

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measure Number	Mitigation Measure Name	Mitigation Measure	Implementation Responsibility	Monitoring/ Verification Responsibility	Timing/Schedule	Reporting/Compliance Mechanism
BIO-1	Minimize Potential for Brine Seepage	<p>Cargill shall implement the following measures:</p> <p>Continue to monitor and inspect the berms to identify indicators of potential seepage, including bare patches, in the vicinity of high salinity ponds to identify the need for berm keying or other maintenance to address potential seepage. Areas potentially requiring keying or other measures to address potential seepage shall be identified in the Annual Work Plan.</p> <p>Cargill shall continue to implement berm keying or other approved means of controlling seepage in areas where seepage may be occurring. These activities shall be reported in the Completion Report.</p>	Cargill	BCDC	<ol style="list-style-type: none"><li>Monitoring and inspection of berms: <b>annually</b> or more frequently</li><li>Reporting of areas potentially requiring seepage control measures: <b>annually</b> in Annual Work Plan</li><li>Implementation of seepage control measures: <b>as needed</b></li><li>Reporting: <b>annually</b> as specified</li></ol>	<ol style="list-style-type: none"><li>Document in Annual Work Plan</li><li>Document in Annual Work Plan</li><li>Document in Completion Report for each year that seepage control work occurs</li></ol>
BIO-2	Avoid, Minimize, and Mitigate Impacts Associated with Water Intake and Sediment Removal at Intakes	<p>Cargill shall implement the following measures:</p> <p>To avoid entrainment of juvenile and adult steelhead, chinook salmon, green sturgeon, white sturgeon and longfin smelt, Cargill shall install fish screens or other suitable physical barriers on Bay water intakes where these special status fish may be present during the water intake period. Fish screens shall be designed, constructed and operated consistent with the most stringent applicable requirements contained in <i>NOAA Fisheries West Coast Region Anadromous Salmonid Passage Design Manual</i> (NMFS 2022a<sup>[40]</sup>), CDFW Fish Screening Criteria (CDFG 2000<sup>[41]</sup>) and/or USFWS’s Formal Consultation on the Effects of the Installation of Small Fish Screens in Stanislaus, Merced, San Joaquin, Contra Costa, Solano, Sacramento, Yolo, Yuba, Sutter, Butte, Colusa, Glenn, and Tehama, Counties, California (USFWS 2003<sup>[42]</sup>).</p> <ol style="list-style-type: none"><li>The screens shall have a maximum approach velocity of 0.2 feet per second during maximum intake where longfin smelt may be present, and a sweep velocity of at least twice the approach velocity, or as specified in the working group sessions with the regulatory agencies.</li><li>Cargill shall implement the Monitoring and Adaptive Management Plan described in Sections 2.10.8 and 8.1.6. This shall include:<ul style="list-style-type: none"><li>Targeted fish monitoring supported by physical monitoring, as needed</li><li>Update of take estimates provided in the BOs and ITP for the proposed Project, as needed based on the new data collected</li><li>Prioritization of each intake for action (refer to item d.), as needed</li><li>Implementation of agency-approved fish-screens or other fish protection measures where needed</li><li>Implementation of agency-approved compensatory mitigation where needed (refer to item e.) to address take prior to</li></ul></li></ol>	Cargill	BCDC, USACE, NMFS, USFWS, CDFW, RWQCB	<p><b>Development and Implementation of MAMP</b></p> <ol style="list-style-type: none"><li>Preparation of Draft MAMP: No later than <b>April 1, 2025</b> (Cargill)</li><li>Review of Draft MAMP: <b>Within 30 days of submittal</b> (BCDC in consultation with resource agencies)</li><li>Submittal of Final MAMP: <b>June 30, 2025</b>, or within 45 days of receipt of final agency comments on the Draft MAMP, whichever is later (Cargill)</li><li>Request take coverage for fish monitoring: <b>no later than January 31, 2025</b> (Cargill)</li><li>Provide take coverage for fish monitoring: <b>Within 6 months of receipt of request</b> (resource agencies)</li><li>Initiate preliminary fish and physical monitoring: <b>Upon receipt of take coverage</b>; physical monitoring may commence immediately upon permit approval (Cargill)</li><li>Implement physical and fish monitoring pursuant to the MAMP: <b>Upon approval of MAMP and receipt of take coverage</b> for fish monitoring (Cargill)</li><li>Monitoring and implementation reports: Data reports submitted <b>semi-annually</b>, MAMP implementation reports submitted <b>annually</b>, comprehensive monitoring report to be submitted <b>upon completion of primary phase of monitoring pursuant to the MAMP</b> (Cargill)</li></ol>	<ol style="list-style-type: none"><li>Draft MAMP submitted</li><li>Comments on Draft MAMP provided to Cargill</li><li>Final MAMP submitted</li><li>Take coverage for fish monitoring requested</li><li>Take coverage for fish monitoring provided by CDFW, USFWS, and NMFS</li><li>Preliminary monitoring initiated</li><li>Year 1 physical and fish monitoring conducted</li><li>Semi-annual data reports received</li><li>Year 2 physical and fish monitoring conducted</li><li>Year 3 and forward, as applicable, physical and fish monitoring conducted</li><li>Comprehensive monitoring report submitted</li><li>Updated take calculations completed as needed, and Intake Prioritization Analysis submitted</li><li>Resource agency concurrence on any updated take estimates and Intake Prioritization Analysis (formal meeting notes or concurrence letters)</li><li>Draft Performance Monitoring Plan submitted</li></ol>

[40] National Marine Fisheries Service (NMFS). 2022a. *NOAA Fisheries West Coast Region Anadromous Salmonid Passage Design Manual*. Portland, Oregon.

[41] California Department of Fish and Game (CDFG). 2000. [Exhibit A - Department of Fish and Game Fish Screening Criteria](#). June 19.

[42] U.S. Fish and Wildlife Service. 2003. Formal Consultation on the Effects of the Installation of Small Fish Screens in Stanislaus, Merced, San Joaquin, Contra Costa, Solano, Sacramento, Yolo, Yuba, Sutter, Butte, Colusa, Glenn, and Tehama, Counties, California. Sacramento Fish and Wildlife Office. Kenneth D. Sanchez, Acting Field Supervisor.

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		<p>implementation of fish protection measures and to address residual take after implementation of fish protection measures, and</p> <ul style="list-style-type: none"><li>Monitoring of operational performance and effectiveness of fish screens and/or fish protection measures</li></ul> <p>Cargill shall work with the regulatory agencies to provide the Draft MAMP no later than April 1, 2025, and the Final MAMP no later than June 30, 2025, or within 45 days of receipt of final agency comments on the Draft MAMP, whichever is later, or as otherwise agreed to with BCDC, NMFS, USFWS USACE, CDFW and the RWQCB. Implementation of the MAMP shall begin no later than 30 days after final approval of the MAMP by the agencies.</p> <p>c. If Cargill can demonstrate through physical and/or biological analyses, and obtain concurrence from NMFS, USFWS and CDFW (i.e., implement the MAMP described in Sections 2.10.8 and 8.1.6), that there is no potential for steelhead, chinook, green sturgeon, white sturgeon and longfin smelt to be entrained at an intake, then installation of fish screens or other fish protection measures is not required for that intake.</p> <p>d. Cargill shall prioritize the implementation of fish screens or other fish protection measures determined to be necessary pursuant to the BOs, ITP, and/or the MAMP described in Sections 2.10.8 and 8.1.6 to address intakes with greater potential impact first.</p> <p>e. If pumping occurs at unscreened intakes when conditions are suitable for listed or candidate fish species, Cargill shall provide compensatory mitigation for species that were subject to entrainment during pump operations. Updates of any take estimates, and/or subsequent take estimates shall be based on the methodologies utilized to establish the take estimates in the BOs and ITP. Proposed compensatory mitigation shall be described in a compensatory mitigation plan acceptable to NMFS, USFWS and CDFW under the federal and state Endangered Species Acts. The compensatory mitigation plan may include implementing mitigation in advance of projected impacts for anticipated operations of unscreened intakes. In addition, compensatory mitigation shall be provided for residual take of listed or candidate fish species following installation of fish screens or other fish protection measures (e.g., intake of larval fish or fish eggs). Compensatory mitigation may include, but is not limited to, restoration or preservation of impacted species habitat, enhancement of existing habitat, or purchase of credits at an agency-approved mitigation bank. Following approval of the compensatory mitigation plan, Cargill shall prepare a compensatory mitigation plan detailed the proposed process for implementing the approved mitigation.</p> <p>f. Cargill shall update the take estimates prepared for the BOs and ITP, as necessary based on the physical and biological monitoring data collected pursuant to the MAMP. If the updated take estimates exceed those addressed in the BOs and ITP, Cargill shall update the</p>			<p>9. Intake Prioritization Analysis: <b>Within 3 months of completion of primary phase of monitoring, if needed</b>(Cargill)</p> <p>10. Submittal of draft operational and effectiveness monitoring plan for fish protection measures: <b>Within 4 months of approval of Intake Prioritization Analysis</b> (Cargill)</p> <p>11. Review of operational and effectiveness monitoring plan: <b>within 45 days of receipt</b> (BCDC and resource agencies)</p> <p>12. Finalize operational and effectiveness monitoring plan: <b>within 45 days of final agency comments</b> (Cargill)</p> <p>13. On-going operational and effectiveness monitoring reports: <b>Annually</b> commencing with completed installation of first fish protection measures (Cargill)</p> <p><b>Determine Need for Fish Screens/Fish Protection Measures:</b></p> <p>1. Submit Intake Prioritization Analysis (updated estimates of potential take by intake, if needed, and proposed prioritization of intakes for action based on their anticipated level of take): <b>Within 3 months of completed primary phase of monitoring pursuant to the MAMP, or when requested by BCDC</b> (Cargill)</p> <p>2. Review updated take estimates, as needed, and Intake Prioritization Analysis: <b>Within 2 months</b> of receipt of draft Intake Prioritization Analysis (BCDC and resource agencies)</p> <p>3. Finalize Intake Prioritization Analysis <b>Within 2 months</b> of receipt of final agency comments on draft Intake Prioritization Analysis (Cargill)</p> <p><b>Design and Installation of Fish Screens and Other Fish Protection Measures:</b></p> <p>1. Coyote Intake: Design completed by <b>December 31, 2025</b> (Cargill)</p> <p>2. Coyote Intake: Installation completed by <b>July 1, 2028</b> (Cargill)</p> <p>3. Other intakes: As determined by the Intake Prioritization Analysis (Cargill)</p> <p><b>Permitting of and Supplemental CEQA Analysis for Fish Screens and Other Fish Protection Measures:</b></p>	<p>15. Comments on Draft Performance Monitoring Plan provided to Cargill</p> <p>16. Final Performance Monitoring Plan submitted</p> <p>17. Agency concurrence on final Performance Monitoring Plan (formal meeting notes or concurrence letters)</p> <p>18. Check of compensatory mitigation adequacy completed</p> <p>19. Submittal of draft compensatory mitigation plan</p> <p>20. Draft fish screen and other fish protection measure designs submitted</p> <p>21. Agency comments on draft compensatory mitigation plan provided to Cargill</p> <p>22. Submittal of final compensatory mitigation plan</p> <p>23. Resource agency concurrence on final compensatory mitigation plan (formal meeting notes or concurrence letters)</p> <p>24. Draft compensatory mitigation implementation plan submitted</p> <p>25. Agency comments on draft compensatory mitigation implementation plan provided to Cargill</p> <p>26. Submittal of final compensatory mitigation implementation plan</p> <p>27. Resource agency concurrence on final compensatory mitigation implementation plan (formal meeting notes or concurrence letters)</p> <p>28. Permit applications and requests for other approvals for fish screens and other fish protection measures, as applicable, submitted</p> <p>29. Supplemental CEQA analysis completed for fish screens and other fish protection measures, as applicable</p> <p>30. Permit and other approvals issued for fish screens and other fish protection measures</p> <p>31. Compensatory mitigation initiated</p>

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		<p>compensatory mitigation plan as needed to ensure all take of special status fish is fully mitigated.</p> <p>b. Cargill shall provide compensatory mitigation as required in the compensatory mitigation plan, and updated compensatory mitigation plan, as needed.</p> <p>c. Diver-assisted suction dredging during sediment removal at intakes may also result in intermittent take of small quantities of listed or candidate fish species. Cargill shall develop a take estimate for this activity, obtain take authorizations as needed, and provide compensatory mitigation as needed based on the amount of sediment removal conducted.</p>			<p>As determined by the schedule contained in the Intake Prioritization Analysis (BCDC and resource agencies)</p> <p><b>Retroactive and Prospective Compensatory Mitigation:</b></p> <ol style="list-style-type: none"><li>1. Prepare draft compensatory mitigation plan documenting required quantities and types of mitigation <b>Within 2 months of completion of any updated take estimates</b></li><li>2. Review of draft compensatory mitigation plan: <b>Within 2 months</b> of receipt (BCDC and resource agencies)</li><li>3. Finalization of compensatory mitigation plan: <b>Within 2 months</b> of final agency comments (Cargill)</li><li>4. Confirm that compensatory mitigation required by BOs and ITP ensures that impacts to special status fish species remain less than significant: <b>Within 2 months of completion of any updated take estimates</b> in Intake Prioritization Analysis (BCDC in consultation with resource agencies)</li><li>5. Development of draft compensatory mitigation implementation plan (and performance monitoring plan, if applicable) to address compensatory mitigation specified in the BOs and ITP: <b>by December 31, 2026</b> (Cargill)</li><li>6. Review of draft compensatory mitigation implementation plan (and performance monitoring plan, if applicable): <b>Within 3 months</b> (BCDC and resource agencies)</li><li>7. Finalization of compensatory mitigation implementation plan (and performance monitoring plan, if applicable): <b>Within 2 months</b> of final agency comments (Cargill)</li><li>8. Approval of final compensatory mitigation implementation plan (and performance monitoring plan, if applicable): <b>Within 2 months</b> of submittal of final compensatory mitigation implementation plan (and performance monitoring plan, if applicable) and completion of supplemental environmental review, as needed (BCDC in consultation with resource agencies)</li><li>9. Submittal of draft updated compensatory mitigation implementation plan, if required: <b>within 3 months of updated take calculations</b> (if</li></ol>	<p>32. Compensatory mitigation implementation and performance monitoring reports submitted</p>

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					<p>updated take calculations show increased take compared to estimates in BOs and ITP).</p> <p>10. Review of draft updated compensatory mitigation implementation plan (and performance monitoring plan, if applicable): <b>Within 3 months of submittal</b> (BCDC and resource agencies)</p> <p>11. Finalization of updated compensatory mitigation implementation plan (and performance monitoring plan, if applicable): <b>Within 2 months</b> of final agency comments (Cargill)</p> <p>12. Approval of final updated compensatory mitigation implementation plan (and performance monitoring plan, if applicable): <b>Within 2 months</b> of submittal of final updated compensatory mitigation implementation plan (and performance monitoring plan, if applicable) and completion of supplemental environmental review, as needed (BCDC in consultation with resource agencies)</p> <p>13. Development of draft permits, approvals, or permit amendments for compensatory mitigation, as applicable: <b>Concurrent with environmental review and permitting of additional fish protection measures</b> (Cargill,)</p> <p>14. Supplemental CEQA review for proposed compensatory mitigation, if applicable: <b>Concurrent</b> with preparation of draft permits/approvals for compensatory mitigation (BCDC and resource agencies)</p> <p>15. Finalize permits, approvals, or permit amendments for compensatory mitigation, as applicable: <b>Within agency specific permitting deadlines</b> (BCDC and resource agencies)</p> <p>16. Initiate implementation of compensatory mitigation: <b>Within 3 months</b> of permitting of final compensatory mitigation implementation plan or as soon thereafter as permitted based on fish windows other permit restrictions (and performance monitoring plan, if applicable) (Cargill)</p> <p>17. Reporting on compensatory mitigation implementation and performance, and update on estimated mitigation needs: <b>Annual</b>, or as specified in final compensatory mitigation implementation plan or final updated</p>	

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					compensatory mitigation implementation plan (Cargill)	
BIO-3	Minimize Hydroacoustic Impacts due to Impact Pile Driving	Prior to conducting impact pile driving, Cargill shall conduct an underwater noise impact assessment in accordance with the <i>Technical Guidance for the Assessment of Hydroacoustic Effects of Pile Driving on Fish</i> (Molnar et al. 2020). If the assessment determines that the proposed pile driving may result in underwater noise levels that exceed the adopted peak sound pressure levels (SPL) or cumulative sound exposure levels (SELs) for fish (Fisheries Hydroacoustic Working Group 2008, Molnar et al. 2020), then Cargill shall develop a Hydroacoustic Impact Mitigation and Monitoring Plan. The Hydroacoustic Impact Mitigation and Monitoring Plan shall include methods to (1) monitor underwater noise during impact pile driving, (2) provide feasible sound attenuation measures, and/or (3) modify design or construction methods such that impact pile driving would not exceed the peak SPL/cumulative SELs that may injure or kill fish. Should a Hydroacoustic Impact Mitigation and Monitoring Plan be required, Cargill shall submit the plan and assessment to the California State Lands Commission for a required amendment to the existing lease before any work can be completed on State lands.	Cargill, contractor	BCDC, SLC, NMFS, USFWS, CDFW	<ol style="list-style-type: none"><li>1. Submittal of noise impact assessment: <b>concurrent with submittal of 65% design</b> (Cargill)</li><li>2. Review of noise impact assessment/determination of need for a Hydroacoustic Impact Mitigation and Monitoring Plan: <b>Within 1 month</b> of receipt of noise impact assessment (BCDC and resource agencies)</li><li>3. Submittal of Hydroacoustic Impact Mitigation and Monitoring Plan, if required: <b>Within 2 months</b> of determination that Plan is required (Cargill)</li><li>4. Approval of Hydroacoustic Impact Mitigation and Monitoring Plan: <b>Concurrent with approval of Final Fish Screen Design</b> (BCDC and resource agencies)</li><li>5. Incorporate Hydroacoustic Impact Mitigation and Monitoring Plan into contract specifications: <b>Prior to bid process</b> (Cargill)</li><li>6. implementation of Hydroacoustic Impact Mitigation and Monitoring Plan: <b>During pile driving</b> (Cargill, contractor)</li><li>7. Reporting on implementation of Hydroacoustic Impact Mitigation and Monitoring Plan: <b>Within 2 months following completion of pile driving</b> (Cargill, contractor)</li></ol>	<ol style="list-style-type: none"><li>1. Noise impact assessment submitted</li><li>2. Resource agency concurrence on noise impact assessment (formal meeting notes or concurrence letters)</li><li>3. Hydroacoustic Impact Mitigation and Monitoring Plan, submitted, if required</li><li>4. Agency concurrence on Hydroacoustic Impact Mitigation and Monitoring Plan: (formal meeting notes or concurrence letters)</li><li>5. Submittal of contract specifications incorporating Hydroacoustic Impact Mitigation and Monitoring Plan</li><li>6. Report on implementation of Hydroacoustic Impact Mitigation and Monitoring Plan</li></ol>
BIO-4	Provide Compensatory Mitigation for Unavoidable Permanent Impacts to State- or Federally Protected Wetlands	For permanent loss of State- or Federally protected wetlands that were not considered in the USACE Mitigation in Perpetuity agreement, Cargill shall provide compensatory mitigation consistent with the terms of the <i>Final Rule on Compensatory Mitigation for Losses of Aquatic Resources</i> (USEPA and USACE 2008), the <i>Regional Compensatory Mitigation and Monitoring Guidelines for the South Pacific Division</i> (USACE 2015), and the <i>State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State</i> (SWRCB 2021). At a minimum, mitigation shall be provided at a ratio of 3:1, or as determined by the USACE's <i>South Pacific Division Regulatory Program Standard Operating Procedure For Determination Of Mitigation Ratios</i> (USACE 2021). The compensatory mitigation shall be described in a compensatory mitigation plan for permanent impacts to wetlands. Compensatory mitigation may include restoration of habitat on-site (e.g., restoration of unused locks), habitat enhancement on-site, habitat restoration off-site, habitat enhancement off-site, implementation of a pilot study for nature-based solutions to outboard berm erosion (refer to Section 8.2), and/or purchasing credits from a mitigation bank, among others. Mitigation shall be provided as close to the	Cargill	BCDC, USACE, NMFS, USFWS, CDFW, RWQCB	<ol style="list-style-type: none"><li>1. Submittal of design or other work details regarding affected wetlands and quantification of wetlands affected: <b>Immediately following completion of design</b>, or determination of required maintenance work (Cargill)</li><li>2. Determination of minimum mitigation requirements: <b>Within 3 months of submittal of quantified habitat loss</b> (BCDC in consultation with resource agencies)</li><li>3. Development of draft mitigation plan for permanent wetland impacts and performance monitoring plan, if applicable: <b>Within 3 months</b> of determination of required mitigation (Cargill)</li><li>4. Development of draft permits, approvals, or permit amendments for mitigation, as applicable: <b>Within 2 months</b> of submittal of draft mitigation plan (and performance</li></ol>	<ol style="list-style-type: none"><li>1. Draft mitigation plan (and performance monitoring plan, if applicable) submitted</li><li>2. Agency concurrence on mitigation plan (formal meeting notes or concurrence letters)</li><li>3. Final mitigation plan (and performance monitoring plan, if applicable) submitted</li><li>4. Mitigation bank certification of credits, if applicable</li><li>5. Permits and supplemental CEQA documentation for mitigation, if applicable</li><li>6. Implementation of mitigation (adherence to schedule and implementation process)</li><li>7. Progress of mitigation against performance measures (annual review)</li></ol>

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		location or the impacted area(s) as feasible. If mitigation is provided as habitat enhancement or restoration, Cargill shall provide a performance monitoring plan to document the success of the mitigation. Mitigation shall be acceptable to the resource agencies, including USFWS, NMFS, CDFW and the RWQCB.			<div>monitoring plan, if applicable) (BCDC and resource agencies)</div> <div>5. Supplemental CEQA review for proposed mitigation, if applicable: <b>Concurrent</b> with preparation of draft permits/approvals (BCDC and resource agencies)</div> <div>6. Approval of final mitigation plan for permanent wetland impacts and performance monitoring plan, if applicable: <b>Within 1 month</b> of submittal of final mitigation plan and performance monitoring plan, if applicable (BCDC in consultation with resource agencies)</div> <div>7. Finalize permits, approvals, or permit amendments for mitigation, as applicable: <b>Within regulatory agency requirements months</b> of approval of final mitigation plan (and performance monitoring plan, if applicable) (BCDC and resource agencies)</div> <div>8. Initiate implementation of mitigation: <b>Within 3 months</b> of permitting of final mitigation plan (and performance monitoring plan, if applicable) (Cargill)</div> <div>9. Reporting on mitigation implementation and performance: <b>Annual</b>, or as specified in final mitigation plan (Cargill)</div>	<div>8. Certification of mitigation (completion of mitigation requirements)</div>
CUL-1	Inadvertent Encounter of Undiscovered Archaeological Resources	<p>These mitigation measures shall be printed on contract specifications for field workers for maintenance projects. Cargill, Incorporated shall inform all contractors and Cargill personnel in writing through the contract specifications and/or training, and verbally at any Project initiation meetings connected with soil and ground-disturbing maintenance activities, of the possibility of finding archaeological resources. All site workers shall be trained to recognize potential buried artifacts and shall be informed about the appropriate procedures should buried artifacts or human remains be encountered. Training shall be conducted annually for all staff. All training shall include training related to tribal resources. At minimum, any training related to tribal resources shall be developed and delivered by a representative of the local tribal community. Documentation of the contract specification and training shall be provided to BCDC if requested by BCDC.</p> <p>Since material removed from the berm cores would be placed on the inside berm slopes of salt ponds, this moved material and other material from the Project site (soils or Bay Mud) that may be moved from one location to another on the Project site shall be reviewed on its surface for the existence of archaeological materials. If buried cultural resources, such as chipped or ground stone, obsidian, animal bones, shells or shell pieces consistent with those found in Native American shellmounds, historic debris, building foundations, or other items are discovered inadvertently during soil or</p>	Cargill, any contractors performing Project-related work, SLC	BCDC, SLC	<div>As Needed/On-Going</div> <div>1. Add mitigation measure to contracts: <b>Prior to start</b> of work (Cargill)</div> <div>2. Training of site workers: <b>prior to first day of work</b> involving earth moving activities (Cargill, contractor)</div> <div>3. Annual refresher training: <b>Prior to start of primary maintenance season each year</b> (Cargill, contractor)</div> <div>4. Assessment of potential find by qualified archeologist: <b>as soon as possible</b> after potential archeological resources are discovered (BCDC/qualified archeologist)</div> <div>5. Develop treatment measures or disposition plan, if needed: <b>Within 30 days after</b> identifying qualified find (qualified archeologist/BCDC)</div> <div>6. Approve treatment measures or disposition plan for resources found on SLC property, if needed: <b>Within 2 weeks</b> of receipt of plan (SLC)</div>	<div>As Needed/On-Going</div> <div>1. Documentation of contract specifications and training</div> <div>2. Documentation of disposition</div> <div>3. SLC approval of treatment or disposition plan for resources on SLC property</div> <div>4. Recordation of cultural resources finds</div>

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		ground-disturbing activities, such as keying berms or excavating sediment for lock access, work shall stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with BCDC, other agencies, and Native American representatives, as appropriate. Material removed through berm keying or other material shall be viewed by construction staff, as feasible based on placement, to determine if cultural resources were encountered during such activities. If recommended by a qualified archaeologist or cultural resource specialist, further excavation activities shall be monitored by an archaeologist and shall also, if advised by the archaeologist, include a Native American monitor.				
CUL-2	Inadvertent Encounter of Human Remains	If human remains are encountered, the County coroner shall be contacted immediately. If the County coroner determines that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours (pursuant to Section 7050.5 of the California Health and Safety Code.) There shall be no further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie adjacent human remains until the County Coroner is contacted and the Coroner has determined that the remains are not subject to provisions of the law regarding the investigation of the circumstances, manner and cause of death. The NAHC shall provide BCDC and Cargill, Incorporated with the contact information for the most likely descendant who will have the opportunity to make a recommendation within 24 hours after being notified by the NAHC as to how the remains shall be treated and their disposition. If any human remains are encountered, the remains shall be left in place and protected from further disturbance until a plan for their disposition can be developed. Pursuant to Section 7050.5(b), if the remains are not Native American and not subject to investigation as described previously, the Coroner shall recommend treatment and disposition of the remains to the person responsible for the excavation. Depending on the archeologist's assessment, a report shall be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archeological materials. The report shall be submitted to BCDC, Cargill, the NWIC and the consulting Tribe. Tribal representatives will arrange for reburial of the Native American human remains and associated funerary objects with the appropriate dignity either in accordance with the recommendations of the MLD, if available, or in the project vicinity at a location agreed upon between the Tribe and BCDC, where the reburial would be accessible to Tribal members in perpetuity and would not be subject to further disturbance. The discovery and reburial shall be kept confidential and secure to prevent any further disturbance.	Cargill, any contractors performing Project-related work, Coroner, NAHC, Next of kin/MLD, BCDC	BCDC, NAHC, Next of kin	As Needed/On-Going <ol style="list-style-type: none"><li>1. Notification of county coroner: <b>Immediately</b> upon encountering human remains (Cargill)</li><li>2. Notification to BCDC: <b>Immediately</b> after notification of coroner (Cargill)</li><li>3. Notification of NAHC, if applicable: <b>Within 24 hours</b> of determining remains are of Native American origin (Coroner)</li><li>4. Contract archeologist: <b>within 2 weeks</b> of Coroner determination that remains are of Native American origin (Cargill)</li><li>5. Notification of MLD, if applicable: <b>As determined by NAHC</b></li><li>6. Notification to BCDC and Cargill regarding MLD, if applicable <b>concurrent with notification of MLD</b> (NAHC)</li><li>7. MLD's recommendation regarding treatment and disposition of remains, if applicable: <b>Within 24 hours</b> of NAHC notification (MLD)</li><li>8. Archeologist's assessment and report: <b>within 30 days</b> of start of field work.</li><li>9. Tribal reburial or other disposition of remains, if applicable: <b>within 4 weeks</b> of archeologist's report (Tribes)</li><li>10. Recommendations regarding treatment and disposition for non-Native human remains: <b>Within 1 week</b> of determining that remains are not of Native American origin (Coroner)</li><li>11. Implement treatment and disposition plan/ recommendations: <b>As scheduled</b> (Cargill, Tribes, contractor)</li></ol>	As Needed/On-Going <ol style="list-style-type: none"><li>1. Cargill/contractor report regarding discovery, treatment and disposition of the remains</li><li>2. NAHC next of kin contacts and next of kin recommendations</li><li>3. Coroner recommendations</li></ol>

Mitigation Measure Number	Mitigation Measure Name	Mitigation Measure	Implementation Responsibility	Monitoring/ Verification Responsibility	Timing/Schedule	Reporting/Compliance Mechanism
HYD-1	Evaluate Outboard Berms Vulnerability due to Wave Runup and Overtopping During Storm Events	Cargill shall estimate overtopping rates at transects at the MSS ponds, prioritizing bayfront transects within the MSS ponds (Transects 21, 22, 23, and 24) and evaluate whether overtopping could result in overtopping/scour impacts to berm stability. Evaluation shall be performed for 10-, 25-, 50- and 100-year storm events at current and future sea levels. Cargill shall provide documentation of the risk analysis to BCDC and the RWQCB, highlighting when berms may be at risk of scour-related failure due to overtopping based on future sea level rise. BCDC and the RWQCB shall work with Cargill to address the risks identified, if needed; if necessary supplemental CEQA review shall be conducted.	Cargill	BCDC, RWQCB	<ol style="list-style-type: none"><li>Overtopping risk analysis and estimate: <b>Within 6 month</b> of permit approval (Cargill)</li><li>Development of mitigation: <b>Within 6 months</b> of submittal of report (within 1 year of permit approval) (BCDC, Cargill, RWQCB)</li><li>Supplemental CEQA review: <b>As needed</b> (BCDC, RWQCB)</li></ol>	<ol style="list-style-type: none"><li>Completion of overtopping risk analysis and estimate</li><li>Determination if mitigation is required</li><li>Development of mitigation, if needed</li><li>Supplemental CEQA analysis, if needed</li><li>Implementation of mitigation, if needed</li><li>Mitigation completion report if mitigation is conducted</li></ol>
TCR-1	Inadvertent Encounter of Undiscovered Tribal Cultural Resources	<p>To minimize the risk of inadvertent encounters with tribal resources during site activities, Cargill shall prepare a Tribal Resources Monitoring Plan if potential maintenance activities in the vicinity of CA-ALA-059 could result in disturbance of previously undisturbed native soils. For the purposes of this mitigation measure, the vicinity of CA-ALA-059 is defined as a 100-foot-wide band extending west from the eastern-most Cargill boundary along crystallizers CX-22 through CX-25, CX-27, and CX-28. If any Cargill maintenance activities could occur to the east of this boundary, they shall be subject to the same requirements as defined for the CA-ALA-059 vicinity. Cargill shall indicate in its Annual Work Plan whether any maintenance activities are proposed for the CA-ALA-059 vicinity, and whether any of those maintenance activities may disturb previously undisturbed native soils. The Tribal Resources Monitoring Plan shall include a requirement for a tribal monitor to be present if activities covered by the Tribal Resources Monitoring Plan are conducted.</p> <p>If Native American cultural resources are encountered during ground-disturbing activities, an archaeological consultant shall review, identify, and evaluate the find to determine if the discovery could qualify as a tribal cultural resource, as defined in Public Resources Code Section 21074. Tribal representatives culturally affiliated with the site shall be consulted regarding this determination. If the discovery is determined to qualify as a tribal cultural resource, it shall be subject to treatment/mitigation that prevents an adverse effect on the resource, in accordance with Public Resources Code Section 15064.5. Mitigation shall be determined through consultation between BCDC and the tribe(s).</p>	Cargill, BCDC, representatives of local tribal community	BCDC	<p>As Needed/On-Going</p> <ol style="list-style-type: none"><li>Identification of maintenance activities potentially disturbing previously undisturbed native soils in the CA-ALA-059 vicinity area: <b>Annually</b> in the Annual Maintenance Work Plan (Cargill)</li><li>Development of draft Tribal Resources Monitoring Plan: <b>Prior to any maintenance activities</b> potentially disturbing previously undisturbed native soils in the CA-ALA-059 vicinity area (Cargill)</li><li>Review of draft Tribal Resources Monitoring Plan: <b>within 60 days</b> of submittal of draft plan (BCDC, representatives of local tribal community)</li><li>Development of final Tribal Resources Monitoring Plan: <b>within 45 days</b> of final receipt of comments on draft plan (Cargill)</li><li>Notification of potential tribal cultural resources: <b>When encountered</b> (Cargill)</li><li>Consultation with archaeological consultant and Native American tribal representatives: <b>When needed – upon encountering</b> potential tribal cultural resources are encountered (BCDC/ Archeological consultant)</li><li>Mitigation: <b>when discovery is determined to qualify as a tribal cultural resource</b> (BCDC/ Archeological consultant)</li></ol>	<p>As Needed/On-Going</p> <ol style="list-style-type: none"><li>Annual Work Plan: Cargill</li><li>Tribal Resources Monitoring Plan developed if needed: Cargill</li><li>Notification of potential tribal cultural resources to BCDC: Cargill</li><li>Notification to tribes of potential tribal cultural resources: BCDC/ Archeological consultant</li><li>Report of Disposition or Mitigation Completion Report: BCDC/ Archeological consultant</li></ol>