



LIVE OAK CITY COUNCIL

REGULAR MEETING AGENDA FEBRUARY 1, 2023 6:00 PM

MEETING LOCATION
LIVE OAK COUNCIL CHAMBERS
9955 LIVE OAK BOULEVARD
LIVE OAK, CALIFORNIA 95953

MEMBERS OF THE COUNCIL

BOB WOTEN, MAYOR
JERAMY CHAPDELAIN, VICE MAYOR
LAKHVIR GHAG, COUNCILMEMBER
ASHLEY HERNANDEZ, COUNCILMEMBER
NANCY SANTANA, COUNCILMEMBER

AARON PALMER,
CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

The Council may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on this agenda. Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection at City Hall, 9955 Live Oak Boulevard, Live Oak, during normal business hours. Such documents are also available on the City of Live Oak's website at www.liveoakcity.org, subject to staff's availability to post the documents before the meeting.

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk's office at (530) 695-2112 x107. Requests must be made at least 24 hours in advance.

- **Remote Viewing:**

- Members of the public can view a livestream of the meeting online at https://liveoakca.granicus.com/ViewPublisher.php?view_id=1.
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 - **Join by Electronic Device:**
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Webinar ID: 817 5580 8348

- **Public Comment:** Members of the public can submit general public comments, as well as comment on specific agenda items in the following ways:
 - **Public Attendance:** Members of the public who attend in person may make comments from the Council Chamber podium.

- **Live Remote Public Comment:** Members of the public can submit a live remote public comment by:
 - *Joining the virtual Council meeting via the link below. When public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes.*

<https://us02web.zoom.us/j/81755808348>
 - *Joining the virtual Council meeting by calling the phone number below. When public comment is opened, dial *9 to raise your hand and be called upon to speak for up to 3 minutes.*

1-669-900-6833 or 1-833-548-0282 (Toll Free)
Webinar ID: 817 5580 8348
 - **Email Public Comment:** Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via email to the City Clerk at cmenchaca@liveoakcity.org. Comments will be distributed to Council prior to the meeting and attached to the minutes. Please note that emailed comments will NOT be read aloud by staff during the meeting.
 - **eComment Feature:** Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via the eComment feature at https://liveoakca.granicus.com/ViewPublisher.php?view_id=1. Comments will be distributed to Council prior to the meeting and attached to the minutes. Please note that eComments will NOT be read aloud by staff during the meeting.
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CALL TO ORDER**ROLL CALL****PLEDGE OF ALLEGIANCE AND INVOCATION****CORRECTIONS AND/OR CHANGES TO THE AGENDA BY CITY MANAGER ONLY****PRESENTATIONS AND RECOGNITIONS****PUBLIC COMMENT**

Any person wishing to address the City Council on general jurisdictional matters or consent calendar items may do so at this time. If you are commenting on an agenda item, your comments will be heard at the time that item is scheduled for discussion. The City Council adopted a time limit of three minutes per person. The Brown Act does not allow for Council discussion of items not on the agenda. Councilmembers may only a) refer the matter to staff; b) ask for additional information; c) request a report back; or d) provide a limited factual response for items not listed on the agenda.

CONSENT ITEMS

Consent Calendar is passed by one motion with exceptions and separate votes as noted.

1. City Council Meeting Minutes
Recommendation: Approve the January 18, 2023, City Council Regular Meeting minutes.
(Clarissa Menchaca, City Clerk)
2. Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies Meetings Under AB 361
Recommendation: Adopt resolution.
(Nicole Rosser, City Attorney)

BUSINESS ITEMS

3. Consideration of Appointments to the Live Oak Planning Commission
Recommendation: Consider the applications received for the three Live Oak Planning Commission vacancies.
(Kevin Valente, Planning Director)
4. Approval of Initial Study Mitigated Negative Declaration and Project Mitigation Monitoring Program (MMP) for the P Street Lift Station
Recommendation: Adopt resolution approving the P Street Lift Station Project IS/MND and the P Street Lift Station Project MMP.
(Ron Walker, Public Works Director)

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION**UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER****COUNCILMEMBER COMMENTS****ADJOURNMENT**



**City of Live Oak
Report to City Council**

Meeting Date: February 1, 2023

Title: City Council Meeting Minutes

Contact Information: Clarissa Menchaca, City Clerk

Recommendation: Approve the January 18, 2023, City Council Regular Meeting minutes.

Attachments:

[Minutes](#)



LIVE OAK CITY COUNCIL

MINUTES
JANUARY 18, 2023
6:00 PM

MEETING LOCATION
LIVE OAK COUNCIL CHAMBERS
9955 LIVE OAK BOULEVARD
LIVE OAK, CALIFORNIA 95953

MEMBERS OF THE COUNCIL

BOB WOTEN, MAYOR
JERAMY CHAPDELAIN, VICE MAYOR
LAKHVIR GHAG, COUNCILMEMBER
ASHLEY HERNANDEZ, COUNCILMEMBER
NANCY SANTANA, COUNCILMEMBER

AARON PALMER,
CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

CALL TO ORDER

Meeting called to order by Mayor Woten at Live Oak City Council Chambers, 9955 Live Oak Boulevard, Live Oak, CA at 6:02 pm.

ROLL CALL

Present: Councilmembers Santana, Ghag, Vice Mayor Chapdelaine, and Mayor Woten

Appeared via teleconference: Councilmember Hernandez

PLEDGE OF ALLEGIANCE AND INVOCATION

Councilmember Ghag led the Pledge of Allegiance. Councilmember Santana delivered the invocation.

CORRECTIONS AND/OR CHANGES TO THE AGENDA BY CITY MANAGER ONLY

There were no corrections and/or changes to the agenda.

PUBLIC COMMENT

Public Comment was opened and closed without any speakers.

CONSENT ITEMS

Consent Calendar is passed by one motion with exceptions and separate votes as noted.

MOTION: APPROVE THE CONSENT AGENDA, WITH THE EXCEPTION OF ITEM 4 WHICH WAS PULLED FOR FURTHER DISCUSSION.
(MOTION: GHAG; SECOND: SANTANA)

VOTE: MOTION PASSED UNANIMOUSLY

1. City Council Meeting Minutes
Clarissa Menchaca, City Clerk
Council action: December 21, 2022, City Council Regular Meeting minutes approved.

2. Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies Meetings Under AB 361
Nicole Rosser, City Attorney
Council action: Resolution No. 01-2023 adopted.
3. Adoption of an Ordinance Amending Section 15.50.020(E) of the Live Oak Municipal Code to Establish New Development Impact Fees for Accessory Dwelling Units
Kevin Valente, Planning Director
Council action: 1) Second reading of the ordinance waived; and 2) Ordinance No. 582 adopted.
4. Parks and Recreation 2022 Annual Report
Luis Cibrian, Parks and Recreation Director

This item was removed from the Consent Agenda for further discussion at the request of Councilmember Ghag.

5. Appointments to the Feather River Air Quality Management District
Aaron Palmer, City Manager
Council action: The appointments of City of Yuba City Councilman Michael Pasquale as Director, City of Yuba City Councilman Wade Kirchner as Alternate Member, and City of Wheatland Councilwoman Angela Teter as Alternate Member to the Feather River Air Quality Management District as required by Health and Safety Code Section 40152(b) approved.

BUSINESS ITEMS

6. Annual Audited Financial Statements – Year Ended June 30, 2022
James Ramsey, Finance Director

James Ramsey, Finance Director; and Terry Shea, Rogers, Anderson, Malody & Scott, LLP, provided a report for the Council.

Public Comment was opened and closed without any speakers.

MOTION: ACCEPT AND FILE ANNUAL FINANCIAL STATEMENTS.
(MOTION: WOTEN; SECOND: HERNANDEZ)

VOTE: MOTION PASSED UNANIMOUSLY

7. Mid-Year Budget Adjustments for Fiscal Year (FY) 2022-23
James Ramsey, Finance Director

James Ramsey, Finance Director, provided a report for the Council.

Public Comment was opened and closed without any speakers.

MOTION: APPROVE MID-YEAR BUDGET ADJUSTMENT FOR FY 2022-23.
(MOTION: GHAG; SECOND: SANTANA)

VOTE: MOTION PASSED UNANIMOUSLY

Reference Resolution No. 02-2023.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION

4. Parks and Recreation 2022 Annual Report
Luis Cibrian, Parks and Recreation Director

Luis Cibrian, Parks and Recreation Director, addressed questions from the Council.

Council action: Accepted for information.

UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

There were no updates from the City Attorney or City Manager.

COUNCILMEMBER COMMENTS

Councilmember Hernandez commented on the General Fund deficit due to the CFD's not being collected the prior year and the checks and balances for journal entries.

Councilmember Santana discussed moving the City forward with the new council.

Councilmember Ghag discussed the Mosquito Vector Control Board spray program.

Vice Mayor Chapdelaine commented on the upcoming goal setting workshops and budget.

Mayor Woten commented on the new council and working with staff to make the right decisions.

CLOSED SESSION

5. Conference with Labor Negotiators Pursuant to California Government Code Section 54957.6:
Agency Designated Representatives: Aaron Palmer, City Manager
Employee Organization: Public Employees Union Local #1 (AFSME)

*Clerk's Note: The Council adjourned to Closed Session at 7:07 pm and reopened the meeting at 7:38 pm.

CLOSED SESSION REPORT

There was no reportable action.

ADJOURNMENT

Mayor Woten adjourned the meeting at 7:38 pm.

Bob Woten, Mayor

ATTEST:

Clarissa Menchaca, City Clerk



City of Live Oak Report to City Council

Meeting Date: February 1, 2023

Title: Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies Meetings Under AB 361

Contact Information: Nicole Rosser, City Attorney

Background: On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means. As the City Council is well aware, this allowed City Council meetings to be conducted by Zoom with councilmembers and staff all joining from remote locations.

The suspension of certain provisions of the Brown Act was further extended by the Governor on June 11, 2021 by the issuance of Executive Order N-08-21 which continued to allow for complete virtual City Council (and other legislative body) meetings until September 30, 2021.

On September 16, 2021, Governor Newsom signed AB 361 to amend the Brown Act to allow legislative bodies to meet via teleconference during a proclaimed state of emergency in accordance with procedures established by AB 361 rather than under the Brown Act's more narrow standard rules. AB 361 allows legislative bodies to meet virtually, provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees.

AB 361 preserves many of the provisions of the earlier executive orders, while also adding new requirements to the management of remote and teleconference public meetings in order to better achieve the levels of transparency that the Brown Act demands. Specifically, AB 361 imposes two new rules on remote public meetings:

1. Local governments and agencies hosting teleconference meetings in lieu of traditional in-person public meetings must permit direct public comment during the teleconference, and must leave open the opportunity for public comment until the comment period for a given item is closed during the

ordinary course of the meeting. The opportunity to make public comment must be of a sufficient duration so as to allow actual public participation.

2. Any action by the governing body during a public teleconference meeting must occur while the agency is actively and successfully broadcasting to members of the public through a call-in option or an internet-based service option. If a technical disruption within the agency's control prevents members of the public from either viewing the meeting of the public agency, or prevents members of the public from offering public comment, the agency must cease all action on the meeting agency until the disruption ends and the broadcast is restored. Action taken during an agency-caused disruption may be challenged as a violation of the Brown Act.

The City has been implementing the above stated requirements for conducting public meetings and is in full compliance with AB 361, thus there will be no change of the currently established procedures. Teleconference accessibility via call-in option or an internet-based service option (via the Zoom Webinars platform) is listed on the published agenda for each meeting as well as on the City's website and the City provides access for public comment opportunities in real time.

In order to continue to qualify for AB 361's waiver of in-person meeting requirements, the Council must adopt a resolution making the findings required by AB 361. This resolution will become a standing item on the City Council's agenda, it must be approved at every meeting until the proclaimed state of emergency is ended. The findings must include (a) state or local officials continue to recommend measures to promote social distancing, or that (b) an in-person meeting would constitute an imminent risk to the safety of attendees. The findings need not be in the form of a resolution, but a resolution is helpful in formalizing these findings.

The enclosed resolution makes the required findings under AB 361, and if adopted, it will allow the City to continue to offer teleconference accessibility for public meetings, to help mitigate the spread of COVID-19, as well as during other state-proclaimed emergencies where physical attendance may present a risk.

Lastly, it is important to note that having virtual meetings under the provisions of AB 361 is optional. If the Council wishes, it may meet in person or in a hybrid format.

Fiscal Impacts: None.

Recommendation: Adopt resolution.

Attachments:

[Resolution](#)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVE OAK MAKING FINDINGS AND DETERMINATIONS UNDER AB 361 FOR THE CONTINUATION OF VIRTUAL MEETINGS AND AUTHORIZING VIRTUAL CITY COUNCIL, COMMISSION, BOARD, AND OTHER CITY MEETINGS PURSUANT TO AB 361

The City Council of the City of Live Oak does hereby find, order and resolve as follows:

WHEREAS, all meetings of the Live Oak City Council are open and public, as required by the Ralph M. Brown Act (Cal. Gov't Code section 54950 et seq.), so that any member of the public may attend, participate and view the legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and requirements; and

WHEREAS, Government Code section 54953(e) requirements include but are not limited to (1) the existence of a state of emergency declared by the Governor pursuant to Government Code section 8625 and (2) State or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic and as of the date of this Resolution, the proclaimed state of emergency remains in effect; and

WHEREAS, on March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20, which suspended and modified the teleconferencing requirements under the Brown Act (California Government Code Section 54950 et seq.) to allow local legislative bodies to hold public meetings via teleconference; and

WHEREAS, on June 11, 2021, Governor Gavin Newsom issued Executive Order N-08021, which extended the provisions of N-29-20 concerning the conduct of public meetings through September 30, 2021, and the Governor subsequently signed legislation revising Brown Act requirements for teleconferenced public meetings (Assembly Bill 361, referred to hereinafter as "AB 361"); and

WHEREAS, to preserve public health and safety, the State Public Health Officer has issued various orders and guidance regarding COVID-19 prevention measures, which includes references and a statement of support for social distancing recommendations; and

WHEREAS, the California Department of Industrial Relations has issued COVID-19 Prevention regulations in Title 8 of the California Code of Regulations (Section 3205 et seq.); and

WHEREAS, based on the foregoing, the City Council finds that (1) the Governor's Proclaimed State of Emergency as a result of the COVID-19 pandemic is currently in effect and has not been terminated, and (2) State officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the City Council has considered the circumstances of the state of emergency, including all information relate to this matter, the associated staff report; and

WHEREAS, in light of the foregoing, the City Council desires to continue to have the flexibility to meet via tele/video conference and the City Council finds that it and its legislative bodies shall be permitted to conduct their meetings by teleconferencing without compliance with Government Code section 54953(b)(3) pursuant to section 54953(e), and such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed by section 54953(e)(2).

NOW, THEREFORE BE IS RESOLVED, FOUND AND ORDERED by the Live Oak City Council as follows:

1. The facts set forth in the above recitals are true and correct and incorporated into this resolution by reference.
2. As a result of the continuing COVID-19 state of emergency declared by Governor Newsom, State officials continue to impose or recommend measures to promote social distancing based on the State Public Health Officer's guidance and recommendations supporting social distancing and the Department of Industrial Relations' issuance of COVID-19 Prevention regulations through Title 8 of the California Code of Regulations, section 3205 et seq. promoting social distancing in the workplace.
3. Under the present circumstances, the City Council by and through its City Manager, is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
4. This Resolution shall take effect immediately upon adoption and shall be effective until the earlier of (i) Thirty (30) days from adoption of this Resolution or (ii) such time as the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which its legislative bodies may continue to teleconference without compliance with Section 54953(b)(3).
5. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

PASSED AND ADOPTED by the City Council of the City of Live Oak this 1st day of February, 2023, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Bob Woten, Mayor

ATTEST:

Clarissa Menchaca, City Clerk



City of Live Oak Report to City Council

Meeting Date: February 1, 2023

Title: Consideration of Appointments to the Live Oak Planning Commission

Contact Information: Kevin Valente, AICP, Contract Planner

Location: Citywide.

Background: The City of Live Oak Planning Commission is comprised of seven members. Six members are appointed by the City Council and one member is appointed by the Sutter County Planning Commission with approval by the Sutter County Board of Supervisors and the Live Oak City Council.

Live Oak Municipal Code Section 2.12.020(A) states, in part, "The planning commission shall consist of seven members appointed by the mayor with the consent of the City Council." Section 2.12.020 (C) states the city will post a notice of possible vacancy to allow the incumbent and other citizens to be considered for appointment or reappointment.

The City of Live Oak Planning Commissioners each serve staggered, four-year terms. The term of two commissioners expired on January 31, 2023. In addition, the City of Live Oak received a resignation letter from a current Planning Commissioner, which results in a total of three current vacancies that need to be filled.

Two vacancies are for a four-year term and one vacancy is for a three-year term.

Current Term Expires Commissioner
January 21, 2024 Joaquin Bermudez
January 31, 2024 Gurveer Butter
January 31, 2025 Kris Selvidge
January 21, 2025 VACANT
January 31, 2027 VACANT
January 31, 2027 VACANT
January 31, 2024 Christine Ivory (Sutter County Appointed)

Analysis: The City of Live Oak published a vacancy notice on December 28, 2022. The City of Live Oak has received six applications in response to the public vacancy notice.

A technical reading of the code would allow the Mayor to make an appointment, with Council then voting on whether or not to confirm the appointment. If the City Council failed to approve the Mayor's appointments, the Council would then need to consider another appointment by the Mayor, followed by a Council vote.

All current applicants have been informed the Mayor and City Council will consider an appointment at the February 1, 2023 City Council meeting. The Mayor will make known his appointments at this council meeting.

Fiscal Impacts: None.

Recommendation: Consider the applications received for the three Live Oak Planning Commission vacancies.

Attachments:

[Application - Jerry Stewart](#)
[Application - Aaron Pamma](#)
[Application - David Smith](#)
[Application - Bernie Didario](#)
[Application - Cruz Mora](#)
[Application - Marcus Prasad](#)



Received At Counter
JAN 04 2023
City of Live Oak

Planning Commission

APPLICATION FOR APPOINTMENT

Name: Jerry Stewart

Home Address: [REDACTED]

Home Phone: [REDACTED]

Cell Phone: [REDACTED]

Occupation: Retired

Employer Name: _____

Employer Address: _____

Please answer the following questions on a separate sheet.

1. What are your reasons for wishing to serve on the City of Live Oak Planning Commission?
2. Describe your experience and/or qualifications which will assist the City Council in evaluating your application.
3. If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member?

NOTE: A **conflict of interest** statement is required of all appointed Planning Commissioners.

Please return the completed application to the City Clerk via email
at: cmenchaca@liveoakcity.org or at City Hall.

Planning Commission Application

Jerry Stewart

January 3, 2022

1. What is your reason for wishing to serve on the City of Live Oak Planning Commission?

Now that the 99 Streetscape is completed, I hope that business and residential interests will increase. I would like help guide those potential beneficial developments.

2. Describe your experience and/or qualifications which will assist the City Council in evaluating your application.

I have previously served on the commission as a commissioner and chairman. I am currently serving on the Sutter County Planning Commission, as a representative of the city. I also served on an ad hoc committee that significantly modernized the zoning structure within the city. I know that land use issues have a significant impact on the city's residents. I'm willing to listen to others and apply a reasoned approach to those issues brought before the commission.

3. If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member?

Yes is the short answer. I am retired and can devote whatever time is needed to satisfy the demands of being a commissioner.



Planning Commission

APPLICATION FOR APPOINTMENT

Name: Aarondeep Pamma

Home Address: [REDACTED] Live Oak, CA

Home Phone: _____

Cell Phone: [REDACTED]

Occupation: Pharmacist

Employer Name: CVS

Employer Address: _____

Please answer the following questions on a separate sheet.

1. What are your reasons for wishing to serve on the City of Live Oak Planning Commission?
2. Describe your experience and/or qualifications which will assist the City Council in evaluating your application.
3. If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member?

NOTE: A conflict of interest statement is required of all appointed Planning Commissioners.

**Please return the completed application to the City Clerk via email
at: cmenchaca@liveoakcity.org or at City Hall.**

Aarondeep Pamma

1. What are your reasons for wishing to serve on the City of Live Oak Planning Commission?

- There are many factors that motivated me on joining the Live Oak Planning Commission four years ago and those same reasons are why I'd like to continue serving my hometown. My family has resided in Live Oak since 1972, and I have lived here my entire life. Live Oak has raised me and helped groomed the person I have become. I wish to pass on my knowledge and offer my hand to the city that raised me. I want to sit on the panel and make pivotal decisions for this community and be a part of the team that leads us in the right direction. Like many other people in the community that have businesses, my family owns an agricultural operation. I want to help reward the local business by attracting more people to our city and create a welcoming environment. The potential in this town is endless, and I am willing to put in the effort, and do my part on the planning commissions to turn this vision into a reality.

2. Describe your experience and/or qualifications which will assist the City Council in evaluating your application.

- 1. 4 years Live Oak Planning Commission**
- 2. 1 year Sutter County Planning Commission**
- 3. Business owner/Farmer**
- 4. Pharmacist**
- 5. Realtor**

- With my background and involvements in a wide range of fields, I feel I am well equipped to serve on the planning commission. I have many experiences that attest to my skills pertaining to leadership, communication, accountability and being a professional. My most qualifying experience comes from serving on the Sutter County Planning commission where we had regular meetings 1-2 month. Each meeting had different content that attributed to my growth of understanding the purpose of a planning commission and the perspective to have while serving on this panel.

3. If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member?

- If appointed; I'll be able to attend meetings, devote all the time necessary to fulfill my duties as an active member, and serve my community well. In the last four years of serving the planning commission, I was unable to attend one meeting.



Planning Commission

APPLICATION FOR APPOINTMENT

Name: DAVID B. SMITH

Home Address: [REDACTED] LIVE OAK

Home Phone: -

Cell Phone: [REDACTED]

Occupation: Retired - Air Quality Control

Employer Name: Yolo-Solano AQMD

Employer Address: 1947 GALILEO COURT, #103 DAVIS, CA 95618

Please answer the following questions on a separate sheet.

1. What are your reasons for wishing to serve on the City of Live Oak Planning Commission?
2. Describe your experience and/or qualifications which will assist the City Council in evaluating your application.
3. If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member?

NOTE: A **conflict of interest** statement is required of all appointed Planning Commissioners.

Please return the completed application to the City Clerk via email
at: cmenchaca@liveoakcity.org or at City Hall.

LIVE OAK
Planning Commission

APPLICATION FOR APPOINTMENT

Additional application questions: David B. Smith

1. The Planning Commission, like all City commissions, is a vital part of the City government. The Commission receives input from the citizens of Live Oak regard the manner in which their grows. The Planning Commission reviews and votes on proposals for development/zoning. These decisions may be appealed to the City Council. It would be a privilege to serve my local community.

2. I retired from government service in 2012 after 37 years (City of Davis 14yrs, YSAQMD 23yrs). In 2015, my wife and I moved to Live Oak to be closer to one of our son's family.

Being retired, I now have the time to dedicate to further public service. I am currently a member of the Hearing Board of the Feather River Air Quality Management District.

A position on the Live Oak Planning Commission would allow me to continue community service at the local level. My experience working for government agencies, my common sense approach to issues and my willingness to give all sides of an issue though consideration would be assets for being on the Planning Commission. Additionally, I received a BS degree in Renewable Natural Resources from UCD.

3. Being retired allows me the necessary free time to attend regular and/or special meetings of the Planning Commission.



Planning Commission

APPLICATION FOR APPOINTMENT

Name: BERNARD "BERNIE" Di DARIO

Home Address: [REDACTED] LIVE OAK 95413

Home Phone: [REDACTED]

Cell Phone: [REDACTED]

Occupation: CONSULTANT

Employer Name: SELF EMPLOYED

Employer Address: N/A

Please answer the following questions on a separate sheet.

1. What are your reasons for wishing to serve on the City of Live Oak Planning Commission?
2. Describe your experience and/or qualifications which will assist the City Council in evaluating your application.
3. If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member?

NOTE: A **conflict of interest** statement is required of all appointed Planning Commissioners.

Please return the completed application to the City Clerk via email
at: cmenchaca@liveoakcity.org or at City Hall.

Live Oak Planning Commission
Application for Appointment (page 3)
Bernard "Bernie" DiDario

3. If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member?

I am fortunate in that my schedule is almost totally under my control, which allows me to make the commitment and, more importantly, keep the commitment. I should be able to make all regularly scheduled meetings.

Live Oak Planning Commission
Application for Appointment (page 2)
Bernard “Bernie” DiDario

I have worked extensively over the years with databases such as the US Census and have been responsible for survey designs, implementation and training of staff, and compiling analytical data for decision-making. It has been noted that I have skills in communicating the results and implications of fairly complex analyses and issues to broad and diverse audiences.

My academic background includes a Bachelor’s degree from Boston University and a Masters in Health Policy and Management from the Harvard University School of Public Health. I have always sought to enhance my skill level through additional seminars (as an attendee and presenter) and education.

Some additional and possibly relevant experiences include a recent stint as a 2020 Census Field Supervisor, a member of the Sutter HS Bond Oversight Committee, a former member of the technology committees at Brittan Elementary and Sutter HS., Judge for the Meridian and Sutter Lions Club public speaking competitions and former Varsity Basketball Coach at Sutter HS.

Live Oak Planning Commission

Application for Appointment

Bernard “Bernie” DiDario

Please answer the following questions on a separate sheet.

1. What are your reasons for wishing to serve on the City of Live Oak Planning Commission?

California cities and towns are facing a number of issues. The planning commission would seem to be one way to help Live Oak addresses many of these issues and provide a rational framework for future growth and development. Live Oak is a diverse, attractive, and desirable location for families and businesses. Its agricultural base adds much to the area and provides the City with a great deal of opportunity. I believe my skills and commitment to the area can help in some small way with these challenges and opportunities.

2. Describe your experience and/or qualifications which will assist the City Council in evaluating your application.

I have a considerable amount of relevant experience and also a solid academic background. The majority of my career has been spent as a consultant working on a variety of projects at all levels of government, as well as the private sector. I have led and participated in a number of planning efforts for healthcare delivery and evaluation of outcomes. Some of these occurred in larger politically charged environments where the quality of the work and the conclusions were critical to the success of the project(s) and their impact on local residents. I was also one of the Census supervisors for this area during the 2020 census, which gave me a greater understanding of the area's geography and demographics.



Planning Commission

APPLICATION FOR APPOINTMENT

Cruz Mora

Name: _____

Home Address: _____
[REDACTED]

Home Phone: _____
N/A

Cell Phone: _____
[REDACTED]

Occupation: _____
Policy Analyst

Employer Name: _____
State of California - Dept. of Health Care Services

Employer Address: _____
1501 Capital Ave. Sacramento CA 95899

Please answer the following questions on a separate sheet.

1. What are your reasons for wishing to serve on the City of Live Oak Planning Commission?
2. Describe your experience and/or qualifications which will assist the City Council in evaluating your application.
3. If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member?

NOTE: A conflict of interest statement is required of all appointed Planning Commissioners.

**Please return the completed application to the City Clerk via email
at: cmenchaca@liveoakcity.org or at City Hall.**

1.What are your reasons for wishing to serve on the City of Live Oak Planning Commission?

After having the privilege of my life this summer, I purchased my first home in my hometown. I wish to make the first-time home-buying experience more pleasant by increasing competition. I want to serve the City of Live Oak Planning Commission in order to further our City's goal to boost economic development while listening to the public's input on developing our Community. I want to engage local leaders to take the initiative and pride in creating a positive and healthy sense of Community in the City. I would participate in building an action plan with three simple steps: 1) explore local data, 2) review existing models & 3) evaluate our City's goals and initiatives.

2.Describe your experience and/or qualifications which will assist the City Council in evaluating your application.

Over the past three years, I have advocated on behalf of the residents of the City of Live Oak and believe I am the strongest Planning Commission candidate. My lived experience is the biggest asset to the City. I am homegrown from Live Oak, and I distinctly understand the needs of our Community. I've studied a wide range of disciplines at CSU, Chico, varying from Biological Science, Public Health, and Political Science.

3.If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member?

Yes, most certainly, yes! I look forward to assisting the City Council in furthering the Council's policy goals and directions. I am available for all regularly scheduled meetings and even suggest holding joint city council-planning commission workgroups for the Community if desired.



Planning Commission

APPLICATION FOR APPOINTMENT

Name: Marcus Prasad

Home Address: [REDACTED], Live Oak CA 95953

Home Phone: N/A

Cell Phone: [REDACTED]

Occupation: Financial Accountant - Speacialized Accounting Officer

Employer Name: State Of California - Department of Public Health

Employer Address: 1616 Capital Ave Sacramento CA 95815

Please answer the following questions on a separate sheet.

1. What are your reasons for wishing to serve on the City of Live Oak Planning Commission?
2. Describe your experience and/or qualifications which will assist the City Council in evaluating your application.
3. If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member?

NOTE: A conflict of interest statement is required of all appointed Planning Commissioners.

**Please return the completed application to the City Clerk via email
at: cmenchaca@liveoakcity.org or at City Hall.**

1.What are your reasons for wishing to serve on the City of Live Oak Planning Commission?

I am actively involved in this cities governance and my vested interests lie in the well being of this city. I am a taxpayer and a homeowner in Live Oak. The city had a few flaws after the ousting of the former building inspector, several homeowners in the Garden Glen subdivision had experienced numerous building code violations and errors with brand new homes. This had given the city a poor representation at the time, and I look forward to working with City Officials and planning commissioners to get down to business and provide clear and concise improvements that will benefit future homeowners in Live Oak.

2.Describe your experience and/or qualifications which will assist the City Council in evaluating your application.

I have the financial expertise that this city planning commission needs that can result in the best outcome while maintaining a fiscally conservative stance regarding budgeting and monetary expenses. Besides my professional experience, I also have the passion and courage to stand up and bring about the much needed change to improve the development in all of Live Oak. I come from a well developed city, Elk Grove, where I regularly attended City Council meetings. I will bring diversity and provide a sense of unity as a commissioner. My input has been valuable to the City of Elk Grove and if chosen as planning commissioner my expertise will serve the people and property of Live Oak as well.

3.If appointed, will you be able to attend meetings regularly and devote the time necessary to fulfill your duties as a member?

My schedule is free. I can and am able to attend ALL meetings as a commissioner. I will come to these meetings well prepared, with background knowledge and facts that can improve the function of this city. I am available during business hours to serve and protect the integrity of Live Oak and help develop this city while maintaining the small town charm we all love.



**City of Live Oak
Report to City Council**

Meeting Date: February 1, 2023

Title: Approval of Initial Study Mitigated Negative Declaration (IS/MND) and Project Mitigation Monitoring Program (MMP) for the P Street Lift Station

Contact Information: Ron Walker, Public Works Director

Background:

P Street Sewage Lift Station was originally constructed in 1974. Kjeldsen, Sinnock, and Neudeck (KSN) Inc. was retained by the City's Public Works Department to design an update and extensive modification for P Street Lift Station. The existing lift station is nearly 50 years old, is at the end of its useful life, and provides limited operational storage for peak flow conditions.

On March 16, 2022, the City Planning Department provided a P Street Lift Station Project Environmental Categorical Exemption for Council consideration. Council directed staff to move forward with the California Environmental Quality Act (CEQA) exemption process. KSN completed the project design. On May 24, 2022, the construction bid period began. Bids were to be received on July 7, 2022. During the bid period, staff became aware that the bid climate was such that the bids would likely be significantly above the Engineers Estimate. Staff also became aware of the possibility of California State Revolving Fund grant opportunities for this project. The City had intended on self-funding the project. Prior to the bids opening date, it was decided to end the bid period and not receive bids for the project.

On September 7, 2022, Council authorized submission of a financial package for consideration under the California State Revolving Fund Program. Council was informed that due to State and Federal Funds potentially being awarded in the form of low-interest loans and/or grants that an IS/MND process would be required. The IS/MND process is more involved, and the project would not be eligible for a CEQA Categorical Exemption.

In accordance with the CEQA, the City prepared an IS/MND. The IS/MND was circulated for public comment from December 22, 2022 to January 20, 2023. Comments were received from the Central Valley Regional Water Quality Control Board and the California Department of Fish and Wildlife. Comments have been reviewed and appropriate Project MMP modifications have been made. It has been determined all potentially significant environmental impacts would be mitigated to a less-than-significant level with incorporation of mitigation.

In compliance with Public Resources Code Section 21080.3.1, known as Assembly Bill (AB) 52, the Ione Band of Miwok Indians, the United Auburn Indian Community of the Auburn Rancheria (UAIC), and the Torres Martinez Desert Cahuilla Indians have each previously submitted requests to the City to be consulted during the review process for proposed projects within the City's jurisdiction, pursuant to AB 52. As such, the City provided formal notification to each of the tribes regarding the proposed project. The City did not receive any consultation requests.

Based on the information contained in the staff report, staff recommends that the City Council approve the P Street Lift Station Project IS/MND. Upon approval, the IS/MND will be uploaded to the California SRF Program website.

Recommendation: Adopt resolution approving the P Street Lift Station Project IS/MND and the P Street Lift Station Project MMP.

Attachments:

Resolution

Exhibit A - P Street Lift Station Initial Study/Mitigated Negative Declaration

Exhibit B - P Street Lift Station Project Mitigation Monitoring Program

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVE OAK APPROVING THE MITIGATED NEGATIVE DECLARATION
FOR THE P STREET LIFT STATION PROJECT AS ADEQUATE FOR ADDRESSING THE ENVIRONMENTAL IMPACTS OF THE
PROPOSED PROJECT

WHEREAS, the City received and application for approval of an Initial Study/Mitigated Negative Declaration (IS/MND) for the upgrading of the existing wastewater lift station and associated onsite facilities (proposed project). The project site (0.5 acres) is located at the northwestern corner of the intersection of P Street and Date Street, and is identified as Sutter County Assessor Parcel Numbers (APNs) 006-241-001 and 006-241-002; and

WHEREAS, the City prepared an IS/MND, to evaluate the potential environmental impacts of the project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the “CEQA Guidelines”); and

WHEREAS, a draft IS/MND was circulated for a 30-day review period, with the public review period commencing on December 22, 2022 and ending on January 20, 2023; and

WHEREAS, the Live Oak City Council has reviewed the IS/MND for this project and the public comments; and

WHEREAS, the Live Oak City Council gave notice of public hearing as required by law; and

WHEREAS, on February 1, 2023, the Live Oak City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary approving the Final IS/MND. The Final IS/MND is attached as Exhibit A to this Resolution.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, as follows:

1. The foregoing recitals are true and correct.
2. The City of Live Oak City Council hereby FINDS, on the basis of the whole record before it (including the Initial Study) that:
 - a. The City of Live Oak exercised overall control and direction over the CEQA review for the project, including the preparation of the Final IS/MND, and independently reviewed the Final IS/MND; and
 - b. There is no substantial evidence that the project will have a significant effect on the environment once mitigated measures have been followed; and
 - c. The Final IS/MND reflect the City’s independent judgement and analysis.
3. The Live Oak City Council hereby APPROVES AND ADOPTS the IS/MND for the Project.

PASSED AND ADOPTED by the City Council of the City of Live Oak this 1st day of February, 2023, by the following
vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

APPROVED:

Bob Woten, Mayor

ATTEST:

Clarissa Menchaca, City Clerk

FINAL

CEQA Plus Initial Study and Mitigated Negative Declaration

P STREET LIFT STATION PROJECT

City of Live Oak, California

**State Clearinghouse Number
2022120579**

Prepared For:



City of Live Oak
9955 Live Oak Boulevard
Live Oak, California 95953



Prepared By:

**55 Hanover Lane, Suite A
Chico, California 95973**

January 2023

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SECTION 1.0 INTRODUCTION

This document, in conjunction with the draft Initial Study/Mitigated Negative Declaration (IS/MND), responds to comments made on the proposed P Street Lift Station Project in the City of Live Oak. While the State California Environmental Quality Act (CEQA) Guidelines do not require a final initial study or the preparation of formal responses to comments on draft initial studies/mitigated negative declarations the City has determined to provide responses to the comments it has received in order to provide further disclosure of the Project's impacts.

1.1 Background of Environmental Review Process for the Project

1.1.1 INITIAL STUDY

The IS/MND was released for public and agency review on December 22, 2022, with the 30-day review period ending on January 20, 2023. The City received two comment letters during this review period.

1.1.2 RESPONSE TO COMMENTS

This section provides a response to comments received on the IS/MND and is included as Section 2.0 of this document.

1.1.3 REVISIONS TO THE INITIAL STUDY

This section provides a list of revisions made to the IS/MND as a result of comments received.

1.2 Intended Uses of the IS/MND

The IS/MND in its final form will be used by the City of Live Oak in considering approval of the proposed Project. In accordance with CEQA Guidelines Section 15074, the IS/MND will be used as the primary environmental document in consideration of all subsequent planning and permitting actions associated with the project, to the extent such actions require CEQA compliance and as otherwise permitted under applicable law.

1.2.1 CONSIDERATION OF COMMENTS

Prior to taking action on the proposed Project, the City will consider the IS/MND, this response to comments document, and any additional comments or testimony. Negative declarations and mitigated declarations are considered and adopted per CEQA Guidelines Section 15074, which reads as follows:

**15074. CONSIDERATION AND ADOPTION OF A NEGATIVE DECLARATION OR
MITIGATED NEGATIVE DECLARATION.**

- (a) Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed negative declaration or mitigated negative declaration before making its recommendation.
- (b) Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.
- (c) When adopting a negative declaration or mitigated negative declaration, the lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.
- (d) When adopting a mitigated negative declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
- (e) A lead agency shall not adopt a negative declaration or mitigated negative declaration for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.
- (f) When a non-elected official or decision-making body of a local lead agency adopts a negative declaration or mitigated negative declaration, that adoption may be appealed to the agency's elected decision-making body, if one exists. For example, adoption of a negative declaration for a project by a city's planning commission may be appealed to the city council. A local lead agency may establish procedures governing such appeals.

Upon review and consideration of the IS/MND, the City may take action to adopt, revise, or reject the proposed Project. A decision to approve the proposed Project would be made in a resolution recommending certification of the IS/MND as part of the consideration of the proposed Project. The City of Live Oak has prepared this IS/MND and has determined that the environmental impacts of

the proposed Project have been reduced to a less than significant level through mitigation measures adopted as part of a Mitigation Monitoring and Reporting Program (MMRP).

1.3 Organization and Scope of this Document

This document is organized in the following manner:

SECTION 1.0 – INTRODUCTION

Section 1.0 provides an overview of the environmental review process to date and discusses the CEQA requirements for consideration and adoption of a mitigated negative declaration.

SECTION 2.0 – COMMENTS AND RESPONSES TO COMMENTS

Section 2.0 provides a list of commenters, copies of written comments (coded for reference), and the responses to those comments made on the IS/MND.

SECTION 3.0 – REVISIONS TO THE DRAFT INITIAL STUDY

Section 3.0 provides edits to the Initial Study in response to comments received during the public review period.

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SECTION 2.0 RESPONSE TO COMMENTS

2.1 List of Commenters

The following individuals and representatives of organizations and agencies submitted written comments on the IS/MND.

Letter	Agency, Organization, or Individual	Date
A	Peter Minkel, Central Valley Regional Water Quality Control Board	January 20, 2023
B	Alexander Funk, M.S., California Department of Fish and Wildlife	January 20, 2023

2.2 Comments and Responses

2.2.1 RESPONSES TO COMMENT LETTERS

Written comments on the draft IS/MND are reproduced on the following pages, along with responses to those comments. CEQA does not require lead agencies to provide formal responses to comments received on initial studies supporting proposed mitigated negative declarations; however, the City prepared this response to comments document to provide responses to comments received on the IS/MND in order to provide comprehensive information and disclosure for both the public and City's decision-makers.

Where changes deemed necessary to clarify the draft IS/MND text result from responding to comments, those minor changes are included in the response and demarcated with revision marks (double underline for new text, strikeout for deleted text).

Letter A - Central Valley Regional Water Quality Control Board

Letter A



Central Valley Regional Water Quality Control Board

20 January 2023

Ron Walker
City of Live Oak
9955 Live Oak Boulevard
Live Oak, CA 95953
rwalker@liveoakcity.org

**COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE
DECLARATION, P STREET LIFT STATION PROJECT, SCH#2022120579,
SUTTER COUNTY**

Pursuant to the State Clearinghouse's 22 December 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the P Street Lift Station Project, located in Sutter County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

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MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

P Street Lift Station Project
Sutter County

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20 January 2023

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:
https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

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cont.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

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Sutter County

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Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

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P Street Lift Station Project
Sutter County

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20 January 2023

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

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cont.

Final Initial Study and Mitigated Negative Declaration
Live Oak P Street Lift Station Project

P Street Lift Station Project
Sutter County

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20 January 2023

If you have questions regarding these comments, please contact me at (916) 464-4684
or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

Comment Letter A – Peter Minkel, Central Valley Regional Water Quality Control Board

Comment A-1: This comment is a summary of required permits and certifications required for the Proposed Project, submitted by the Central Valley Regional Water Quality Control Board.

Response A-1: The comment letter does not include specific suggestions or comments regarding the contents or adequacy of the IS/MND. This comment is noted and will be provided to the Planning Commission and City Council for consideration.

Comment Letter B - Alexander Funk, M.S., California Department of Fish and Wildlife

Letter B

From: Funk, Alexander@Wildlife <Alexander.Funk@Wildlife.ca.gov>
Sent: Friday, January 20, 2023 11:08 AM
To: Ron Walker <rwalker@liveoakcity.org>
Cc: Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>; Boyd, Ian@Wildlife <Ian.Boyd@Wildlife.ca.gov>; Sheya, Tanya@Wildlife <Tanya.Sheya@wildlife.ca.gov>; Thomas, Kevin@Wildlife <Kevin.Thomas@wildlife.ca.gov>
Subject: Re: CEQA Comment 2022_0485_0000_PStLiftStationProject; City of Live Oak, Sutter County

**P Street Lift Station Project
SCH # 2022-0485-0000-R2**

Dear Mr. Walker,

The California Department of Fish and Wildlife (CDFW) received and reviewed the Initial Study and Mitigated Negative Declaration (IS/ND) from the City of Live Oak for the P Street Lift Station Project (Project) pursuant to the California Environmental Quality Act (CEQA) statute and guidelines. (Public Resources Code § 21000 et seq.)

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations

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Final Initial Study and Mitigated Negative Declaration
Live Oak P Street Lift Station Project

of those species. (Fish & G. Code., § 1802.) Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also responding as a potential **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code. CDFW also administers the Native Plant Protection Act, Natural Community Conservation Act, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

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cont.

PROJECT DESCRIPTION SUMMARY

The proposed Project entails the upgrade of the City of Live Oak's (City) existing wastewater lift station and associated onsite facilities located on the northwest corner of P Street and Date Street. The Project requires the demolition of approximately 0.14 mile of existing sewage and storm drain pipelines; construction of a new wet well, installation of three new pumps, valves, piping, and a flowmeter with associated vaults; replacement of the existing motor control center, backup generator, and other electrical improvements; replacement of gravity wastewater piping and structures; a new perimeter concrete masonry unit wall with two access gates; improvements to the electrical and controls building including a new roof; asphalt paving of the site; storm drainage and sewage infrastructure within the **right-of-way of the** adjacent roadway of Date Street; the installation of a new box culvert within the drainage ditch onsite (between the lift station and the proposed staging area); and other various improvements.

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COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

RAPTORS AND MIGRATORY BIRDS

The trees nearby the existing lift station facility as well as within the Study Area support potential nesting habitat for a variety of common birds that, while not considered special status as previously defined, may be protected under the Migratory Bird Treaty Act (MBTA). Such species include California scrub-jay, (*Aphelocoma californica*) northern mockingbird (*Mimus polyglottos*), and house finch (*Haemorrhous mexicanus*).

Migratory nongame native bird species are protected by international treaty under the Federal MBTA (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the Fish & Game Code section 3513. Fish & Game Code sections 3503, 3503.5 provide additional protection to nongame birds, birds of prey, their nests and eggs. Birds which are State and federally listed as endangered, threatened, or candidate species are also protected under CESA and the federal Endangered Species Act (ESA). If it is anticipated that birds may try to nest within the Project area, measures should be taken to prevent impacts to nongame birds, migratory birds, and birds of prey including any part, nest, or egg.

B-3

Potential Project impacts to nesting birds may include, but are not limited to:

- loss of nests during ground-disturbing and vegetation clearing or reduction activities;
- abandonment of an active nest as a result of disturbance to a nesting pair from Project noise or activities near the nest;
- removal of the nest site when the nesting pair return to the same site over a number of years.

CDFW recommends measure BIO-2 in the IS/MND be revised to include the following avoidance and minimization measures:

- Vegetation removal activities within the Project disturbance area should be performed between September 1 and January 31.

If Project-related activities are scheduled between February 1 and August 31 (the typical nesting season), a focused survey for nests should be conducted by a qualified wildlife biologist within 3 days prior to any vegetation removal, ground disturbance, construction, or other Project-related activities on the site. The qualified wildlife biologist should survey a minimum radius of 500 feet (for migratory birds) and ½-mile (for raptors) around the Project area that can be accessed. If an active nest is found, active nests should be avoided, and a no disturbance buffer should be determined by the City's qualified wildlife biologist. CDFW should be notified if an avoidance buffer is established around an active nest. All activities within the designated avoidance buffer should be postponed until the biologist, in consultation with CDFW, can confirm that all breeding activity is concluded, all young birds have fledged and the nest is no longer active for the season. If a lapse in Project-related work of 14 days or longer occurs, another survey may be necessary, therefore, CDFW should be contacted before re-initiating work.

- During the nesting season, the biologist shall monitor active nests to determine when the young have fledged and shall submit status reports to CDFW, as appropriate, throughout the nesting season.

B-3
cont.

SWAINSON'S HAWK

The trees along the western boundary of the Study Area represent marginal nesting habitat for one state listed bird species, Swainson's hawk (*Buteo swainsoni*). These trees also provide marginal to suitable nesting habitat for five non-listed special-status bird species and a variety of other non-listed birds that are protected under the MBTA and the California Fish and Game Code. Project development could permanently remove or alter suitable nesting habitat for special-status and other protected birds. If Project construction occurs during the nesting season and active nests are present, they may be directly or indirectly impacted by development.

To protect active Swainson's hawk nests, CDFW recommends that the area within 0.5 mile of Project activities be surveyed for active nests by a qualified wildlife biologist in accordance with the [Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley](#). If an active nest occurs within 0.5 mile of the Project site, the area should be avoided, and the CDFW should be consulted. If Project activities within 0.5 mile of an active nest cannot be avoided, the area should be monitored by a qualified raptor biologist prior to and during Project activities. If the nesting pair's behavior suggests agitation or disturbance by Project activities, all activities in the area shall immediately stop pending consultation with CDFW. If necessary, the City may need to obtain an incidental take permit issued pursuant to Fish and Game Code section 2081.

B-4

BATS

The trees along the western boundary of the Study Area represent potential roosting habitat for three special-status bat species. Project development could permanently remove or alter suitable roosting habitat for special-status bats, and if special-status bats occur onsite, they may be directly or indirectly impacted by development. Suitable roost sites for bats are considered by CDFW to be a significant biological resource.

CDFW recommends measure BIO-3 and BIO-4 in the IS/MND be revise and/or updated to include the following avoidance and minimization measures:

- BIO-3 should be updated to conducting pre-project surveys or monitoring over the course of spring, summer, fall, and winter (at least a minimum of six months prior to the start of Project activities and possibly for two or more years) to determine which bat species are using the site. Multiple survey visits may be necessary because different species may use a particular roost only during certain seasons (maternity, hibernation, dispersal, migration). Further, multiple visits within a season may be necessary to ensure intermittent use is observed. Due to year-to-year variation in use, multiple years of surveys may also be necessary.
- Ensure that replacement roost structures (bat houses or other structures) are

B-5

designed to accommodate the bat species they are intended for.

- Replacement roost structures should be in place for a minimum of one full year prior to implementing the Project. The replacement structures should be monitored to document bat use. Ideally, the Project would not be implemented unless and until replacement roost structures on site are documented to be acceptable and used by the bat species of interest.
- The Project that results in the loss or modification of the original roost structure should be implemented outside the critical hibernation and maternity seasons.
- Tree Removal. Tree removal should be scheduled either (1) between approximately March 1 (or when evening temperatures are above 45°F and rainfall less than ½ inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). Removal of trees containing suitable bat habitat should be conducted under the supervision of a qualified bat biologist. Trees should be trimmed and/or removed in a two-phased removal system conducted over two consecutive days. The first day (in the afternoon), limbs and branches should be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures should be avoided, and only branches or limbs without those features should be removed. On the second day, the entire tree should be removed. Project proponents should consult with a qualified bat biologist to determine suitable buffers around roost and/or hibernaculum sites. Buffers may vary depending on species and Project activity being performed.

B-5
cont.

OAK WOODLANDS

Project development could result in the direct or indirect impacts to protected oak trees and measures BIO-5 and BIO-6 of the IS/MND address surveys from a certified arborist and the future development of measures to preserve protected trees or mitigate their loss, respectively. CDFW recommends that the Project be designed so that the loss of oak trees is avoided. Every effort should be made to retain "heritage" oaks more than 24 inches diameter breast height (DBH). Retained oaks should be protected. If the loss of oak trees is unavoidable, then a mitigation plan should be developed which results in the retention of the maximum number of mature oak trees. The mitigation should include the following:

- Establishment and maintenance procedures to restore the canopy cover, spatial arrangement, age class distribution and species composition of the oak woodland lost.
- Individual trees or groups of trees that are retained as a function of Project design should be fully protected both during and after construction. During the construction of the Project, a temporary protective fence should be established a minimum of 10 feet beyond the drip line of the retained oaks. Within this protective buffer, no grading, trenching, fill, or vegetation alteration should be allowed.
- Individual trees that are unavoidably lost due to Project implementation should be fully mitigated through the planting of oak seedlings that are obtained from local genetic stock. CDFW recommends a replacement rate of 3:1 based on canopy cover acreage for trees that are two inches or greater in DBH. We recommend a replacement rate of 1:1 for all trees less than two inches DBH.
- A five-year monitoring plan should be completed for all oak mitigation plantings. The monitoring plan should include appropriate irrigation schedules, as well as criteria for success and reestablishment during the five-year period. A success rate of no less than 80 percent at the end of the five-year monitoring period is recommended.
- A restoration site should be located within contiguous areas of no less than five acres, if applicable, and adjacent to undisturbed or preserved oak woodland habitat.

B-6

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative

B-7

declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

B-7
cont.

FILING FEES

The Project, as proposed, would have an effect on fish and wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the Project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.

B-8

CDFW appreciates the opportunity to comment on the IS/MND and CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter, please contact Alexander Funk, Environmental Scientist at (916) 817-0434 or alexander.funk@wildlife.ca.gov.

Sincerely,

Alex Funk

Alexander L. Funk, M.S. (He/Him)
Environmental Scientist
California Department of Fish and Wildlife
Habitat Conservation NCR Region 2
1701 Nimbus Road
Rancho Cordova, CA 95670
Cell (916) 817-0434
Alexander.Funk@wildlife.ca.gov

Comment B-1:	The comment provides an introductory paragraph and information about the California Department of Fish and Wildlife's (CDFW) responsibilities as a Trustee Agency.
Response B-1:	This comment does not provide any specific comments on the content or adequacy of the Draft IS/MND. Comment noted.
Comment B-2:	The comment provides a project description summary and introduction to CDFW comments on the Draft IS/MND.
Response B-2:	This comment does not provide any specific comments on the content or adequacy of the Draft IS/MND. Comment noted.
Comment B -3:	The comment provides information on raptors and migratory birds and their protection under the Migratory Bird Treaty Act. The comment continues and provides suggested revisions to mitigation measure BIO-2 to further assist in the protection of raptors and migratory birds.
Response B-3:	Mitigation measure BIO-2 has been revised to include the CDFW suggested changes to this mitigation. See Section 3.0 for this revision.
Comment B-4:	The comment provides information about Swainson's hawk and states that the trees along the western boundary of the Study Area represent marginal nesting habitat for Swainson's hawk. These trees also provide marginal to suitable nesting habitat for five non-listed special-status bird species and a variety of other non-listed birds that are protected under the MBTA and the California Fish and Game Code. The comment continues and states that if Project construction occurs during the nesting season and active nests are present, they may be directly or indirectly impacted by development and provides recommendations to protect Swainson's hawk.
Response B-4:	Mitigation measure BIO-2 has been revised to include the CDFW suggested changes to protect Swainson's hawk. See Section 3.0 for this revision.
Comment B-5:	The comment states that the trees along the western boundary of the Study Area represent potential roosting habitat for three special-status bat species. Project development could permanently remove or alter suitable roosting habitat for special-status bats, and if special-status bats occur onsite, they may be directly or indirectly impacted by development. The comment provides recommended revisions to mitigation measure BIO-3 and BIO-4 to include avoidance and minimization measures.
Response B-5:	The Project does not involve any construction on the western half of the 0.5 acre site. This area would only be used for staging of vehicle and equipment.

No trees would need to be removed as a part of construction. Additionally, there are no bat surveys that can be conducted from approximately Oct 15 to March 1 (hibernation) except conducting a bat habitat assessment and visually inspecting the entirety of the roost feature, which is often infeasible due to access issues. Conducting surveys during hibernation period is somewhat ineffective because nothing is exiting the roost during this time. A bat habitat assessment can be done at any time of year, but evening emergence and acoustic surveys cannot be reliably conducted during Oct 15 to March 1. As such, mitigation measure BIO-3 has been revised to allow for a determination by a qualified bat biologist as to the timing and extent of needed surveys. Mitigation measure BIO-4 has been revised to include the CDFW suggested changes to protect bats. See Section 3.0 for this revision.

- Comment B-6: The comment provides a recommendation that the Project be designed to avoid the removal of oak trees. If this removal cannot be avoided then the comment recommends that mitigation measures BIO-5 and BIO-6 be revised to include additional suggested mitigation.
- Response B-6: All on-site trees are located in the western half of the 0.5-acre. This area is only to be used for staging purposes and no construction will occur in this area. However, mitigation measure BIO-6 has been revised to include suggested CDFW oak tree mitigation. See Section 3.0 for this revision.
- Comment B-7: The comment request that any special-status species detected during Project surveys be reported to the California Natural Diversity Database (CNDDDB) and states that the payment of the CDFW filing fees is required for the Project.
- Response B-7: This comment does not provide any specific comments on the content or adequacy of the Draft IS/MND. Comment noted.
- Comment B-8: The comment concludes and requests written notification of proposed actions and pending decisions regarding the Project. Written notifications should be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.
- Response B-8: This comment does not provide any specific comments on the content or adequacy of the Draft IS/MND. Comment noted.

SECTION 3.0 REVISIONS TO THE INITIAL STUDY

3.1 Introduction

This section includes edits to the Initial Study in response to comments received during the public review period. Changes are provided in revision marks (double underline for new text and strike out for deleted text).

3.2 Revisions to the Initial Study

SUMMARY

Page S-2

The following change has been made to mitigation measure BIO-2:

BIO-2: Nesting Bird Work Window. Vegetation removal activities within the Project disturbance area should be performed between September 1 and January 31. If construction is to be initiated during the nesting season (generally February 1 through August 31), a qualified wildlife biologist shall conduct a preconstruction nesting bird survey of all suitable nesting habitat in and adjacent to the Project site within 14 days of the commencement of construction, within 3 days prior to any vegetation removal, ground disturbance, construction, or other Project-related activities on the site. The qualified wildlife biologist should survey a minimum radius of 500 feet (for migratory birds) and 0.5 mile (for raptors) around the Project area that can be accessed. If an active nest is found, active nests should be avoided, and a no disturbance buffer should be determined by the City's qualified wildlife biologist. CDFW should be notified if an avoidance buffer is established around an active nest. All activities within the designated avoidance buffer should be postponed until the biologist, in consultation with CDFW, can confirm that all breeding activity is concluded, all young birds have fledged and the nest is no longer active for the season. If a lapse in Project-related work of 14 days or longer occurs, another survey may be necessary, therefore, CDFW should be contacted before re-initiating work.

During the nesting season, the biologist shall monitor active nests to determine when the young have fledged and shall submit status reports to CDFW, as appropriate.

To protect active Swainson's hawk nests, the area within 0.5 mile of Project activities be surveyed for active nests by a qualified wildlife biologist in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. If an active nest occurs within 0.5 mile of the Project site, the area should be avoided, and the CDFW should be consulted. If Project activities within 0.5 mile of an active nest cannot be avoided, the area should be monitored by a qualified raptor biologist prior to and during Project activities. If the nesting pair's behavior suggests agitation or disturbance by Project activities, all activities in the area shall immediately stop pending consultation with CDFW. If necessary, the City may need to obtain an incidental take permit issued pursuant to Fish and Game Code section 2081.

throughout the nesting season.

~~The survey shall be conducted in accessible areas within a 500-foot radius of Project work areas for raptors and within a 100-foot radius for other nesting birds. If any active nests are observed, these nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival or the nest is otherwise no longer occupied.~~

Timing/Implementation: *Prior to and during vegetation removal, ground disturbance, and construction activities*

Monitoring/Enforcement: *City of Live Oak*

The following change has been made to mitigation measure BIO-3:

BIO-3: Pre-construction Bat Roost Surveys. A pre-project bat roost survey shall be conducted by a qualified wildlife biologist to determine to what extent further surveys or monitoring of on-site roosts may be necessary over the course of spring, summer, fall, and winter. If bats are observed, the qualified biologist will prepare a report that documents survey methods, results, and recommendations that quantifies the amount of occupied roost habitat, identifies bats to species if possible, and provides recommendations for bat roost mitigation based on survey observations. If bats are observed, then the report will be submitted to CDFW."

Additionally, bat roost surveys shall be conducted by a qualified wildlife biologist within 14 days prior to removal of any tree having the potential to provide bat roosting habitat. Locations of vegetation and tree removal or excavation will be examined for potential bat roosts. Specific survey methodologies will be determined by a qualified biologist and consistent with any applicable recommendations or requirements of CDFW, and may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat or, observations of bat sign (e.g., guano), or use of ultrasonic detectors (e.g., SonoBat, Anabat). Removal of any significant roost sites located will be avoided to the extent feasible.

Timing/Implementation: *Prior to and during construction activities*

Monitoring/Enforcement: *City of Live Oak*

Page S-3

The following change has been made to mitigation measure BIO-4:

BIO-4: Minimize disturbance to Bat Roosts. If it is determined that an active roost site cannot be avoided and will be affected, the biologist shall notify and consult with CDFW on appropriate bat exclusion methods and roost removal procedures.

If replacement of roost structures is required, roost structures should be in place for a minimum of one full year prior to implementing the Project. The replacement structures should be monitored to document bat use. Ideally, the Project would not be implemented unless and until

replacement roost structures on site are documented to be acceptable and used by the bat species of interest.

The Project that results in the loss or modification of the original roost structure should be implemented outside the critical hibernation and maternity seasons.

If tree removal is required during Project construction, tree removal should be scheduled either (1) between approximately March 1 (or when evening temperatures are above 45°F and rainfall less than ½ inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). Removal of trees containing suitable bat habitat should be conducted under the supervision of a qualified bat biologist. Trees should be trimmed and/or removed in a two-phased removal system conducted over two consecutive days. The first day (in the afternoon), limbs and branches should be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures should be avoided, and only branches or limbs without those features should be removed. On the second day, the entire tree should be removed. Project proponents should consult with a qualified bat biologist to determine suitable buffers around roost and/or hibernaculum sites. Buffers may vary depending on species and Project activity being performed.

Timing/Implementation: Prior to and during construction activities

Monitoring/Enforcement: City of Live Oak

The following change has been made to mitigation measure BIO-6:

BIO-6: Minimize disturbance to Protected Oak Trees. If oak trees are removed then the applicant shall consult with the City to develop measures to preserve protected trees or mitigate their loss. The following measures shall be considered:

- Establishment and maintenance procedures to restore the canopy cover, spatial arrangement, age class distribution and species composition of the oak woodland lost.
- Individual trees or groups of trees that are retained as a function of Project design should be fully protected both during and after construction. During the construction of the Project, a temporary protective fence should be established a minimum of 10 feet beyond the drip line of the retained oaks. Within this protective buffer, no grading, trenching, fill, or vegetation alteration should be allowed.
- Individual trees that are unavoidably lost due to Project implementation should be fully mitigated through the planting of oak seedlings that are obtained from local genetic stock. CDFW recommends a replacement rate of 3:1 based on canopy cover acreage for trees that are two inches or greater in DBH. We recommend a replacement rate of 1:1 for all trees less than two inches DBH.
- A five-year monitoring plan should be completed for all oak mitigation plantings. The monitoring plan should include appropriate irrigation schedules, as well as criteria for

success and reestablishment during the five-year period. A success rate of no less than 80 percent at the end of the five-year monitoring period is recommended.

- A restoration site should be located within contiguous areas of no less than five acres, if applicable, and adjacent to undisturbed or preserved oak woodland habitat.

Timing/Implementation: *Prior to and during construction activities*

Monitoring/Enforcement: *City of Live Oak*

SECTION 4.0 ENVIRONMENTAL CHECKLIST AND DISCUSSION

Page 4-24:

The following change has been made to mitigation measure BIO-2:

BIO-2: Nesting Bird Work Window. Vegetation removal activities within the Project disturbance area should be performed between September 1 and January 31. If construction is to be initiated during the nesting season (generally February 1 through August 31), a qualified wildlife biologist shall conduct a preconstruction nesting bird survey of all suitable nesting habitat in and adjacent to the Project site within 14 days of the commencement of construction, within 3 days prior to any vegetation removal, ground disturbance, construction, or other Project-related activities on the site. The qualified wildlife biologist should survey a minimum radius of 500 feet (for migratory birds) and ½-mile (for raptors) around the Project area that can be accessed. If an active nest is found, active nests should be avoided, and a no disturbance buffer should be determined by the City's qualified wildlife biologist. CDFW should be notified if an avoidance buffer is established around an active nest. All activities within the designated avoidance buffer should be postponed until the biologist, in consultation with CDFW, can confirm that all breeding activity is concluded, all young birds have fledged and the nest is no longer active for the season. If a lapse in Project-related work of 14 days or longer occurs, another survey may be necessary, therefore, CDFW should be contacted before re-initiating work.

During the nesting season, the biologist shall monitor active nests to determine when the young have fledged and shall submit status reports to CDFW, as appropriate.

To protect active Swainson's hawk nests, the area within 0.5 mile of Project activities be surveyed for active nests by a qualified wildlife biologist in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. If an active nest occurs within 0.5 mile of the Project site, the area should be avoided, and the CDFW should be consulted. If Project activities within 0.5 mile of an active nest cannot be avoided, the area should be monitored by a qualified raptor biologist prior to and during Project activities. If the nesting pair's behavior suggests agitation or disturbance by Project activities, all activities in the area shall immediately stop pending consultation with CDFW. If necessary, the City may need to obtain an incidental take permit issued pursuant to Fish and Game Code section 2081.

throughout the nesting season.

~~The survey shall be conducted in accessible areas within a 500-foot radius of Project work areas for raptors and within a 100-foot radius for other nesting birds. If any active nests are observed, these nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival or the nest is otherwise no longer occupied.~~

Timing/Implementation: *Prior to and during vegetation removal, ground disturbance, and construction activities*

Monitoring/Enforcement: *City of Live Oak*

The following change has been made to mitigation measure BIO-3:

BIO-3: Pre-construction Bat Roost Surveys. A pre-project bat roost survey shall be conducted by a qualified wildlife biologist to determine to what extent further surveys or monitoring of on-site roosts may be necessary over the course of spring, summer, fall, and winter. If bats are observed, the qualified biologist will prepare a report that documents survey methods, results, and recommendations that quantifies the amount of occupied roost habitat, identifies bats to species if possible, and provides recommendations for bat roost mitigation based on survey observations. If bats are observed, then the report will be submitted to CDFW."

Additionally, bat roost surveys shall be conducted by a qualified wildlife biologist within 14 days prior to removal of any tree having the potential to provide bat roosting habitat. Locations of vegetation and tree removal or excavation will be examined for potential bat roosts. Specific survey methodologies will be determined by a qualified biologist and consistent with any applicable recommendations or requirements of CDFW, and may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat or, observations of bat sign (e.g., guano), or use of ultrasonic detectors (e.g., SonoBat, Anabat). Removal of any significant roost sites located will be avoided to the extent feasible.

Timing/Implementation: *Prior to and during construction activities*

Monitoring/Enforcement: *City of Live Oak*

The following change has been made to mitigation measure BIO-4:

BIO-4: Minimize disturbance to Bat Roosts. If it is determined that an active roost site cannot be avoided and will be affected, the biologist shall notify and consult with CDFW on appropriate bat exclusion methods and roost removal procedures.

If replacement of roost structures is required, roost structures should be in place for a minimum of one full year prior to implementing the Project. The replacement structures should be monitored to document bat use. Ideally, the Project would not be implemented unless and until replacement roost structures on site are documented to be acceptable and used by the bat species of interest.

The Project that results in the loss or modification of the original roost structure should be implemented outside the critical hibernation and maternity seasons.

If tree removal is required during Project construction, tree removal should be scheduled either (1) between approximately March 1 (or when evening temperatures are above 45°F and rainfall less than ½ inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). Removal of trees containing suitable bat habitat should be conducted under the supervision of a qualified bat biologist. Trees should be trimmed and/or removed in a two-phased removal system conducted over two consecutive days. The first day (in the afternoon), limbs and branches should be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures should be avoided, and only branches or limbs without those features should be removed. On the second day, the entire tree should be removed. Project proponents should consult with a qualified bat biologist to determine suitable buffers around roost and/or hibernaculum sites. Buffers may vary depending on species and Project activity being performed.

Timing/Implementation: Prior to and during construction activities

Monitoring/Enforcement: City of Live Oak

The following change has been made to mitigation measure BIO-6:

BIO-6: Minimize disturbance to Protected Oak Trees. If oak trees are removed then the applicant shall consult with the City to develop measures to preserve protected trees or mitigate their loss. The following measures shall be considered:

- Establishment and maintenance procedures to restore the canopy cover, spatial arrangement, age class distribution and species composition of the oak woodland lost.
- Individual trees or groups of trees that are retained as a function of Project design should be fully protected both during and after construction. During the construction of the Project, a temporary protective fence should be established a minimum of 10 feet beyond the drip line of the retained oaks. Within this protective buffer, no grading, trenching, fill, or vegetation alteration should be allowed.
- Individual trees that are unavoidably lost due to Project implementation should be fully mitigated through the planting of oak seedlings that are obtained from local genetic stock. CDFW recommends a replacement rate of 3:1 based on canopy cover acreage for trees that are two inches or greater in DBH. We recommend a replacement rate of 1:1 for all trees less than two inches DBH.
- A five-year monitoring plan should be completed for all oak mitigation plantings. The monitoring plan should include appropriate irrigation schedules, as well as criteria for success and reestablishment during the five-year period. A success rate of no less than 80 percent at the end of the five-year monitoring period is recommended.

Final Initial Study and Mitigated Negative Declaration
Live Oak P Street Lift Station Project

- A restoration site should be located within contiguous areas of no less than five acres, if applicable, and adjacent to undisturbed or preserved oak woodland habitat.

Timing/Implementation: *Prior to and during construction activities*

Monitoring/Enforcement: *City of Live Oak*

Mitigation Monitoring and Reporting Program
P Street Lift Station Project

State Clearinghouse Number
2022120579

January 2023

Lead Agency:



City of Live Oak
9955 Live Oak Boulevard
Live Oak, California 95953

Prepared by:



55 Hanover Lane
Chico, CA 95973

SECTION 1.0 INTRODUCTION

In accordance with CEQA, an MND that identifies adverse impacts related to the construction activity for the P Street Lift Station Project was prepared. The MND identifies mitigation measures that would reduce or eliminate these impacts.

Section 21081.6 of the Public Resources Code and Sections 15091(d) and 15097 of the State CEQA Guidelines require public agencies to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. A MMRP is required for the Proposed Project, because the IS/MND identified potentially significant adverse impacts related to construction activity, and mitigation measures have been identified to mitigate these impacts. Adoption of the MMRP will occur along with approval of the Proposed Project.

1.1 PURPOSE OF THE MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during the construction and operation of the Proposed Project, as required. The MMRP may be modified by the City of Suisun City during project implementation, as necessary, in response to changing conditions or other Project refinements. Table 1-1 has been prepared to assist the responsible parties in implementing the MMRP. This table identifies the category of significant environmental impact(s), individual mitigation measures, monitoring and mitigation timing, responsible person/agency for implementing the measure, monitoring and reporting procedure, and notation space to confirm implementation of the mitigation measures. The numbering of the mitigation measures follows the numbering sequence in the IS/MND.

1.2 ROLES AND RESPONSIBILITIES

The City of Live Oak, as Lead Agency, is responsible for oversight of compliance of the mitigation measures in the MMRP.

1.3 MITIGATION MONITORING AND REPORTING PLAN

The column categories identified in the MMRP table (Table 1-1) are described below.

- **Mitigation Measure** – This column lists the mitigation measures by number.
- **Monitoring Activity/Timing/Frequency/Schedule** – This column lists the activity to be monitored for each mitigation measure, the timing of each activity, and the frequency/schedule of monitoring for each activity.
- **Implementation Responsibility/Verification** – This column identifies the entity responsible for complying with the requirements of the mitigation measure, and provides space for verification initials and date.

- **Responsibility for Oversight of Compliance/Verification** – This column provides the agency responsible for oversight of the mitigation implementation, and is to be dated and initialed by the agency representative based on the documentation provided by the construction contractor or through personal verification by agency staff.
- **Outside Agency Coordination** – this column lists any agencies with which the City may coordinate for implementation of the mitigation measure.
- **Comments** – this column provides space for written comments, if necessary.

Table 1-1. P Street Lift Station Project - Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
AQ-1: The Project applicant and/or its contractor shall require that all Project earth-moving equipment (excavators, used during construction activities shall be California Air Resources Board (CARB) Tier 4 Certified, as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations.	Activity: Use of Tier 4 construction equipment Timing: Prior to the initiation of construction activities. Frequency: Ongoing during construction.	Contractor Initials Date	City of Live Oak and Project construction lead. Initials Date	None	
BIO-1: Worker Environmental Awareness Program. A qualified biologist should conduct a mandatory Worker Environmental Awareness Program for all contractors, work crews, and any onsite personnel to aid workers in recognizing special-status species and sensitive biological resources that may occur onsite. The program shall include identification of the special-status species and their habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and Mitigation Measures required to reduce impacts to biological resources within the work area.	Activity: Mandatory Worker Environmental Awareness Program Timing: Prior to the initiation of construction activities Frequency: Once prior to construction.	Contractor Initials Date	City of Live Oak and Project construction lead. Initials Date	Coordination with qualified biologist	
BIO-2: Nesting Bird Work Window. Vegetation removal activities within the Project disturbance area should be performed between September 1 and January 31. If construction is to be initiated during the nesting season (generally February 1 through August 31), a qualified wildlife biologist shall conduct a preconstruction nesting bird survey of all suitable nesting habitat in and adjacent to the Project site within 3 days prior to any vegetation removal, ground disturbance, construction, or other Project-related activities	Activity: Preconstruction nesting bird survey Timing: Prior to and during <u>vegetation removal</u> , <u>ground disturbance</u> , and <u>construction activities</u>	Contractor Initials	City of Live Oak and project construction lead Initials	Possible coordination with CDFW	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
on the site. The qualified wildlife biologist should survey a minimum radius of 500 feet (for migratory birds) and 0.5 mile (for raptors) around the Project area that can be accessed. If an active nest is found, active nests should be avoided, and a no disturbance buffer should be determined by the City's qualified wildlife biologist. CDFW should be notified if an avoidance buffer is established around an active nest. All activities within the designated avoidance buffer should be postponed until the biologist, in consultation with CDFW, can confirm that all breeding activity is concluded, all young birds have fledged and the nest is no longer active for the season. If a lapse in Project-related work of 14 days or longer occurs, another survey may be necessary, therefore, CDFW should be contacted before re-initiating work. During the nesting season, the biologist shall monitor active nests to determine when the young have fledged and shall submit status reports to CDFW, as appropriate, To protect active Swainson's hawk nests, the area within 0.5 mile of Project activities be surveyed for active nests by a qualified wildlife biologist in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. If an active nest occurs within 0.5 mile of the Project site, the area should be avoided, and the CDFW should be consulted. If Project activities within 0.5 mile of an active nest cannot be avoided, the area should be monitored by a qualified raptor biologist prior to and during Project activities. If the nesting pair's behavior suggests agitation or disturbance by Project activities, all activities in the area shall immediately stop pending consultation with CDFW. If necessary, the City may need to obtain an incidental take permit issued pursuant to Fish and Game Code section 2081.	Frequency: As needed.	Date	Date		
BIO-3: Pre-construction Bat Roost Surveys. A pre-project bat roost survey shall be conducted by a qualified wildlife biologist to determine to what extent further surveys or monitoring of on-site roosts may be necessary over the course of spring, summer, fall, and winter. If bats are	Activity: Preconstruction bat survey Timing:	Contractor Initials	City of Live Oak and project construction lead	Possible coordination with CDFW	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
observed, the qualified biologist will prepare a report that documents survey methods, results, and recommendations that quantifies the amount of occupied roost habitat, identifies bats to species if possible, and provides recommendations for bat roost mitigation based on survey observations. If bats are observed, then the report will be submitted to CDFW.” Additionally, bat roost surveys shall be conducted by a qualified wildlife biologist within 14 days prior to removal of any tree having the potential to provide bat roosting habitat. Locations of vegetation and tree removal or excavation will be examined for potential bat roosts. Specific survey methodologies will be determined by a qualified biologist and consistent with any applicable recommendations or requirements of CDFW, and may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat or, observations of bat sign (e.g., guano), or use of ultrasonic detectors (e.g., SonoBat, Anabat). Removal of any significant roost sites located will be avoided to the extent feasible.	Prior to commencement of construction Frequency: As needed.	Date	Initials Date		
BIO-4: Minimize Disturbance to Bat Roosts. If it is determined that an active roost site cannot be avoided and will be affected, the biologist shall notify and consult with CDFW on appropriate bat exclusion methods and roost removal procedures. If replacement of roost structures is required, roost structures should be in place for a minimum of one full year prior to implementing the Project. The replacement structures should be monitored to document bat use. Ideally, the Project would not be implemented unless and until replacement roost structures on site are documented to be acceptable and used by the bat species of interest. The Project that results in the loss or modification of the original roost structure should be implemented outside the critical hibernation and maternity seasons. If tree removal is required during Project construction, tree removal should be scheduled either (1) between approximately March 1 (or when evening temperatures are	Activity: Determination of appropriate bat exclusion methods Timing: Prior to commencement of construction Frequency: Prior to and during construction.	Contractor Initials Date	City of Live Oak and project construction lead Initials Date	Coordination with CDFW	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
above 45°F and rainfall less than ½ inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). Removal of trees containing suitable bat habitat should be conducted under the supervision of a qualified bat biologist. Trees should be trimmed and/or removed in a two-phased removal system conducted over two consecutive days. The first day (in the afternoon), limbs and branches should be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures should be avoided, and only branches or limbs without those features should be removed. On the second day, the entire tree should be removed. Project proponents should consult with a qualified bat biologist to determine suitable buffers around roost and/or hibernaculum sites. Buffers may vary depending on species and Project activity being performed.					
BIO-5: Pre-construction Protected Oak Trees Survey. A certified arborist shall conduct a survey to evaluate any trees proposed to be removed or disturbed.	Activity: Tree survey Timing: Prior to commencement of construction Frequency: Prior to and during construction.	Contractor Initials Date	City of Live Oak and project construction lead Initials Date	Coordination with certified arborist	
BIO-6: Minimize disturbance to Protected Oak Trees. If oak trees are removed then the applicant shall consult with the City to develop measures to preserve protected trees or mitigate their loss. The following measures shall be considered: Establishment and maintenance procedures to restore the canopy cover, spatial arrangement, age class	Activity: Tree protection Timing: Prior to commencement of construction Frequency:	Contractor Initials	City of Live Oak and project construction lead Initials	Coordination with certified arborist	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
distribution and species composition of the oak woodland lost. - Individual trees or groups of trees that are retained as a function of Project design should be fully protected both during and after construction. During the construction of the Project, a temporary protective fence should be established a minimum of 10 feet beyond the drip line of the retained oaks. Within this protective buffer, no grading, trenching, fill, or vegetation alteration should be allowed. - Individual trees that are unavoidably lost due to Project implementation should be fully mitigated through the planting of oak seedlings that are obtained from local genetic stock. CDFW recommends a replacement rate of 3:1 based on canopy cover acreage for trees that are two inches or greater in DBH. We recommend a replacement rate of 1:1 for all trees less than two inches DBH. - A five-year monitoring plan should be completed for all oak mitigation plantings. The monitoring plan should include appropriate irrigation schedules, as well as criteria for success and reestablishment during the five-year period. A success rate of no less than 80 percent at the end of the five-year monitoring period is recommended. - A restoration site should be located within contiguous areas of no less than five acres, if applicable, and adjacent to undisturbed or preserved oak woodland habitat.	Prior to and during construction.	Date	Date		
CUL-1: If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional	Activity: If cultural resources or human remains are found then ground disturbing activities must be suspended within a 100-foot radius of the find and appropriate	Contractor Initials	City of Live Oak and project construction lead Initials	Potential coordination with Sutter County Coroner	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
judgment. The following notifications shall apply, depending on the nature of the find: ■ If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required. ■ If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead agencies. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1. Is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2. That the treatment measures have been completed to their satisfaction. ■ If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Sutter County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the	steps as shown must be taken Timing: During construction. Frequency: As required.	Date	Date		

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.					
GEO-1: If paleontological or other geologically sensitive resources are identified during any phase of development including roadway development and future developments on the Project site, the applicant shall cease operation at the site of the discovery and immediately notify the City. The future Project proponent shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less-than-significant level. In considering any suggested mitigation proposed by the qualified paleontologist, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the development site while mitigation for paleontological resources is carried out.	Activity: If, during the course of project implementation, paleontological or other geologically sensitive resources are discovered. Timing: During construction. Frequency: As required.	Contractor Initials Date	City of Live Oak and project construction lead Initials Date	Coordination with qualified paleontologist	
NOI-1: The following measures shall be applied to the Project during construction: 1. All construction equipment, fixed or mobile, will be equipped with properly operating and maintained mufflers, consistent with manufacturer standards.	Activity: Noise reduction Timing: During construction.	Contractor Initials	City of Live Oak and project construction lead		

