

Staff Report 27

APPLICANT:

City of Lodi

PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Mokelumne River, within Lodi Lake Park, adjacent to Assessor's Parcel Number 039-100-210, in Lodi, San Joaquin County.

AUTHORIZED USE:

Construction, installation, use, and maintenance of the Lodi Lake Shoreline Restoration Project, including bank stabilization and wetlands restoration.

TERM:

20 years, beginning February 25, 2022.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

- Lessee shall place warning signage or buoys, or both, clearly visible from the shore and in the water, both upstream and downstream of the construction site, to provide notice of the Project and to advise the public to exercise caution. Lessee shall place and maintain such signage during the term of the Project and shall notify the California Department of Parks and Recreation's Division of Boating and Waterways of the location, description, and purpose of such signage upon the installation and removal.
- Lessee acknowledges that the Mitigation Monitoring Program, attached

as Exhibit C and by reference made a part of this Lease, is adopted by the Lessor at the time of approval of this Lease, and Lessee agrees to be bound by and perform all conditions contained in the Mitigation Monitoring Program adopted by Lessor. Lessee shall be responsible for all costs associated with the Mitigation Monitoring Program.

- Lessee agrees and acknowledges that the hazards associated with climate change may require additional maintenance or protection strategies regarding the improvements on the lease premises.
- The lease requires removal of any improvements at the expiration or earlier termination of the lease, unless there is a subsequent lease issued to authorize the improvements. However, any portions of the wetland restoration project that may extend onto state land will not be subject to the normal removal provisions of this lease.
- Lessee shall develop a Cultural Resources Management Plan (CRMP) that is acceptable to the geographically affiliated consulting tribe, Wilton Rancheria, to ensure any tribal cultural resources that are discovered during project implementation are treated in accordance with the Tribe's customs and preferences. Lessee shall provide for a paid tribal representative to monitor all stages of project implementation to ensure any previously unknown/buried tribal cultural resources uncovered by project construction activities are properly identified and treated. No tribal cultural resources shall be collected, relocated, or otherwise impacted, until a CRMP that is approved by the Tribe and Commission staff is in place. Lessee agrees that if tribal cultural resources are discovered prior to approval of the CRMP, work must halt until an approved CRMP is in place or until the tribal monitor determines the discovered resource can be avoided.

BACKGROUND:

The Lodi Lake Shoreline Restoration Project (Project) site is along the Mokelumne River in northern Lodi. The Mokelumne River is approximately 95 miles in length and flows west from its headwaters in the Sierra Nevada to the eastern Sacramento-San Joaquin Delta. The river provides water to Lodi Lake, a reservoir formed by the Woodbridge Diversion Dam. The Project site is on a peninsula along the northern shore of Lodi Lake.

Lodi Lake is the centerpiece of Lodi Lake Park, an approximately 43-acre park owned and operated by the City of Lodi (City) through its Parks, Recreation and Cultural Services Department. Lodi Lake Park offers a variety of recreational activities, including fishing, swimming (at a designated beach), kayaking, walking,

bicycling, and recreational vehicle camping. Several areas within the park provide picnicking and barbecue facilities. Lodi Lake Park is accessed by an entrance off Turner Road, adjacent to and south of the park. A paved road extends from the park entrance around the eastern shoreline of the lake to recreational facilities near the northern shoreline.

PROJECT DESCRIPTION:

The purpose of the Project is to address riverbank areas that have been eroded, causing loss of recreational land, oversteepening of the banks, and loss of wetland and riparian habitats. The Applicant proposes to place rock slope protection (RSP) at two locations totaling approximately 1,600 linear feet along the Mokelumne River to reduce erosion of the riverbank.

The Project area as a whole would encompass a total of 3.34 acres, with the majority of the area consisting of developed parkland that will be used for construction access and staging. The Project would involve bank stabilization and wetland restoration in approximately 1.13 acres of riverbank located below the ordinary high water mark (OHWM) of the Mokelumne River and 0.14 acres above the OHWM. Existing concrete debris, as a result of the eroding retaining wall, would be removed from these areas, which would then be graded and protected from further erosion with a blanket of RSP.

Wetland habitat restoration would occur on approximately 0.29 acre of riverbank spanning the OHWM, between areas of riverbank stabilization and existing upland park areas. Approximately 0.02 acre of existing wetlands would be impacted by this work, for a net increase of 0.27 acre of wetlands. In these habitat restoration areas, soil would be placed and planted with native, emergent wetland species. A small fraction of the area above the OHWM (0.05 acre) would be restored to upland turf area, which would be returned to park use.

Of the total work area, the majority (2.07 acres) would consist of lands subject to only temporary impacts, as required for construction access and staging. The majority of this area (1.67 acres) is existing upland park area located above the OHWM. The "construction access" lands also include a strip approximately 10 feet in width located outside the proposed riverbank stabilization area that may require minor disturbance in conjunction with placement of RSP.

The RSP materials would be composed of various sizes and weights, primarily of rocks 12 to 18 inches in diameter, with smaller rock used to fill in the gaps between

the larger rocks, obtained from off-site commercial sources. Nearly all the RSP would be placed below the OHWM.

Construction of erosion protection in riverbank stabilization areas would begin with removal of existing concrete rubble along the riverbank at the Project site with excavators and other construction equipment operating from the riverbank and disposed off-site. Rubble removal would be limited to the portion of the work areas above the water surface elevation while the lake is drained (i.e., elevation of approximately 34 feet) during the annual lake maintenance period in February. The construction equipment will access the work areas from dry land; rock will be placed with a long-reach excavator and equipment will not drive in the water. The underlying slopes would be re-graded as required to establish a uniform bed for RSP, which would be placed with long-reach excavators. RSP would initially be placed at the lower limit of the protected area, then stacked working from the bottom back up to the top of the slope. The RSP would be stabilized and secured in place by bucket tamping and pressing by the excavator. Although some minor regrading of the slope would be required, no soil would be removed from the site.

Fill soil would be imported from off-site commercial sources and placed in specified areas above and below the OHWM in areas above proposed RSP placement. Most of this soil (569 cubic yards) would be placed in proposed emergent marsh restoration areas immediately below the OHWM. Small portions of the fill soil (93 cubic yards) would be placed in areas planned to support installation of grass sod.

Access for construction equipment and vehicles would be provided from the existing road along the northern shoreline of Lodi Lake. It is expected that Project construction would use a long-reach excavator, a front-end loader/backhoe, 2-3 pickups, and 6-10 double-bottom trailer haul trucks.

The Project would involve the removal of approximately 25 non-native trees along the riverbank, along with the trimming of a few native trees. These trees would be replaced by native oaks and native riparian tree species, which would be planted along the bank in approximately the same locations as where the trees were removed.

Construction is anticipated to occur in February and March 2022 during the annual draining of the lake and river levels are at their lowest. Most of the construction work, including all grading and slope stabilization, is anticipated to take no longer than 1 month. Tree planting, installation of emergent wetland species in the habitat restoration areas, and installation of irrigation for the new trees are expected to occur within a few months of grading and slope stabilization.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The Applicant owns the upland adjoining the lease premises. The current improvements have existed at this location for several years, and the proposed facilities do not significantly alter the land. The proposed project will enhance habitat restoration and preservation and public access opportunities, which are recognized Public Trust uses. Project activities are designed to minimize potential direct and indirect impacts on listed species during construction, while meeting long-term restoration goals.

The proposed lease includes certain provisions protecting the public use of the proposed lease area by requiring the Applicant to obtain all necessary permits for the Project. The Applicant has also adopted a Mitigation Monitoring/Reporting Program (MMRP) to substantially reduce or eliminate potentially significant impacts resulting from the project. The provisions of the MMRP relevant to the Lease Premises are incorporated into the proposed lease.

The proposed lease does not alienate the State's fee simple interest and does not permanently impair public rights. The proposed lease is limited to a 20-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust-consistent uses. Upon termination of the lease, the Lessee may be required to remove all improvements from State land and restore the lease premises to its natural state, except for any portion of the wetland restoration which may extend onto state land.

CLIMATE CHANGE:

The Project area is not tidally influenced and therefore would not be subject to sea level rise. However, as stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms. In rivers, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Conversely, prolonged droughts could dramatically reduce river flow and water levels, leading to loss of public access and navigability. Climate change will further

influence riverine areas by changing erosion and sedimentation rates, and flooding and storm flow, as well as runoff, will likely increase scour, decreasing bank stability at a faster rate.

Due to these potential changes, the RSP could need reinforcement in the future to withstand higher levels of flood exposure and more frequent storm events. The Mokelumne River shoreline is not adaptable to variable water levels and could become inundated with future storms, and therefore may require more frequent maintenance to ensure continued RSP function during and after storm seasons or to avoid dislodgement. Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation or dislodgement.

TRIBAL COORDINATION AND CONSULTATION:

Indigenous people of California lived along the Mokelumne River for thousands of years prior to western colonization, and although the Lodi Lake area is highly modified in its current state, the area is still considered by geographically and culturally affiliated tribes to be highly sensitive due to the potential for buried cultural resources to be found during ground-disturbance. On December 8, 2021, pursuant to its 2016 [Tribal Consultation Policy](#), Commission staff sent letters to the Buena Vista Rancheria, the North Valley Yokuts Tribe, the Sheep Ranch Rancheria of Me-Wuk Indians, the Wilton Rancheria, and the United Auburn Indian Community (UAIC). Staff received two responses: the UAIC responded on December 10th and deferred to the North Valley Yokuts Tribe, who had previously requested consultation with the City of Lodi as the lead agency; and the Wilton Rancheria responded on January 14, 2022, to discuss the Project and request additional cultural resource protection measures be required as part of the Commission's approval of the Project. Specifically, the Wilton Rancheria requested that a Cultural Resources Management Plan (CRMP) be developed and approved by them prior to the City commencing Project activities. Commission staff is working with the Wilton Rancheria and the City's archaeologist to develop a CRMP that reflects the protection components recommended by the Wilton Rancheria; implementation of and compliance with the CRMP is incorporated as a lease provision to ensure any previously unknown buried tribal cultural resources that may be uncovered during the Project are avoided and protected to the maximum extent feasible. While staff did not receive a response from the Northern Valley Yokuts Tribe, who had previously requested consultation with the City, the mitigation measures recommended by the Northern Valley Yokuts were identical to those recommended by the Wilton Rancheria.

ENVIRONMENTAL JUSTICE

The Project vicinity is an environmentally impacted area, although no vulnerable communities were identified. The Project would add rock slope protection along the Mokelumne River to address riverbank areas that have been eroded, causing loss of recreational land, oversteepening of the banks, and loss of wetland and riparian habitats. Project activities would not pose a threat to the environment and overall public health and would in fact enhance habitat restoration and preservation and public access opportunities. Therefore, it does not appear that the Project would disproportionately affect an environmental justice community, and no existing environmental justice communities would be disproportionately burdened as a result of the Project.

CONCLUSION:

For all the reasons above, staff believes the proposed lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant would not be able to move forward with the restoration project. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Meeting Evolving Public Trust Needs," "Leading Climate Activism," "Partnering with Sovereign Tribal Governments and Communities," and "Prioritizing Social, Economic, and Environmental Justice" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. A Mitigated Negative Declaration, State Clearinghouse No. 2020049060, and a Mitigation and Monitoring/Reporting Program (MMRP) were prepared by the City of Lodi and adopted on July 15, 2020, for this Project. Commission staff reviewed these documents and prepared an independent Mitigation Monitoring Program (attached Exhibit C) incorporating the City of Lodi's document and recommends its adoption by the Commission.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon participation from the agency nominating such lands through the California Environmental Quality Act (CEQA) review and permitting process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

City of Lodi
California Department of Fish and Wildlife
Central Valley Flood Protection Board
Central Valley Regional Water Quality Control Board
National Marine Fisheries Service
U.S. Army Corps of Engineers

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2020049060, and a Mitigation Monitoring/Reporting Program were prepared by the City of Lodi and adopted on July 15, 2020, for this Project and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgement, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit C.

PUBLIC TRUST AND STATE’S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize issuance of a General Lease – Public Agency Use to the Applicant, beginning February 25, 2022, for a term of 20 years, for the construction, installation, use, and maintenance of the Lodi Lake Shoreline Restoration Project, including bank stabilization and wetlands restoration, on sovereign land, as described in Exhibit A, Land Description, and shown on Exhibit B, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof; consideration being the public use and benefit, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State’s best interests.
2. Authorize the Executive Officer or designee to update and replace Exhibit A, Land Description, and Exhibit B, Site and Location Map, upon completion of project and receipt of “as-built” plans for the facilities occupying state lands, to accurately reflect the final location of the authorized improvements.

EXHIBIT A

A 2649

LAND DESCRIPTION

A parcel of submerged land situate in the bed of the Mokelumne River, City of Lodi lying adjacent to Section 35, Township 4 North, Range 6 East, Mount Diablo Meridian, as shown on Official Government Township Plat approved October 7, 1865, County of San Joaquin, State of California and more particularly described as follows:

Bounded on the west by the line lying 150 feet east of and parallel with the west line of SW ¼ of said Section 35;

Bounded on the east by the north-south center line of SW ¼ of said Section 35;

Bounded on the south by the low water mark of the southerly (left) bank of the Mokelumne River;

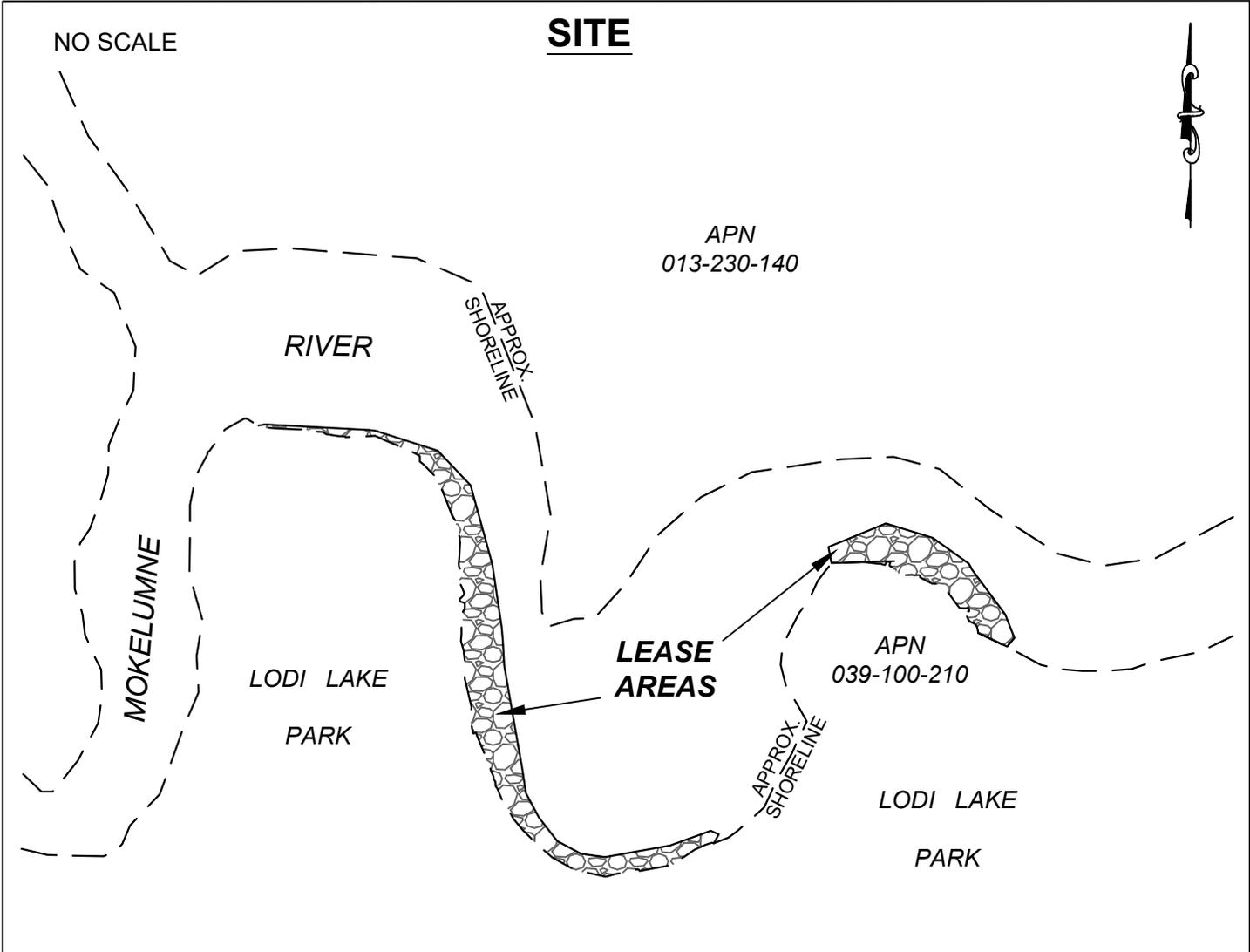
Bounded on the north by the line lying 70 feet northerly of and parallel with the low water mark of the southerly (left) bank of the Mokelumne River.

EXCEPTING THEREFROM any portion lying landward of the low water mark of the left bank of said river.

END OF DESCRIPTION

Prepared 05/12/2021 by the California State Lands Commission Boundary Unit.





MOKELUMNE RIVER, AT LODI LAKE PARK, CITY OF LODI

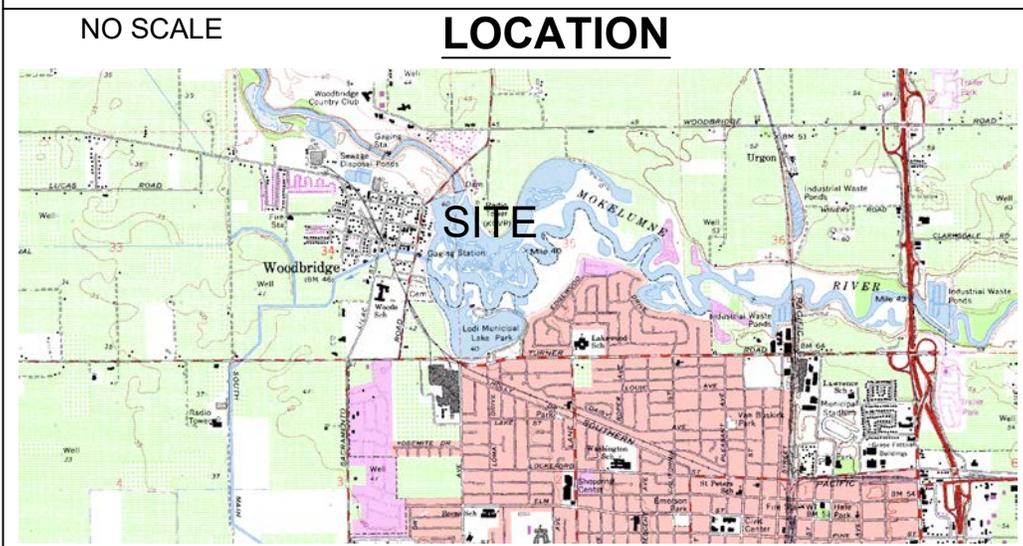


Exhibit B
 A 2649
 CITY OF LODI
 APN 039-100-210
 GENERAL LEASE -
 PUBLIC AGENCY USE
 SAN JOAQUIN COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
LODI LAKE SHORELINE RESTORATION PROJECT
(A2649, State Clearinghouse No. 2020049060)

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the Lodi Lake Shoreline Restoration Project (Project). The CEQA lead agency for the Project is the City of Lodi.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on State lands. The purpose of a MMP is to impose feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines¹ section 15097, subdivision (a), states in part:

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency adopted an MND, State Clearinghouse No. 2020049060, adopted a Mitigation Monitoring/Reporting Program (MMRP) for the whole of the Project (see Exhibit C, Attachment C-1), and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below. The full text of each mitigation measure, as set forth in the MMRP prepared by the CEQA lead agency and provided in Attachment C-1, is incorporated by reference in this Exhibit C. Any mitigation measures adopted by the Commission that differ substantially from those adopted by the lead agency are shown as follows:

- Additions to the text of the mitigation measure are underlined; and
- Deletions of the text of the mitigation measure are shown as ~~strikeout~~ or as otherwise noted.

¹ The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

Table C-1. Project Impacts and Applicable Mitigation Measures

Potential Impact	Mitigation Measure (MM) ²	Difference Between CSLC MMP and Lead Agency MMRP
Impact to western pond turtle	BIO-3, BIO-4	None
Impact to unanticipated archaeological or historic resources	CULT-1, CULT-2	None
Impact to unanticipated human remains	CULT-3	See below
Impact from soil erosion	GEO-1	None
Impact to unanticipated paleontological resources	GEO-2	See below
Impact from sediment release	GEO-1	None
Impact to sensitive noise receptors	NOISE-1	None
Impact to unanticipated tribal cultural resources	TCR-1	None

CULT-3: If evidence of human burial or scattered human remains is encountered, all construction activity in the vicinity of the encounter shall be immediately halted, and the County Coroner and the Lodi Community Development Department shall be immediately notified. The Community Development Department shall notify other federal and State agencies as required.

The applicant will be responsible for compliance with the requirements of CEQA Guidelines Section 15064.5 as to the proper treatment of human remains as defined in CEQA Guidelines Section 15064.5, with California Health and Safety Code Section 7050.5, and as directed by the County Coroner. If the human remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission, which will notify and appoint a Most Likely Descendant. The Most Likely Descendant will work with the archaeologist to decide the proper treatment of the human remains and any associated funerary objects, in accordance with California Public Resources Code Sections 5097.98 and 5097.991. Avoidance is the preferred means of disposition of the burial resources.

² See Attachment C-1 for the full text of each MM taken from the MMRP prepared by the CEQA lead agency.

Should human remains be discovered on State land, the Community Development Department shall notify the California State Lands Commission within 24 hours of the discovery.

GEO-2: If any subsurface paleontological resources are encountered during construction, all construction activities shall be halted within a 50-foot radius of the encounter until a qualified paleontologist can examine the materials, make a determination of their significance and, if significant, recommend further measures that would reduce potential effects of the project on the resources to a level that is less than significant. The Lodi Community Development Department shall be notified in the event of a discovery. The contractor shall be responsible for retaining qualified professionals, implementing recommended mitigation measures, and documenting mitigation efforts in written reports to the Lodi Community Development Department, consistent with the requirements of the CEQA Guidelines. Grading and excavation personnel shall receive brief “tailgate” training by a qualified professional in the identification of paleontological resources and protocol for notification should such resources be discovered during construction work.

The final disposition of archaeological, historical, and paleontological resources recovered on state lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.

ATTACHMENT C-1

**Mitigation Monitoring/Reporting Program Adopted by the
City of Lodi**

NO SIGNIFICANT EFFECTS OR MITIGATION MEASURES

The IS/MND does not identify significant effects or mitigation measures for aesthetics, agricultural resources, air quality, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, mineral resources, population and housing, public services, recreation, transportation, utilities and service systems, and wildfire issue areas.

BIOLOGICAL RESOURCES

Potential Impacts on Special-Status Species

IMPACT / MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING / SCHEDULE	MONITORING / REPORTING RESPONSIBILITY	SOURCE INFORMATION
<p>BIO-1: Since the project is participating in the SJMSCP, standard Incidental Take Minimization Measures (ITMMs) outlined in the SJMSCP for nesting burrowing owl will be required. The ITMMs will include pre-construction surveys for nesting burrowing owls. If active nests are found, temporal restrictions on construction will be required.</p> <p>BIO-3: If a western pond turtle is observed in the project area, it should be allowed to move out of the area on its own.</p>	<p>Lodi Department of Public Works or Project Engineer (DPW) will initiate participation in SJMSCP, incorporate ITMM requirements in project plans and specifications.</p>	<p>Project Engineer will verify SJMSCP participation and incorporation of ITMMs are completed.</p>	<p>IS/MND, Section 3.4</p>
<p>BIO-2: Any vegetation removal during the general avian nesting season (February 1 through August 31) shall be immediately preceded by a survey. If active nests are found, adequate marking of the nest site shall be provided and vegetation removal in the vicinity of the nest shall be delayed until the young fledge.</p>	<p>DPW will retain qualified biologist for survey, marking and communication with Project Engineer and contractor.</p>	<p>Project Engineer will verify survey and required nesting protection measures are completed.</p>	<p>IS/MND, Section 3.4</p>
<p>BIO-3: If a western pond turtle is observed in the project area, it should be allowed to move out of the area on its own.</p>	<p>DPW will incorporate pond turtle requirements in</p>	<p>Project Engineer will verify that turtle protection</p>	<p>IS/MND, Section 3.4</p>

IMPACT / MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING / SCHEDULE	MONITORING / REPORTING RESPONSIBILITY	SOURCE INFORMATION
	project plans and specifications.	requirements are incorporated in plans and specifications.	
<p>BIO-4: A biological worker awareness training program shall be implemented to educate the construction crews of the biological diversity within the project area. The worker awareness program shall include a presentation on the life history and legal status of potentially occurring special-status species and distribution of informational packages to each worker.</p>	DPW will retain qualified biologist for coordination implementation of training.	Project Engineer will verify completion of the training.	IS/MND, Section 3.4

CULTURAL RESOURCES

Potential Impacts on Historic and Archeological Resources

IMPACT / MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING / SCHEDULE	MONITORING / REPORTING RESPONSIBILITY	SOURCE INFORMATION
<p>CULT-1: A Native American representative shall monitor all ground disturbing activities associated with the project. If any subsurface archaeological resources are encountered during construction, all construction activities shall be halted within a 50-foot radius of the encounter until a qualified archaeologist can examine the materials, make a determination of their significance and, if significant, recommend further measures that would reduce potential effects of the project on the resources to a level that is less than significant, consistent with the requirements of CEQA Guidelines Section</p>	DPW and contractor will be responsible for notifying the City and retaining a qualified archaeologist and Native American monitor to examine resources and make recommendations for further treatment. unearthed by project	The City will be responsible for oversight and periodic inspection of project construction. If cultural resources are unearthed, the City will be responsible for oversight of the	IS/MND, Section 3.5

IMPACT / MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING / SCHEDULE	MONITORING / REPORTING RESPONSIBILITY	SOURCE INFORMATION
<p>15064.5. The Lodi Community Development Department shall be notified in the event of a discovery. The contractor shall be responsible for retaining qualified professionals, implementing recommended mitigation measures, and documenting mitigation efforts in written reports to the Lodi Community Development Department, consistent with the requirements of the CEQA Guidelines.</p> <p>Note: The final disposition of archaeological historical and paleontological resources recovered on state lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.</p>	<p>construction. The qualified professional will be responsible for evaluating and reporting on the resources encountered and recommending further mitigation as required to reduce potential impacts to a less than significant level, consistent with the CEQA Guidelines.</p>	<p>qualified professional(s) and review and acceptance of any proposed mitigation measures recommended in the professional report.</p>	
<p>CULT-2: Grading and excavation personnel shall receive brief "tailgate" training by a qualified professional in the identification of archaeological resources, including human remains, and protocol for notification should such resources be discovered during construction work. A Native American representative shall be invited to this training to provide information on potential tribal cultural resources.</p>	<p>DPW and contractor will be responsible for retaining qualified archaeologist for tailgate training and invitation to Native American monitor.</p>	<p>Project Engineer will verify that archaeologist has been retained and tailgate training conducted.</p>	<p>IS/MND, Section 3.5</p>

Potential Impacts on Human Burials

IMPACT / MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING / SCHEDULE	MONITORING / REPORTING RESPONSIBILITY	SOURCE INFORMATION
<p>CULT-3: If evidence of human burial or scattered human remains is encountered, all construction activity in the vicinity of the encounter shall be immediately halted, and the County Coroner and the Lodi Community Development Department shall be immediately notified. The Community Development Department shall notify other federal and State agencies as required.</p> <p>The applicant will be responsible for compliance with the requirements of CEQA Guidelines Section 15064.5 as to the proper treatment of human remains as defined in CEQA Guidelines Section 15064.5, with California Health and Safety Code Section 7050.5, and as directed by the County Coroner. If the human remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission, which will notify and appoint a Most Likely Descendant. The Most Likely Descendant will work with the archaeologist to decide the proper treatment of the human remains and any associated funerary objects, in accordance with California Public Resources Code Sections 5097.98 and 5097.991. Avoidance is the preferred means of disposition of the burial resources.</p>	<p>DPW and contractor will be responsible for halting work, required notifications and retaining qualified professionals as required to comply with requirements of the CEQA Guidelines, including preparation and submittal of a written report to the City.</p>	<p>Project Engineer will verify that all required actions have been taken and that archaeologist recommendations are implemented.</p>	<p>IS/MND, Section 3.5</p>

GEOLOGY AND SOILS

Potential Impacts on Soil Erosion

IMPACT / MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING / SCHEDULE	MONITORING / REPORTING RESPONSIBILITY	SOURCE INFORMATION
<p>GEO-1: The City shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for the project in conjunction with obtaining the Construction General Permit from the State Water Resources Control Board (SWRCB). The City shall file a Notice of Intent with the SWRCB prior to commencement of construction activity and shall obtain the SWRCB Waste Discharger's Identification Number.</p>	<p>DPW or contractor will be responsible for preparation of the SWPPP and Filing of the Notice of Intent.</p>	<p>The Project Engineer will be responsible for ensuring that the SWPPP is prepared, and the Notice of Intent is filed.</p>	<p>IS/MND, Section 3.7</p>

Potential Impacts on Paleontological Resources

IMPACT / MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING / SCHEDULE	MONITORING / REPORTING RESPONSIBILITY	SOURCE INFORMATION
<p>GEO-2: If any subsurface paleontological resources are encountered during construction, all construction activities shall be halted within a 50-foot radius of the encounter until a qualified paleontologist can examine the materials, make a determination of their significance and, if significant, recommend further measures that would reduce potential effects of the project on the resources to a level that is less than significant. The Lodi Community Development Department shall be notified in the event of a discovery. The contractor shall be responsible for retaining qualified professionals, implementing recommended mitigation measures, and documenting mitigation efforts in written reports to the</p>	<p>DPW and contractor will be responsible for notifying the City and retaining a qualified paleontologist examine resources and make recommendations for further treatment. The City or contractor will be responsible for implementing recommendations.</p>	<p>If cultural resources are unearthed, the City or Project Engineer will be responsible for oversight of the qualified professional(s) and review and acceptance of any proposed mitigation measures.</p>	<p>IS/MND, Section 3.7</p>

IMPACT / MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING / SCHEDULE	MONITORING / REPORTING RESPONSIBILITY	SOURCE INFORMATION
Lodi Community Development Department, consistent with the requirements of the CEQA Guidelines. Grading and excavation personnel shall receive brief "tailgate" training by a qualified professional in the identification of paleontological resources and protocol for notification should such resources be discovered during construction work.			

3.13 NOISE

Potential Impacts on Generation of Noise Exceeding Local Standards

IMPACT / MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING / SCHEDULE	MONITORING / REPORTING RESPONSIBILITY	SOURCE INFORMATION
NOISE-1: All equipment used on the construction site shall be fitted with mufflers in accordance with manufacturers' specifications. Mufflers shall be installed on the equipment at all times on the construction site.	DPW will be responsible for incorporation of this requirement in project plans and specifications. The contractor will be responsible for conformance with the requirement.	Project Engineer will verify that noise requirements are incorporated in plans and specifications and will work with the contractor to resolve any noise-associated complaints.	IS/MND, Section 3.13

3.18 TRIBAL CULTURAL RESOURCES

Potential Impacts on Tribal Cultural Resources

IMPACT / MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING / SCHEDULE	MONITORING / REPORTING RESPONSIBILITY	SOURCE INFORMATION
<p>TCR-1: If tribal cultural resources other than human remains and associated funerary objects are encountered, the Lodi Community Development Department shall be immediately notified of the find, and the Department in turn shall notify the appropriate Native American representatives. A qualified archaeologist and the Native American representative shall examine the materials and determine their “uniqueness” or significance as tribal cultural resources and shall recommend mitigation measures needed to reduce potential cultural resource effects to a level that is less than significant in a written report to the Community Development Department, with a copy to the Native American representatives involved with the resource. The Community Development Department will be responsible for implementing the report recommendations. Avoidance is the preferred means of disposition of tribal cultural resources.</p>	<p>DPW and contractor will be responsible for halting work, required notifications and retaining qualified professionals as required to comply with requirements of the CEQA Guidelines, including preparation and submittal of a written report to the City.</p>	<p>Project Engineer will verify that all required actions have been taken and that archaeologist recommendations are implemented.</p>	<p>IS/MND, Section 3.18</p>