

Mitigation Monitoring and Reporting Program

Winery Canyon Channel Stormwater Capture and Reuse Project

Descanso Gardens Master Plan

State Clearinghouse Number 2020019072

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1.0 MITIGATION MONITORING AND REPORTING PROGRAM

Section 21081.6 of CEQA and Section 15097 of the State CEQA Guidelines states that, when adopting a Mitigated Negative Declaration (MND), the Lead Agency shall also adopt a program for reporting on or monitoring the changes that it has either required in the project or made a condition of approval to reduce or avoid significant environmental effects. The *Descanso Gardens Master Plan* (Master Plan), approved by the County of Los Angeles (County) in 2020, also included an adopted Mitigation and Monitoring Reporting Program (MMRP), which was prepared to ensure that mitigation measures identified in the Master Plan Initial Study/Mitigated Negative Declaration (IS/MND) would be implemented in an effective and timely manner, and that identified impacts are avoided or mitigated to a level of insignificance.

This MMRP, presented in Table 1, consists of the applicable Mitigation Measures (MMs) from the Master Plan IS/MND that apply to the Winery Canyon Channel Stormwater Capture and Reuse Project (Project) and are identified in the Addendum No. 1 to the Descanso Master Plan IS/MND. These MMs are required to reduce or avoid significant environmental effects associated with Project implementation to the maximum extent feasible.

This MMRP describes the mitigation program to be implemented by Descanso Gardens Foundation (Descanso Gardens) on behalf of the County of Los Angeles Department of Parks and Recreation (LACDPR), as the CEQA Lead Agency, during construction of the Project. The prescribed actions and specific reporting and/or monitoring requirements that will be enforced during Project implementation shall be adopted by the responsible decision-making body for LACDPR.

The MMs for the Project are listed in the first column in Table 1, with the timeframe for implementation in the second column, the agency or party with primary responsibility for implementation in the third column, and the agency or party with responsibility for monitoring compliance in the last column. Descanso Gardens and/or LACDPR will confirm that all MMs are included in the conditions of approval and/or contractor specifications and bid documents, as appropriate, and verified by LACDPR as part of MMRP implementation, consistent with Section 15097 of the State CEQA Guidelines.

**TABLE 1
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timing	Implementation Responsibility	Enforcement Responsibility
Biological Resources			
<p>Mitigation Measure BIO-2: To mitigate potential impacts on riparian, state sensitive plant communities (e.g., riparian habitat, coastal sage scrub, oak woodlands, non-jurisdictional wetlands) identified in local or regional plans, policies, regulations or by CDFW or USFWS:</p> <ul style="list-style-type: none"> • A jurisdictional delineation shall be conducted by a certified wetland delineator to identify any state or federally protected wetlands, and riparian areas, for the Wilds Loop and Lake Improvements that have the potential for such communities to be present based on hydrologic and wetland features noted on USGS topographic quadrangles, the National Wetland Inventory, or site reconnaissance and documented in an JD memo (if no resources are present, or if resources are present and avoided), or an application for Lake or Streambed Alteration Under Section 1600 of the California Fish and Game Code. • Where the jurisdictional delineation identifies State-designated sensitive plant communities, riparian habitat, state or federally protected wetlands, or Waters of the United States to be present, and that will not be improved by project activities, impact avoidance, impact minimization, and/or compensatory mitigation (i.e., on-site mitigation) shall be implemented at a ratio of 3:1, such that there is no net loss of habitat functions or values. • Where impacts are located in areas subject to the jurisdiction of the CDFW pursuant to Section 1600 of the State Fish and Game Code, a Lake or Streambed Alteration (LSA) Agreement shall be obtained prior to commencing ground-disturbing activities or any other alternation of a lake or stream. • Any LSA permit issued by CDFW may include additional measures such as: <ul style="list-style-type: none"> ○ Erosion and pollution control measures, ○ Avoidance of specific resources, ○ On-site or off-site creation, enhancement, or restoration, of habitat, ○ As necessary, protection and management of mitigation lands in perpetuity 	<ul style="list-style-type: none"> • Prior to ground-disturbing activities affecting resources under CDFW jurisdiction • During construction <p>(Note: Jurisdictional Delineation completed; see attachment A to Addendum No. 2)</p>	<ul style="list-style-type: none"> • Descanso Gardens on behalf of LACDPR • Qualified Biologist • Construction Contractor 	<ul style="list-style-type: none"> • LACDPR
<p>Mitigation Measure BIO-3: To mitigate potential impacts to federally protected wetlands and Waters of the United States that cannot be avoided:</p> <ul style="list-style-type: none"> • A formal jurisdictional delineation shall be undertaken to assess the presence or absence of Waters of the United States in the Master Plan element resulting in dredge or fill within any features subject to Section 404 of the federal CWA. • Where impacts are located in areas subject to the jurisdiction of the USACE pursuant to Section 404 of the federal CWA, authorization shall be obtained to complete the required work pursuant to a Nationwide or individual permit. • Where impacts are subject to the jurisdiction of the Regional Water Quality Control Board (RWQCB), a Waiver of Water Quality Certification or Notice of Applicability of Waste Discharge Requirement permit shall be obtained. • The DPR shall ensure that the project elements result in no net loss of Waters of the State by providing mitigation through impact avoidance; impact minimization; and/or compensatory mitigation (i.e., on-site mitigation) for the impact, as determined in the 	<ul style="list-style-type: none"> • Prior to approval of improvements plans; issuance of grading permits; and/or any clearing, grading, or excavation work • During construction activities <p>(Note: Jurisdictional Delineation completed; see attachment A to Addendum No. 2)</p>	<ul style="list-style-type: none"> • Descanso Gardens on behalf of LACDPR • Qualified Biologist • LACDPR 	<ul style="list-style-type: none"> • LACDPR

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Mitigation Measure	Timing	Implementation Responsibility	Enforcement Responsibility
<p>Streambed Alteration Agreement.</p> <p>The DPR retains responsibility for the implementation and success of the mitigation project. Evidence of secured permits shall be provided prior to approval of improvement plans; issuance of grading permits; and/or any clearing, grading, or excavation work.</p>			
<p>Measure BIO-4: To avoid impacts to nesting birds protected under the MBTA:</p> <ul style="list-style-type: none"> • Wherever feasible, suitable nesting habitat for birds afforded protection under the MBTA, shall be removed outside the breeding season, or construction shall be undertaken outside the breeding season, which generally occurs between February 15 and September 1. • If Project Elements cannot avoid the nesting bird season, pre-construction nesting bird surveys shall be conducted by a qualified biologist no more than three days prior to the start of construction and shall include a 300-foot survey area for non-raptors and a 500-foot survey area for raptors. • On the first day of construction at any given site, a qualified biologist shall perform a pre-construction “sweep” to identify any bird nests or other resources that may have appeared since the nesting bird survey. • On each subsequent day of construction during the nesting season, a biological monitor shall first perform a daily sweep at each work site to look for nesting birds. The daily sweeps shall be conducted to identify new nests (partially built, active, or inactive) not detected during the preconstruction survey or clearance sweep. • Should nesting birds be discovered within or adjacent to the construction footprint during these surveys, a non-disturbance buffer shall be placed around the active nest¹ to prevent impacts to nesting birds. • Construction shall be halted within the non-disturbance buffer (typically 250 feet for non-raptors and 500 feet for raptors) until the biologist has determined that the young have fledged and are flying well enough to avoid the proposed construction activities. Established buffer sizes depend on site- specific conditions, known tolerances species and individual bird behavior and shall be determined by the qualified biologist. <p>Active nests near construction work areas shall be monitored. If a nesting bird appears to be stressed as a result of project activities and is at risk of abandoning its nest, the biologist shall halt activity in the immediate area until the bird resumes its normal behavior or until the nest has been determined to no longer be active.</p>	<ul style="list-style-type: none"> • Prior to the initiation of construction activities if between February 15– September 1 • During construction activities 	<ul style="list-style-type: none"> • Descanso Gardens on behalf of LACDPR • Qualified Biologist • Construction Contractor 	<ul style="list-style-type: none"> • LACDPR

¹ The MBTA does not clearly define what an active (or inactive) nest is. However, the USFWS has clarified that the federal regulations do not pertain to the destruction of nests alone (without birds or eggs), provided that possession of the nests does not occur and the activities do not otherwise result in take of migratory birds covered by the MBTA (see U.S. Fish and Wildlife Service. June 14, 2018. Memorandum: Destruction and Relocation of Migratory Nest Contents. Accessed January 15, 2020. <https://www.fws.gov/policy/m0407.pdf>). CDFW has not provided clarification on the regulations pertaining to nesting birds. Therefore, for purposes of this measure, non-raptor, non-special-status species nests without eggs or chicks are considered inactive. For raptors, a nest is considered active when raptors exhibit nest construction or nest decorating behavior. The project biologist will determine when a nest is active based upon field observations at each nest.

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<p>Mitigation Measure BIO-5: To mitigate for potential impacts to protected bat species as a result of Master Plan Elements (New and Improved Gardens and Facilities; New Buildings, Structures, and Infrastructure; Lake Improvements):</p> <ul style="list-style-type: none"> • Focused surveys shall be conducted for hoary bat (<i>Lasiurus cinereus</i>) and silver-haired bat (<i>Lasionycteris noctivagans</i>) by a qualified biologist, including nighttime surveys, at least seven consecutive days prior to the start of project activities near suitable roosting habitat. • If it is determined during the pre-activity surveys that the area (including oak woodland and riparian habitat) could be used as roost sites by bat species, to avoid the direct loss of bats that could result from disturbance to trees or structures that may provide maternity roost habitat (e.g., in cavities or under loose bark) or structures that contain a hibernating bat colony, the following steps shall be taken: <ul style="list-style-type: none"> ▪ To the extent feasible, demolition or disturbance to suitable bat roosting habitat shall be scheduled between October 1 and February 28, outside of the maternity roosting season. ▪ If suitable bat roosting habitat must be encroached during the maternity season (March 1 to September 30), a qualified bat specialist shall conduct a pre-construction survey to identify the habitat proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats. ▪ Any suitable bat roosting habitat identified as potentially supporting an active maternity roost and each structure potentially supporting a hibernating colony shall be closely inspected by the bat specialist no greater than seven days prior to the habitat's disturbance to more precisely determine the presence or absence of roosting bats. ▪ If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, it is preferable to bring down trees, buildings, or structures in a controlled manner using heavy machinery. ▪ In order to ensure the optimum warning for any roosting bats that may still be present, trees, buildings, or structures shall be nudged lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. Trees, buildings, or structures may then be pushed to the ground slowly under the supervision of a bat specialist. ▪ Felled trees shall remain in place until they are inspected by a bat specialist. Trees that are known to be bat roosts shall not be sown up or mulched immediately. A period of at least 48 hours shall elapse prior to such operations to allow bats to escape. ▪ Bats shall be allowed to escape prior to demolition of structures or buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building. <p>Maternity season lasts from March 1 to September 30. Trees, buildings, or structures determined to be maternity roosts shall be left in place until the end of the maternity season. A suitable bat roosting habitat containing a hibernating colony shall be left in place until a qualified biologist determines that the bats are no longer hibernating.</p>	<ul style="list-style-type: none"> • Prior to the initiation of construction activities (year round) • Prior to demolition or disturbance of bat roosting habitat (as determined by biologist) 	<ul style="list-style-type: none"> • Descanso Gardens on behalf of LACDPR • Qualified Biologist • Construction Contractor 	<ul style="list-style-type: none"> • LACDPR

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<p>Mitigation Measure BIO-6: To mitigate potential impacts on oak and other native woodlands, and ensure compliance with Public Resources Code 21083.4:</p> <ul style="list-style-type: none"> • Environmentally Sensitive Area fencing shall be placed around the driplines or trunks of protected oak trees within and adjacent to the limits of disturbance, depending on the scheduled construction activity, such that no work shall occur within the protected area. • Use of on-site monitors shall be required for periods when construction shall be undertaken within 250 feet of oak woodlands, and native woodlands, and when construction is within 100 feet of the dripline of individual isolated protected native trees. • To ensure no loss of oak trees within and adjacent to the limits of disturbance after completion of construction activities, trees shall be monitored, for up to 5 years, for mortality and replanted at the appropriate ratios below to compensate as needed. • Per the County Oak Tree Ordinance, for every protected tree that must be removed, the same species shall be replaced at a minimum of a 2:1 ratio. <ul style="list-style-type: none"> ▪ Compensatory mitigation for protected trees in the jurisdiction of the County may include replacement at a 3:1 ratio for trees with a diameter at breast height of 8 inches or more at an appropriate mitigation site, and replacement at a 10:1 ratio for heritage oaks. <p>Replacement trees shall be monitored by a licensed arborist, for at least one year, to ensure survivability of replacement trees meet success criteria.</p>	<ul style="list-style-type: none"> • Prior to the initiation of construction activities in the vicinity of protected oak trees • During construction activities within 100 feet of dripline of protected trees • Up to 5 years after construction activities 	<ul style="list-style-type: none"> • Descanso Gardens on behalf of LACDPR • Qualified Biologist • Construction Contractor 	<ul style="list-style-type: none"> • LACDPR
Cultural Resources			
<p>Mitigation Measure CULTURAL-1: <i>Archaeological and Historical Resources – Avoidance and Monitoring.</i> To mitigate potential impacts on archaeological and historical resources, a Worker Education and Awareness Program (WEAP) shall be used to educate all onsite construction workers regarding the need to protect known historical and archaeological resources within proximity of the construction, operation and maintenance of the Master Plan elements, and protect archaeological resources in the unanticipated event of their discovery.</p> <p>Completion of a WEAP for all personnel who will be engaged in ground-disturbing activities shall be required prior to the start of ground-disturbing activities. This shall include training that provides an overview of cultural resources that might potentially be found and the appropriate procedures to follow if cultural resources are identified. This requirement extends to any new staff prior to engaging in ground-disturbing activities. This mitigation measure applies to Master Plan Elements including Gardens Loop, Woodland Walk, Native Walk, Service Route, Rose Gardens Improvements, Camelia Strolling Gardens, Japanese Gardens Improvements, California Garden Expansion, Lake Perimeter Walk, Boddy House Improvements, Boddy Lodge Improvements, Descanso Creek Features, and Japanese Minka House Improvements.</p> <p>Prior to the initiation of ground-disturbing activities, the County of Los Angeles Department of Parks and Recreation (DPR) shall review the construction plans to ensure that any known cultural resources that are required to be avoided have been marked as “off-limits” areas for construction and construction</p>	<ul style="list-style-type: none"> • Prior to initiation of ground-disturbing activities • During construction activities • During ground-disturbing activity within 60 feet of a known archaeological or historical resource 	<ul style="list-style-type: none"> • Descanso Gardens on behalf of LACDPR • Qualified Archaeologist • Construction Contractor 	<ul style="list-style-type: none"> • LACDPR

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<p>staging. In addition, DPR shall require monitoring of all ground-disturbing activities by a qualified archaeologist within 60 feet of a known extant unique archaeological resource or significant historical resource.</p> <p>In the event that previously unknown unique archaeological resources or significant historical resources are encountered during construction, the resources shall either be left <i>in situ</i> and avoided, or the resources shall be salvaged, recorded, and repositated at Descanso Gardens or at the Natural History Museum of Los Angeles County (NHM) or other repository consistent with the provisions of a Phase III data recovery program and the provisions of a Cultural Resource Management Plan.² Data recovery is not required by law or regulation. It is, though, the most commonly agreed-upon measure to mitigate adverse effects to cultural resources eligible or listed under Section 106 Criterion D/CRHR Criterion 4, as it preserves important information that will otherwise be lost.</p>			
<p>Mitigation Measure CULTURAL-2: Pre-Construction Surveys, Avoidance, and Salvage and Recovery of Unique Archaeological Resources. To facilitate avoidance of known archaeological resources and the salvage and recovery of archaeological resources in the unanticipated event of their discovery, in accordance with the County DPR Cultural Resources Management Plan, at the time that any construction activity is proposed that would require ground-disturbing activities in soils that have been predominantly <i>in situ</i> during the past 50 years, records and archival information shall be reviewed to determine if there are any recorded unique archaeological resources and significant historical resources as defined in Section 15064.5(a) of the CEQA Guidelines. At a minimum, the records and archival review shall include a search of the South Central Coastal Information Center if more than five years have passed since the previous records search. The appropriate course of action shall be undertaken in light of the results of the records search:</p> <p>(A) Where the project study area has been subject to a Phase I Walkover Survey within two years of the proposed activity and no unique archaeological resources or significant historical resources are known within the project footprint, work shall proceed per the provision of Mitigation Measure CULTURAL-1.</p> <p>(B) Where all or a portion of the project footprint has not been surveyed for cultural resources within two years of a proposed ground-disturbing activity, a qualified archaeologist who meets the Secretary of the Interior’s <i>Professional Qualification Standards</i> for Archaeology and shall conduct a Phase I Walkover Survey to ascertain the presence or absence of unique archaeological and/or significant historical resources, as defined in Section 15064.5(a) of the CEQA Guidelines.</p>	<ul style="list-style-type: none"> • Prior to initiation of ground-disturbing activities • During construction activities 	<ul style="list-style-type: none"> • Descanso Gardens on behalf of LACDPR • Qualified Archaeologist • Construction Contractor 	<ul style="list-style-type: none"> • LACDPR

² It is standard procedure to list the NHM as a receptacle for fossils. There is a curation fee associated and a curation agreement must be established, but that is between the firm/individual performing the monitoring and the NHM.

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Mitigation Measure	Timing	Implementation Responsibility	Enforcement Responsibility
<p>a. If the survey and record searches determine no unique archaeological resources or significant historical resources, including potential Tribal cultural resources, then the work shall proceed consistent with the provisions of Mitigation Measure CULTURAL-1.</p> <p>b. If the survey determines potential unique archaeological resources or significant historical resources, then one of two courses of action shall be employed:</p> <p>i. Where avoidance is feasible, construction should avoid the potentially significant cultural resource, and the work shall then proceed consistent with the provisions of Mitigation Measure CULTURAL-1. The project area shall be surveyed by a qualified archaeologist who meets the <i>Professional Qualification Standards</i> of the Secretary of the Interior. An archaeological monitor under direction of a qualified archaeologist who meets the <i>Professional Qualification Standards</i> of the Secretary of the Interior shall be present during ground-disturbing activities within 60 feet of previously recorded cultural resources.</p> <p>ii. Where avoidance is not feasible, a Phase II evaluation of the cultural resources shall be undertaken, consistent with the provisions of the County DPR Cultural Resource Management Plan, by a qualified archaeologist who meets the <i>Professional Qualification Standards</i> of the Secretary of the Interior to determine the significance of the cultural resource. If the Phase II investigation identifies a unique/eligible cultural resource within the area proposed for ground-disturbing work, the County shall determine whether to avoid the resource through redesign or to proceed with a Phase III data recovery program consistent with the provisions of a Cultural Resource Management Plan. The work shall then proceed consistent with the provisions of Mitigation Measure CULTURAL-1.</p>			
<p>Mitigation Measure CULTURAL-3: Paleontological Resources – Paleontological Monitoring. In the unanticipated event of the discovery of paleontological resources during ground-disturbing activities in previously undisturbed native soils located 5 or more feet below the ground surface, which would have the potential to contact geologic units with a high to moderate potential to yield unique paleontological resources, impacts to cultural resources related directly or indirectly to the destruction of a unique paleontological resource from the proposed project shall be reduced to below the level of significance by monitoring, salvage, and curation at the NHM.³ Ground-disturbing activities include, but are not limited to, drilling, excavation, trenching, and grading. If paleontological resources are encountered during ground-disturbing activities, DPR shall require and be responsible for salvage and</p>	<ul style="list-style-type: none"> • Prior to initiation of ground-disturbing activities • During ground-disturbing activities in undisturbed soils when more than 5 feet below ground surface 	<ul style="list-style-type: none"> • Descanso Gardens on behalf of LACDPR • Qualified Paleontologist (or cross-trained Archaeologist) 	<ul style="list-style-type: none"> • LACDPR

³ It is standard procedure to list the NHM as a receptacle for fossils. There is a curation fee associated and a curation agreement must be established, but that is between the firm/individual performing the monitoring and the NHM.

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<p>recovery of those resources by a qualified paleontologist consistent with standards for such recovery established by the Society of Vertebrate Paleontology.⁴</p> <p>Paleontological Resources Sensitivity Training given by a qualified paleontologist or archaeologist cross-trained in paleontology shall be required for all project personnel involved in ground disturbing activities prior to the start of these activities in geologic units with a moderate to high potential to yield unique paleontological resources. This shall include a brief field training that provides an overview of fossils that might potentially be found, and the appropriate procedures to follow if fossils are identified. This requirement extends to any new staff involved in earth disturbing that joins the project.</p> <p>Construction monitoring by a qualified monitor (archaeologist cross-trained in paleontology or paleontologist) shall be implemented during all ground-disturbing activities that affect previously undisturbed geologic units 5 or more feet below the ground surface and have the potential to encounter geologic units with a moderate to high potential to yield unique paleontological resources. In the event that a paleontological resource is encountered during construction, all ground- disturbing activity within 100 feet of the find shall be halted until a qualified paleontologist can evaluate the significance of the discovery. Additional monitoring recommendations may be required. If the resource is found to be significant, the paleontologist shall determine the most appropriate treatment and method for stabilizing and collecting the specimen. Curation of the any significant paleontological finds shall be housed at a qualified repository, such as the NHM.</p> <p>Within 90 days of the completion of any salvage operation or monitoring activities, a mitigation report shall be submitted to DPR with an appended, itemized inventory with representative snapshots of specimens. The report and inventory, when submitted to DPR, shall signify the completion of the program to mitigate impacts to paleontological resources. A copy of the report/inventory shall be filed with DPR and the NHM.</p>	<ul style="list-style-type: none"> • Within 90 days of the completion of any salvage operation or monitoring activities 	<ul style="list-style-type: none"> • Construction Contractor 	

⁴ A Qualified Professional Paleontologist (Principal Investigator, Project Paleontologist) is a practicing scientist who is recognized in the paleontological community as a professional and can demonstrate familiarity and proficiency with paleontology in a stratigraphic context. A paleontological Principal Investigator shall have the equivalent of the following qualifications:

1. A graduate degree in paleontology or geology, and/or a publication record in peer reviewed journals; and demonstrated competence in field techniques, preparation, identification, curation, and reporting in the state or geologic province in which the project occurs. An advanced degree is less important than demonstrated competence and regional experience.
2. At least two full years professional experience as assistant to a Project Paleontologist with administration and project management experience; supported by a list of projects and referral contacts.
3. Proficiency in recognizing fossils in the field and determining their significance.
4. Expertise in local geology, stratigraphy, and biostratigraphy.
5. Experience collecting vertebrate fossils in the field.

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Mitigation Measure	Timing	Implementation Responsibility	Enforcement Responsibility
<p>Mitigation Measure CULTURAL-4: <i>Regulatory Requirements – Human Remains.</i> To mitigate potential impacts on human remains encountered during construction activities, in accordance with Section 7050.5 of the California Health and Safety Code, if human remains are encountered during excavation activities, the County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie adjacent remains within 100 feet shall occur until the County Coroner has determined the appropriate treatment and disposition of the human remains.</p>	<ul style="list-style-type: none"> • During ground-disturbing activities 	<ul style="list-style-type: none"> • Descanso Gardens on behalf of LACDPR • Construction Contractor • County Coroner 	<ul style="list-style-type: none"> • LACDPR
Noise			
<p>Mitigation Measure NOISE-1: To mitigate potential impacts of construction of Master Plan Elements on ambient noise levels, construction equipment shall be staged at sufficient distance from sensitive receptors or noise attenuating Best Management Practices shall be utilized to reduce noise to an acceptable 75 dBA at the property boundary. To mitigate noise levels during construction activities at sensitive receptors located within 21 feet of construction, sound walls shall be installed at the construction barrier by the contractor during the construction phase for the demolition of the two buildings and construction projects on the east edge of the Master Plan Area along the property boundary facing the existing residents. Mufflers, blankets, and baffles shall also be implemented to ensure the reduction of noise levels. The noise barriers shall provide noise level reductions up to 20 dBA depending upon the placement and structure of the sound wall to bring construction noise levels below 75 dBA, which is the requirement for sound levels at the nearest sensitive receptors.</p>	<ul style="list-style-type: none"> • During construction activities within 21 feet of sensitive receptors 	<ul style="list-style-type: none"> • Descanso Gardens on behalf of LACDPR • Construction Contractor 	<ul style="list-style-type: none"> • LACDPR
Tribal Cultural Resources			
<p>Mitigation Measure TRIBAL-1: <i>Tribal Resources – Avoidance and Monitoring.</i> To mitigate potential impacts to Tribal cultural resources associated with ground disturbance, DPR shall review the construction plans to ensure that any known TCRs that are required to be avoided have been marked as “off-limits” areas for construction and construction staging prior to the initiation of ground-disturbing activities. DPR shall require monitoring of all ground-disturbing activities by a Native American monitor within 60 feet of a known TCR. Prior to the initiation of ground-disturbing activities that are expected to affect native soils in association with the master plan elements Wilds Loop, the Nature Discovery Garden, the Nursery, and the New Service Yard. The County shall undertake consultation with the Native American local Tribal contacts designated by the NAHC and the Tribe to determine if a Native American monitor shall be present during all or a portion of the ground-disturbing activities within additional areas that are sensitive for TCRs. The County shall consult and move forward with the Mitigation Measure TRIBAL-1 as stated if a response is not received within 30 days.</p> <p>In the event that previously unknown TCRs are encountered during construction, the resources shall either be left <i>in situ</i> and avoided through redesign, or the resources shall be salvaged, recorded, and repositied at the Natural History Museum of Los Angeles County (NHM) or other repository consistent with the provisions of a Phase III data recovery program and the provisions of a Cultural Resource</p>	<ul style="list-style-type: none"> • Prior to initiation of ground-disturbing activities • During ground-disturbing activities if known tribal cultural resources are present 	<ul style="list-style-type: none"> • Descanso Gardens on behalf of LACDPR • Construction Contractor • Tribal Monitor (if necessary) 	<ul style="list-style-type: none"> • LACDPR

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<p>Management Plan.⁵ The cultural resource management plan shall include further consultation with the Tribe. Data recovery is not required by law or regulation. It is, though, the most commonly agreed-upon measure to mitigate adverse effects to cultural resources eligible or listed under Section 106 Criterion D/CRHR Criterion 4, as it preserves important information that will otherwise be lost.</p>			
<p>Mitigation Measure TRIBAL-2: Pre-Construction Surveys. To mitigate potential impacts to tribal cultural resources from project construction activities resulting in ground disturbance, at the time that any construction activity is proposed for development that would require ground-disturbing activities in soils that have been predominantly <i>in situ</i> during the past 50 years, records and archival information shall be reviewed to determine if there are any recorded TCRs as defined by AB 52 in the project footprint.⁶ At a minimum, the records and archival review shall include a search of the South Central Coastal Information Center if more than five years have passed since the previous records search, a request for Sacred Lands File from the NAHC, and a request for information regarding TCRs from the Native American local Tribal contacts designated by NAHC and the Tribe. The appropriate course of action shall be undertaken in light of the results of the records search:</p> <p>(A) Where the project study area has been subject to a Phase I Walkover Survey within two years of the proposed activity and no TCRs are known within the project footprint, work shall proceed per the provision of Mitigation Measure TRIBAL-1.</p> <p>(B) Where all or a portion of the project footprint has not been surveyed for cultural resources within two years of a proposed ground-disturbing activity, a qualified archaeologist who meets the Secretary of the Interior’s <i>Professional Qualification Standards</i> for Archaeology and shall conduct a Phase I Walkover Survey to ascertain the presence or absence of TCRs, as defined in Section 15064.5(a) of the CEQA Guidelines.</p> <p>a. If the survey and record searches determine no potential TCRs, then the work shall proceed consistent with the provisions of Mitigation Measure TRIBAL-1.</p> <p>b. If the survey determines potential TCRs, then one of two courses of action shall be employed:</p> <p>i. Where avoidance is feasible, the construction shall avoid the potentially significant TCRs, and the work shall then proceed consistent with the provisions of Mitigation Measure TRIBAL-1. The project area shall be surveyed by a qualified archaeologist who meets the <i>Professional Qualification Standards</i> of the Secretary of the Interior. DPR shall require monitoring of all ground-disturbing activities by a Native American monitor within 60 feet of a known TCR.⁷ In addition, consultation shall be undertaken with the Native American local Tribal contacts designated by the Native American Heritage Commission and the Tribe to</p>	<ul style="list-style-type: none"> • Prior to initiation of ground-disturbing activities • During construction activities (if determined necessary by pre-construction actions) 	<ul style="list-style-type: none"> • Descanso Gardens on behalf of LACDPR • Construction Contractor • Qualified Archaeologist • Tribal Monitor (if necessary) 	<ul style="list-style-type: none"> • LACDPR

⁵ It is standard procedure to list the NHM as a receptacle for fossils. There is a curation fee associated, and a curation agreement must be established, but that is between the firm/individual performing the monitoring and the NHM.

⁶ Fifty years or older is the standard cutoff age for “historic” age resources.

⁷ County of Los Angeles Department of Parks and Recreation. 2018. Parks and Recreation Facilities Project Cultural Resources Management Plan.

**TABLE 1
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timing	Implementation Responsibility	Enforcement Responsibility
<p>determine if a Native American monitor shall be present during all or a portion of the ground-disturbing activities within additional areas that are sensitive for TCRs.</p> <p>ii. Where avoidance is not feasible, a Phase II evaluation of the cultural resources shall be undertaken by a qualified archaeologist who meets the <i>Professional Qualification Standards</i> of the Secretary of the Interior to determine the significance of the cultural resource. If the Phase II investigation identifies a unique/eligible TCR within the area proposed for ground-disturbing work, the County shall in consultation with the Tribe, determine whether to avoid the resource through redesign or to proceed with a Phase III data recovery program consistent with the provisions of a Cultural Resource Management Plan. The work shall then proceed consistent with the provisions of Mitigation Measure TRIBAL-1.</p>			
<p>Mitigation Measure TRIBAL-3: Regulatory Requirements – Human Remains. To mitigate potential impacts to tribal cultural resources from ground disturbance associated with construction activities in regards to destroying or disturbing Native American human remains, in accordance with Section 7050.5 of the California Health and Safety Code, if human remains are encountered during excavation activities, the County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie adjacent remains within 100 feet shall occur until the County Coroner has determined the appropriate treatment and disposition of the human remains.</p> <p>If the County Coroner determines that the remains are or are believed to be Native American, s/he shall notify the NAHC in Sacramento within 24 hours. In accordance with Section 5097.98 of the California Public Resources Code, the NAHC shall immediately notify the person(s) it believes to be the most likely descendant (MLD) of the deceased Native American. The descendants shall complete their inspection and make a recommendation within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with DPR, the disposition of the human remains. The MLD's recommendation shall be followed if feasible, and may include scientific removal and non-destructive analysis of the human remains and any items associated with Native American burials. If DPR rejects the MLD's recommendations, the agency shall rebury the remains with appropriate dignity on the property within a time frame agreed upon between the County and the MLD's in a location that will not be subject to further subsurface disturbance (14 California Code of Regulations §15064.5(e)).</p>	<ul style="list-style-type: none"> • During ground-disturbing activities 	<ul style="list-style-type: none"> • Descanso Gardens on behalf of LACDPR • Construction Contractor • County Coroner • Tribal Monitor (if necessary) 	<ul style="list-style-type: none"> • LACDPR
<p>Descanso Gardens Foundation (Descanso Gardens); Los Angeles County Department of Parks and Recreation (LACDPR)</p>			

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