. Such measures could include concrete slabs on grade with increased steel reinforcement, removal of highly expansive material and replacement with non-expansive import fill material, or chemical treatment with hydrated lime to reduce the expansion characteristics of the soils.	If Class I, IIIB, or IV project is in area with expansive soils, ensure a qualified engineer is retained to conduct a geotechnical investigation of the project site that identifies hazardous conditions.	During design review of active transportation projects	Once	City of Milpitas			
	Ensure recommended measures in the report are implemented.	During construction	As needed				
GEO-2 Paleontological Resource Studies							
The City of Milpitas shall require the following specific measures for individual bicycle, pedestrian, and trail projects that could disturb geologic units with high paleontological sensitivity:				City of Milpitas			
1. <b>Retain a Qualified Paleontologist.</b> Prior to any excavations, a qualified paleontologist shall be retained to review all project plans where ground disturbance is expected, as well as areas mapped as Pleistocene deposits at the surface, to determine if paleontologically sensitive units could be impacted. A qualified professional paleontologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is	Confirm a paleontologist is retained for projects to be constructed in areas identified as having high paleontological to review project plans. If the paleontologist determines the project has the potential to impact paleontological resources review the Mitigation and Monitoring Program, then ensure recommended measures are implemented.	Prior to ground disturbing activities.	Once for retaining a paleontologist and approving the Mitigation and Monitoring Program. As needed during construction				

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experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010). If it is determined that no paleontologically sensitive units could be impacted, then specific project impacts shall be deemed less than significant and no further mitigation would be required. If it is determined that a paleontologically sensitive unit could be impacted, then the subsequent mitigation measures provided here shall be followed as a minimum standard.			for recommende d measures.				
<p>a. The qualified professional paleontologist shall direct all mitigation measures related to paleontological resources and design a Paleontological Resources Mitigation and Monitoring Program (PRMMP) for the project, which outlines the procedures and protocol for conducting paleontological monitoring and mitigation. Monitoring shall be conducted by a qualified paleontological monitor who meets the minimum qualifications per standards set forth by the SVP. The PRMMP shall address the following procedures and protocols:</p> <ul style="list-style-type: none"> <li>▪ Timing and duration of monitoring</li> <li>▪ Procedures for work stoppage and fossil collection</li> </ul>							

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<ul style="list-style-type: none"> <li>The type and extent of data that should be collected with any recovered fossils</li> <li>Identify an appropriate curatorial institution</li> <li>Identify the minimum qualifications for qualified paleontologists and paleontological monitors</li> <li>Identify the conditions under which modifications to the monitoring schedule can be implemented</li> <li>Details to be included in the final monitoring report.</li> </ul>	<p>Ensure training for construction personnel is conducted for active transportation projects with high paleontological sensitivity.</p> <p>Confirm a qualified paleontologist conducts paleontological monitoring for active transportation projects with high paleontological sensitivity in previously undisturbed sediments including Pleistocene alluvial deposits when excavations exceed 5 feet below ground surface.</p> <p>Ensure work is halted immediately in the vicinity of a fossil discovery and that a qualified paleontologist evaluates the find before restarting construction activity in the area.</p>	<p>Ensure recommended measures are implemented during construction.</p> <p>Prior to project construction</p>	<p>Once</p> <p>As needed during grading</p>				
<p><b>2. Paleontological Worker Environmental Awareness Program (WEAP).</b> Prior to the start of construction, the qualified paleontologist or his or her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP shall be fulfilled at the time of a preconstruction meeting at which a qualified paleontologist shall attend.</p>							
<p><b>3. Paleontological Monitoring.</b> Paleontological monitoring should be conducted during ground disturbing construction activities (i.e., grading, trenching, foundation work) in previously undisturbed sediments with high paleontological sensitivities</p>							

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including Pleistocene alluvial deposits when excavations exceed 5 feet below ground surface.							
a.	<p>Paleontological monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources and meets the minimum standards of the SVP (2010) for a paleontological resources monitor. The duration and timing of the monitoring will be determined by the qualified paleontologist and the location and extent of proposed ground disturbance. If the qualified paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions at the surface or at depth, he/she may recommend that monitoring be reduced to periodic spot-checking or cease entirely.</p>						
b.	<p><b>Fossil Discoveries.</b> In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A qualified paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the</p>						

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<p>qualified paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:</p> <p>c. <b>Salvage of Fossils.</b> If fossils are discovered, all work in the immediate vicinity should be halted to allow the paleontological monitor, and/or lead paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the qualified paleontologist (or paleontological monitor) should recover them following standard field procedures for collecting paleontological as outlined in the PRMMP prepared for the project. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist should have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. If fossils are discovered, the qualified paleontologist (or</p>	<p>Ensure lead paleontologist evaluates fossil discoveries for their potential significance and follows procedures outlined in the project PRMMP</p>	<p>During ground disturbing construction activities</p>	<p>As needed during construction</p>				

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paleontological monitor) shall recover them as specified in the project's PRMMP.							
4. <b>Preparation and Curation of Recovered Fossils.</b> Once salvaged, significant fossils should be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the University of California Museum of Paleontology), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the qualified paleontologist.	Confirm salvaged fossils are prepared and curated in a scientific institution and procedures consistent with the institution are followed.  Review and approve the final mitigation and monitoring report submitted by the qualified paleontologist and, if monitoring efforts produced fossils, ensure a copy of the report is submitted to the designated museum repository.	During construction   Prior to project operation Prior to project operation Upon completion of ground disturbing activity	Once   Once  Once				
5. <b>Final Paleontological Mitigation Report.</b> Upon completion of ground disturbing activity (and curation of fossils if necessary) the qualified paleontologist should prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report should include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated. The report shall be submitted to the City of Milpitas. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.							



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Hazards and Hazardous Materials							
HAZ-1 Hazardous Material Sites Investigation and Remediation							
Prior to construction of any active transportation project listed in the Plan that requires ground disturbance, the City shall consult lists of hazardous material sites maintained by the California Department of Toxic Substances Control (DTSC), the State Water Resources Control Board (SWRCB), and the County of Santa Clara Hazardous Materials Compliance Division. Where a proposed improvement is located on or adjacent to an identified site, follow up Phase I, and as appropriate, Phase II hazardous waste site investigations shall be completed, and any contaminants shall be remediated to concentrations below applicable screening-level thresholds for human health. The investigation and, if necessary, remediation shall be conducted under the supervision of the County of Santa Clara Hazardous Materials Compliance Division or the City. No disturbance of contaminated soil shall be permitted unless an approved site cleanup and remediation plan has been implemented for the identified hazardous waste sites. Any ground disturbance shall be preceded by advance notification of and approval by the City.	Ensure lists of hazardous material sites are reviewed for any active transportation project with ground disturbance. Where projects may be located on sites with potentially hazardous materials ensure a Phase I and/or Phase II investigation of the project site is completed, as appropriate. Review the Phase I and/or Phase II and remediate according to the recommendations in the report(s).	During design review of individual projects, prior to construction.	Once	City of Milpitas			

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Noise							
N-1 Noise Reduction Measures Near Sensitive Receptors							
The City shall ensure that, where residences, schools, or other noise-sensitive uses are located within 500 feet of construction sites for active transportation projects listed in the Plan, appropriate measures shall be implemented to reduce noise exposure to the extent feasible. Specific techniques may include, but are not limited to: <ul style="list-style-type: none"><li>▪ Locating stationary noise-generating construction equipment as far from sensitive receptors as feasible.</li><li>▪ Installing temporary noise barriers to block and deflect noise.</li></ul>	Ensure noise reduction measures are implemented for applicable active transportation projects within 500 feet of sensitive receivers.	During design review of individual projects	Once	City of Milpitas			
N-2 Noise Control Equipment							
The City shall ensure that equipment and trucks used for construction of active transportation projects listed in the Plan utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds).	Select and operate construction equipment and trucks that use best available noise control techniques.	During construction	As needed during construction	City of Milpitas			
N-3 Impact Equipment							
The City shall ensure that impact equipment (e.g., jack hammers, pavement breakers, and rock drills) used for construction of active transportation projects listed in the Plan be hydraulically or electrically powered wherever feasible	Ensure that impact equipment is hydraulically or electrically powered; that an exhaust muffler is used; that external jackets on impact equipment is used; or quieter procedures are used, when feasible and applicable.	During construction	As needed during construction	City of Milpitas			

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to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, use of an exhaust muffler on the compressed air exhaust can lower noise levels from the exhaust by up to about 10 dBA. When feasible, external jackets on the impact equipment can achieve a reduction of 5 dBA. Whenever feasible, use quieter procedures, such as drilling rather than impact equipment operation.							
Tribal Cultural Resources							
TCR-1 Suspension of Work Around Tribal Cultural Resources							
In the event that cultural resources of Native American origin are identified during construction of an active transportation project listed in the Plan, all earth-disturbing work in the vicinity of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find as a cultural resource and an appropriate local Native American representative is consulted. If the City, in consultation with local Native Americans, determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with local Native American group(s). The plan shall include avoidance of the resource or, if	Ensure earth-disturbing work is halted near discovered tribal cultural resources. Retain an archaeologist to evaluate the find, consult with the local Native Americans to coordinate tribal consultation, determine what archaeological monitoring or other measures are required, such as a mitigation plan, and implement required mitigation.	During construction	As needed during construction	City of Milpitas			

City of Milpitas  
**Trail, Pedestrian, and Bicycle Master Plan**

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avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate local Native American tribal representative and, if applicable, a qualified archaeologist. Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, or heritage recovery.							