1. CALRECYCLE CEQA FINDINGS FOR THE WARING'S DUMP SOIL CAP PROJECT

1.1 Proposed Project Description

The project site is located in the south portion of the city of Sacramento, California, on 5.04 acres of privately held property.

The proposed project would result in grading and compaction of the existing hummocky terrain and the importation of select fill soils for placement as a compacted soil cap over the existing waste footprint. Preliminary surface grading and compaction would be conducted to stabilize the project site into a uniform surface, graded to drain stormwater off the waste mound. No debris or soil is intended to be exported offsite. However, if there are some bulky items, such as car bodies, drums or refrigerators, etc., unearthed that cannot be graded, they would be removed and either recycled or disposed of at a proper disposal site. Approximately 8,370 cubic yards (CY) of clean, imported soil and 17,400 square yards (sq yd) of erosion control seed mix would be required to provide a 15-inch thick select-soil cap and vegetation. An erosion control mat and hydroseed mix would be then placed/applied to the compacted soil cap. To avoid impact to existing or future fence or levee, all earthworks would be conducted outside the creek right-of-way, and storm water would be retained on-site during most rain events. Except for a culvert beneath the existing access driveway, no structures are proposed for this proposed project.

The proposed project would substantially improve existing drainage patterns onsite by diverting stormwater off the soil-capped mound and into a perimeter trapezoidal bioswale.

1.2 Project Findings

In compliance with CEQA Guidelines (Title 14 California Code of Regulations, Chapter 3, Section 15091), the potentially significant impacts below have been identified for the Waring's Dump Soil Cap Project. The proposed project would not result in significant and unavoidable impacts, and impacts that were found not to be significant are not included. The findings listed below are based on the Final Environmental Impact Report (EIR) prepared for the project. The Mitigation Measures referred to in the findings below are outlined in their entirety in the attached Mitigation Monitoring and Reporting Program (MMRP).

1.2.1 Biological Resources

Impact 4.2-1: Proposed project activities may have a substantial adverse effect, either directly or through habitat modifications, on special-status wildlife species.

Finding: Mitigation Measures 4.2-1a and 4.2-1b have been identified and incorporated into the project, which lessen the potential impact to a less-than-significant level as discussed in the EIR.

Statement of Fact: CalRecycle will ensure that a qualified biologist conducts a preconstruction survey for burrowing owls as outlined in the mitigation measure.

In the event construction is scheduled for the bird nesting period, February 15 through August 31, CalRecycle will ensure that a qualified biologist conducts a nesting bird survey before construction activities. If one or more active nests are located, protective actions as outlined in the mitigation measure will be implemented.

Impact 4.2-4: The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Finding: Mitigation Measure 4.2-4 has been identified and incorporated into project, which lessens the potential impact to a less-than-significant level as discussed in the EIR.

Statement of Fact: CalRecycle will ensure that a tree removal and replacement plan is prepared and submitted to the City of Sacramento before construction activities commence.

1.2.2 Cultural Resources

Impact 4.3-2: Implementation of the proposed project could cause a substantial adverse change in the significance of an as-yet undiscovered/unrecorded historical resource or unique archaeological resource.

Finding: Mitigation Measure 4.3-2 has been identified and incorporated into the project, which lessens the potential impact to a less-than-significant level as discussed in the EIR.

Statement of Fact: CalRecycle will ensure that any previously undiscovered resources unearthed will be recorded and evaluated for significance by a qualified archaeologist in accordance with the mitigation measure.

Impact 4.3-3: Implementation of the proposed project could cause a substantial adverse change in the significance of an as-yet undiscovered/unrecorded paleontological resource or unique archaeological resource.

Finding: Mitigation Measure 4.3-3 has been identified and incorporated into the project, which lessens the potential impact to a less-than-significant level as discussed in the EIR.

Statement of Fact: CalRecycle will ensure that if plant or animal fossils are discovered during construction activities, the significance of the find shall be determined by a qualified Paleontologist as specified in the mitigation measure.

Impact 4.3-4: Implementation of the proposed project may cause disturbance to human remains, including those interred outside of formal cemeteries.

Finding: Mitigation Measure 4.3-4 has been identified and incorporated into the project, which lessens the potential impact to a less-than-significant level as discussed in the EIR.

Statement of Fact: CalRecyle will ensure that if human remains are encountered during construction activities, CalRecycle or its contractor(s) shall proceed as specified in the mitigation measure.

1.2.3 Hydrology and Water Quality

Impact 4.5-1: Construction activities associated with the proposed project have the potential to degrade water quality due to the release of sediments and contaminants.

Finding: Mitigation Measure 4.5-1 has been identified and incorporated into the project, which lessens the potential impact to a less-than-significant level as discussed in the EIR.

Statement of Fact: CalRecycle or its contractor(s) will prepare a SWPPP and submit an NOI to the Central Valley Regional Water Quality Control Board (CCRWQCB), if determined to be applicable in consultation with the CCRWQCB. If the NOI and SWPPP are not applicable, CalRecycle will implement standard erosion control and water pollution control best management practices during construction, as specified in the Mitigation Measure. CalRecycle will ensure that the construction contractor implements the SWPPP or construction best management practices throughout construction by monitoring construction activities on a regular basis.

1.2.4 Noise

Impact 4.6-1: The construction of the proposed project would not expose persons to or generate noise levels in excess of local standards, or create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Finding: Mitigation Measure 4.6-1 has been identified and incorporated into the project, which lessens the potential impact to a less-than-significant level as discussed in the EIR.

Statement of Fact: CalRecycle will ensure that noise suppression and reduction methods to be implemented during construction are approved by the City of Sacramento. CalRecycle or its contractor(s) will ensure that all noise suppression and noise reduction methods are implemented during construction activities. CalRecycle or its contractor(s) will notify neighbors of the construction schedule and will post a City-approved sign on the project site that is legible at a distance of 25 ft.

1.2.5 Transportation/Traffic

Impact 4.7-1: The proposed project would conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, or an applicable congestion management program.

Finding: Mitigation Measure 4.7-1 has been identified and incorporated into the project, which lessens the potential impact to a less-than-significant level as discussed in the EIR.

Statement of Fact: CalRecycle or its contractor will prepare a Traffic Control Plan as outlined in the mitigation measure, and have it approved by the City of Sacramento Public Works Department. CalRecycle or its contractor(s) will notify neighbors of the construction schedule, duration of construction, name and daytime telephone number of the person performing the work and the CalRecycle project manager. CalRecycle will ensure that the construction contractor implements the measures in the Traffic Control Plan throughout the construction period.

1.2.6 Cumulative Impacts

Impact 6-3: The proposed project together with cumulative development, including past, present and future development would not result in significant cultural resources impacts.

Finding: Mitigation Measures 4.3-2, 4.3-3, and 4.3-4 identified and incorporated into the project would lessen the potential cumulative impact to less-than-significant levels as discussed in the EIR.

Statement of Fact: CalRecycle will implement the Mitigation Measures as stated under Impacts 4.3-2, 4.3-3, and 4.3-4, above.

Impact 6-6: The proposed project together with past, present, and future projects could create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Finding: Mitigation Measure 4.6-1 has been identified and incorporated into the project, which lessens the potential impact to a less-than-significant level as discussed in the EIR.

Statement of Fact: CalRecycle will implement Mitigation Measure 4.6-1 as stated under Impact 4.6-1, above.

Impact 6-7: The proposed project together with present and future projects could result in construction traffic impacts.

Finding: Mitigation Measure 4.7-1 has been identified and incorporated into the project, which lessens the potential impact to a less-than-significant level as discussed in the EIR.

Statement of Fact: CalRecycle will implement the Mitigation Measure as stated under Impact 4.7-1, above.

Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Mitigation Timing	Implementation Procedures
Biological Resources			
Mitigation Measure 4.2-1a: Ground clearing or vegetation removal activities shall occur outside of the nesting season (September 1 through February 1), if feasible. However, if ground clearing or vegetation removal activities occur during the nesting season (February 15 through August 31), then pre-construction surveys for nesting birds shall be conducted in all area suitable for nesting that are located within 250 feet of the project area to be impacted. Surveys shall be conducted no more than 15 days prior to the beginning of ground disturbance. If an active nest is located, a 250-foot buffer shall be delineated and maintained around the nest until a qualified biologist has determined that fledging has occurred. Alternatively, CDFW may be consulted to determine if the protective buffer can be reduced based upon individual species responses to disturbance.	CalRecycle Construction contractor(s) Qualified biologist	Before the start of construction activities during the nesting season, no more than 15 days prior to ground disturbance.	CalRecycle and/or their construction contractor shall ensure that a qualified biologist conducts a survey for nesting birds as outlined in Mitigation Measure 4.2-1a, if construction activities are scheduled during the bird nesting period, February 15 through August 31. If an active nest is located, protective actions as outlined in the mitigation measure shall be implemented. If the construction contractor is to be responsible for implementing this measure, CalRecycle shall ensure that the measure is included in construction bid documents and construction contracts. CalRecycle shall also ensure that the construction contractor implements the measure.
Mitigation Measure 4.2-1b: No more than 30 days prior to the beginning of ground disturbance, a pre-construction survey for burrowing owls shall be conducted by a qualified biologist within the areas to be impacted in general accordance with the Burrowing Owl Survey Protocol and Mitigation Guidelines by the California Burrowing Owl Consortium. Should the surveys be scheduled to occur during the period extending from February 1 through May 1, then surveys shall be conducted no more than 15 days prior to the start of ground disturbance. Surveys shall be conducted	CalRecycle Construction contractor(s) Qualified biologist	No more than 30 days prior to the beginning of ground disturbance. Should construction be scheduled to occur during the period extending from February 1 through May 1, then surveys shall be conducted no more than 15 days prior to the start of	CalRecycle and/or their construction contractor shall ensure that a qualified biologist conducts a pre-construction survey for burrowing owls as outlined in Mitigation Measure 4.2-1b. If the construction contractor is to be responsible for implementing this measure, CalRecycle shall ensure that the measure is

Mitigation Measure	Responsible Party	Mitigation Timing	Implementation Procedures
from two hours before sunset to one hour after sunset, or from one hour before sunrise to two hours after sunrise, and shall be conducted during weather conducive to observing owls outside of their burrows. No surveys shall occur during heavy rain, high winds, or dense fog. If occupied burrows are found, mitigation for potential impacts shall follow the guidelines outlined by the Burrowing Owl Survey Protocol and Mitigation Guidelines, including passive relocation.		ground disturbance.	included in construction bid documents and construction contracts. CalRecycle shall also ensure that the construction contractor implements the measure.
Mitigation Measure 4.2-4: For any activities that would remove one or more trees subject to City of Sacramento Ordinance 12.64.040, the applicant shall prepare and submit a tree removal and replacement plan to the City of Sacramento for review and approval including the removal fee which would go towards planting replacement tree(s) in the City.	CalRecycle Construction contractor(s)	Prior to removing any trees on the project site.	CalRecycle and/or its construction contractor shall prepare and submit a tree removal and replacement plan to the City of Sacramento for review and approval. If the construction contractor is to be responsible for implementing this measure, CalRecycle shall ensure that the measure is included in construction bid documents and construction contracts. CalRecycle shall also ensure that the construction contractor implements the measures by preparing the tree removal and replacement plan and obtaining approval from the City.
Cultural Resources			
Mitigation Measure 4.3-2: If potentially significant archaeological resources are encountered during subsurface excavation activities, all construction activities within a 50-foot radius of the resource shall cease until a qualified archaeologist determines whether the resource requires further study. CalRecycle shall require that the applicant include a standard inadvertent	CalRecycle Construction contractor(s) Qualified archaeologist	Construction bid document preparation. Construction contract preparation. Implement during all ground-disturbing	CalRecycle maintains a standard contract with its contractors that include compliance with all applicable laws and regulations. Any previously undiscovered resources unearthed shall be

Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Mitigation Timing	Implementation Procedures
discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be recorded on appropriate Department of Parks and Recreation forms and evaluated for significance in terms of CEQA criteria by a qualified archaeologist. If the resource is determined to be significant under CEQA, CalRecycle and a qualified archaeologist shall determine whether preservation in place is feasible. Such preservation in place is the preferred mitigation. If such preservation is infeasible, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan for the resource. The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive written report and file it with the North Central Information Center, and provide for the permanent curation of the recovered materials.		construction activities.	recorded and evaluated for significance by a qualified archaeologist in accordance with Mitigation Measure 4.3-2. In the event of a find, CalRecycle shall be responsible for ensuring the implementation of Mitigation Measure 4.3-2.
Mitigation Measure 4.3-3: In the event that plant or animal fossils are discovered during subsurface excavation activities for the proposed project, all excavation within 50 feet of the fossil shall cease until a qualified paleontologist has determined the significance of the find and provides recommendations in accordance with Society of Vertebrate Paleontology standards. If the find is determined to be significant and CalRecycle determines that avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with the Society of Vertebrate Paleontology standards. The plan shall be incorporated into the project.	CalRecycle Construction contractor(s) Qualified paleontologist	Construction bid document preparation. Construction contract preparation. During project construction activities, as appropriate.	CalRecycle shall include a standard inadvertent discovery clause in every construction contract. If plant or animal fossils are discovered during construction activities, the significance of the find shall be determined by a qualified Paleontologist as specified in Mitigation Measure 4.3-3. In the event of a find, CalRecycle shall be responsible for ensuring the implementation of Mitigation Measure 4.3-3.
Mitigation Measure 4.3-4: If human remains are encountered, work should halt in the vicinity of the	CalRecycle Construction contractor(s)	Construction bid document	CalRecycle shall include a standard inadvertent discovery

Mitigation Measure	Responsible Party	Mitigation Timing	Implementation Procedures
remains and, as required by law, the Sacramento County Coroner should be notified immediately. If human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of that determination. Pursuant to California Public Resources Code 5097.98, the NAHC, in turn, will immediately contact an individual who is most likely descended from the remains (aka: a Most Likely Descendent, MLD). The MLD has 48 hours to inspect the site and recommend treatment of the remains. CalRecycle is obligated to work with the MLD in good faith to find a respectful resolution to the situation and entertain all reasonable options regarding the descendants' preferences for treatment.		preparation. Construction contract preparation. During project construction activities, as appropriate.	clause in every construction contract. If human remains are encountered during construction activities, CalRecycle or its contractor(s) shall proceed as specified in Mitigation Measure 4.3-4. In the event of a find, CalRecycle shall be responsible for ensuring the implementation of Mitigation Measure 4.3-4.
Hydrology and Water Quality			
Mitigation Measure 4.5-1: If applicable, CalRecycle shall prepare a Notice of Intent (NOI) to be submitted to the Central Valley Regional Water Quality Control Board, which indicates the intent to comply with the Statewide NPDES General Construction Permit (Order No. 2009-0009-DWQ) prior to construction being initiated. Prior to submittal of the NOI, CalRecycle shall prepare a Stormwater Pollution Prevention Plan (SWPPP) to comply with the Statewide NPDES General Construction Permit. The SWPPP shall include but will not be limited to the following elements: • Temporary erosion control measures shall be employed for disturbed areas. • No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months. • Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures. • The construction contractor shall prepare a plan for the	CalRecycle Construction contractor(s)	Prior to the start of construction activities.	CalRecycle or its contractor(s) shall prepare a SWPPP and submit an NOI to the Central Valley Regional Water Quality Control Board (CCRWQCB), if determined to be applicable in consultation with the CCRWQCB. If the NOI and SWPPP are not applicable to the Project, CalRecycle will implement standard erosion control and water pollution control best management practices during construction, as specified in the measure. If the construction contractor is to be responsible for implementing this measure, CalRecycle shall ensure that the measure is included in construction bid documents and construction

Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Mitigation Timing	Implementation Procedures
handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains. • BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the RWQCB to determine adequacy of the measure. • In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season. If the NOI and SWPPP are not applicable to the Project, CalRecycle will implement standard erosion control and water pollution control best management practices during construction. Construction best management practices, will include those activities listed above under the SWPPP and will also include but will not be limited to the following types of measures: scheduling of activities, prohibitions of certain practices, general good housekeeping practices, pollution prevention and education practices, construction procedures, and other management practices to prevent or reduce to the maximum extent practicable the discharge of pollutants directly or indirectly to waters of the United States. Best management practices also include treatment requirements, operating procedures, and practices to control construction site runoff, spillage or leaks, sludge or waste disposal, and drainage from materials storage areas.			contracts. CalRecycle shall also ensure that the construction contractor implements the measures. CalRecycle shall be responsible for ensuring that the construction contractor implements the SWPPP or construction best management practices throughout construction by monitoring construction activities on a regular basis.
Noise			

Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Mitigation Timing	Implementation Procedures
Mitigation Measure 4.6-1: The Construction Contractor shall implement, to the satisfaction of the City of Sacramento and to the greatest extent feasible, the following measures to ensure that, during construction, construction noise would be reduced by the greatest extent feasible when within 100 feet of a residential use or sensitive receptor: • Construction contracts shall specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices. • All construction equipment shall use available noise suppression devices and properly maintained mufflers. All internal combustion engines used in the project area shall be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment shall be maintained in good mechanical condition to minimize noise created by faulty or poorly maintained engine, drive-train, and other components. • Construction noise reduction methods (i.e., shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment) shall be employed where feasible. Staging of construction equipment and unnecessary idling of equipment shall be avoided whenever feasible. "Feasible," as used here, means that the implementation of this measure would not have a notable effect on construction operations or schedule. • Property owners and occupants located within 100 feet of the project construction site shall be sent a notice, at	CalRecycle Construction contractor(s)	Construction bid document preparation. Construction contract preparation. 15 days prior to construction commencement.	CalRecycle shall ensure that construction bid documents and contracts include the measures outlined in the mitigation measure. Noise suppression and reduction methods shall be approved by the City of Sacramento. CalRecycle or its contractor(s) shall ensure that all noise suppression and noise reduction methods are implemented during construction activities. CalRecycle or its contractor(s) shall notify neighbors of the construction schedule. CalRecycle or its contractor(s) shall post a City-approved sign on the project site that is legible at a distance of 25 ft. CalRecycle shall be responsible for ensuring that the construction contractor implements this mitigation measure.

Mitigation Measure	Responsible Party	Mitigation Timing	Implementation Procedures
least 15 days prior to commencement of construction, regarding the construction schedule of the proposed project. A sign, legible at a distance of 25 feet shall also be posted at the project construction site. All notices and signs shall be reviewed and approved by the City, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints. • During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receptors. • During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors.			
Transportation/Traffic			
Mitigation Measure 4.7-1: Prior to the commencement of construction activities, CalRecycle shall prepare a Traffic Control Plan that would need to be approved by the City of Sacramento Public Works Department. The Traffic Control Plan shall include the following: • Construction-related truck traffic shall be scheduled to travel during non-peak hours (8:30 a.m. to 4:00 p.m.) on surrounding roadways. • Proposed routing for all delivery and haul trucks shall be identified. To the extent feasible, truck routing shall avoid or minimize travel through residential areas. • Notification shall be sent to all neighboring property owners two working days in advance of beginning work. The notice shall describe the anticipated duration of construction, and the name and daytime telephone number of the person performing the work,	CalRecycle Construction contractor(s)	Prior to commencement of construction activities. At least 2 days in advance of commencement of construction activities.	CalRecycle or its contractor shall prepare a Traffic Control Plan as outlined in the mitigation measure, and have it approved by the City of Sacramento Public Works Department. CalRecycle or its contractor(s) shall notify neighbors of the construction schedule, duration of construction, name and daytime telephone number of the person performing the work, as well as the CalRecycle project manager. If the construction contractor is to be responsible for implementing this measure, CalRecycle shall ensure that the measure is

Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Mitigation Timing	Implementation Procedures
as well as the CalRecycle project manager.			included in construction bid documents and construction contracts. CalRecycle shall also ensure that the construction contractor implements the measures by preparing the Traffic Control Plan and getting it approved by the City. CalRecycle shall be responsible for ensuring that the construction contractor implements the Traffic Control Plan throughout the construction period.