

APPENDIX C: MITIGATION AND MONITORING PROGRAM

INTRODUCTION

This Mitigation Monitoring Program was developed for the Mitigated Negative Declaration which was prepared for the Ma-le'l Dunes Cooperative Management Area Public Access Project pursuant to the California Environmental Quality Act (CEQA).

Section 15097 of the Guidelines for CEQA requires a program for mitigation monitoring or reporting when a public agency adopts a mitigated negative declaration in conjunction with approving a project. The purpose of the Mitigation Monitoring Program is to ensure that the mitigation measured outlined in the Initial Study for avoiding potential significant impacts are implemented.

The landowners and managers, the Bureau of Land Management and the Fish and Wildlife Service will monitor project implementation to ensure that mitigation measures are being incorporated.

Mitigation Measure 1:

Planned improvements would occur during the dry season in seasonal wetlands and would incorporate Best Management Practices (BMPs) to control sediment transport, such as conducting work during low tide, and use of silt fencing if necessary.

Timing for Implementation/ Compliance: During construction phase

Person/ Agency Responsible for Monitoring: Contractor, USFWS, BLM

Monitoring Frequency: Continuous during period of construction

Evidence of Compliance: Lack of turbidity in adjacent waters upon visual inspection

Mitigation Measure 2:

During the breeding season for birds likely to breed in the Ma-le'l Dunes Cooperative Management Area (CMA) (February 15 to August 15), construction activities and routine maintenance would utilize only non-mechanized equipment. Only hand tools and clippers would be allowed during this period, except to address emergency and/or public safety conditions when mechanized equipment would be allowed. The use of mechanized equipment within the breeding season for birds likely to breed in the Ma-le'l Dunes CMA to address emergency conditions would be conducted at the discretion of the Ma-le'l Dunes CMA managers.

Timing for Implementation/ Compliance: During breeding period February 15 to August 15.

Person/ Agency Responsible for Monitoring: Contractor, USFWS, BLM

Monitoring Frequency: Prior to scheduling of construction activities or routine maintenance.

Evidence of Compliance: Log of activities and maintenance conducted, date, and type equipment used.

Mitigation Measure 3:

The USFWS will implement Humboldt Bay wallflower seed collection from existing populations on the adjacent Lanphere Dunes Unit, and subsequent dispersal within newly restored areas of the Fernstrom-Root and Ma-le'1 parcels. This measure is designed to facilitate the expansion of the wallflower within the CMA and mitigate for potential adverse impacts from off-trail foot traffic. The refuge will obtain a recovery permit.

Timing for Implementation/ Compliance: During the first season of operation of the CMA.

Person/ Agency Responsible for Monitoring: USFWS

Monitoring Frequency: To be determined by USFWS

Evidence of Compliance: To be determined by USFWS

Mitigation Measure 4:

All construction activities occurring within or adjacent to endangered plant areas would be supervised by Ma-le'1 Dunes CMA resource managers and would take place outside of the growing season to avoid impacts to reproductive individuals. In addition, before the commencement of work and when species are clearly visible all occurrences of Humboldt Bay wallflower rosettes (reproductive season is approximately March 1 through the end of the summer), beach layia (reproductive season is March to May), Humboldt Bay owl's-clover (reproductive season is May through July), Point Reyes bird's-beak (reproductive season is approximately June 1 through end of summer), and other rare plant species located near construction areas would be flagged and the CMA resource managers would document any adversely affected individuals.

Timing for Implementation/ Compliance: Prior to commencement of construction activities

Person/ Agency Responsible for Monitoring: USFWS, BLM

Monitoring Frequency: Prior to initiation of any construction activity

Evidence of Compliance: Visual or written verification that no endangered species were disturbed.

Mitigation Measures 5:

One hundred and seventy-five square feet (175 sf) of high salt marsh habitat (6.4 to 8.9 feet above mean-low-low-water) that is dominated by dense-flowered cordgrass (*Spartina densiflora*) would be restored with pickleweed (*Salicornia virginica*) and saltmarsh (*Distichlis spicata*) and maintained as such as mitigation for the installation of the canoe/kayak landing/launching ramp.

Timing for Implementation/ Compliance: Mitigation for loss of wetland habitat would begin immediately following the construction of the ramp.

Person/ Agency Responsible for Monitoring: USFWS

Monitoring Frequency: Prior to, upon completion of construction activities

Evidence of Compliance: One hundred and seventy five sf of high salt marsh dominated by pickleweed and saltgrass.

Mitigation Measures 6:

The development of a maintenance program for the forest trails in Ma-le'l North to insure that routine vegetation clearing does not adversely affect locally rare plants identified by the CMA resource managers.

Timing for Implementation/ Compliance: Prior to the commencement of any vegetation clearing along the trails or routine maintenance.

Person/ Agency Responsible for Monitoring: USFWS

Monitoring Frequency: Annually, when routine maintenance along forest trails occurs.

Evidence of Compliance: Visual inspection that no rare plants were disturbed.

Mitigation Measure 7:

In the event any undiscovered paleontological, archaeological, ethnic, or religious resources are encountered during grading or construction-related activities, in compliance with the state and federal law, all work within 100 feet of the resources shall be halted and the Plan applicants shall consult with a registered professional archaeologist and designated representative of the Wiyot Tribe to assess the significance of the find and formulate further mitigation. This would include coordination with the Native American Heritage Commission. The Native American Heritage Commission would contact the Wiyot Tribe, as deemed necessary, to assist in assessing the significance of any find. If any find is determined to be of significance, the USDI-BLM and FWS, and a qualified archaeologist would meet to determine the appropriate course of action. Pursuant to the California Health and Safety Code Section 7050.5, if human remains are encountered, all work would cease and the County coroner would be contacted. The county coroner and Native American Heritage Commission would be charged with determining if the human remains are of Native American origin.

Timing for Implementation/ Compliance: During all ground disturbing activities and/or during course of operation of the CMA.

Person/ Agency Responsible for Monitoring: USFWS, BLM, Wiyot Tribe

Monitoring Frequency: Continuous during grading and ground disturbing construction related activities.

Evidence of Compliance: Visual or written verification that no cultural resources were found and/or disturbed.

Mitigation Measure 8:

Cultural monitors will be present during initial, native soil disturbance activities that occur at locations mutually agreed upon by the Wiyot Tribe, USFWS, and BLM (as necessary) as areas of the greatest concern.

Timing for Implementation/ Compliance: During all such ground disturbing activities and/or during course of operation of the CMA.

Person/ Agency Responsible for Monitoring: USFWS, BLM, Wiyot Tribe

Monitoring Frequency: Continuous during such grading and/or ground disturbing construction-related activities.

Evidence of Compliance: Visual or written verification that cultural monitors were present during such ground disturbing activities.

Mitigation Measure 9:

Regulatory signing would state that in accordance to state law, destruction, and defacement of historical objects (Penal Code 655-1/2 and relevant federal law) and removal of human remains (PRC 5097.5, PRC 70550.5, and relevant federal law) is a punishable crime. Undesignated canoe and kayak landings located on the slough and within the project boundary would be re-vegetated and signed “No Landing/Re-vegetation in Progress.”

Timing for Implementation/ Compliance: Prior to opening the area for public access.

Person/ Agency Responsible for Monitoring: USFWS, BLM, Wiyot Tribe

Monitoring Frequency: Once to review draft sign language; once upon completion to assure compliance.

Evidence of Compliance: Signs referencing said state and federal laws are installed at CMA public access entry points and signs stating “No Landing/Re-vegetation in Progress” are installed at undesignated boat landings.

Mitigation Measure 10:

USFWS, BLM (as necessary), and the Wiyot Tribe would work collaboratively with a registered professional archaeologist to prepare a baseline review of the cultural resources that the Tribe and agency staff mutually agrees upon as the areas of greatest concern. Thereafter annual review with a registered professional archaeologist or designated representative of the Wiyot Tribe would occur. Furthermore, Ma-le’l Dunes CMA managers would conduct regular monitoring to ensure against vandalism of cultural resources within mutually agreed upon areas of greatest concern. Results of cultural resources monitoring would be conveyed to the appropriate agencies.

Timing for Implementation/ Compliance: Prior to opening the area for public access.

Person/ Agency Responsible for Monitoring: USFWS, BLM, Wiyot Tribe

Monitoring Frequency: As agreed upon by federal agencies and Wiyot Tribe

Evidence of Compliance: Regular written verification that monitoring has been conducted and conveyance of results to Wiyot Tribe.