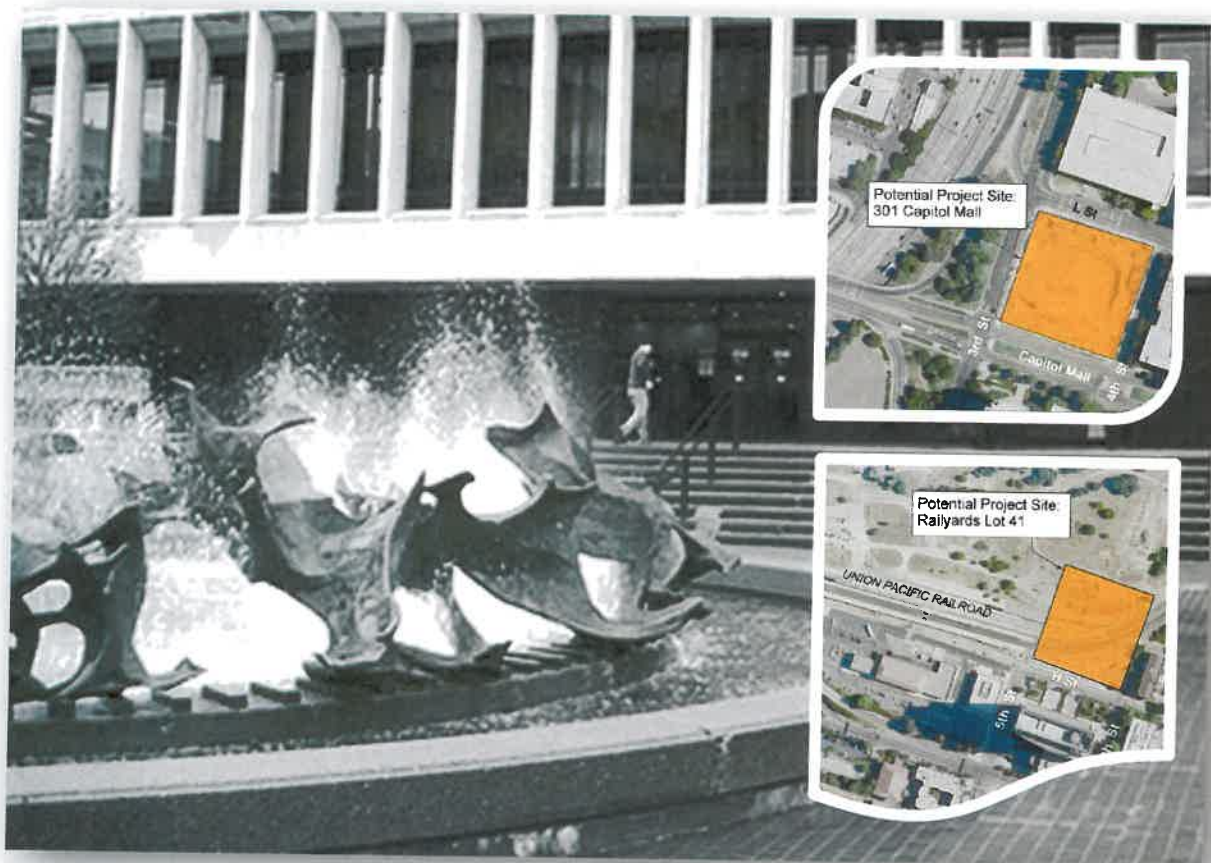


New Sacramento Criminal Courthouse

Mitigation Monitoring Plan



PREPARED FOR:

Judicial Council of California - Administrative Office of the Courts
Office of Court Construction & Management
2860 Gateway Oaks Drive, Suite 400
Sacramento, CA 95833



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1 INTRODUCTION

1.1 MITIGATION MONITORING PLAN

In compliance with the State CEQA Guidelines § 15097 (a), when significant effects are identified in an EIR, the Lead Agency is required to adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of approval for the proposed project. This Mitigation Monitoring Plan (MMP) has been developed for the New Sacramento Criminal Courthouse Project, consistent with the requirements of § 15097. The intent of the MMP is to prescribe and enforce a means for properly and successfully implementing the mitigation measures identified within the Subsequent Environmental Impact Report for this project. Unless otherwise noted, the Administrative Office of the Courts (AOC) shall be responsible for complying with and paying for all mitigation measures identified herein.

1.2 COMPLIANCE CHECKLIST

The intent of the MMP is to ensure the effective implementation and enforcement of adopted mitigation measures and permit conditions. The MMP is intended to be used by AOC staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMP were developed in the Environmental Impact Report prepared for the proposed project. (Note that the EIR included mitigation measures for the potential 301 Capitol Mall Site, which are not included in this MMP.) The MMP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the AOC. The table attached to this report identifies the mitigation measure, the responsible agency for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMP. The AOC will be responsible for ensuring compliance.

During construction of the project, the AOC will assign an inspector who will be responsible for field monitoring of mitigation measure compliance. The inspector will report to the AOC and will be thoroughly familiar with permit conditions and the MMP. In addition, the inspector will be familiar with construction contract requirements, construction schedules, standard construction practices, and mitigation techniques. In order to track the status of mitigation measure implementation, field-monitoring activities will be documented on compliance monitoring report worksheets. The time commitment of the inspector will vary depending on the intensity and location of construction. Aided by the attached table, the inspector will be responsible for the following activities:

- ψ On-site, day-to-day monitoring of construction activities.
- ψ Reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures.
- ψ Ensuring contractor knowledge of and compliance with the MMP.
- ψ Verifying the accuracy and adequacy of contract wording.
- ψ Having the authority to require correction of activities that violate mitigation measures. The inspector shall have the ability and authority to secure compliance with the MMP.
- ψ Acting in the role of contact for property owners or any other affected persons who wish to register observations of violations of project permit conditions or mitigation. Upon receiving any complaints, the

inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such observations and for developing any necessary corrective actions in consultation with the construction representative and the AOC.

- ψ Obtaining assistance as necessary from technical experts in order to develop site- specific procedures for implementing the mitigation measures.
- ψ Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

1.3 MITIGATION MONITORING PLAN

The following table indicates the mitigation measure number, the mitigation measure text, the monitoring agency, implementation timing, and an area to record monitoring compliance.

Mitigation Monitoring Plan

Mitigation Measure No.	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
4.1-1	Construction traffic. To minimize construction impacts to the transportation system the following strategies will be implemented: > Access to driveways and cross streets will be maintained during construction, in accordance with traffic control standard plans or traffic handling plans > Pedestrian access will be maintained during construction, with at least one sidewalk open on one side of the roadway at all times. Additional signs will be required to detour pedestrians when sidewalks are closed for contract work. > Bicycle traffic will be maintained during construction. Additional signs and striping will be required to direct bicycle traffic when bikeways are closed for contract work. > Coordination with the city will be required to handle traffic through the work area.	AOC	During Construction	
		AOC	During Construction	
		AOC	During Construction	
		AOC	During Construction	
		AOC	During Construction	
4.4-1	Project-generated emissions of GHGs. Although the project would not result in a significant impact related to GHG emissions, the AOC has nonetheless decided to implement the following mitigation measures to further reduce the project's GHG emissions from the project: > Sufficient, convenient, and secure bicycle parking shall be included in the project design for both employees and a limited number of jurors. > The project shall include end-of-trip facilities, which shall include private showers, lockers, and changing facilities for building employees. > Site design and building placement on the project site shall minimize barriers to pedestrian access and connectivity. Physical barriers such as walls, berms, and landscaping that impede bicycle or pedestrian circulation shall not be included. > The project shall provide safe and convenient bicycle/pedestrian access to transit > The project shall provide information publicizing transit options (e.g., routes, schedules, locations of stations) to employees and visitors in a centralized, highly visible location.	AOC	Prior to Final Design	
		AOC	Prior to Final Design	
		AOC	Prior to Final Design	
		AOC	Prior to Final Design	
		AOC	Prior to Final Design and During Operation	

Mitigation Monitoring Plan

Mitigation Measure No.	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
4.5-1 Lot 41- Railyards	<p>Impacts to burrowing owl. The AOC will implement the following measures to reduce impacts on burrowing owls:</p> <ul style="list-style-type: none"> > The AOC will retain a qualified biologist to conduct focused surveys for burrowing owls in areas of suitable habitat on and within 250 feet of the project site. Surveys will be conducted no more than 30 days prior to any ground-disturbing activity, including diskings, and in accordance with DFG protocol (DFG 1995). > If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings will be submitted to DFG, and no further mitigation is necessary. > After confirmation that owls are absent from the site, the project contractor may discourage future burrowing owl occupation of the project site by eliminating ground squirrel use of the site because their burrows are often used by burrowing owls (e.g., burrow removal by hand shoveling or diskings). > If occupied burrows are found, to the extent feasible, establish a buffer of 165 feet around the occupied burrow during the nonbreeding season (September 1–January 31) or 250 feet during the breeding season (February 1–August 31). The size of the buffer area may be adjusted if a qualified biologist determines consistent with DFG Guidelines, that adjusting the buffer size would not be likely to have adverse effects. No project activity will commence within the buffer area until a qualified biologist confirms that the burrow is no longer occupied. If the burrow is occupied by a nesting pair, a minimum of 6.5 acres of foraging habitat contiguous to the burrow will be preserved (fenced off with temporary fencing) until the breeding season is over. > If occupied burrows cannot be avoided, during the non-breeding season conduct on-site passive relocation techniques, pursuant to DFG guidelines, to encourage owls to move to alternative burrows outside of the impact area. No burrows found by the survey to be occupied will be disturbed during the breeding season. 	AOC	Prior to Construction	
		AOC and DFG	Prior to Construction	
		AOC	Prior to and During Construction	
	AOC and DFG	Prior to Construction		

Mitigation Monitoring Plan

Mitigation Measure No.	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
4.6-1 Lot 41- Railyards	<p>Potential archaeological resources including human remains. The AOC will implement the following measures to reduce impacts on potential archaeological resources:</p> <ul style="list-style-type: none"> > Prior to any ground-disturbing activity, a focused Archaeological Testing Plan (ATP), that includes on-site test trenching/scraping, will be prepared and implemented by a qualified archaeologist to determine the presence/absence of archaeological resources and to assess their eligibility to the CRHR. The AOC will coordinate with the City of Sacramento Preservation Director prior to implementation. The programmatic ATP prepared for the Railyards Specific Plan is included as Appendix E of this DEIR. > If the ATP identifies CRHR-eligible archaeological resources, a project-site-specific Archaeological Mitigation Plan will be prepared and implemented. > Earth-moving activities within areas identified in the ATP will be monitored by a qualified archaeologist. In the event that unanticipated archaeological resources or human remains are encountered, compliance with federal and state regulations and guidelines regarding the treatment of cultural resources and human remains will be required. The following details the procedures to be followed in the event that new cultural resource sites or human remains are discovered. > If the monitoring archaeologist believes that an archaeological resource has inadvertently been uncovered, all work adjacent to the discovery shall cease, and the appropriate steps will be taken, as directed by the archaeologist, to protect the discovery site. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the archaeological resources in accordance with federal and state law. At a minimum, the area will be secured to a distance of 50 feet from the discovery. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site. The archaeologist will conduct a field investigation and assess the significance of the find. Impacts to cultural resources will be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the federal Secretary of the Interior's Standards for Archaeological Documentation. All identified cultural resources will be recorded on the appropriate DPR 523 (A-1) form and filed with the North Central Information Center. 	AOC	Prior to Construction	
		AOC	Prior to Construction	
		AOC	During Construction	
		AOC	During Construction	

Mitigation Monitoring Plan

Mitigation Measure No.	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
4.7-1 Lot 41- Railyards	<p>> In accordance with Health and Safety Code, if human remains are discovered at the project construction site during any phase of construction, all ground-disturbing activity within 50 feet of the resources will be halted and the City Coroner will be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the City Coroner to be Native American, the Native American Heritage Commission (NAHC) will be notified within 24 hours, and the guidelines of the NAHC will be adhered to in the treatment and disposition of the remains. If the remains are determined to be Chinese, or any other ethnic group, the appropriate local organization affiliated with that group will be contacted and all reasonable effort will be made to identify the remains and determine and contact the most likely descendant. The approved mitigation will be implemented before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.</p> <p>> If the remains are of Native American origin, the AOC will contact the Native American Heritage Commission to identify the Most Likely Descendant. That individual will be asked to make a recommendation to the AOC for treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.983. If the Most Likely Descendant fails to make a recommendation or the AOC rejects the recommendation of the descendant, and if mediation by the Native American Heritage Commission fails to provide measures acceptable to the AOC, then the AOC will rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p> <p>> Exposure to Hazardous Materials During Construction. The AOC will implement the following measures, consistent with the mitigation included in the Railyards Specific Plan EIR:</p> <ul style="list-style-type: none"> > The AOC or its representative will prepare a site-specific construction worker health and safety plan containing construction worker health and safety requirements based on the levels of remediation already performed in the project area. > Contractors will be given a worker health and safety guidance document at the time of grading or building permit application to assist them in preparing site-specific worker health and safety plans. Pursuant to the requirements of state and federal law, the site-specific health and safety plan may require the use of personal protective equipment, onsite continuous air quality monitoring during construction, and other precautions. 	AOC and City Coroner	During Construction	

Mitigation Monitoring Plan

Mitigation Measure No.	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
	<ul style="list-style-type: none"> > During construction, except in imported clean fill areas, all excavation, soil handling, and dewatering activities will be observed for signs of apparent contamination by the AOC, or its representative, under DTSC oversight. > DTSC shall provide for environmental oversight, including site inspection during construction and procedures for detecting previously undiscovered contamination during site excavation as well as contingency plans for investigation, remediation and disposal of such contamination. 	AOC and DTSC	During Construction	
	<p>During renovation activities for the Schaber Courthouse, the AOC will hire a qualified contractor certified to handle and dispose of hazardous materials. The contractor will comply with all appropriate OSHA regulations for worker safety and shall require that appropriate clothing and protective devices (i.e., breathing apparatus) are employed during renovation activities. Hazardous materials removed from the site will be handled in compliance with OSHA requirements and hauled to an appropriately permitted disposal facility.</p>	AOC	During Renovation	
4.7-4	<p>Safety Hazards from Strong Wind Events. Final design of the proposed courthouse building, if taller than the average of the surrounding adjacent structures, will include, to the degree feasible, design features to reduce or eliminate ground-level wind acceleration impacts to a level that would not result in pedestrian imbalance (i.e., 36 mph). Features that could be implemented include: building setback for upper stories, rounded surfaces, orientation of the building so that the wide axis is not aligned with the prevailing wind direction. Once sufficient building design information is available and prior to final design, the AOC will conduct scale model wind tunnel or computerized computational fluid dynamics testing to determine how strong winds will be between the proposed courthouse and adjacent buildings. If winds through the breezeway exceed 36 mph (the point at which balance is difficult to maintain), the building design will be altered to reduce wind speeds below this threshold. (Note that these design features are intended to reduce ground-level wind acceleration resulting from the development of structures. These design features are not intended to mitigate wind impacts for atmospheric wind speed above 36 mph.)</p>	AOC	Prior to Construction Drawings	

Mitigation Monitoring Plan

Mitigation Measure No.	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
4.9-4	<p>Nighttime Lighting and Daytime Glare. The final courthouse design will not include highly reflective glazing or other highly reflective materials (i.e. polished metals) in any location where the sun could reflect harshly onto nearby pedestrian and/or vehicular traffic. OR if highly reflective windows are included for energy efficiency purposes, features such as blades, awnings, cantilevers, recessed windows, or other similar features, shall be incorporated into the design to obstruct most of the reflection to reduce exposure to nearby pedestrian and/or vehicular traffic.</p>	AOC	Prior to Final Design	
5-2 Lot 41- Railyards	<p>2030 Level-of-Service (LOS) Impacts. As a state agency, the AOC is not required to pay city impact fees except to the extent that payment of such fees would serve to mitigate a significant impact of the project. In the instance of the proposed project, the city fees serve to fund, on a fair share basis, the mitigation measures needed to substantially reduce cumulative traffic impacts. Therefore, the AOC will voluntarily provide "fair-share" funding for applicable improvements identified in the Railyards Specific Plan EIR (Mitigation Measure 4.12-16) through payment of fair share traffic impact fees in accordance with the Railyards Specific Plan Public Facilities Financing Plan (Financing Plan) adopted by City Council on December 11, 2011 under Resolution 2007-910. Consistent with the Financing Plan, the AOC's fair share traffic impact fee payment is the City fee associated with the Railyards Specific Plan, which is \$0.03 per square foot of building floor area. (Note that this cost is derived based on the transportation costs provided in Table VI-1 of the Financing Plan. The cost is then adjusted for the fact that much of traffic associated with the new courthouse building already exists in the downtown area. An operational expansion factor of 17% is assumed, which is the average taken between the percent expansion of courtrooms [14 new / 61 total] and the percent expansion of employees [82 new / 713 total]. The AOC will pay 17% of the traffic impact fees derived from the Financing Plan.) In addition, the AOC will pay the city traffic fee of \$0.12 per square foot of building floor area and the Sacramento Transportation Authority (STA) fee of \$0.24 per square foot of building floor area. (Note that these costs are derived based on the city traffic fees and STA fees outlined in Table C-2 in Appendix C of the Financing Plan. The same adjustment for 17% operational expansion is also applied to these fees.) All these fees together would serve to provide the project's fair share of funding to mitigate cumulative traffic impacts. The total traffic impact fee will be \$0.39 per square foot of building floor area of the New Sacramento Criminal Courthouse.</p>	AOC	Prior to Occupancy	