AGREEMENT TO IMPLEMENT MITIGATION MONITORING AND REPORTING PROGRAM

Record No.:	2019-023037-03ENV	*Project Sponsor:*	Port of San Francisco
Project Title:	2829-2835 Taylor Street, Alioto's Plaza (Waterfront Plan EIR Addendum)		
Block/Lot:	Number (APN) 9900/049, Block 5 Lot 001	*Lead Agency:*	San Francisco Planning Department
		Staff Contact:	Joy Navarette – 628.652.7561

The table below indicates when compliance with each mitigation measure must occur. Some mitigation measures may span Phases 1A and 1B. Substantive descriptions of each mitigation measure's requirements are provided on the following pages in the Mitigation Monitoring and Reporting Program.

Adopted Mitigation Measure	Period of Compliance			Compliance with Mitigation Measure Completed?
	Prior to the Start of Construction*	During Construction**	Post-construction or Operational	
Mitigation Measure M-CR-1b: Best Practices and Construction Monitoring Program for Historic Resources	X	X		
Mitigation Measure M-CR-2a: Procedures for Accidental Discovery of Archeological Resources	X	X		
Mitigation Measure M-AQ-3a: Clean Construction Equipment	X	X		
Mitigation Measure M-BI-1a: Worker Environmental Awareness Program Training	X			
Mitigation Measure M-BI-2a: Nesting Bird Protection Measures	X	X		
Mitigation Measure M-BI-2b: Avoidance and Minimization Measures for Bats	X	X		
Mitigation Measure M-HY-1: Water Quality Best Management Practices for In-Water Work	X	X		

NOTES:

* Prior to any ground disturbing activities at the project site.

** Construction is broadly defined to include any physical activities associated with construction of a development project including, but not limited to: site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction.

MITIGATION MONITORING AND REPORTING PROGRAM

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Mitigation Measure M-CR-1b: Best Practices and Construction Monitoring Program for Historic Resources. The project sponsor of a development project using heavy-duty construction equipment onsite or directly adjacent to an historic resource, as determined by department preservation staff or listed in historic inventory maintained by the Port and department preservation staff, shall incorporate into contract specifications a requirement that the general and sub-contractor(s) use all feasible means to protect and avoid damage to onsite and directly adjacent historic resources as identified by the planning department, including, but not necessarily limited to, staging of equipment and materials so as to avoid direct damage, maintaining a buffer zone when possible between heavy equipment and historic resources, and, when applicable, covering the roof of adjacent structures to avoid damage from falling objects. Specifications shall also stipulate that any damage incurred to historic resources as a result of construction activities shall be immediately reported to the ERO. Prior to the start of construction activities, the project sponsor shall submit to the planning department preservation staff for review and approval, a list of measures to be included in contract specifications to avoid damage to historic resources.	Project sponsor in consultation with a professional who meets the Secretary of the Interior's Professional Qualification Standards	Prior to issuance of construction permits and during construction	Project sponsor shall submit list of measures to be included in contract specifications to planning department preservation staff.	Considered complete upon approval of list of measures by planning department preservation staff

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If damage to a historic resource occurs during construction, the project sponsor shall hire a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate), as set forth by the Secretary of the Interior's Professional Qualification Standards (36 CFR, Part 61). Damage incurred to the historic resource shall be repaired to match pre-construction conditions per the Secretary of the Interior's Standards for the Treatment of Historic Properties in consultation with the qualified professional and planning department preservation staff. If directed by planning department preservation staff, the project sponsor shall engage a qualified preservation professional to undertake a monitoring program to ensure that best practices are being followed. If monitoring is required, the qualified preservation professional shall prepare a monitoring plan to direct the monitoring program that shall be reviewed and approved by planning department preservation staff.	Project sponsor in consultation with a professional who meets the Secretary of the Interior's Professional Qualification Standards	Implement best practices and construction monitoring program during construction	Project sponsor shall repair damage in consultation with qualified professional and planning department preservation staff.	Considered complete upon approval by planning department preservation staff that project sponsor has fulfilled all provisions of monitoring program and/or that all damage has been repaired
Mitigation Measure M-CR-2a: Procedures for Accidental Discovery of Archeological Resources. The following mitigation measure shall be implemented for any projects for which the preliminary archeological review conducted by qualified San Francisco Planning Department archeological staff identifies the potential for significant archeological impacts. All plans and reports prepared by the qualified archeologist (hereinafter, "project archeologist"), as specified herein and in the subsequent measures, shall be submitted first and directly to the ERO for review and comment and shall be considered draft reports subject to revision until final approval by the ERO. *ALERT Sheet.* The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils-disturbing activities within the project site. Prior to any soils-disturbing activities being undertaken, each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed	Project sponsor	Prior to and during soils-disturbing activities	Project sponsor shall distribute Alert sheet and shall submit a signed affidavit confirming the distribution to the ERO.	Considered complete upon ERO receiving signed affidavit

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affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) confirming that all field personnel involved in soil-disturbing activities have received copies of the Alert Sheet.				
Procedures upon Discovery of a Potential Archeological Resource. The following measures shall be implemented in the event of an archeological discovery during project soil-disturbing activities: • *Discovery Stop Work and ERO Notification.* Should any indication of an archeological resource be encountered during any soils-disturbing activity of the project, the project sponsor shall immediately notify the ERO and shall immediately suspend any soils-disturbing activities in the vicinity of the discovery and protect the find in place until the ERO has determined what additional measures should be undertaken, as detailed below. • *Project Archeologist.* If the ERO determines that the discovery may represent a significant archeological resource, the Port/project sponsor shall retain the services of a project archeologist; that is, one who meets the Secretary of the Interior's Professional Qualification Standards,[1] and who has demonstrable experience, as applicable based on the resource type discovered or suspected, in the geoarcheological identification of submerged Native American archeological deposits and/or in the identification and treatment of 19th century archeological resources, including maritime resources as applicable, to examine and preliminary evaluate the significance and historic integrity of the resource. The project sponsor shall ensure that the project archeologist or designee is empowered, for the remainder of soil disturbing project activity, to halt soil disturbing activity in the vicinity of potential archeological finds, and that work shall remain halted until the discovery has been assessed and a treatment determination made, as detailed below.	Project sponsor and archeological consultant at the direction of the ERO	Upon accidental discovery	In the event of accidental discovery, the project sponsor shall suspend soils-disturbing activities and notify the ERO. The sponsor shall retain a qualified archeological consultant at the direction of the ERO. The archeological consultant shall identify and evaluate the archeological resources and recommend actions for review and approval by the ERO. The archeological consultant shall undertake additional treatment if needed.	If preservation in place is feasible, complete when approved ARPP is implemented. Considered complete when archeological consultant completes additional measures as directed by the ERO as warranted

[1] 36 SFR 61: The minimum professional qualifications in Archeology are a graduate degree in archeology, anthropology, or closely related field plus: • At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management; • At least four months of supervised field and analytical experience in general North American archeology; and • Demonstrated ability to carry research to completion. In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

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• *Resource Evaluation and Treatment Determination.* The project archeologist shall examine and appropriately document the discovered resource and make a recommendation to the ERO as to what further actions, if any, are warranted. Based on this information, the ERO may require the project sponsor to implement specific treatment measures to address impacts to the resource. Treatment measures might include preservation in situ of the archeological resource (the preferred mitigation; see below); an archeological monitoring program; an archeological testing program; archeological data recovery; and/or an archeological interpretation program, as detailed below. If an archeological interpretive, monitoring, and/or testing program are required, these shall be consistent with the Environmental Planning Division guidelines for such programs and shall be implemented immediately in accordance with the archeological monitoring and testing protocols set forth in Mitigation Measures M-CR-2b, Archeological Monitoring; M-CR-2c, Archeological Testing; and/or M-CR-2d, Submerged or Deeply Buried Resources, as detailed in the Waterfront Plan EIR MMRP. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions. In addition, the ERO shall notify any tribal representatives who responded to the project tribal cultural resources notification and requested to be notified of the discovery of Native American archeological resources and to coordinate on the treatment of archeological and tribal cultural resources. • *Archeological Site Records.* At the conclusion of assessment, the project archeologist shall prepare an archeological site record or primary record (DPR 523 series) for each resource evaluated as significant or potentially significant. In addition, a primary record shall be prepared for any Native American isolate. Each such record shall be accompanied by a map and GIS location file. Records shall be submitted to the department for review as attachments to the archeological resources report (see below) and once approved by the ERO, to the Northwest Information Center. • *Submerged Paleosols.* Should a submerged paleosol be identified the project archeologist shall extract and process samples for dating,				

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flotation for paleobotanical analysis, and other applicable special analyses pertinent to identification of possible cultural soils and for environmental reconstruction, irrespective of whether cultural material is present. • *Preservation in Place Consideration.* Should a significant archeological resource be discovered during construction or during archeological testing or monitoring, preservation in place is the preferred treatment option. The ERO shall consult with the project sponsor and, for Native American archeological resources, with the tribal representative(s), if requested, to consider (1) the feasibility of permanently preserving the resource in place and (2) whether preservation in place would be effective in preserving both the archeological values and (if applicable) the tribal values represented. If based on this consultation the ERO determines that preservation in place would be both feasible and effective, based on this consultation, then the project archeologist, in consultation with the tribal representative, if a Native American archeological resource, shall prepare a Cultural Resources Preservation Plan (CRPP). For Native American archeological resources, the CRPP shall explicitly take into consideration the cultural significance of the tribal cultural resource to the tribes. Preservation options may include measures such as design of the project layout to place open space over the resource location; foundation design to avoid the use of pilings or deep excavations in the sensitive area; a plan to expose and conserve the resource and include it in an on-site interpretive exhibit; and/or establishment of a permanent preservation easement. The project archeologist shall submit a draft CRPP to the department and the tribes for review and approval, and the Port/project sponsor shall ensure that the approved plan is implemented during and after construction. If, based on this consultation, the ERO determines that preservation in place is infeasible, archeological data recovery and public interpretation of the resource shall be carried out, as detailed below. The ERO in consultation with the project archeologist shall also determine if additional treatment is warranted, which may include additional testing and/or construction monitoring.				
• *Coordination with Descendant Communities.* On discovery of an archeological site associated with descendant Native Americans,	The archeological consultant, project	During archeological treatment of resource	Consultation with ERO on identified	Considered complete upon

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Chinese, or other potentially interested descendant group, the project archeologist shall contact an appropriate representative of the descendant group and the ERO. The representative of the descendant group shall be offered the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site and data recovered from the site, and, if applicable, any interpretative treatment of the site. The project archeologist shall provide a copy of the Archeological Resources Report (ARR) to the representative of the descendant group. • *Compensation.* Tribal representatives or other descendant community representatives for archeological resources or tribal cultural resources, who participate in the project, shall be compensated for time invested in the preparation or review of plans, documents, artwork, etc., as well as for archeological monitoring undertaken in fulfillment of the requirements of this mitigation measure, similarly to other consultants and experts employed for subsequent projects under the Waterfront Plan. The ERO, Port/project sponsor and project archeologist, as appropriate, shall work with the tribal representative or other descendant community representatives to identify the appropriate scope of consultation work.	sponsor and project contractor at the direction of the ERO in consultation with descendant community	associated with descendant community	descendant group. Descendant group provides recommendations, offered opportunity to monitor, and is given a copy of the ARR.	implementation of measures agreed upon during consultation
Archeological Data Recovery Program. The project archeologist shall prepare an Archeological Data Recovery Plan (ADRP) if all three of the following apply: (1) a potentially significant resource is discovered, (2) preservation in place is not feasible, and (3) the ERO determines that archeological data recovery is warranted. When the ERO makes such a determination, the project archeological consultant, project sponsor, ERO and, for tribal cultural archeological resources, the tribal representative, if requested, shall consult on the scope of the data recovery program. The project archeologist shall prepare a draft ADRP and submit it to the ERO for review and approval. If the time needed for preparation and review of a comprehensive ADRP would result in a significant construction delay, the scope of data recovery may instead by agreed upon in consultation between the project archeologist and the ERO and documented by the project archeologist in a memo to the ERO. The ADRP/memo shall identify how the proposed data recovery program will preserve the significant	ERO, archeological consultant, project sponsor, and tribal representative (if requested)	After determination by ERO that an archeological data recovery program is required	Archeological consultant shall prepare an ADRP in consultation with ERO.	Considered complete upon implementation of ARDP approved by ERO

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information the archeological resource is expected to contain. That is, the ADRP/memo will identify what scientific/historic research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historic property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resource that would not otherwise by disturbed by construction if nondestructive methods are practical. If archeological data recovery is required, the archeological data recovery program required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction may be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines section 15064.5(a) and (c). The ADRP shall include the following elements: • Field Methods and Procedures: Descriptions of proposed field strategies, procedures, and operations. • Cataloguing and Laboratory Analysis: Description of selected cataloguing system and artifact analysis procedures. • Discard and Deaccession Policy: Description of and rationale for field and post-field discard and deaccession policies. • Security Measures: Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • Final Report: Description of proposed report format and distribution of results. • Public Interpretation: Description of potential types of interpretive products and locations of interpretive exhibits based on consultation with project sponsor • Curation: Description of the procedures and recommendations for the curation of any recovered data having potential research value,				

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identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. The project archeologist shall implement the archeological data recovery program upon approval of the ADRP/memo by the ERO. *Coordination of Archeological Data Recovery Investigations.* In cases in which the same resource has been or is being affected by another project for which data recovery has been conducted, is in progress, or is planned, the following measures shall be implemented to maximize the scientific and interpretive value of the data recovered from both archeological investigations: • In cases where neither investigation has not yet begun, both archeological consultants and the ERO shall consult on coordinating and collaboration on archeological research design, data recovery methods, analytical methods, reporting, curation and interpretation to ensure consistent data recovery and treatment of the resource. • In cases where archeological data recovery investigation is already under way or has been completed for a prior project, the archeological consultant for the subsequent project shall consult with the prior archeological consultant, if available; review prior treatment plans, findings and reporting; and inspect and assess existing archeological collections/inventories from the site prior to preparation of the archeological treatment plan for the subsequent discovery, and shall incorporate prior findings in the final report of the subsequent investigation. The objectives of this coordination and review of prior methods and findings will be to identify refined research questions; determine appropriate data recovery methods and analyses; assess new findings relative to prior research findings; and integrate prior findings into subsequent reporting and interpretation.				
Treatment of Human Remains and Funerary Objects. If human remains or suspected human remains are encountered during construction, the contractor and project sponsor shall ensure that ground-disturbing work within 50 feet of the remains is halted immediately and shall arrange for the protection in place of the remains until appropriate treatment and disposition have been agreed upon and implemented in accordance with this section. The treatment of any human remains and funerary objects discovered during any soils disturbing activity shall comply with applicable	Project sponsor/ archeological consultant in consultation with the ERO, Medical Examiner, NAHC, and MLD as warranted	Discovery of human remains	Project archeologist or project sponsor shall notify ERO and Medical Examiner, who will contact NAHC as warranted.	Considered complete on finding by ERO that all State laws regarding human remains/burial objects have been adhered to, consultation with

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state laws, including Health and Safety Code section 7050.5 and Public Resources Code section 5097.98. Upon determining that the remains are human, the project archeologist shall immediately notify the Medical Examiner of the City and County of San Francisco of the find. The archeologist shall also immediately notify the ERO and the project sponsor of the find. In the event of the Medical Examiner's determination that the human remains are Native American in origin, the Medical Examiner will notify the California State Native American Heritage Commission (NAHC) within 24 hours. The NAHC will immediately appoint and notify a Most Likely Descendant (MLD). The MLD will complete his or her inspection of the remains and make recommendations or preferences for treatment within 48 hours of being granted access to the site. If the remains cannot be permanently preserved in place, the Port shall consult with the MLD and may consult with the project archeologist, project sponsor and the ERO on recovery of the remains and any scientific treatment alternatives. The landowner shall then make all reasonable efforts to develop a Burial Agreement (Agreement) with the MLD, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and funerary objects (as detailed in CEQA Guidelines section 15064.5(d)). Per Public Resources Code section 5097.98(c)(1), the Agreement shall address, as applicable and to the degree consistent with the wishes of the MLD, the appropriate excavation, removal, recordation, scientific analysis, custodianship prior to reinternment or curation, and final disposition of the human remains and funerary objects. If the MLD agrees to scientific analyses of the remains and/or funerary objects, the archeological consultant shall retain possession of the remains and funerary objects until completion of any such analyses, after which the remains and funerary objects shall be reinterred or curated as specified in the Agreement. Both parties are expected to make a concerted and good faith effort to arrive at a Burial Agreement. However, if the Port and the MLD are unable to reach an Agreement on scientific treatment of the remains and/or funerary objects, the ERO, in consultation with the Port shall ensure that the remains and/or funerary objects are stored securely and respectfully until they can be reinterred on the project site, with appropriate dignity, in				MLD is completed as warranted, that sufficient opportunity has been provided to the archeological consultant for any scientific/historical analysis of remains/ funerary objects specified in the Agreement, and the agreed-upon disposition of the remains has occurred

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a location not subject to further or future subsurface disturbance, in accordance with the provisions of State law. Treatment of historic-period human remains and/or funerary objects discovered during any soil-disturbing activity shall be in accordance with protocols laid out in the project archeological treatment document, and other relevant agreements established between the project sponsor, Medical Examiner and the ERO. The project archeologist shall retain custody of the remains and associated materials while any scientific study scoped in the treatment document is conducted and the remains shall then be curated or respectfully reinterred by arrangement on a case-by case-basis.				
Cultural Resources Public Interpretation Plan and Land Acknowledgement. If a significant archeological resource is identified, the project archeologist shall prepare a Cultural Resources Public Interpretation Plan (CRPIP). The CRPIP shall describe the interpretive product(s), locations or distribution of interpretive materials or displays, the proposed content and materials, the producers or artists of the displays or installation, and a long-term maintenance program. If the resource to be interpreted is a tribal cultural resource, the department shall notify Native American tribal representatives that public interpretation is being planned. The CRPIP shall be prepared in consultation with and developed with the participation, if requested by a tribe, of Native American tribal representatives, and the interpretive materials shall include an acknowledgement that the project is located upon traditional Ohlone lands. For interpretation of a tribal cultural resource, the interpretive program may include a combination of artwork, preferably by local Native American artists, educational panels or other informational displays, a plaque, or other interpretative elements including digital products that address local Native people's experience and the layers of history. As feasible, and where landscaping is proposed, the interpretive effort may include the use and the interpretation of native and traditional plants incorporated into the proposed landscaping. The project archeological consultant shall submit the CRPIP and drafts of any interpretive materials that are subsequently prepared to the ERO for review and approval. The project sponsor shall ensure that the CRPIP is implemented prior to occupancy of the project.	Archeological/interpretation consultant at the direction of the ERO will prepare CRPIP. Measure laid out in CRPIP are implemented by sponsor and consultant. Native American representative (if requested)	Following completion of treatment, analysis, and interpretation of by archeological consultant	Archeological consultant shall submit the CRPIP to ERO for review and approval.	CRPIP is complete on review and approval of ERO; interpretive program is complete on notification to ERO from the project sponsor that program has been implemented

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Archeological Resources Report. If significance resources are encountered, the project archeologist shall submit a confidential draft Archeological Resources Report (ARR) to the ERO that evaluates the California Register significance of any discovered archeological resource, describes the archeological and historic research methods employed in the archeological program(s) undertaken and the results and interpretation of analyses, and discusses curation arrangements. Once approved by the ERO, the project archeologist shall distribute the approved ARR as follows: copies that meet current information center requirements at the time the report is completed (presently, an electronic copy of the report and of each resources record in pdf format and, if available, GIS shapefiles of the project site and of the boundaries and locations of any recorded resources) to the California Archeological Site Survey Northwest Information Center (NWIC), and a copy of the transmittal of the approved ARR to the NWIC to the ERO; one bound hardcopy of the ARR, along with digital files that include an unlocked, searchable PDF version of the ARR, GIS shapefiles of the site and feature locations, any formal site recordation forms (CA DPR 523 series), and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources, via USB or other stable storage device, to the department environmental planning division of the planning department; and, if a descendant group was consulted, a digital or hard copy of the ARR to the descendant group, depending on their preference.	Archeological consultant at the direction of the ERO	Following completion of treatment by archeological consultant as determined by the ERO	Submittal of draft ARR to ERO for review and approval. Distribution of the approved ARR by the archeological consultant.	Complete on certification to ERO that copies of the approved ARR have been distributed
Curation. If archeological data recovery is undertaken, the project archeologist and the project sponsor shall ensure that any significant archeological collections and paleoenvironmental samples of future research value shall be permanently curated at an established curatorial facility. The facility shall be selected in consultation with the ERO. Upon submittal of the collection for curation the Port or project sponsor or archeologist shall provide a copy of the signed curatorial agreement to the ERO.	Project archeologist prepares collection for curation and Port or project sponsor pays for curation costs	Upon acceptance by the ERO of the final report	Upon submittal of the collection for curation the sponsor or archaeologist shall provide a copy of the signed curatorial agreement to the ERO.	Considered complete upon acceptance of the collection by the curatorial facility

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9. *Reporting.* Biannual reports shall be submitted to the Port Chief Harbor Engineer and Port Environmental Regulatory Compliance staff, in addition to an Environmental Planning Air Quality Specialist for review, indicating the construction phase and equipment information used during each phase including the information required in requirement 7, above. Within six months of the completion of construction activities, the project sponsor shall submit to the Port Chief Harbor Engineer and Port Environmental Regulatory Compliance staff, in addition to an Environmental Planning Air Quality Specialist for review, a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in requirement 7.	Project sponsor	Biannually and within six months of completion of construction activities	Project sponsor shall submit biannual reports to the Port Chief Harbor Engineer, Port Environmental Regulatory Compliance staff, and Environmental Planning Air Quality Specialist.	Considered complete upon approval of biannual reports and final report by the Port Chief Harbor Engineer, Port Environmental Regulatory Compliance staff, and Environmental Planning Air Quality Specialist
10. *Certification Statement and On-Site Requirements.* Prior to the commencement of construction activities, the project sponsor shall certify (1) compliance with the construction emissions minimization plan, and (2) all applicable requirements of the construction emissions minimization plan have been incorporated into contract specifications.	Project sponsor	Prior to construction activities requiring the use of off-road and in-water marine equipment	Project sponsor shall submit certification station.	Considered complete upon receipt of certification statement by the Port Chief Harbor Engineer, Port Environmental Regulatory Compliance staff, and Environmental Planning Air Quality Specialist

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Mitigation Measure M-BI-1a: Worker Environmental Awareness Program Training. Project-specific Worker Environmental Awareness Program (WEAP) training shall be developed and implemented by a qualified biologist and attended by all project personnel performing demolition or ground-disturbing work where buildings, bridges, landscaping/street trees, natural vegetation or shoreline habitats are present prior to the start of work. The WEAP training shall generally include, but not be limited to, education about the following: • Applicable state and federal laws, environmental regulations, project permit conditions, and penalties for non-compliance. • Special-status plant and animal species with the potential to be encountered on or in the vicinity of the project area during construction. • Avoidance measures and a protocol for encountering special-status species including a communication chain. • Preconstruction surveys and biological monitoring requirements associated with each phase of work and at specific locations within the project area (e.g., shoreline work) as biological resources and protection measures will vary depending on where work is occurring within the site, time of year, and construction activity. • Known sensitive resource areas in the project vicinity that are to be avoided and/or protected as well as approved project work areas, access roads, and staging areas.	Project sponsor, qualified biologist, construction contractor(s)	Prior to construction	Project sponsor and qualified biologist shall develop WEAP training.	Considered complete at end of construction
Mitigation Measure M-BI-2a: Nesting Bird Protection Measures. Mitigation Measure M-BI-2a applies to new development projects that include removal of trees or vegetation, major tree trimming, demolition of buildings, or use of heavy equipment (e.g., earthwork, demolition) that could disturb nests or nesting birds. Nesting birds and their nests shall be protected during construction by use of the following measures: 1. A qualified wildlife biologist shall conduct pre-construction nesting surveys during the avian nesting breeding season **(approximately February 15 to September 15)** within 7 days prior to construction. Surveys shall be performed for the project area, vehicle and equipment staging areas, and suitable habitat within 250 feet to locate any active	Project sponsor, qualified biologist, CDFW	Pre-construction surveys during the avian nesting breeding season would occur within 7 days prior to the start of construction; implementation ongoing during construction if active nests are observed	Qualified biologist in coordination with the Port if active nests are observed.	Ongoing during construction if active nests are observed

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passerine (perching bird) nests and within 500 feet to locate any active raptor (bird of prey) nests. 2. If active nests are located during the pre-construction nesting bird surveys, the qualified wildlife biologist shall evaluate if the schedule of construction activities could affect the active nests and the following measures shall be implemented based on their determination: a. If construction is not likely to affect the active nest, construction may proceed without restriction. b. If it is determined that construction may affect the active nest, the qualified biologist shall establish a no-disturbance buffer around the nest(s) and all project work would halt within the buffer until a qualified biologist determines the nest is no longer in use. Typically, these buffer distances are up to 250 feet for passerines and 500 feet for raptors; however, the buffers may be adjusted downward for some species, or if an obstruction, such as a building, is within line-of-sight between the nest and construction activities. c. Modifying nest buffer distances, allowing certain construction activities within the buffer, and/or modifying construction methods in proximity to active nests shall be done at the discretion of the qualified biologist and in coordination with the Port. Necessary actions to remove or relocate an active nest(s) shall be coordinated with the Port. d. Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest, work within the no-disturbance buffer(s) shall halt until the nest occupants have fledged. e. Any birds that begin nesting within the project area and survey buffers amid construction activities shall be assumed to be habituated to construction-related or similar noise and disturbance levels and no work exclusion zones shall be established around active nests in these cases; however, should birds nesting nearby begin to show disturbance associated with construction activities,				

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no-disturbance buffers shall be established as determined by the qualified wildlife biologist.				
Mitigation Measure M-BI-2b: Avoidance and Minimization Measures for Bats. A qualified biologist (as defined by CDFW[2]) who is experienced with bat surveying techniques (including auditory sampling methods), behavior, roosting habitat, and identification of local bat species shall be consulted prior to demolition or building relocation activities or tree work to conduct a pre-construction habitat assessment of the project area (focusing on buildings to be demolished or relocated) to characterize potential bat habitat and identify potentially active roost sites. No further action is required should the pre-construction habitat assessment not identify bat habitat or signs of potentially active bat roosts within the project area (e.g., guano, urine staining, dead bats, etc.).	Project sponsor and qualified biologist	Prior to demolition, building relocation, or tree work for the pre-construction habitat assessment	Qualified biologist in coordination with Port if active roost sites are observed.	Considered complete at end of construction
The following measures shall be implemented should potential roosting habitat or potentially active bat roosts be identified during the habitat assessment in buildings to be demolished or relocated for subsequent projects under the Waterfront Plan or in trees adjacent to construction activities that could be trimmed or removed for subsequent projects under the Waterfront Plan: 1. In areas identified as potential roosting habitat during the habitat assessment, initial building demolition, relocation, and any tree work (trimming or removal) shall occur when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15, to the extent feasible. These dates avoid the bat maternity roosting season and period of winter torpor.[3] 2. Depending on temporal guidance as defined below, the qualified biologist shall conduct pre-construction surveys of potential bat roost sites identified during the initial habitat assessment no more than 14 days prior to building demolition or relocation, or any tree trimming or removal. 3. If active bat roosts or evidence of roosting is identified during pre-construction surveys for building demolition and relocation or tree	Project sponsor, contractor(s), and qualified biologist	Prior to construction and during demolition, relocation, and tree work	Qualified biologist in coordination with the Port and CDFW if active roost sites are observed.	Considered complete at end of construction

[2] CDFW defines credentials of a *qualified biologist* within permits or authorizations issued for a project. Typical qualifications include a minimum of four years of academic training leading to a degree and a minimum of 2 years of experience conducting surveys for each species that may be present within the project area.
[3] *Torpor* refers to a state of decreased physiological activity with reduced body temperature and metabolic rate.

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Completion Criteria
work, the qualified biologist shall determine, if possible, the type of roost and species. A no-disturbance buffer shall be established around roost sites until the qualified biologist determines they are no longer active. The size of the no-disturbance buffer would be determined by the qualified biologist and would depend on the species present, roost type, existing screening around the roost site (such as dense vegetation or a building), as well as the type of construction activity that would occur around the roost site. 4. If special-status bat species or maternity or hibernation roosts are detected during these surveys, appropriate species- and roost-specific avoidance and protection measures shall be developed by the qualified biologist in coordination with CDFW. Such measures may include postponing the removal of buildings or structures, establishing exclusionary work buffers while the roost is active (e.g., 100-foot no-disturbance buffer), or other compensatory mitigation. 5. The qualified biologist shall be present during building demolition, relocation, or tree work if potential bat roosting habitat or active bat roosts are present. Buildings and trees with active roosts shall be disturbed only under clear weather conditions when precipitation is not forecast for three days and when daytime temperatures are at least 50 degrees Fahrenheit. 6. The demolition or relocation of buildings containing or suspected to contain bat roosting habitat or active bat roosts shall be done under the supervision of the qualified biologist. When appropriate, buildings shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost, likely in the evening and after bats have emerged from the roost to forage. Under no circumstances shall active maternity roosts be disturbed until the roost disbands at the completion of the maternity roosting season or otherwise becomes inactive, as determined by the qualified biologist. 7. Trimming or removal of existing trees with potential bat roosting habitat or active (non-maternity or hibernation) bat roost sites shall follow a two-step removal process (which shall occur during the time of year when bats are active, according to a) above and, depending on the type of roost and species present, according to c) above).				

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Completion Criteria
a. On the first day and under supervision of the qualified biologist, tree branches and limbs not containing cavities or fissures in which bats could roost shall be cut using chainsaws. b. On the following day and under the supervision of the qualified biologist, the remainder of the tree may be trimmed or removed, either using chainsaws or other equipment (e.g., excavator or backhoe). c. All felled trees shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats to escape, or be inspected once felled by the qualified biologist to ensure no bats remain within the tree and/or branches.				
Mitigation Measure M-HY-1: Water Quality Best Management Practices for In-Water Work. The project sponsor shall implement water quality best management practices to protect water quality from pollution due to fuels, oils, lubricants, and other harmful materials, as determined in consultation with the Environmental Planning Division of the San Francisco Planning Department based on review of engineering and construction details of project improvements. The Planning Department shall review best management practices detailed in the San Francisco Department of Public Health Pollution Prevention Toolkit for Maritime Industries along with other measures as may be identified to address specific construction details of proposed project improvement to determine the specific mitigation details, which may include: • Preparation of a spill prevention control and countermeasure (SPCC) plan to address the emergency cleanup of any hazardous material and will be available on site, which typically includes: – Methods to address the emergency cleanup of any hazardous material and what materials will be available on site; – SPCC, hazardous waste, stormwater and other emergency planning requirements; – Measures to prevent spills into the Bay associated with in water fueling, if in water fueling is required on some of the construction barges. Such measures can include: ○ Secondary booms and/or pads, depending upon where fueling would take place on the vessel;	Project sponsor and construction contractor	SPCC and MMDP Plans submitted prior to construction; plans and measures to be implemented during construction	Project sponsor or contractor shall submit the SPCC and MMDP plans to the planning department for review and approval.	Considered complete upon approval of SPCC and MMDP plans by the planning department

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Completion Criteria
○ Secondary containment on the deck of the vessel to contain the petroleum product; ○ Specifying volume of petroleum products that will be on the vessel and evaluating the potential for spills. Absorbent and cleanup materials (such as oil sorbent boom, heavy oil pads, Oil-Dri Absorbent Floor, etc.) of sufficient quantity to clean up potential spill volume shall be provided; and ○ The locations of properly permitted offsite locations where vessels will be fueled. • Fueling of equipment consistent with proper fuel transfer procedures as per U.S. Coast Guard regulations (33 CFR 156.120 and 33 CFR 155.320), including inspection requirements of spill containment and the fueling location to document that no spills have occurred, or that any spills are cleaned up immediately. • Well-maintained equipment is used to perform the construction work, and equipment maintenance is performed off site when possible. Daily equipment inspections to help prevent leaks or spills. Leaks or spills are best cleaned up when discovered, with proper disposal of cleaning materials; • Precautions to protect listed species, their habitats, and Essential Fish Habitat from construction by-products and pollutants such as demolition debris, construction chemicals, fresh cement, saw-water, or other deleterious materials. Construction will be conducted from both land and water, and care shall be used by equipment operators to control debris so that it does not enter the Bay. • A materials management disposal plan (MMDP) to prevent any debris from falling into the Bay during construction to the maximum extent practicable. The measures identified in the MMDP are commonly based on the Best Available Technology, and may include: – During construction, any barges performing the work shall be moored in a position to capture and contain the debris generated during any sub-structure or in-water work. In the event that debris does reach the Bay, personnel in workboats within the work area shall immediately retrieve the debris for proper handling and disposal. All debris shall be disposed of at an authorized upland disposal site;				

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/ Completion Criteria
– Measures to ensure that fresh cement or concrete shall not be allowed to enter San Francisco Bay. Construction waste shall be collected and transported to an authorized upland disposal area, and per federal, state, and local laws and regulations; – All hazardous material shall be stored upland in storage trailers and/or shipping containers designed to provide adequate containment. Short-term laydown of hazardous materials for immediate use shall be permitted with the same anti-spill precautions; – All construction material, wastes, debris, sediment, rubbish, trash, fencing, etc., shall be removed from the site once the proposed project is completed and transported to an authorized disposal area, in compliance with applicable federal, state, and local laws and regulations; – Construction material shall be covered every night and during any rainfall event (if there is one); – Construction crews shall reduce the amount of disturbance within the project site to the minimum necessary to accomplish the project; and – Measures to prevent saw water from entering the Bay.				

NOTES:

[a] Definitions of MMRP Column Headings:
- *Adopted Mitigation Measures:* Full text of the mitigation measure(s) copied verbatim from the final CEQA document.
- *Implementation Responsibility:* Entity who is responsible for implementing the mitigation measure. In most cases this is the project sponsor and/or project's sponsor's contractor/consultant and at times under the direction of the planning department.
- *Mitigation Schedule:* Identifies milestones for when the actions in the mitigation measure need to be implemented.
- *Monitoring/Reporting Responsibility:* Identifies who is responsible for monitoring compliance with the mitigation measure and any reporting responsibilities. In most cases it is the planning department who is responsible for monitoring compliance with the mitigation measure. If a department or agency other than the planning department is identified as responsible for monitoring, there should be an expressed agreement between the planning department and that other department/agency. In most cases the project sponsor, their contractor, or consultant are responsible for any reporting requirements.
- *Monitoring Actions/Completion Criteria:* Identifies the milestone at which the mitigation measure is considered complete. This may also identify requirements for verifying compliance.