

March 2026
State Clearinghouse No. 2024101291

Mitigation Monitoring and Reporting Program for the City of Rio Vista General Plan Update Draft EIR

City of Rio Vista

Prepared for:

City of Rio Vista

Krystine Ball, Public Works Program Manager
1 Main Street
Rio Vista, California 94571
707.374.6461

Prepared by:

PlaceWorks

Mark Teague, AICP, Associate Principal
101 Parkshore Drive, Suite 200
Folsom, CA 95630
info@placeworks.com
www.placeworks.com



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1. Introduction

1.1 PURPOSE OF MITIGATION MONITORING PROGRAM

This Mitigation Monitoring and Reporting Program has been developed to provide a vehicle by which to monitor mitigation measures and conditions of approval outlined in the Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2024101291. The Mitigation Monitoring and Reporting Program has been prepared in conformance with Section 21081.6 of the Public Resources Code and City of Rio Vista Monitoring Requirements. Section 21081.6 states:

- (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
 - (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
 - (2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

1.2 EIR SUMMARY

1.2.1 PROJECT LOCATION

The City of Rio Vista is an incorporated city in Solano County and is 6.6 square miles in size, making it one of the smallest cities in Solano County by land area. Rio Vista is surrounded by Solano County unincorporated land except the Sacramento River borders southeast to the city and is the closest naturally occurring water resource. Rio Vista is also in the heart of the Sacramento River Delta and the city is also referred to as “The Gateway to the Delta.” Regional access to the city is provided by State Route (SR-) 12, which bisects the southwest portion of the city, SR-160, and SR-84.

2. Mitigation Monitoring Process

1.2.2 PROJECT SUMMARY

The 2045 General Plan Update (proposed project) is an update to the City of Rio Vista's adopted General Plan. The General Plan is a State-required legal document that provides guidance to decision makers regarding the allocation of resources and determining the future physical form and character of development in the city and its Sphere of Influence (SOI). It is the official statement of the City regarding the extent and types of development needed to achieve the community's physical, economic, social, and environmental goals.

The proposed project includes comprehensive updates to the required elements under the State Planning and Zoning Law, as well as other optional elements that the City has elected to include in its General Plan. Each element includes goals and policies that are based, in part, on creating an equitable, sustainable, and livable community, and provides updates based on State and local law, and other considerations.

1.3 ENVIRONMENTAL IMPACTS

1.3.1 IMPACTS CONSIDERED LESS THAN SIGNIFICANT

The DEIR identified various thresholds from the CEQA Guidelines among a number of environmental categories that would not be significantly impacted by the proposed project and therefore have no mitigation measures to monitor. Impacts to the following were found to be less than significant:

- Aesthetics
- Agriculture and Forestry Resources
- Biological Resources
- Energy
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Population and Housing
- Public Services and Recreation
- Utilities and Service Systems
- Wildfire

1.3.2 POTENTIALLY SIGNIFICANT ADVERSE IMPACTS THAT CAN BE MITIGATED, AVOIDED, OR SUBSTANTIALLY LESSEMED

The DEIR identified various thresholds from the CEQA Guidelines among a number of environmental categories that could be reduced, avoided, or substantially lessened through the implementation of mitigation measures.

- Cultural Resources and Tribal Cultural Resources (Impact 5.5-4)
- Geology, Soils, and Mineral Resources (Impact 5.7-4)

1. Introduction

1.3.3 UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS

The following impacts would remain significant and unavoidable after implementation of the required mitigation, as identified in the DEIR.

- Air Quality (Impact 5.3-2, Impact 5.3-3)
- Cultural Resources and Tribal Cultural Resources (Impact 5.5-1)
- Greenhouse Gas Emissions (Impact 5.8-1, Impact 5.8-2)
- Noise (Impact 5.12-1)
- Transportation (Impact 5.15-2)

1. Introduction

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2. Mitigation Monitoring Process

2.1 MITIGATION MONITORING PROGRAM ORGANIZATION

As the lead agency, the City is responsible for the review of all monitoring reports, enforcement actions, and document disposition. The City will rely on information provided by individual monitors (e.g., CEQA consultant, etc.) as accurate and up to date, and will field check mitigation measure status, as required.

2.2 MITIGATION MONITORING TEAM

The mitigation monitoring team, consisting of the designated Project Manager and Technical Consultants (CEQA consultant, etc.) are responsible for monitoring implementation and compliance with all adopted mitigation measures and conditions of approval. A major portion of the team's work is in-field monitoring and compliance report preparation. Implementation disputes are brought to the Project Manager/Public Works Program Manager.

2.2.1 MONITORING TEAM

The following summarizes key positions in the Mitigation Monitoring and Reporting Program and their respective functions:

- **Project Manager:** Responsible for coordination of mitigation monitoring team, technical consultants, report preparation, and overall program administration and document/report clearinghouse. The overall Project Manager is the Public Works Program Manager who may delegate responsibilities as required to efficiently monitor the project mitigation measures.
- **Construction Contractor:** Responsible for coordination of mitigation monitoring team; technical consultants; report preparation; and implementation the monitoring program, including overall program administration, document/report clearinghouse, and first phase of dispute resolution.
- **Technical Consultants:** Responsible for monitoring in respective areas of expertise (CEQA consultant, project engineer, noise analyst/specialist). Report directly to the Project Manager.

2.2.2 Recognized Experts

The use of recognized experts on the monitoring team is required to ensure compliance with scientific and engineering mitigation measures. The mitigation monitoring team's recognized experts assess compliance with required mitigation measures and recognized experts from responsible agencies consult with the Project Manager regarding disputes.

2. Mitigation Monitoring Process

2.3 ARBITRATION RESOLUTION

If the mitigation monitor determines that a mitigation measure, in the opinion of the monitor, has not been implemented or has not been implemented correctly, the problem will be brought before the Project Manager for resolution. The decision of the Project Manager is final unless appealed to the City's Public Works Program Manager. The Project Manager will have the authority to issue a stop-work order until the dispute is resolved.

2.4 ENFORCEMENT

Public agencies may enforce conditions of approval through their existing police power, using stop-work orders, fines, infraction citations, or in some cases, notice of violation for tax purposes.

3. Mitigation Monitoring Requirements

3.1 PRE-MITIGATION MEETING

A pre-monitoring meeting will be scheduled to review mitigation measures, implementation requirements, schedule conformance, and mitigation monitoring personnel responsibilities. Individual responsibilities are established, the entire mitigation monitoring program is presented, and any misunderstandings are resolved.

3.2 CATEGORIZED MITIGATION MEASURES/MATRIX

Project-specific mitigation measures have been categorized in matrix format, as shown in Table 3-1. The matrix identifies the environmental factor, specific mitigation measures, schedule, and responsible monitor. The mitigation matrix will serve as the basis for scheduling the implementation of, and compliance with, all mitigation measures.

3.3 IN-FIELD MONITORING

Project monitors and technical subconsultants shall exercise caution and professional practices at all times when monitoring implementation of mitigation measures. Protective wear (e.g., hard hat, glasses) shall be worn at all times in construction areas. Injuries shall be immediately reported to the mitigation monitoring committee.

3.4 DATABASE MANAGEMENT

All mitigation monitoring reports, letters, and memos shall be prepared using Microsoft Word software on IBM-compatible PCs.

3.5 COORDINATION WITH CONTRACTORS

The construction manager is responsible for coordination of contractors and for contractor completion of required mitigation measures.

3.6 LONG-TERM MONITORING

Long-term monitoring related to several mitigation measures will be required, including fire safety inspections. Post-construction fire inspections are conducted on a routine basis by the Rio Vista Fire Department.

3. Mitigation Monitoring Requirements

Table 3-1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
5.5 Cultural and Tribal Cultural Resources				
<p>CUL-1: Site-Specific Cultural Resources Study and Evaluation of Resources. For projects that are on land that has not previously been developed, or will involve construction on areas where no previous ground disturbance or excavation has occurred, or for structures that are 50 years of age, a site-specific cultural resources study shall be completed prior to project approval. This site-specific cultural resources study shall include, but not be limited to a, records search with the California Historical Resource Information System, review of historical documents, a Sacred Lands File search with the NAHC, and a field survey/site effort. The findings of the study shall be submitted as a report that follows the California Office of Historic Preservation's recommended content and format. The report will provide the historic context, methods, results, and recommendations for appropriate findings</p>	<p>Future Project Applicants and Qualified Cultural Resources Specialist</p>	<p>Prior to the Start of Ground-Disturbing Activities</p>	<p>City of Rio Vista</p>	
<p>TCR-1: Treatment of Native American Remains. In the event that Native American human remains are found during development of a project and a tribe(s) is determined to be MLD pursuant to Public Resources Code Section 5097.98 Inadvertent Discovery of Native American Human Remains, the following provisions shall apply:</p> <ul style="list-style-type: none"> • The Medical Examiner shall immediately be notified; ground-disturbing activities in that location shall cease; and the applicable shall be allowed, pursuant to California Public Resources Code Section 5097.98(a), to: <ol style="list-style-type: none"> 1. Inspect the site of the discovery, and 2. Make determinations as to how the human remains and grave goods should be treated and disposed of with appropriate dignity. • The applicable tribe(s) shall complete its inspection and make its MLD recommendation within 48 hours of getting access to the site. The tribe(s) shall have the final determination as to the disposition and treatment of human remains and grave goods. Said determination may include avoidance of the human remains, reburial on-site, or reburial on tribal or other lands that will not be disturbed in the future. • The applicable tribe(s) may wish to rebury said human remains and grave goods or ceremonial and cultural items on or near the site of their discovery, in an area which will not be subject to future disturbances over a prolonged period of time. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code Sections 5097.98(a) and (b). 	<p>Future Project Applicants and Tribal Monitor</p>	<p>During Ground-Disturbing Activities</p>	<p>City of Rio Vista</p>	

3. Mitigation Monitoring Requirements

Table 3-1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>TCR-2: Non-Disclosure of Location of Reburials. In the event that Native American human remains are discovered, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, California Government Code Section 6250 et seq., unless otherwise required by law. The Medical Examiner shall withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r). The applicable tribe(s) will require that the location for reburial is recorded with the California Historic Resources Inventory System (CHRIS) on a form that is acceptable to the CHRIS center.</p>	<p>Future Project Applicants and Tribal Monitor</p>	<p>During Ground-Disturbing Activities</p>	<p>City of Rio Vista</p>	
<p>TCR-3: Treatment of Cultural Resources. In the event that cultural items are found on-site, all such items, including ceremonial items and archaeological items, should be turned over to the applicable tribe(s) for appropriate treatment, unless otherwise ordered by a court or agency of competent jurisdiction. The project proponent should waive any and all claims to ownership of tribal ceremonial and cultural items, including archaeological items, which may be found on a project site in favor of the applicable tribe(s). If any intermediary, for example, an archaeologist retained by the project proponent, is necessary, said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the applicable tribe(s).</p>	<p>Future Project Applicants and Tribal Monitor</p>	<p>During Ground-Disturbing Activities</p>	<p>City of Rio Vista</p>	
<p>TCR-4: Inadvertent Discoveries. In the event that additional significant site(s) not identified as significant in a project environmental review process, but are later determined to be significant, are located within a project impact area, such sites will be subjected to further archaeological and cultural significance evaluation by the project proponent, lead agency, and the applicable tribe(s) to determine if additional mitigation measures are necessary to treat sites in a culturally appropriate manner consistent with CEQA requirements for mitigation of impacts to cultural resources. If there are human remains present that have been identified as Native American, all work will cease for a period of up to 30 days in accordance with federal law.</p>	<p>Future Project Applicants and Tribal Monitor</p>	<p>During Ground-Disturbing Activities</p>	<p>City of Rio Vista</p>	

3. Mitigation Monitoring Requirements

Table 3-1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
5.7 GEOLOGY AND SOILS				
<p>GEO-1: Prior to issuance of a grading permit, the project applicant shall retain a Certified Paleontologist to assess the potential for presence of paleontological resources and the potential for project construction to affect such resources if present. If it is determined, to the satisfaction of the City, that there is low potential for discovery or disturbance of paleontological resources, no further action shall be required.</p> <p>If potential for discovery is deemed moderate to high, the project applicant shall retain a Certified Paleontologist to monitor all initial ground-disturbing activities in native soils or sediments. If the paleontologist, upon observing initial earthwork, determines there is low potential for discovery, no further action shall be required, and the paleontologist shall submit a memo to the City confirming findings of low potential.</p> <p>Should any paleontological resources (i.e., fossils) be uncovered during project construction activities, all work within a 100-foot radius of the discovery site shall be halted or diverted to other areas on the site and the City shall be immediately notified. A Certified Paleontologist shall evaluate the finds and recommend appropriate next steps to ensure that the resource is not substantially adversely impacted, including but not limited to avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.</p> <p>Further ground disturbance shall not resume within a 100-foot radius of the discovery site until an agreement has been reached between the project applicant, a Certified Paleontologist, and the City as to the appropriate preservation or mitigation measures to ensure that the resource is not substantially adversely impacted.</p> <p>Salvage and collection of significant fossils shall be done in accordance with the Society of Vertebrate Paleontology guidelines. Any paleontological resources salvaged shall be provided for curation at a local curation facility, or any other local museum or repository willing and able to accept and house the resource to preserve for future scientific study.</p>	<p>Future Project Applicants and Certified Paleontologist</p>	<p>Prior to Issuance of a Grading Permit</p>	<p>City of Rio Vista</p>	
<p>GEO-2: In the event of any fossil discovery, regardless of depth or geologic formation, ground-disturbing activities shall halt within a 50-foot radius of the find until its significance can be determined by a qualified paleontologist. Significant fossils shall be recovered, prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility, in accordance with the standards of the Society of Vertebrate Paleontology. The repository shall be identified, and a curatorial arrangement shall be signed prior to collection of the fossils.</p>	<p>Future Project Applicants and Certified Paleontologist</p>	<p>In the Event of Any Fossil Discovery</p>	<p>City of Rio Vista</p>	

3. Mitigation Monitoring Requirements

Table 3-1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
5.15 Transportation				
Table 5.15-4 – Potential Project-Specific VMT Reduction Measures	Future Project Applicants	Prior to Issuance of Demolition, Grading, and/or Building Permits	City of Rio Vista	

3. Mitigation Monitoring Requirements

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4. Mitigation Monitoring Reports

Mitigation monitoring reports are required to document compliance with the Mitigation Monitoring Program and to dispute arbitration enforcement resolution. Specific reports include:

- Field Check Report
- Implementation Compliance Report
- Arbitration/Enforcement Report

4.1 FIELD CHECK REPORT

Field check reports are required to record in-field compliance and conditions.

4.2 IMPLEMENTATION COMPLIANCE REPORT

The Implementation Compliance Report (ICR) is prepared to document the implementation of mitigation measures on a phased basis, based on the information in Table 3-1. The report summarizes implementation compliance, including mitigation measures, date completed, and monitor's signature.

4.3 ARBITRATION/ENFORCEMENT REPORT

The Arbitration/Enforcement Report (AER) is prepared to document the outcome of arbitration committee review and becomes a portion of the ICR.

4. Mitigation Monitoring Reports

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5. Community Involvement

Monitoring reports are public documents and are available for review by the general public. Discrepancies in monitoring reports can be taken to the arbitration committee by the general public.

5. Community Involvement

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