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STATE OF CALIFORNIA
State Lands Commission
Attn: Title Unit
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A.P.N.: 015-36-028
Counties: Alameda, Santa Clara, San Mateo

STATE OF CALIFORNIA
STATE LANDS COMMISSION

THIRD AMENDMENT OF LEASE NO. PRC 6045.9

WHEREAS, the State of California, acting through the State Lands Commission, hereinafter called Lessor, and United States Department of the Interior, Fish and Wildlife Service, hereinafter called Lessee have heretofore entered into an agreement designated as Lease No. PRC 6045.9 (Lease), authorized by the State Lands Commission on September 1, 1981, and executed by the State Lands Commission on September 23, 1981, whereby Lessor granted to said Lessee a General Lease – Public Agency Use covering certain State Land situated in Alameda, Santa Clara and San Mateo Counties; and

WHEREAS, Paragraph 15 and 16 provides that the Lease may be terminated and its terms, covenants and conditions amended, revised, or supplemented only by mutual written agreement of the Lessor and the Lessee (hereinafter referred to as the Parties); and

WHEREAS, the Parties have previously amended the lease through two lease amendments (dated December 15, 1987; and October 16, 2008; respectively); and

WHEREAS, by reason of the foregoing, it is now the desire of the Parties to amend the Lease.

NOW THEREFORE, the Parties hereto agree as follows:

1. The existing Exhibit B, Site and Location Map, to the Lease is hereby deleted in its entirety and replaced with Exhibit B, Site and Location Map, attached and by reference made a part of the Lease and this Amendment (for reference purposes only).
2. Exhibit A, Land Description, is attached and by reference made a part of the Lease and this Amendment.

3. Lessee agrees to be bound by and fully carry out, implement, and comply with all mitigation measures and reporting obligations identified as Lessee's or Applicant's responsibility as set forth in the Mitigation Monitoring Program (MMP), attached hereto as Exhibit C, and by reference made a part of the Lease and this Amendment, or as modified by Lessor as permitted by law.
4. The lessee shall submit an updated sea-level rise vulnerability analysis and adaptation plan by 2030 to the Commission based on the most recent best available science and state guidance.

The effective date of this Third Amendment to the Lease shall be June 28, 2019. This Third Amendment, containing 35 pages (inclusive of exhibits, exclusive of notary acknowledgments), is a portion of Lease No. PRC 6045.9 with a beginning date of September 1, 1981, consisting of one section.

All other terms and conditions of the lease shall remain in full force and effect.

This Agreement will become binding on the Lessor only when duly executed on behalf of the State Lands Commission of the State of California.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates hereafter affixed.

LESSEE:
UNITED STATES
FISH AND WILDLIFE SERVICE

By: 

Title: Acting Realty Officer

Date: 7/26/19

LESSOR:
STATE OF CALIFORNIA
STATE LANDS COMMISSION

By: 
Robert Brian Bugsch

Title: Chief, Land Management Division

Date: OCT 23 2019

ATTACH ACKNOWLEDGMENT

Execution of this document was authorized by the
California State Lands Commission on

06 / 28 / 2019
(Month Day Year)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Sacramento)

On October 23, 2019 before me, Kalyn Buchan, Notary Public
(insert name and title of the officer)

personally appeared Robert Brian Bugsch,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.



Signature Kalyn Buchan (Seal)

EXHIBIT A

PRC 6045.9

LAND DESCRIPTION

Two parcels land lying adjacent to the San Francisco Bay, Counties of San Mateo and Santa Clara, State of California, and more particularly described as follows:

Parcel 1 – Steinberger Slough, Smith Slough, and Corkscrew Slough

All that tide and submerged land located within Steinberger Slough, Smith Slough, and Corkscrew Sloughs, lying adjacent to protracted Sections 31 and 32, Township 4 South, Range 3 West, MDM as shown on that GLO Plat approved March 28, 1884, and protracted Sections 5, 6, 7, 8, 17, and 18, Township 5 South, Range 3 West, MDM as shown on that GLO Plat approved April 30, 1912, and protracted Sections 1 and 12, Township 5 South, Range 4 West, MDM as shown on that GLO Plat approved November 13, 1917 and more particularly described as Parcel "H" of Sovereign Land Location No. 43, Patented February 1, 1968, recorded in Book 5426, Page 126 of the Official Records of San Mateo County.

Parcel 2 – Mountain View Slough

All those lands described as Parcel "E" in Exhibit "A" of that Corporation Grant Deed, Recorded in Book 8013 at Page 378, Official Records of Santa Clara County.

END OF DESCRIPTION

Prepared by the California State Lands Commission Boundary Unit May 16, 2019.



NO SCALE

EXHIBIT B



STEINBERGER, SMITH, CORKSCREW, AND MOUNTAIN VIEW SLOUGHS

CALIFORNIA STATE
LANDS COMMISSION

PRC 6045.9
US FISH AND WILDLIFE SERVICE
GENERAL LEASE - PUBLIC AGENCY USE
SAN MATEO AND SANTA CLARA COUNTIES

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.



JAK 5/19

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
SOUTH BAY SALT POND RESTORATION PROJECT, PHASE 2
(PRC 6045.9, State Clearinghouse No. 2013092010)

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the South Bay Salt Pond Restoration Project, Phase 2 (Project). The CEQA lead agency for the Project is the California State Coastal Conservancy.

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 Commission 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 Guidelines section 15097, subdivision (a), states in part:¹

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 certified an EIR, State Clearinghouse No. 2013092010, adopted an MMP 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 MMP prepared by the CEQA lead agency and listed in Table C-1, is incorporated by reference in this Exhibit C.

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

Potential Impact	Mitigation Measure (MM) ²
SBSP Impact 3.14-3. Potential exposure of sensitive receptors to toxic air contaminant emissions.	SBSP Mitigation Measure 3.14-3a. Toxic air contaminant emissions from construction within 500 feet (152 meters) of sensitive receptors.
SBSP Impact 3.14-3. Potential exposure of sensitive receptors to toxic air contaminant emissions.	SBSP Mitigation Measure 3.14-3b. Health and Safety Plan.
SBSP Phase 2 Impact 3.11-1. Potential short-term degradation of traffic operations at intersections and streets due to construction.	SBSP Phase 2 Mitigation Measure 3.11-1. Requires the U.S. Fish and Wildlife Service to coordinate with Caltrans and/or the City of Menlo Park to modify the intersection signal timing in the morning to reduce project-related delay to a level that the City does not deem significant.

Mitigation Monitoring and Reporting Program

The Mitigation Monitoring and Reporting Program includes mitigation measures identified in the SBSP Restoration Project Final EIS/R that will be implemented to reduce adverse environmental impacts resulting from the long-term restoration plan as well as the Phase 1 actions.

Many of these mitigation measures are intended to reduce impacts that may occur in a future phase of the Project and do not apply to Phase 1. For example, the EIS/R identifies mitigation measures to reduce traffic impacts associated with transporting large amounts of fill to the Project area for levee construction. Because the Phase 1 actions do not involve levee construction, the Phase 1 traffic impacts are considered less than significant and mitigation measures are not required. However, these measures will be implemented for future phases of the Project that include levee construction and a corresponding large number of truck trips.

Chapter 3 of the Final EIS/R provides further information regarding the mitigation measures identified for the Project. Table ES-2 in the Final EIS/R Executive Summary presents the mitigation measures and indicates whether each mitigation measure applies to the long-term alternatives B and C and/or the Phase 1 actions.

Exhibit B: Mitigation Monitoring and Reporting Program Table

MITIGATION MEASURES	IMPLEMENTATION AND REPORTING ACTIONS	MONITORING RESPONSIBILITY	TIMING	COMPLETION DATE	APPROVED BY
standard BMPs regarding excavation and dredging of bay muds as outlined in BCD's bay dredge guidance documents. These include excavating channels during low tide; using dredge equipment, such as sealing clamshell buckets, designed to minimize escape of the fine grained materials; and testing dredge materials for contaminants. The contractor will select specific BMPs from each area, with Project sponsor approval, on a site-specific basis. The construction general contractor will ensure that the BMPs are implemented as appropriate throughout the duration of construction and will be responsible for subcontractor compliance with the SWPPP requirements. Other impacts due to construction-related and maintenance activities can be mitigated by appropriate additions to stormwater pollution prevention plans, including a plan for safe refueling of vehicles and spill containment plans. An appropriate hazardous materials management plan will be developed for any activity that involves handling, transport or removal of hazardous materials.					
SBSP Mitigation Measure 3.4-5b: Selenium Management. This mitigates potential impacts from intrusion of selenium from high-selenium aquifers. As noted in Section 3.4.2, tissue-based selenium standards are currently being developed for the state of California by USEPA as part of updating the California Toxics Rule. Adoption by the state will include a plan and program of implementation. The timeline for this process is uncertain. It will likely take longer than the time to complete this EIS/R process, but is also likely to be completed before the end of the 50 year lifetime of the SBSP Restoration Project. Selenium standards and monitoring requirements will be addressed thorough the RWQCB Waste Discharge Requirements. As	1. Comply with the State's selenium standards through the RWQCB Waste Discharge requirements 2. Monitor selenium and develop food web models in accordance with RWQCB requirements 3. Based on the results of the monitoring and modeling, develop management plans to	1. USFWS and CDFG or their contractors 2. USFWS and CDFG or their contractors 3. USFWS and CDFG or their contractors	1. Throughout operation of the SBSP Restoration Project 2. Throughout operation of the SBSP Restoration Project 3. Throughout operation of the SBSP Restoration Project		

Exhibit 4: EIS/R and EIS/R Table of Impacts, Table of Cumulative Impacts, and MMRP

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MITIGATION MEASURES	IMPLEMENTATION AND REPORTING ACTIONS	MONITORING RESPONSIBILITY	TIMING	COMPLETION DATE	APPROVED BY
plan for ensuring regular collection and servicing; and “No Littering” signs will be posted in public access areas.	receptacles at the newly constructed recreational features, where appropriate 4. Ensure regular collection and servicing of trash collection receptacle 5. Post “No Littering” signs in public access areas. 6. Report annually on their efforts to minimize illegal discharge and dumping through the means identified above. The report shall be included in the administrative record.	CDFG or their contractors 4. USFWS and CDFG or their contractors 5. USFWS and CDFG or their contractors 6. USFWS and CDFG	phases of the Project that includes public access futures 4. Throughout operations of the SBSP Restoration Project 5. During future phases of the Project that includes public access futures 6. Annual, throughout the life of the Project		
SBSP Mitigation Measure 3.4-5d: Monitoring Sediments to Follow Existing Guidance and Comply with Emerging Regulations. This mitigation addresses potential impacts due to mobilization and transport of particle-associated pollutants. The Project will monitor contaminant concentrations in sediments whenever activities will involve moving, transporting, or emplacing soils and sediments or exposing older sediments by dredging and excavation. Existing guidance for the beneficial re-use of sediments establishes numeric screening guidelines for the placement of sediments in direct contact with water or at buried beneath a cover layer. This guidance may be refined	1. Monitor contaminant concentration in sediments whenever activities involve moving, transporting, or placing soils and sediments or exposing older sediments by dredging and excavation. 2. Use the monitoring data to determine appropriate disposal or beneficial re-use	1. USFWS and CDFG or their contractors 2. PMT	1. Throughout operation of the SBSP Restoration Project 2. Throughout operation of the SBSP Restoration Project		

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MITIGATION MEASURES	IMPLEMENTATION AND REPORTING ACTIONS	MONITORING RESPONSIBILITY	TIMING	COMPLETION DATE	APPROVED BY
bacterial growth in restored areas. The SBSP Restoration Project's National Science Panel recommended that monitoring be conducted for avian botulism and bivalve disease and toxicity to humans. Mitigation measures for avian botulism are discussed under SBSP Impact 3.6-22. The Project will consider the need for additional monitoring of shellfish as each phase is implemented. For protection of public health, a program of public outreach and communication will be developed and implemented. The program will include posting of warning signs in multiple languages where monitoring data indicate the need to advise the public of exposure risks from swimming or shellfish consumption.	2. Prepare a program of public outreach and communication (including the posting of warning signs regarding risks of swimming and shellfish consumption) 3. Implement the program and include evidence of implementation (photos of installed signs, material from public outreach events, etc.) in project file	2. USFWS and CDFG or their contractors 3. USFWS and CDFG or their contractors	2. Throughout operation of the SBSP Restoration Project 3. Throughout operation of the SBSP Restoration Project		
SBSP Impact 3.4-6: Potential to cause seawater intrusion of regional groundwater sources.					
SBSP Mitigation Measure 3.4-6: USFWS and CDFG (Project proponents) will coordinate with ACWD and SCVWD to ensure that the following activities take place: ▪ If any abandoned wells are found before or during construction they will be properly destroyed by the Project as per local and State regulations by coordinating such activities with the local water district. If abandoned wells are located during restoration or other future activities within ACWD or SCVWD boundaries, a well destruction work plan will be prepared in consultation with ACWD or SCVWD (as appropriate) to ensure conformance to ACWD or SCVWD specifications. The work plan will include consulting the databases of well locations already provided by ACWD and SCVWD. The Project will properly destroy both improperly	1. Document all abandoned wells that require destruction associated with the SBSP Restoration Project 2. Prepare a well destruction work plan(s) for destroying wells within the ACWD or SCVWD boundaries, in association with these agencies 3. Destroy wells in accordance with local, State regulations, or ACWD/SCVWD	1. USFWS and CDFG or their contractors 2. USFWS and CDFG or their contractors 3. USFWS and CDFG or their contractors	1. Prior to construction of each phase of the SBSP Restoration Project 2. Prior to construction of each phase of the SBSP Restoration Project 3. Prior to construction of each phase of the SBSP Restoration Project		

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3.8 Cultural Resources					
<i>SBSP Impact 3.8-1: Potential disturbance of known and/or unknown cultural resources.</i>					
SBSP Mitigation Measure 3.8-1: Discovery of Unknown Resources. <i>Background.</i> Restoration actions planned for the SBSP Restoration Project Area shall be treated as individual archaeological projects. The overall record search for this EIS/R was performed in June 2006. A new record search shall be performed for any projects within the SBSP Restoration Project Area where the previous record search is more than five years old. <i>Site Survey.</i> Prior to the beginning of any Project construction activity that could affect the previously unsurveyed portions of the Project Area, qualified professional archaeologists shall be retained to inventory all portions of the restoration site that have not been examined previously or have not been examined within the last 15 years. The survey(s) shall be conducted during a time when the ground surfaces of potential project sites are visible so the natural ground surface can be examined for traces of prehistoric and/or historic-era cultural resources. If the survey(s) reveals the presence of cultural resources on the Project site (e.g., unusual amounts of shell, animal bone, bottle glass, ceramics, and structure/building remains), and those resources have not been dealt with sufficiently in any Cultural Landscape documentation, the resources shall be documented according to current professional standards. The resources shall be evaluated for potential eligibility to the NRHP or CRHR. Depending on the evaluation, additional mitigation measures may be required, including avoidance of the resource through changes in construction methods or Project design or	1. Conduct a record search for any projects within the SBSP Restoration Area in accordance with SBSP Mitigation Measure 3.8-1. Copies of searches shall be included in the project files	1. USFWS and CDFG or their contractors	1. Prior to construction of each phase of the SBSP Restoration Project		
	2. Hire a qualified professional archaeologist to inventory the restoration site and take appropriate actions if cultural resources are found in accordance with SBSP Mitigation Measure 3.8-1.	2. USFWS and CDFG or their contractors (not the professional archaeologist)	2. Prior to construction of each phase of the SBSP Restoration Project		
	3. The qualified professional archaeologist shall prepare a report specifying the findings of the inventory and any actions taken to address cultural resources. Copies of the reports shall be included in the project files	3. USFWS and CDFG or their contractors (not the professional archaeologist)	3. Prior to construction of each phase of the SBSP Restoration Project		

Exhibit B: Mitigation Monitoring and Reporting Program Table

MITIGATION MEASURES	IMPLEMENTATION AND REPORTING ACTIONS	MONITORING RESPONSIBILITY	TIMING	COMPLETION DATE	APPROVED BY
or shell, they shall be instructed to halt operation in the vicinity of the find and follow the appropriate contact procedures. Work shall not resume in the vicinity of the find until a qualified professional archaeologist has had the opportunity to examine the finds. The archaeologist shall identify the materials, determine their possible significance, if the finds are prehistoric, formulate appropriate measures for their treatment in consultation with the Native American monitor, MLD, or appropriate Native American representative and the appropriate Lead Agency. Potential treatment methods for significant and potentially significant resources may include, but would not be limited to, no action (<i>i.e.</i>, resources determined not to be significant), avoidance of the resource through changes in construction methods or Project design, or implementation of a program of testing and data recovery, in accordance with all applicable federal and state requirements. These measures shall be implemented prior to resumption of Project construction. Human Remains. California law recognizes the need to protect interred human remains, particularly Native American burials and associated items of patrimony, from vandalism and inadvertent destruction. The procedures for the treatment of discovered human remains are contained in California Health and Safety Code Section 7050.5 and Section 7052 and California Public Resources Code Section 5097. The California Health and Safety Code requires that if human remains are found in any location other than a dedicated cemetery, work is to be halted in the immediate area. The appropriate Agency or the Agency's designated representative shall be notified. The Agency shall immediately notify the county coroner and a qualified professional archaeologist. The coroner is required to examine all discoveries of human remains within 48 hours	prepare a report identifying the treatment and disposition of the cultural resources. USFWS and CDFG shall include the copies of reports in the project files	professional archaeologist)	Restoration Project		

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MITIGATION MEASURES	IMPLEMENTATION AND REPORTING ACTIONS	MONITORING RESPONSIBILITY	TIMING	COMPLETION DATE	APPROVED BY
within the historic context and evaluation framework developed for this Project. This will be done for each Project phase. If a cultural landscape is identified, a determination must be made concerning NRHP and/or CRHR eligibility. If the landscape is determined to be eligible for listing to the NRHP and/or CRHR, an assessment of the Project's effects on the landscape will be conducted. This study shall include documentation of contributing elements to the resources, a list of non-contributing elements, and recommendations regarding any additional mitigation or treatment needed. Mitigation measures may include tasks such as Historic American Building Survey¹ / Historic American Engineering Record² / Historic American Landscapes Survey³ (HABS/HAER/HALS) documentation, videotaping resources, a public outreach program, or signage at appropriate points along the proposed recreational trails.	concerning NRHP and/or CRHR eligibility				
	2. A qualified professional shall prepare a Study evaluating the project effect on the landscape. In accordance with SBSP Mitigation Measure 3.8-2 A copy of the Study shall be included in the project files	2. USFWS, CDFG, or its contractors	2. Prior to construction of each phase of the SBSP Restoration Project		
	3. A qualified professional shall document additional mitigation and actions taken. Copies of all relevant material related to the actions shall be included in the project files	3. USFWS, CDFG, or its contractors	3. Prior to construction of each phase of the SBSP Restoration Project		
Phase 1 Mitigation Measure 3.8-1: Protection for Site ALA-593H If ALA-593H (at Ponds E12 and E13) is determined to be	1. Retain a qualified professional archaeologist to determine the site's	1. CDFG or its contractor	1. Prior to the construction of Phase 1		

¹ The Historic American Buildings Survey (HABS) is the nation's first federal preservation program, begun by the American Institute of Architects, the Library of Congress, and NPS in 1933 to document America's architectural heritage. HABS recording combines drawings, history, and photography to produce a comprehensive, interdisciplinary record. The documentation ranges in scope depending largely upon the level of significance and complexity.

² The Historic American Engineering Record (HAER) was established in 1969 by the NPS, the American Society of Civil Engineers and the Library of Congress to document historic sites and structures related to engineering and industry. Appropriate subjects for documentation are individual sites or objects, such as a bridge, ship, or steel works; or larger systems, like railroads, canals, electronic generation and transmission networks, parkways and roads.

³ The Historic American Landscapes Survey (HALS) mission is to record historic landscapes in the United States and its territories through measured drawings and interpretive drawings, written histories, and large-format black and white photographs and color photographs.

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construction-related truck trips, specifically deliveries of fill and equipment, shall occur outside the weekday am and pm peak commute traffic hours.	weekday peak hours				
	2. Contractor implements condition	2. USFWS, CDFG or its contractors	2. During construction		
	3. Monitors construction truck traffic to ensure that the limitations are met	3. USFWS, CDFG or its contractors	3. Throughout construction		
SBSP Impact 3.12-3: Potential increase in parking demand.					
SBSP Mitigation Measure 3.12-3: Parking at recreational facilities. The Landowners (CDFG and USFWS), in coordination with the cities with jurisdiction over the proposed recreation improvements (where applicable), shall design recreational facilities with sufficient parking spaces to accommodate the projected increase in vehicles that access the site, unless adequate off-site parking is available to offset the demand for parking spaces.	1. Assess the adequacy of parking spaces for future proposed recreational facilities.	1. USFWS, CDFG or its contractors	1. Prior to the design of each subsequent phase		
	2. Conduct environmental analysis of proposed recreational facilities (including parking facilities as needed). The environmental document shall be included in the administrative record	2 USFWS, CDFG or its contractors	2. During the environmental document preparation for each subsequent phase		
	3. Include necessary parking facilities in the design of the recreational component	3 USFWS, CDFG or its contractors	3. During preliminary design of the components		
	4. Verify that design of the proposed recreational components include adequate parking facilities	4 USFWS, CDFG or its contractors	4. During final design of the components		

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MITIGATION MEASURES	IMPLEMENTATION AND REPORTING ACTIONS	MONITORING RESPONSIBILITY	TIMING	COMPLETION DATE	APPROVED BY
	3. Contractor implements condition and submits the videotapes to public works department(s) of affected jurisdictions. Copies of the before- and after- videotapes shall also be included in the administrative record	3. USFWS, CDFG or its contractors	3. Prior to and after each phase of construction		
	4. Review the improvements necessary along the haul routes	4. USFWS, CDFG and the public works department of the affected jurisdiction(s)	4. Prior to each phase of construction		
	5. Implement improvements. The public works department shall provide documentation that improvements have been completed. The documentation shall be included in the administrative record	5. USFWS, CDFG and the public works department of the affected jurisdiction(s) 5. USFWS and CDFG	5. After each phase of construction		
3.13 Noise					
<i>SBSP Impact 3.13-1: Short-term construction noise effects.</i>					
SBSP Mitigation Measure 3.13-1: Short-term noise effects. The landowners shall include in construction plans and specifications the following requirement:	1. If conditional use permits are acquired, file these permits in the administrative record.	1. USFWS, CDFG or its contractors	1. Prior to construction		
	2. Incorporate into	2 USFWS, CDFG,	2. Prior to		

Exhibit B: Mitigation Monitoring and Reporting Program Table

MITIGATION MEASURES	IMPLEMENTATION AND REPORTING ACTIONS	MONITORING RESPONSIBILITY	TIMING	COMPLETION DATE	APPROVED BY
- City of Menlo Park: construction activities shall occur between 8 am and 6 pm Monday through Friday only. - Locate all construction equipment staging areas at the furthest distance possible from nearby noise-sensitive land uses; and Construction equipment shall be properly maintained and equipped with noise control, such as mufflers, in accordance with manufacturers' specifications.					
<i>SBSP Impact 3.13-2: Traffic-related noise impacts during construction.</i>					
SBSP Mitigation Measure 3.13-2: Traffic-related noise. The landowners shall include in construction plans and specifications the following requirement: - Contractors shall use haul routes that minimizes traffic through residential areas. Material hauling shall be conducted during the day-time hours only as specified in SBSP Mitigation Measure 3.13-1; and - A portion of the fill for the construction of the proposed levees that provide flood protection and/or habitat features shall be transported via barge. The percentage of fill transported by barge shall be determined when the amount of construction fill required for each phase of construction has been determined. The contractor shall determine the portion of fill that will be conveyed by barge based on an assessment of the land uses along proposal haul routes.	- Review possible construction haul routes and identify routes that minimize construction-related traffic through residential areas or opportunities for transport by barge - Incorporate into contractor specifications the requirement to follow specified construction haul routes - Implement condition - Monitors activity to ensure that construction contractors complies with the specification requirements	- USFWS, CDFG or its contractors - USFWS, CDFG or its contractors - USFWS, CDFG or its contractors - USFWS, CDFG or its contractors	- Prior to construction - During construction - Throughout construction - Throughout construction		

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MITIGATION MEASURES	IMPLEMENTATION AND REPORTING ACTIONS	MONITORING RESPONSIBILITY	TIMING	COMPLETION DATE	APPROVED BY
Construction-Generated Emissions. The following Basic Control Measures shall be implemented at all construction sites within the Project Area, regardless of size: ▪ Water all active construction areas at least twice daily, and more often during times of high wind; ▪ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 ft (0.6 m) of freeboard; ▪ Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites; ▪ Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites; and ▪ Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. The following Enhanced Measures shall be implemented at construction sites larger than four acres: ▪ Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); ▪ Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (<i>e.g.</i>, dirt, sand); ▪ To the extent practicable, limit traffic speeds on unpaved roads to 15 mph; ▪ Install sandbags or other erosion control measures to prevent silt runoff to public roadways; ▪ Replant vegetation in disturbed areas as quickly as possible; and ▪ Install wheel washers for all exiting trucks, or wash	contractor specifications basic, enhanced, and optional dust control measures 2. Implement condition 3. USFWS, CDFG, or its contractors monitors construction activities to ensure that the specification requirements are met	or its contractors 2 USFWS, CDFG or its contractors 3. USFWS, CDFG or its contractors	construction 2. Throughout construction 3. Throughout construction		

Exhibit B: Mitigation Monitoring and Reporting Program Table

MITIGATION MEASURES	IMPLEMENTATION AND REPORTING ACTIONS	MONITORING RESPONSIBILITY	TIMING	COMPLETION DATE	APPROVED BY
shall include the quantity and type of vehicles surveyed as well as the dates of each survey. BAAQMD and/or other officials may conduct periodic site inspections to determine compliance. - USFWS and CDFG shall provide a plan for approval by BAAQMD demonstrating that the heavy-duty (more than 50 horsepower) off-road vehicles to be used in the construction Project, including owned, leased, and subcontractor vehicles, would achieve a Project-wide fleet average 45 percent particulate reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions may include use of late-model engines, low-emission diesel products, alternative fuels (<i>e.g.</i>, Lubrizol, Puri NO_x, biodiesel fuel) in all heavy duty off-road equipment. - USFWS and CDFG shall require in construction plans and specifications that the model year of all off-road construction moving equipment shall not be older than 1996. - USFWS and CDFG shall require in construction plans and specifications a provision that prohibits contractors from operating pre-1996 heavy-duty diesel equipment on forecast Spare-the-Air Days or on days when air quality advisories are issued because of special circumstances (<i>e.g.</i>, wildfires, industrial fires). - USFWS and CDFG shall minimize idling time to 10 minutes for all heavy-duty equipment when not engaged in work activities, including on-road haul trucks while being loaded or unloaded on-site. - Staging areas and equipment maintenance activities shall be located as far from sensitive receptors as possible.	demonstrates that the heavy-duty off-road vehicles used in construction would achieve particulate reduction. The plan and approval shall be included in the administrative record. 4. Incorporate into contractor specifications prohibitions on the equipment that can be used based on the model year, idling time, and staging areas. 5. Implement actions. 6. Monitor construction activities to ensure that the specification requirements are met	4 USFWS, CDFG or its contractors 5 USFWS, CDFG or its contractors 6. USFWS, CDFG or its contractors	4. Prior to construction 5. Throughout construction 6 Throughout construction		

Exhibit B: Mitigation Monitoring and Reporting Program Table

MITIGATION MEASURES	IMPLEMENTATION AND REPORTING ACTIONS	MONITORING RESPONSIBILITY	TIMING	COMPLETION DATE	APPROVED BY
contaminants). The plan shall be prepared according to federal and California OSHA regulations. The landowners and/or its contractors shall maintain a copy of the Plan on-site during construction activities.					
3.16 Utilities					
<i>SBSP Impact 3.16-8: Disruption of rail service due to construction of coastal flood levees and tidal habitat restoration.</i>					
SBSP Mitigation Measure 3.16-8: The Landowners shall coordinate with UPRR on the design of the UPRR improvements to ensure that rail service is maintained during construction of flood control and restoration elements in and around Pond A16.	1. Coordinate with UPRR during design of subsequent phases at and around Pond A16	1. USFWS or its contractors	1. During design of Pond A16		
	2. Include records of coordination, including final design of Pond A16 in Administrative Record	2. USFWS	1. Throughout design and implementation of Pond A16		
	3. Provide evidence that design had been completed in Administrative Record	3. USFWS	2. After design has been completed at Pond A16		

Exhibit 7: Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program Table

MITIGATION MEASURE	IMPLEMENTATION AND REPORTING ACTIONS	MONITORING RESPONSIBILITY	TIMING	COMPLETION DATE	APPROVED BY
3.11 Traffic					
Phase 2 Impact 3.11-1: Potential short-term degradation of traffic operations at intersections and streets due to construction.					
Phase 2 Mitigation Measure 3.11-1: Modify Signal Timing The landowner (USFWS) shall coordinate with Caltrans and/or the City of Menlo Park to modify the intersection signal timing in the a.m. to reduce project-related delay to a level that the City does not deem significant.	1. Assess signal timing changes required to maintain adequate intersection LOS	1. USFWS, Caltrans or its contractors	1. Prior to construction		
	2. Caltrans or its contractor implements modifications to signal timing	2. Caltrans or its contractors	2. During construction		
	3. Monitor intersection to ensure adequate LOS	3. USFWS or its contractors	3. Throughout construction		

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Sacramento)
 On July 26, 2019 before me, Wanda D. Cantrell, Notary Public
 Date Here Insert Name and Title of the Officer
 personally appeared Michael Anthony Borkoski
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Wanda D. Cantrell
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: State of California State Land Commission Third Amendment
 Document Date: APN: 015-36-038 Number of Pages: 20 of Lease NO PRC 6045.9
 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☒ Other: US Fish & Wildlife Service
 Signer Is Representing: 2800 Cottage Way
Sacramento CA 95825

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____