

**Road and Trail Change-In-Use Evaluation Process
Program Environmental Impact Report**

**Mitigation Monitoring and Reporting Program
SCH No. 2010092023**

Prepared by

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MITIGATION MONITORING AND REPORTING PROGRAM

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the California State Parks (CSP) Road and Trail Change-in-Use Evaluation Process Program Environmental Impact Report (Program EIR). It is prepared for adoption by CSP, pursuant to Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. Section 15097 states that an MMRP must be adopted by the lead agency “when a public agency has made the findings required under paragraph (1) of subdivision (a) of Section 15091 (of the CEQA Guidelines) relative to an EIR or adopted a mitigated negative declaration in conjunction with approving a project. In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.”

BACKGROUND AND ENVIRONMENTAL IMPACT CONCLUSIONS

On October 5, 2012, CSP released for public review the Draft Program EIR for the Process to provide the public and responsible and trustee agencies with information about the potential environmental effects associated with implementation of the Process and to seek their comments on environmental issues. The Final Program EIR was completed in April 2013; it included all public and agency comments along with responses to significant environmental points raised in those comments. CSP has certified the Final Program EIR and approved the proposed Process. The environmental impact analysis in the Program EIR found that implementation of the Process would result in less-than-significant environmental impacts for all but two environmental effects related biological resources. For the two potentially significant impacts, the Program EIR identified mitigation measures capable of reducing these impacts to less-than-significant levels. The mitigation measures were adopted as part of CSP’s approval of the Process.

For the most part, the environmental impacts related to change-in-use projects that qualify for approval under the proposed Process would be less than significant, because of the implementation of Standard Project Requirements (SPRs) as part of the projects, including adaptive use management (AUM). Also, Project Specific Requirements (PSRs) incorporated into the design and implementation of change-in-use projects reviewed under the Process may also help maintain environmental impacts at less-than-significant levels. These requirements are environmental protection measures and features applied to a project’s initial design, construction process, or planned operation.

Where potentially significant impacts could not be entirely avoided as a result of the project description, including its SPRs and PSRs, mitigation measures are required. In this case, the mitigation measures involve compensatory mitigation for biological resource-related effects. The two impacts where potentially significant effects on the environment were identified are: Impact 4.4-2 and Impact 4.5-1 (see Section 4.4, Terrestrial Biological Resources; and Section 4.5, Aquatic Biological Resources, of the Draft Program EIR).

If a change-in-use project could not maintain project impacts at less-than-significant levels and contributions to cumulative impacts at less-than-considerable levels through the application of SPRs (including AUM), PSRs, and mitigation measures, it would be disqualified from approval under the proposed Process; therefore, no significant unavoidable effects on the environment would result from the implementation of change-in-use projects through the Process. Refer to Chapter 3, Project Description, of the Draft Program EIR for a more detailed discussion of the Process, SPRs, AUM, and PSRs.

After recommendation for approval of a change-in-use project through the Process, physical modifications of the trail or road (i.e., project actions) are typically necessary to accommodate the change. For qualifying change-

in-use projects with such modifications, a work plan will be prepared to incorporate all construction and permitting aspects of project implementation as identified in the project's CEQA review (e.g. road or trail modifications, staffing requirements, project schedule, list of permits, SPRs, material procurement, Best Management Practices, PSRs, and mitigation measures). Permits and approvals issued by responsible agencies will be considered and incorporated into the work plan.

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This MMRP includes the mitigation measures adopted by CSP to reduce Impact 4.4-2 and Impact 4.5-1 to less-than-significant levels. The MMRP fulfills CSPs obligation as the CEQA lead agency to ensure the timely implementation of the mitigation measures identified in the Program EIR. The MMRP is presented in tabular format. The table columns contain the following information:

Resource Topic/Impact and Mitigation Number: Lists the mitigation measures by number for each resource topic, as designated in the Program EIR.

Adopted Mitigation Measure: Provides the text of the mitigation measures, each of which has been adopted by CSP and incorporated into the project.

Timing/Schedule: Lists the time frame during which the mitigation measure will be implemented.

Responsible for Implementing Mitigation: Identifies the entity responsible for implementing the mitigation measure. CSP, at its discretion, may delegate implementation responsibility or portions thereof to qualified consultants or contractors.

Responsible for Confirming Implementation: Identifies the responsible party for confirming and reporting on implementation of the mitigation measures.

Required for Mitigation to be Complete: Identifies the action(s) that would demonstrate successful completion of the mitigation measure.

Date Completed: Identifies the date the completion action(s) for the mitigation measure were concluded.

Comments: Records any special comments regarding the completion of the mitigation measure.

Adopted Mitigation Measure	Implementation and Confirmation			Completion of Implementation		Comments
	Timing/Schedule	Responsible for Implementing Mitigation	Responsible for Confirming Implementation	Required for Mitigation to be Complete	Date Completed	
Terrestrial Biological Resources						
<p>Mitigation Measure 4.4-2. Delineate Waters of the United States and Obtain Authorization for Fill and Required Permits.</p> <p>Prior to the start of any construction activity that could affect waters of the United States, including wetlands, despite implementation of SPRs, a delineation of waters of the United States that would be affected by project implementation will be conducted by a qualified biologist through the formal Section 404 wetland delineation process. The delineation will be submitted to and verified by the appropriate District of USACE. If, based on the verified delineation, it is determined that fill of waters of the United States would result from implementation of the project, authorization for such fill will be secured from the appropriate District of USACE through the Section 404 permitting process. The amount of wetlands or other Waters of the United States that would be removed or disturbed during project implementation will be quantified and replaced or restored/enhanced in accordance with USACE and federal regulations. Habitat restoration, enhancement, and/or replacement will be at a location and by methods agreeable to USACE as determined during the permitting processes for CWA Section 404. In coastal areas, the California Coastal Commission and/or counties with an approved Local Coastal Plan have regulatory authority over some activities in Environmentally Sensitive Habitat Areas (e.g., coastal wetlands).</p> <p>In addition, any project that would divert, obstruct, or change the natural flow or bed, channel, or bank of any river, stream, or lake that supports wildlife resources is subject to regulation by CDFG under Sections 1600 et seq. of the California Fish and Game Code. If any project under the Process would result in such an effect (e.g., stream-crossing projects that would remove riparian vegetation), CSP will obtain a Lake or Streambed Alteration Agreement from CDFG and implement all terms required for permit compliance. Because the regulatory processes and requirements of the Clean Water Act, Section 404, and California Fish and Game Code, Section 1600 et seq., include performance criteria for compensating affected habitat (e.g., no net loss of wetland habitat value), it is reasonable to expect that compliance with these laws and regulations would mitigate potentially significant effects to wetland and riparian habitats to a less-than-significant level.</p>	From project design through construction	CSP park staff and primary contractors for engineering design and construction	CSP District Superintendent, as delegated to staff or construction manager	Obtain Section 404 permit and implement requirements, if needed, or achieve wetland avoidance; obtain a Lake or Streambed Alteration Agreement from CDFG (formerly CDFG) and implement all requirements, if needed, or achieve avoidance of stream and riparian habitat.		
Aquatic Biological Resources						
<p>Mitigation Measure 4.5-1. Consult with Appropriate Resource Agencies and Obtain Authorization for Impacts and Required Permits.</p> <p>Prior to the start of any construction activity that could affect aquatic habitat, after implementation of SPRs, CSP will consult with appropriate Federal, State, and/or local agencies. Depending on the type of aquatic habitat and regulatory status, these agencies may include USACE (Section 404 of the CWA), EPA (Section 404(b)(1) of the CWA), State RWQCB (Section 401 of the CWA), USFWS (Section 7 of the FESA), NMFS (Section 7 of the FESA), and CDFG (California Fish and Game Code and Section 10 of the CESA). In coastal areas, the CCC and/or counties with an approved Local Coastal Plan have regulatory authority over some activities in Environmentally Sensitive Habitat Areas. Additional resource avoidance and protection measures may be identified and required through consultation with the appropriate agencies. If required, the amount of aquatic habitat that would be removed or disturbed during project implementation will be replaced or restored/enhanced in accordance with the appropriate regulations, outcome of agency consultation, and any permit requirements.</p> <p>A delineation of waters of the United States that would be affected by project implementation will be conducted by a qualified biologist through the formal Section 404 wetland delineation process as described in Mitigation Measure 4.4-2 (Delineate Waters of the United States and Obtain Authorization for Fill and Required Permits) in Section 4.4, Terrestrial Biological Resources.</p>	From project design through construction	CSP park staff and primary contractors for engineering design and construction	CSP District Superintendent, as delegated to staff or construction manager	Obtain necessary permit(s) and implement requirements for aquatic habitat effects, if needed, or achieve habitat avoidance.		

