Mitigated Negative Declaration

Circulation Period	April 10, 2017 to May 10, 2017
Project Name	Town of Windsor Parks and Recreation Master Plan Update
Project Location	The proposed Master Plan would apply to the entire Town of Windsor. Figure 1 shows the Town's regional context and Figure 2 focuses on the Town itself. Figure 3 shows the location of existing parks, open space, joint use school areas, and recreational facilities in the Town of Windsor which are the focus of the Parks and Recreation Master Plan. All figures are shown in the Initial Study.
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Project Description

The proposed Town of Windsor Parks and Recreation Master Plan Update ("Master Plan" or "Plan") is intended to provide a planning blueprint to improve, protect, and expand the Town's network of parks, facilities, and recreational services through the year 2030. This Plan aims to create an integrated network of parks and open space which would serve the evolving needs of the community. Under the Plan, the Town of Windsor intends to add 20 acres of parkland (10 acres of community parks and 10 acres of neighborhood parks and joint use school sites) and improve Keiser Park as the hub of Windsor's park and recreation system. The Plan emphasizes the importance of distributing parks throughout the Town to preserve equitable access to both neighborhood parks and community parks. Therefore, the Plan targets the northwestern and southeastern areas of the Town for additional neighborhood parks.

Table 1 constitutes the scope of projects analyzed in this Mitigated Negative Declaration. For the purposes of this Mitigated Negative Declaration and any mitigation measures identified, the term "improvement projects" specifically refers to those projects listed in Table 1 below. All of these projects involve the development of new park or recreation facilities or improvements to existing facilities. The following projects would require structure construction: R4.4-2, R5.1-1, R5.7-1 and R5.7-3.

Adoption of the proposed Master Plan would not directly involve the construction of park and recreation projects listed in Table 1, but would rather facilitate the future development of such improvements. Thus, this Mitigated Negative Declaration evaluates the environmental impacts associated with the Plan at a programmatic level and provides programmatic-level mitigation measures. All future park and recreation projects included as implementing actions of the Master Plan will be subject to additional project- and/or site-specific environmental review and mitigation as appropriate, and will be compared with the Master Plan and programmatic mitigation measures when each individual project undergoes project-level engineering and design review. By that time, individual projects would include specific

project-level detail such as construction drawings and scheduling information such that individual project-level impacts could be analyzed.

Table 1 Proposed Improvement Projects

No.	Action Item	Priority (1-5)	On-going	Yearly	1-4 Years	5-8 Years	9-16 Years
R2.1-1	Develop the Windsor Mill project linear park along the creek and pedestrian connection to Windsor Creek Elementary School	3				X	
R2.1-2	Develop the Windsor Station Area/ Downtown Specific Plan's 0.7 acre park	3					X
R2.1-3	Develop an 0.5 to 0.7 acre park/plaza/preserve as part of the redeveloped Civic Center site	2				X	
R2.1-4	Acquire additional land adjacent to Keiser Park to expand Keiser Park's acreage	1	X				
R2.2-1a	Develop one additional exclusive use diamond field, lighted if possible, to meet population demand	3					X
R2.2-1b	Develop one additional exclusive use soccer field, lighted if possible, to meet population demand	3				X	
R2.2-2	Replace Keiser Park ballfields at Esposti Park	1				X	
R2.2-3	Work with the School District to improve conditions, determine appropriate fees, and increase the availability of fields for public use	1	X				
R2.2-3	Windsor High School (fields and track)	1			X		
R2.2-3	Windsor Middle School field use	1				X	
R2.2-3	Windsor Creek Elementary School field use	1			X		
R2.2-4	Add lighting to fields to increase playability	2			X		
R2.2-4	Add lighting at Wilson Soccer Ranch[1]	2			X		
R2.2-4	Add lighting at Keiser A[1]	2			X		
R2.2-4	Add lighting at Keiser B & C	2				X	
R3.2-1	Complete construction of proposed Class I multi-use trails along creek corridors and along the SMART rail line, as described in Table 8-4, as well as the crossings recommended in the Crossing of Highway 101 Study	1	X				
R3.3-1	Plan and develop neighborhood parks in the north-western portion of Windsor, on both the east and west sides of Highway 101	5					X
R3.3-2	Plan and develop small parks or open spaces in the southern portion of Windsor, west of Highway 101, to serve the employees of the industrial area	5					X
R3.3-3	Plan and develop a neighborhood park in south-eastern Windsor, south of Shiloh Road	4				X	
R4.2-2	Update the Keiser Park Master Plan, incorporating community input regarding desired park features, including the multi-generational Community Center, and potential relocation of Huerta Gym functions[2]	1			X		

No.	Action Item	Priority (1-5)	On-going	Yearly	1-4 Years	5-8 Years	9-16 Years
R5.1- 1	Develop a Keiser Park Aquatics Center that is multi-use; accommodating the various aquatics activities from swim lessons, recreational swim, water polo, therapeutic swim and competitive swim to aqua aerobics[3]	1			X		
R5.7-1	If supported by the Civic Center Visioning Study, develop a "community center space" to support the activities and economic benefit derived from Town Green events	1			X		
R5.7-3	Require restrooms as part of Civic Center Visioning Study. Identify wayfinding and hours for Town Green restrooms	1			X		
R10.4-1	Use creative signage and displays to describe features such as native habitat, reduced water use in response to drought conditions, and swales and pervious paving for removing storm water pollutants and recharging groundwater	3				X	
R10.4-2	Use interpretive signage along creeks to educate about watersheds and water quality	3				X	
R10.4-3	Integrate elements such as wind turbines and solar powered lighting into educational display or art pieces	4	X				

[1] Projects involving lighting at Wilson Ranch and Keiser Field A are already in progress.

[2] It is assumed that the multi-generational Community Center would have a floor area of approximately 50,000 square feet.

[3] The Keiser Park Aquatics Center would be approximately 18,000 square feet in size, and would also include an adjacent surface parking lot.

Source: Town of Windsor Parks and Recreation Master Plan Update, 2016

At this time, the majority of individual projects contained in Table 1 are not defined to a level that would allow project-level analysis and thus it would be speculative to analyze as such. Rather, they are addressed on a programmatic basis. However, the Community Center and Aquatics Center proposed at Keiser Park each have more detailed plans and are analyzed and mitigated on a greater level of detail in this Initial Study. There is not enough information at this time to analyze these projects on a project-level basis and the two projects must still undergo project-level environmental analysis under CEQA before the Town approves and authorizes their construction.

The Town notes that the Community Center and Aquatics Center at Keiser Park were previously analyzed in the February 2008 Keiser Park Master Plan Environmental Impact Report (EIR) (SCH No. 20000032102). The 2008 EIR was certified by the Town Council on May 21, 2008. This Mitigated Negative Declaration and Initial Study incorporates by reference the 2008 Keiser Park EIR which can be viewed at the Town of Windsor website Document Center (https://www.townofwindsor.com/DocumentCenter/View/15271). Since adoption of the 2008 EIR, plans for the Community Center and Aquatics Center have been altered and impacts are analyzed on a programmatic level using updated project details. .

Keiser Park Community Center and Aquatics Center Project Description

The Community Center and Aquatics Center would be constructed in the southeast corner of Keiser Park on the site of two existing baseball fields (Uchityl Field and Bertozzi Field). The Community Center would be located on the eastern portion of the existing fields and the Aquatic Center would be located on the western portion of the fields.

The Community Center would be a two-story building about 50,000 square feet with gym space, a teen center, pre-school, and would offer fitness and health programs.

The Aquatics Center would include a 30-meter competition pool, large recreational pool, and children's pool plus supporting amenities. Supporting amenities would include storage, lifeguard/administrative space, restrooms, and a community room. A new parking lot would be constructed to the west of the Aquatics Center adjacent to Starr Creek. The eastern border or the Aquatics Center would be landscaped.

The above descriptions for the Community Center and Aquatics Center provide the most detailed information available for these two projects at this time. Upon finalizing the Community Center and Aquatics Center project plans the two projects would undergo project-level environmental review prior to project approval.

Determination

Based on this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ■ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
Printed Name	Title

The attached Initial Study incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project. In addition, the following mitigation measures have been incorporated into the project:

A-2 Prior to project construction, project designs for all buildings shall be reviewed by the Town Planning Commission for visual compatibility with surrounding land uses. Visual compatibility shall include color schemes, building material, and architectural style consistent with the surrounding area.

AQ-1 **Health Risk Assessment.** With the exception of the specific projects discussed above (Project R2.1-1, Project R2.2-3, and Keiser Park Community Center and Aquatics Center), the lead agency shall conduct a screening-level health risk assessment for each individual project in accordance with BAAQMD guidelines prior to project construction. BAAQMD screening tools shall be used to determine emissions sources (permitted sources, highways, and major roadways) within 1,000 feet of the project's fence line. If estimated cancer risk and/or hazard risk exceed the applicable thresholds, advanced screening following BAAQMD methodology shall be conducted. If site-specific air modeling analysis determines that thresholds would be exceeded, the lead agency shall implement risk reduction strategies to reduce risk and exposure to below threshold levels.

BIO-1 **Biological Resources Screening and Assessment.** Prior to final design approval of individual projects involving ground disturbance of natural habitat and/or vegetation trimming and/or removal of vegetation, the Town shall have a qualified biologist conduct a field reconnaissance and biological analysis of the environmental limits of the project to identify biological constraints and potential impacts to sensitive biological resources from the project, 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 for which ground disturbance would not affect natural habitat (i.e., work is limited to paved, ruderal, or developed areas only), a desktop analysis to identify any biological constraints for the project may be sufficient. The qualified biologist shall determine, based on the nature of construction activities, if a field reconnaissance is necessary for such projects to completely assess biological constraints.

If the biologist identifies protected biological resources or the potential for protected biological resources within project limits and the resource has potential to be adversely affected by project design, the Town 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 Town shall have the qualified biologist identify the specific construction 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 during project construction, identify any State or Federal listed species that would necessitate coordination with the appropriate regulatory agency to obtain regulatory permits, and implement project-specific avoidance and mitigation measures prior to and during any construction activities.

Mitigation actions that may be required should impacts to special-status species be identified include:

- Special-Status Plant and/or Wildlife Protocol Surveys
- Pre-construction surveys to identify the presence of special-status species within and adjacent to work areas
- Worker Environmental Awareness Program training for all construction personnel
- Complete avoidance of special-status species where and if possible. Avoidance measures may include:
    - Delimiting and flagging of special-status species avoidance buffer areas (Environmentally Sensitive Areas or ESAs)

    - Monitoring of construction activity near ESAs
    - Installation of special-status species exclusion fencing
  - Relocation of special-status species outside of work areas (with applicable permits and authorizations as necessary)
  - Restoration of temporarily disturbed special-status species' habitat
  - 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.

BIO-2 **Construction Best Management Practices.** Based on the results of the project-specific impact analysis required by Mitigation Measure BIO-1, and the extent of potential impacts to special-status species, one or more of the following construction Best Management Practices (BMPs), as recommended by a qualified biologist, shall be incorporated into all grading and construction plans:

- A 20 mile-per-hour speed limit shall be designated in all construction areas
- 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
- 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
- Daily construction work schedules shall be limited to daylight hours only [consistent with Town Code Section 7-1-190]
- Mufflers shall be used on all construction equipment and vehicles shall be in good operating condition
- Drip pans shall be placed under all stationary vehicles and mechanical equipment
- All trash shall be placed in sealed containers and shall be removed from the project site a minimum of once per week
- No pets are permitted on project site during construction

BIO-3 **Pre-construction Nesting Bird Surveys.** To avoid disturbance of nesting and special-status birds, including raptor species protected by the MBTA and CFGC, activities related to each project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (typically January 15 through August 31). If construction must begin during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than 3 days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted on foot inside the Project Boundary, including a 300-foot buffer (500-foot for raptors). The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in northern California natural communities. If nests are found, an avoidance buffer (dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined by the qualified biologist and demarcated with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/ nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

BIO-4 **Riparian or Other Sensitive Natural Communities.** If the Biological Resources Screening and Assessment (Mitigation Measure BIO-1) identifies riparian or other sensitive natural communities within the project limits, the Town shall design or modify the project to avoid

direct and indirect impacts on these habitats, if feasible. Additionally, the Town shall minimize the loss of riparian vegetation by trimming rather than removal where feasible.

Prior to the onset of construction, the Town 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.

BIO-5 **Compensatory Mitigation.** If riparian and/or other sensitive natural communities are disturbed as part of an individual project, the Town shall compensate for the disturbance to ensure no net loss of habitat functions and values. Compensation ratios shall be based on site-specific information and determined through coordination with state, federal, and/or local agencies as part of the permitting process for the project. Unless determined otherwise by the regulatory/permitting agency, the compensation shall be at a minimum ratio of two acres restored, created, and/or preserved for every one acre disturbed. Compensation may comprise on-site restoration/creation, off -site restoration, preservation, or mitigation credits (or a combination of these elements). The Town shall develop and implement a restoration and monitoring plan that describes how the habitat shall be created and monitored over a period of no less than five years after construction.

BIO-6 **Landscaping Plan.** If landscaping is proposed for a specific project, a qualified biologist/landscape architect shall prepare a landscape plan for that project prior to project implementation. This plan shall indicate the locations and species of plants to be installed. Drought tolerant, locally native plant species shall be used. Noxious, invasive, and/or non-native plant species that are recognized on the Federal Noxious Weed List, California Noxious Weeds List, and/or California Invasive Plant Council Lists 1, 2, and 4 shall not be permitted. Species selected for planting shall be similar to those species found in adjacent native habitats.

BIO-7 **Invasive Weed Prevention and Management Program.** Prior to start of construction, an Invasive Weed Prevention and Management Program shall be developed by a qualified biologist to prevent invasion of native habitat by non-native plant species. A list of target species shall be included, along with measures for early detection and eradication. All temporarily disturbed areas within native habitats shall be hydroseeded with a mix of locally native species upon completion of work in those areas. In native habitats where construction is ongoing, hydroseeding shall occur where no construction activities have occurred within six weeks since ground disturbing activities ceased. If exotic species invade these areas prior to hydroseeding, weed removal shall occur in consultation with a qualified biologist.

BIO-8 **Jurisdictional Delineation**. If projects implemented under the Master Plan occur within or adjacent to wetland, drainages, riparian habitats, or other areas that may fall under the jurisdiction of the CDFW, USACE, and/or RWQCB, a qualified biologist shall complete a jurisdictional delineation prior to project construction. The jurisdictional delineation shall determine the extent of the jurisdiction for each of these agencies and shall be conducted in accordance with the requirement set forth by each agency. The result shall be a preliminary jurisdictional delineation report that shall be submitted to the Town, USACE, RWQCB, and CDFW, as appropriate, for review and approval. If jurisdictional areas are expected to be impacted, then the RWQCB would require a Waste Discharge Requirements (WDR) permit

and/or Section 401 Water Quality Certification (depending upon whether or not the feature falls under federal jurisdiction) pursuant to the Porter-Cologne Act and/or the Clean Water act, respectively. A WDR permit would require regulation of discharge from the project site and a Section 401 Water Quality Certification ensures compliance with water quality standards through EPA review of impacts to aquatic resources. If CDFW asserts its jurisdictional authority, then a Streambed Alteration Agreement pursuant to Section 1600 et seq. of the California Fish and Game Code would also be required prior to construction within the areas of CDFW jurisdiction. A Streambed Alteration Agreement includes measures necessary to protect existing fish and wildlife resources. If the USACE asserts its authority, then a permit pursuant to Section 404 of the Clean Water Act would likely be required. A Section 404 permit ensures that the nation's waters would not be significantly degraded, requires steps to avoid impacts to wetlands, streams, and other aquatic resources, and requires compensation for all unavoidable impacts.

BIO-9 **Wetland Habitat Restored.** Prior to project completion, impacts to jurisdictional wetland and riparian habitat shall be mitigated at a minimum ratio of 2:1 (acres of habitat restored to acres impacted), and shall occur on-site or as close to the impacted habitat as possible. Compensation may consist of on-site restoration/creation, off-site restoration, preservation, or mitigation credits (or a combination of these elements). The Town shall develop and implement a restoration and monitoring plan that describes how the habitat shall be created and for no less than five years after construction, or until the permitting authority (e.g., CDFW or USACE) has determined that restoration has been successful.

BIO-10 **Wildlife Movement Design Measures.** Prior to design approval of individual projects that contain movement habitat, the Town shall incorporate economically viable design measures, as applicable and necessary, to allow wildlife or fish to move through any project area, and allow breeding (in particular, aquatic breeding of fish and amphibians) during construction activities and post-construction. Design measures shall be developed on a project-by-project basis and reviewed by a qualified biologist and appropriate regulatory agencies (i.e., USFWS, NMFS, CDFW) to ensure their efficacy. Such measures may include appropriately spaced breaks in a center barrier, or other measures that are designed to allow wildlife to move through the project corridor. If the project cannot be designed with these design measures (e.g., due to traffic safety) the Town shall coordinate with the appropriate regulatory agency to obtain regulatory permits (if required) and implement alternative project-specific mitigation prior to any construction activities. Mitigation may include one or more of the following options:

- Wildlife-friendly fencing design
- Lighting designs to minimize disturbance to wildlife
- Wildlife crossings
- Restoration within wildlife movement corridor areas
- Limits on work allowed within aquatic features during spawning (fish) or breeding (amphibian) season
- Protection of known spawning and amphibian breeding areas

CR-1 **Historical Resources Evaluation.** Prior to approval of improvement projects included in the Master Plan, a historical resources assessment shall be performed by an architectural historian or historian who meets the National Park Service Professional Qualification Standards (PQS) in architectural history or history. The qualified architectural historian or historian shall conduct a reconnaissance-level and/or intensive-level survey in accordance with the California Office of

Historic Preservation guidelines to identify any previously unrecorded potential historical resources that may be potentially affected by the proposed project.

CR-2 **Department of the Interior Standards.** If an improvement project associated with the Master Plan is proposed that requires the relocation, rehabilitation, or alteration of a historical resource, the Secretary of the Interior's Standards for the Treatments of Historic Properties (Standards) shall be used to the maximum extent possible to ensure that the project does not impair the resource's significance. The application of the Standards shall be overseen by a qualified architectural historian or historic architect meeting the Professionally Qualified Staff (PQS). In conjunction with any development project that may affect the historical resource, the Town shall commission a report identifying and specifying the treatment of character-defining features and construction activities. If significant historical resources are identified within a project site and compliance with the Standards and or avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. Mitigation measures may include Historic American Building Survey (HABS), Historic American Engineering Record (HAER), or Historic American Landscape Survey (HALS) level of documentation of the structures, detailed photographs of the structures, additional archival research on the history affected properties, preparation of scholarly work, and/or interpretive materials for public consumption.

CR-3 **Archaeological Resources Assessments.** Prior to approval of an improvement project associated with the Master Plan, an archaeological resources assessment shall be performed under the supervision of an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in either prehistoric or historic archaeology. Assessments shall include a CHRIS records search at the NWIC and of the Sacred Lands File Search maintained by the NAHC. The records searches shall characterize the results of previous cultural resource surveys, and disclose any cultural resources that have been recorded and/or evaluated in and around the project site. A Phase I pedestrian survey shall be undertaken in proposed project areas that are undeveloped to locate any surface cultural materials. By performing a records search, consultation with the NAHC, and a Phase I survey, a qualified archaeologist shall be able to classify the project area as having high, medium, or low sensitivity for archaeological resources. If the Phase I archaeological survey identifies resources that may be affected by the project, the archaeological resources assessment shall also include Phase II testing and evaluation. If resources are determined significant or unique through Phase II testing and site avoidance is not possible, appropriate site-specific mitigation measures shall be identified in the Phase II evaluation. These measures may include, but would not be limited to, a Phase III data recovery program, avoidance, or other appropriate actions to be determined by a qualified archaeologist. If significant archaeological resources cannot be avoided, impacts may be reduced to less than significant by filling on top of the sites rather than cutting into the cultural deposits. Alternatively and/or in addition, a data collection program may be warranted, including mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit to characterize the nature of the buried portions of sites. Curation of the excavated artifacts or samples would occur as specified by the archaeologist

CR-4a Retain a Qualified Paleontologist. Prior to initial ground disturbance, the Town shall retain a project paleontologist, defined as a paleontologist who meets the SVP standards for Qualified Professional Paleontologist, to direct all activities during construction to identify and protect unknown paleontological resources. A qualified paleontologist (Principal Paleontologist) is defined by the SVP standards as an individual with an M.S. or Ph.D. in paleontology or geology who is 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 one year.

CR-4b **Paleontological Resource Identification and Protection Program.** Prior to construction activity, the qualified paleontologist shall prepare a Paleontological Resource Identification and Protection Program to be implemented during ground disturbance activity for the proposed project. This program shall outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training; paleontological monitoring extent and duration; identification, salvage and preparation of fossils; preparation of a final report; and paleontological staff qualifications.

CR-4c **Paleontological WEAP.** Prior to the start of construction, the project 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 the qualified paleontologist shall attend. In the event of a fossil discovery by construction personnel, all work in the immediate vicinity of the find shall cease and the qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If it is determined that the fossil(s) is (are) scientifically significant, the qualified paleontologist shall complete Mitigation Measure CR-4d to mitigate impacts to significant fossil resources.

CR-4d **Paleontological Monitoring and Salvage.** Ground disturbing construction activities (including grading, trenching, foundation work and other excavations) exceeding 2-3 feet in depth in undisturbed areas mapped as high paleontological sensitivity shall be monitored on a full-time basis by a qualified paleontological monitor during initial ground disturbance. The Paleontological Resource Identification and Protection Program shall be supervised by the project paleontologist. 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. The duration and timing of the monitoring shall be determined by the project paleontologist. If the project paleontologist determines that full-time monitoring is no longer warranted, he or she may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring shall be reinstated if any new or unforeseen deeper ground disturbances are required and reduction or suspension would need to be reconsidered by the Supervising Paleontologist. Ground disturbing activity that does not exceed 2-3 feet in undisturbed sediments would not require paleontological monitoring.

If fossils are discovered, the project paleontologist or paleontological monitor shall recover them. 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 shall 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.

Once salvaged, significant fossils shall 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 project paleontologist.

Upon completion of ground disturbing activity (and curation of fossils, if necessary), the qualified paleontologist shall prepare a final report to be submitted to the Town outlining the results of the Resource Identification and Protection Program. The report shall 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. Should any fossils require curation, the final report shall be sent to the curation facility.

GEO-1 **Geotechnical Study and Hazard Mitigation**. A site-specific, design level geotechnical investigation for all projects listed in the Master Plan that involve construction of new habitable structures shall be required prior to project approval. Each investigation shall include an analysis of expected ground motions at the site from known active faults and liquefaction areas and identify hazardous conditions. The expected ground motions shall be used to develop foundation type (i.e., slab-on-grade, reinforced mat foundation, deep foundation system, etc.), soil preparation (i.e., need for imported fill, compaction requirements, etc.), and associated improvements such as utility connections and paved surfaces (i.e., access roads, sidewalks, etc.), and shall meet or exceed geotechnical standard practices and the California Building Code. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements, or any combination of these measures. The investigations shall be reviewed and approved by the Town engineer. All recommendations by the project engineer and geotechnical engineer shall be included in the final project design and shall include mitigations for seismic hazards and soils hazards, such as expansive soils. Recommendations that are applicable to foundation design, earthwork, and site preparation that are prepared prior to or during the project design phase shall be consistent with the most recent version of the California Building Code.

HAZ-1 **Construction Control Measures**. The Town shall require construction contractors to implement standard California Stormwater Quality Association prevention and control measures as part of construction BMPs. These shall include but not be limited to the following:

- Follow manufacturer's recommendations on use, storage, and disposal of chemical products used in construction
- Avoid overtopping construction equipment fuel gas tanks
- Properly dispose of discarded containers of fuels and other chemicals
- During routine maintenance of construction equipment, properly contain and remove grease and oils

HAZ-2 **Measures for Soils with Notable Odor or Staining.** In the event that ground disturbing activities encounter subsurface soils with a notable odor or staining, the Town shall require the contractor to cease all earthwork activities during project construction and contact Sonoma County Environmental Health for further direction. Work may proceed as guided and directed by the Sonoma County Environmental Health department or otherwise overseeing agency, if applicable, using appropriate health and safety precautions such as personal protective equipment.

HAZ-3 **Hazardous Material Sites Investigation and Remediation**. Prior to construction of any park or recreation improvement that requires ground disturbance, the Town shall consult lists of hazardous material sites maintained by the California Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB). Where a proposed improvement is located near an identified site, a 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. 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.

N-1 **Construction Noise Measures.** All projects listed in the Master Plan that involve physical construction activity shall comply with the following noise reduction measures.

1. Properly muffle and maintain all construction equipment powered by internal combustion engines.
2. Prohibit unnecessary idling of combustion engines.

3. Locate all stationary noise-generating construction equipment such as air compressors as far as practical from existing nearby residences and other noise sensitive land uses. Such equipment shall also be acoustically shielded.
4. Select quiet construction equipment, particularly air compressors, whenever possible. Fit motorized equipment with proper mufflers in good working order.
5. Residences adjacent to project sites shall be notified in advance by writing of the proposed construction schedule before construction activities commence.

A "noise disturbance coordinator" responsible for responding to any local complaints about construction noise shall be designated. The disturbance coordinator shall determine the cause of any noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator shall be posted at the construction site

N-2 **Athletic Field Noise Analysis and Mitigation.** The Town of Windsor shall complete a detailed assessment of on-site operational noise impacts for any project listed in the Master Plan that would involve the installation of at least one athletic field adjacent to residences or other noise-sensitive land uses, during individual environmental review of such projects. The noise assessment shall involve measurement of existing ambient noise levels at the nearest residential property lines during anticipated hours of athletic field use and estimation of noise levels during events at the athletic field. If athletic activity is projected to cause an exceedance of the Town's Noise and Land Use Compatibility Guidelines, the noise assessment shall recommend feasible mitigation measures to reduce noise to acceptable levels, including but not limited to the following options:

- Adjusting the proposed location of athletic fields
- Limiting the hours of field use
- Physically buffering noise at property lines
- Installing noise barriers

The Town shall implement mitigation measures recommended in the noise assessment.

N-3 **Traffic Noise Analysis and Mitigation.** The Town of Windsor shall complete a detailed noise assessment using applicable guidelines (e.g., the criteria for increases in noise exposure per Figure 3-2 in the Federal Transit Administration's May 2006 *Noise and Vibration Impact Assessment*) for any project listed in the Master Plan that would involve the creation of a new park or intensification of use at existing recreational facilities, during individual environmental review of such projects. The noise assessment shall estimate existing and projected traffic noise levels to which sensitive receptors are exposed along nearby road segments and determine the amount of attenuation needed to reduce potential noise levels to applicable State and local standards. The Town shall implement mitigation measures recommended in the noise assessment. Such measures could include setbacks, noise barriers or other noise attenuation measures based on project- and/or site-specific conditions.

T-1 Prior to beginning construction at Keiser Park for the Community Center and Aquatics Center, one of the following traffic improvements shall be installed to reduce traffic at the Windsor River Road/Oak Park Street intersection:

Option A: *Install a mini-roundabout*. Mini-roundabouts operate similarly to conventional roundabouts, but are smaller in size and have a central island that is fully-mountable. Where space is limited on one or more approaches, or where there are adjacent low-volume driveways where full access needs to be preserved, mini-roundabouts may also use a painted (versus raised) splitter island. They are appropriate in locations with speed limits of 35 mph or less, and where satisfactory operation can be achieved. At the Windsor River Road/Oak Park Street

intersection, a roundabout with approximately 50- to 60-foot diameter could be constructed within the available right-of-way. The intersection with a mini-roundabout would operate acceptably at LOS A under all scenarios.

Option B: *Install a traffic signal*. Installation of a two-phase traffic signal at the intersection could be implemented within the available right-of-way and potentially with no modifications to existing curbs. The intersection with a signal would operate acceptably at LOS A under all scenarios.

TCR-1 Add the following policy to the Master Plan:

Comply with existing regulations relating to Native American resources, including California Environmental Quality Act Section 15064.5(d) and (e), Public Resources Code §21074 defining tribal cultural resources, and Public Resources Code §5097.98 concerning burial grounds, and Assembly Bill 52 for consultation with Native American tribes for development projects carried out within the Master Plan Update area.

TCR-2 In the event that archaeological resources of Native American origin are identified during the implementation of Mitigation Measures CR-1 and CR-3, the qualified archaeologist performing the cultural resources study will consult with the project proponent and the Town to begin or continue Native American consultation procedures. If, as a result of the consultation, the Town determines that the resource is a tribal cultural resource, additional measures to avoid or reduce impacts to the resource may be required.

The following mitigation measures from the 2008 Keiser Park EIR have been modified and incorporated into the proposed project:

A-1 The project shall incorporate the following measures into all construction contracts and ensure their implementation:

- Main construction staging areas and the storage of large equipment shall occur in the interior of the project site, away from adjacent residents and roads (Windsor River Road and Jaguar Way at Keiser Park).
- Construction staging areas shall be on-site and remain clear of all trash, weeds, and debris etc.
- Construction staging areas shall be located away from adjacent residents to minimize visibility from public view to the extent feasible

A-4a Cut off fixtures shall be required on all night lighting the Community Center, Aquatics Center, and Keiser Park Fields B and C to substantially reduce light and glare.

A-4b For the Keiser Park Fields B and C, a shade cloth shall be installed on the existing 30-foot fence on the northwest boundary of Keiser Park (adjacent to the soccer field) to minimize light and glare spill on adjacent residential properties.

A-4c A lighting plan shall be prepared for Keiser Park Fields B and C that illustrates placement of exterior lighting and presents photometric results demonstrating that no more than one vertical foot candle of light spill occurs outside the park boundary on residential property. In the event that the light plan shows that off-site light spillage occurs, additional measures shall be taken to eliminate that light spill over (i.e., lowering or movement of light poles, reduced wattage, or additional cut-off fixtures). The lighting plan shall be submitted, reviewed, and approved by the Town prior to approval and installation of lighting onsite.

B-1 **Construction Emissions Measures.** All projects listed in the Master Plan that involve construction activities shall comply with the following mitigation measures during project construction to reduce air quality impacts to a less than significant level.

During construction activities:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. 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.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

C-1a **Wetland Delineation.** A Corps-verified wetland delineation and jurisdictional determination of the parcel shall be completed before the start of any earthmoving or grading activities within or adjacent to potential jurisdictional wetlands and drainages. If the Corps determines that areas on the project site are jurisdictional, all work proposed in these areas shall be authorized by permits from the Corps. All applicable permits (e.g., Section 404 permit, Section 1600 permit, and WDR permit) from the CDFW and RWQCB also shall be obtained before construction begins in areas under the jurisdiction of these agencies. The permitting agencies would need to be contacted by the owner in the event of any significant deviation from permitting conditions.

If the USACOE determines that the seasonal wetlands near the Community Center and Aquatics Center sites are protected by Section 404 of the CWA, the Community Center and Aquatics Center shall qualify as permitted projects under the recent programmatic biological opinion (USFWS 2007). The Corps shall then enter into consultation with USFWS in order to appropriately address the federally listed species in the Corps wetland permit. This action would effectively append the Keiser Park project to the biological opinion.

C-1b **Wetland Avoidance and Minimization.** To the extent feasible, final project design shall avoid and minimize effects to wetlands and other waters. Areas that are avoided shall be protected from construction activities through implementation of Best Management Practices (BMP), as described in Mitigation Measure C-1d below.

C-1c **Compensatory Mitigation of Permanent Impacts.** Temporary impacts to waters of the U.S. from project construction shall be mitigated by the implementation of measures listed below. Construction within jurisdictional features would require permit approval from the Corps for fill in wetlands and other waters of the U.S. pursuant to Section 404 of the Clean Water Act. Water quality certification from the RWQCB shall also be required pursuant to Section 401 of the CWA.

Terms and conditions of the permits shall include measures to protect and maintain water quality, restoration of work sites, and mitigation to offset permanent and temporary wetland impacts.

To offset the permanent impacts to wetlands and other waters of the U.S. that shall be impacted as a result of the Community Center and Aquatics Center, compensatory mitigation is listed below, but is subject to change by permit requirements. Mitigation would be provided through the following mechanisms.

- Land purchase or dedication can be achieved by purchasing credits equal to project mitigation ratios of 2:1 (acres of habitat restored to acres impacted) from a mitigation or preservation bank located within the Windsor Plant Conservation Area (Conservation Strategy Team 2005). Examples of appropriate mitigation banks are: Wikiup Mitigation Bank, Desmond Mitigation Bank, or Hazel Mitigation Bank.

- Mitigation or preservation banks that are USFWS or CDFW approved typically have approved management plans in place to conserve and monitor sensitive plant populations, wetlands, and suitable habitat. However, if mitigation credits are purchased at a bank, the existing management and monitoring plan shall need to be approved for the Keiser Park mitigation by USFWS and CDFW prior to the purchase of the credits. The project sponsor is also responsible not only for the purchase of credits, but for providing an endowment for the continued management and monitoring of the wetlands and sensitive species habitat.

- Alternatively, wetlands can be mitigated onsite or offsite by creating wetlands and sensitive species habitat. Enclosure 3 of the programmatic biological opinion (USFWS 2007) gives preserve establishment and evaluation criteria, all of which would apply to mitigated or created wetlands. Offsite mitigation should be located within the Windsor Plant Conservation Area (Conservation Strategy Team 2005). This land shall be subject to the appropriate mitigation ratios and is required to be under a conservation easement or other condition that protects the land from modification or development in perpetuity. The project sponsor is responsible for providing an endowment for the continued management and monitoring of the wetlands and sensitive species habitat, and for the preservation of the habitat in perpetuity. A wetland mitigation and monitoring plan shall need to be provided by the project proponent and approved by the permitting agencies for wetland mitigation sites.

- A Wetland Mitigation and Monitoring Plan (WMMP) shall be developed that shall outline mitigation and monitoring obligations for temporary and permanent impacts to wetlands and other waters as a result of construction activities and development. Mitigation monitoring shall be carried out for a minimum of five years, or as specified in the permits. At a minimum, the WMMP shall include the following:
  1. Success criteria, monitoring and reporting requirements, and site specific plans to compensate for wetland losses resulting from the project, including target plan population composition (if special status plants are being mitigated).
  2. A summary of past survey results identifying the extent of the wetlands, plan species composition, and hydrology.
  3. Monitoring methods.
  4. An adaptive management plan to address potential mitigation deficiencies.
  5. Annual report which gives the status of the mitigation, an assessment with respect to the success criteria and contains copies of all monitoring data sheets.

- The WMMP shall be submitted to the appropriate regulatory agencies for approval.

C-1d **Implement Best Management Practices.** To the extent feasible, final project design shall avoid and minimize effects to wetlands and other waters. Areas that are avoided shall be protected from construction activities through implementation

C-2a **Plant Survey.** Prior to project construction plant surveys shall be carried out at Keiser Park for the Community Center and Aquatics Center project sites by a qualified botanist with knowledge of the local flora and experience conducting rare plant surveys, according to the requirements in the U.S. Fish and Wildlife *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain* (Guidelines). These guidelines require that:

- Surveys be conducted for two years (to establish a negative finding), or one year (if presence of listed species is identified during the first year of surveys), with a minimum of three site visits each year. Each site visit shall correspond to a period when appropriate identification of one or several of the species is possible.
- Documentation of the biological setting, topography, water depth (of pools exist), and comprehensive species list shall be collected on datasheets during each survey.
- If the target species are found, survey results shall include a map of the population distribution with respect to the proposed project site, an estimate of the degree of impact of the project on the population and potential habitat, and a completed California Native Species Field Survey Form to be submitted to the California Natural Diversity Database.
- A report summarizing the survey findings, and information collected during the surveys shall be submitted to the Town of Windsor within two months of completion of the surveys. Copies of the survey forms and any other notes taken during the survey shall be included in the report. In the event that listed species are found, copies of the report should also be forwarded to CDFW and USFWS.
- If federally listed species are found, informal consultation with CDFW and USFWS shall occur to ensure that the mitigation measures adopted from the 2008 Keiser Park EIR are adequate.
- Additional requirements for the surveys are described in the Guidelines and include protocols such as a minimum of three visits during the growing season, a list of species observed on the project site, and required survey documentation (USFWS n.d.).

C-2b **Avoidance.** If it is determined that sensitive species or sensitive species habitat occurs at either site, the project development plan shall be appropriately redesigned to minimize impacts to these resources. This includes; redesigning the construction footprint with coordination from all parties involved in the project planning, and fencing areas with sensitive species populations or habitat prior to, and during all construction activities.

C-2c **Impact Mitigation.** Mitigation for impacts to the federally listed plant species and/or their habitat are described in the Programmatic Biological Opinion for the U.S. Army Corps of Engineers *Permitted Projects that may Affect California Tiger Salamander and Three Endangered Plant Species on the Santa Rosa Plain, California* (USFWS 2007), and tate the following; If, after two years of botanical surveys, federally listed plant species are not observed on the site, but it is determined that suitable habitat is present, the mitigation for impacts to suitable habitat will be covered by Mitigation Measure C-1c, listed under Threshold C Mitigation Measures.

If federally listed plant species are observed on the property, or if development or improvements on the property have the potential to impact known occurrences on adjacent or nearby property, the compensation for "occupied habitat" applies. Mitigation requirements for occupied habitat are listed below, and would replace the mitigation ratios in Measure C-1c (listed under Threshold C Mitigation Measures). All other aspects of Mitigation Measure C-1d

(listed under Threshold C Mitigation Measures) apply to the mitigation of occupied habitat, with the addition of the following requirements.

Burke's goldfields and Sonoma sunshine. 3:1 occupied or established habitat (any combination) with success criteria met prior to groundbreaking at the project site.

Sebastopol meadowfoam. 2:1 occupied or established habitat (any combination) with success criteria met prior to ground breaking at the project site.

Furthermore, the PBO states that the following requirements shall be met prior to any ground disturbance, if the habitat is established as "occupied." (USFWS 2007).

"Ground disturbance at the project site may begin when both of the following criteria are deemed completed by the Service and CDFW:

1. Seed/soil collection and salvage at the project site has been completed at sites that have been determined by the USFWS and CDFW as being occupied by one or more of the listed plants;
2. The applicant has completed one of the following: a.) purchased appropriated plant credits at a Service and CDFG approved bank; or b.) conserved occupied and established plant habitat at a location and number of acres approved by the USFWS and CDFW. The conserved land shall also have a USFWS and CDFW-approved management plan and non-wasting endowment fund. Mitigation sites proposed under option b will be evaluated on a case by case basis."

C-2d **Plant Surveys.** Prior to project construction conduct focused plant surveys according to the CNPS Botanical Survey Guidelines, (CNPS 2001) for rare plant surveys, to determine presence or absence of sensitive plant species at the Community Center and Aquatics Center project sites. The surveys shall be conducted during the flowering season of the sensitive plant species, by a qualified botanist with experience and knowledge of the flora of the Santa Rosa Plain. A report of the findings shall be submitted to the appropriate agencies within two months of completion of the surveys and shall include; a comprehensive species list, a description of habitat characteristics, copies of the survey forms and any notes taken during the survey, date of the survey, and names of the surveyors.

If sensitive, federally listed species are located during the surveys, Mitigation Measure C-2c shall be implemented. Additionally, impacts to sensitive species populations shall be mitigated either onsite or offsite. Mitigation Measure C-1c (listed under Threshold C Mitigation Measures) sufficiently covers the mitigation requirement for sensitive species that are permanently impacted by the development of the Community Center and Aquatics Center, with the following modifications:

- Mitigation for permanently impacted habitat of sensitive species where presence of sensitive plan species has been identified will be 2 units of preserved land to 1 unit of impact land (or 2:1).

C-3a **Tree Inventory.** A complete updated tree inventory of the property to be developed or improved should be completed prior to finalization of the development plans.

C-3b **Avoidance.** To the greatest extent possible, protected tree removal shall be avoided during project construction.

C-3c **Tree Protection and Preservation Plan.** A Tree Protection and Preservation Plan shall be prepared according to the guidelines for plan content found in section 2.20 of the "Tree Technical Manual" prior to project construction. The Town of Windsor shall comply with the

requirements of tree removal permits typically required by private project sponsors for the removal of all protected trees.

C-3d **Tree Replacement.** Protected trees that are removed shall be replaced according to the requirements in Section 27.36.061 of the Town's Zoning Ordinance-*Tree Preservation and Protection*, or as specifically directed by the Town in response to the Tree Protection and Preservation Plan, or tree removal permits prior to project operation. A minimum replacement ratio of 2:1 trees replaced to trees removed shall be required.

C-3e **Implement Best Management Practices.** Best Management Practices shall be required during project construction to reduce impacts to valley oaks and other Heritage Trees. The trees that shall be avoided and protected during construction include any protected tree that has a diameter 6-inches or greater as measured 4.5 feet above the ground.

BMPs should be included in the plans and specifications for the project. These BMPs should be reviewed in pre-construction meetings with the Town of Windsor staff, the Town's contractor, and qualified biologists and should, at a minimum, include the following provisions:

- Construction drawings shall accurately locate areas to be avoided such as tree trunks and root protection zones.
- Prior to construction, the tree protection zone of sensitive trees shall be fenced using wire mesh fencing.
- Construction staging areas shall be designed on plans and prohibit parking, loading, digging (especially trenching), and grading during all construction activities within the tree protection zones of all trees.
- A pre-construction meeting conference shall be held with contractors to review BMPs and require bonding and fines to ensure the replacement of any inadvertently damaged trees.
- Existing grade shall be maintained within the fenced portion of the dripline. Any change in grade within the fencing can only proceed with written directions from the Town's arborist. The arborist shall provide an appropriate methodology for accomplishing the change in grade within the fence, without changing the grade within the dripline.
- If pruning is necessary, pruning should be done to clean and raise canopy per International Society of Arboriculture pruning standards.
- A certified arborist shall be consulted during design to accurately locate root protection zones and identify other specific measures that would limit potential indirect impacts on trees that may be encroached upon.
- A drainage plan shall be designed that will avoid oak trees to be preserved.
- Additional construction activities within the Tree Protection Zone, including tunneling, trenching, excavating, and root cutting, shall be carried out according to the requirements in the "Town of Windsor Tree Technical Manual" sections 4.0-4.5

C-5a **Avoidance.** To the extent feasible, tree removal and grading activities shall avoid the active nesting and breeding season (from March 1 through August 15) to avoid impacts to nesting birds and raptors. If seasonal avoidance is not feasible, then Mitigation Measure C-5b shall be implemented to minimize impacts to nesting birds and raptors.

C-5b **Pre-Construction Surveys.** Prior to any potential nest-disturbing activities during the period from March 1 through August 15, the Town shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall be conducted no more than three days prior to the start of work activities and shall cover all affected areas including a 500-foot buffer area around the active project area and staging areas where substantial ground disturbance or vegetation clearing is required.

- Additional pre-construction surveys shall be conducted for each new phase of project implementation that occurs during the nesting season, no more than three days prior to construction (e.g., prior to tree removal, and again prior to major grading).
- If any active nests are found, an appropriate nest buffer area shall be established. The following guidelines for protection zones shall be used: For passerine birds, a 50 -1OO-foot protection zone shall be established around active nests; for raptors, a 300-foot protection zone and for golden eagles a 500-foot protection zone shall be established around active nests. These protection zones may be modified on a site-specific basis as determined by the qualified biologist or in coordination with CDFW.
- Active nests within the project area shall be monitored for signs of disturbance. If the qualified biologist determines that a disturbance is occurring, construction shall be halted, and CDFW shall be contacted to determine the need for additional protection measures.

C-6 **Avoidance and Minimization.** Prior to project construction protection measures to avoid and minimize impacts to special-status bat species during project construction shall be implemented. Concurrent with breeding bird surveys (Mitigation Measure C-5) a qualified biologist shall conduct preconstruction surveys for special-status bats within suitable open structures and large trees (greater than 24 inch at diameter breast height) on the Keiser Park site. If special-status bat species are identified on-site, the biologist shall evaluate whether breeding adults or juveniles are present. If present, a suitably sized buffer (e.g., 100 to 150 feet) shall be placed around the roost if grading, tree removal, or other project construction activities may cause abandonment.

C-7a Work in or near active waterways shall occur only during the summer low-flow period (June 1 through October 15). Litter and construction debris shall be removed from the creek channel and flood plain and disposed of at an appropriate site.

C-4a **Riparian Setback.** Development adjacent to the unnamed tributaries to Starr Creek on the Keiser Park property shall conform to the 50-foot setback requirement given in the Sonoma County General Plan (Objective OS-5c), or to the edge of the riparian corridor, which extends out from the creek to the dripline of riparian trees.

C-4b **Impact Mitigation.** Mitigation ratios for native vegetation and wildlife habitat (other than trees) removed as a result of construction activities and development shall be 2:1, unless otherwise stipulated by the permitting agency. This applies to impacts to riparian vegetation within the 50-foot riparian conservation corridor that cannot be mitigated by other means. Mitigation for the removal or destruction of riparian vegetation shall take place on site in the riparian corridor, and shall consist of riparian restoration and riparian enhancement plantings. Exotic plant species removed shall be replaced with locally and ecologically appropriate native plant species.

I-2 Prior to modifying Jaguar Way to provide through access to Keiser Park, the Town shall install a solid wood fence along the northern edge of Jaguar Way that is between six and eight feet in height in order to block the line of sight between residences and traffic along Jaguar Way.

J-1 The Town shall require a Safety and Accident Prevention Program to be prepared and implemented prior to operating any new aquatic facilities. The Program shall include, but shall not be limited to, a requirement that certified lifeguards and defibrillators be present at the Aquatics Center during operating hours. Security personnel and emergency service providers shall be included in the safety program as needed.

J-2 The Town shall require that a Standard Procedures Manual be prepared and implemented prior to operating any new aquatic facilities or organizing any large-scale events within the Community Center. The Manual shall include a requirement for additional emergency services personnel to be present at the site during large-scale events. The number of emergency services personnel required at such events shall be decided in consultation with the Windsor Police

Department, but would generally be exponentially proportional to the number of event attendees anticipated.

L-1 As feasible and applicable, the Town shall implement the following water efficient equipment and devices into the design and new park facilities and project plans: low-, ultralow, and dual flush flow toilets and showerheads; water efficient irrigation systems that include drip irrigation and efficient sprinkler heads; evapotranspiration (ET) irrigation controllers; and drought-resistant and native plants for landscaping. In addition, irrigation sprinklers shall be checked for broken heads or clogged nozzles and repaired immediately and watering of landscaped areas shall be avoided or limited on windy days or during the hottest part of the day.

Signature (Management Analyst)	*Title*	*Date*

Adopted by Town Council, Attested by Town Manager *(signed after MND has been approved)*	*Title*	*Date*

WE, THE UNDERSIGNED, HEREBY ATTEST THAT WE HAVE REVIEWED THE INITIAL STUDY AND DRAFT MITIGATED NEGATIVE DECLARATION FOR THE PROJECT DESCRIBED ABOVE AND AGREE TO IMPLEMENT ALL MITIGATION MEASURES CONTAINED THEREIN.

Signature (Parks and Recreation Director)	*Printed Name*	*Date*