

**CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT
VINCENT WELL FOUNDATION STABILIZATION PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

This Environmental Mitigation Monitoring and Reporting Program has been prepared pursuant to Section 21081.6 of the California Environmental Quality Act, known as CEQA (Public Resources Code Section 21000 et seq.), to provide for the monitoring of mitigation measures required of the Vincent Well Foundation Stabilization Project (Project), as set forth in the Final Initial Study/Mitigated Negative Declaration prepared for the Project. This report will be kept on file in the offices of the City of San Bernardino Municipal Water Department (Department).

MITIGATION MEASURE	IMPLEMENTATION SCHEDULE	RESPONSIBLE PARTY	VERIFICATION	STATUS / DATE / INITIALS
BIOLOGICAL RESOURCES				
BIO-1 Worker Environmental Awareness Program (WEAP) training should be developed and provided by a biologist familiar with arroyo toad, SBKR, CAGN, burrowing owl, and their habitats. The WEAP training should be presented by the biologist to all construction personnel. For the life of the project, each employee (including temporary contractors and subcontractors) will receive WEAP training prior to conducting any work on the site.	Prior to the beginning of construction.	Department/ Contractor	The attendee list be retained by the Department in the project file.	
BIO-2 All equipment maintenance, staging, and dispensing of fuel, oil, or any other such activities shall occur in developed or designated non-sensitive habitat areas. The designated areas shall be located to prevent any spill runoff from entering jurisdictional waters.	During construction	Department/ Contractor	The Department and/or its Contractor shall prepare a verification report or notes to be retained in the Project file.	
BIO-3 Prior to clearing or construction Environmentally Sensitive Area (ESA) fencing (i.e. black mesh silt fencing) shall be installed along the project limits to designate ESAs to be preserved and to prevent accidental deposition of fill material in areas where vegetation is adjacent to planned grading activities and prevent accidental encroachment outside the construction limits.	At least 72 hours prior to construction. Fence to be constructed by the contractor, overseen by a qualified biologist as approved by the USFWS	Department/ Contractor	The Department and/or its Contractor shall prepare a verification report or notes to be retained in the Project file.	

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<p>BIO-4 A biological monitor with small mammal handling experience and familiarity with San Bernardino kangaroo rat and southwestern arroyo toad life histories and diagnostic signs shall inspect the proposed ESA fence alignment and mark burrows to be avoided by fence installation activities. A biological monitor will be on site during ESA fence installation.</p>	<p>At least 72 hours prior to construction. Fence to be constructed by the contractor, overseen by a qualified biologist as approved by the USFWS</p>	<p>Department/ Contractor</p>	<p>The Department and/or its Contractor shall prepare a verification report or notes to be retained in the Project file.</p>	
<p>BIO-5 A biological monitor shall conduct periodic (weekly) checks of the ESA fence during all construction activities throughout the life of the Project. They will notify the construction supervisor of any breaches in the ESA fence. The construction contractor will be responsible for repairing any reaches within 24 of hours of notice by the biological monitor.</p>	<p>Weekly, During Construction</p>	<p>Department/ Contractor</p>	<p>The Department and/or its Contractor shall prepare a verification report or notes to be retained in the Project file.</p>	
<p>BIO-6 No grading or fill activity of any type shall be permitted outside the construction limits within the ESAs. In addition, no construction activities, materials, or equipment will be allowed within the ESAs. All construction equipment should be operated to prevent accidental damage to nearby preserved areas. No structure of any kind, or incidental storage of equipment or supplies, will be allowed within these protected zones. Silt fence barriers will be installed at the ESA boundary.</p>	<p>During construction, all initial ground disturbing activities.</p>	<p>Department/ Contractor</p>	<p>The Department and/or its Contractor shall prepare a verification report or notes to be retained in the Project file.</p>	
<p>BIO-7: Due to the nature of soils in the project area, any piles of fill are considered an attractive nuisance to fossorial mammals. Therefore, all soil and fill piles shall be surrounded by silt fence or similar materials to prevent burrowing by small mammal species.</p>	<p>Daily or as applicable during construction</p>	<p>Department/ Contractor</p>	<p>The Department and/or its Contractor shall prepare a verification report or notes to be retained in the Project file.</p>	

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BIO-8 Unfilled holes or trenches shall be inspected for trapped animals each morning. Any wildlife discovered will be removed from the trench or hole by the biological monitor and released outside of the limits of construction. Unburied pipes or conduit laid in trenches overnight will be capped.	Daily or as applicable during construction	Department/ Contractor	The Department and/or its Contractor shall prepare a verification report or notes to be retained in the Project file.	
BIO-9 No nighttime construction will occur.	During Construction	Department/ Contractor	The Department and/or its Contractor shall prepare a verification report or notes to be retained in the Project file.	
BIO-10 All construction-related activities by contractors, subcontractors, or their agents, and equipment (including vegetation removal, grading, equipment laydown and storage, and contractor parking) shall be restricted to the designated limits of construction. All movement of contractors, subcontractors or their agents, and equipment shall be restricted to the limits of construction and staging areas.	During Construction	Department/ Contractor	The Department and/or its Contractor shall prepare a verification report or notes to be retained in the Project file.	
BIO-11 Should any work occur beyond the fenced or otherwise demarcated limits of disturbance, the biological monitor shall request that the construction supervisor halt work until the problem has been remedied.	During Construction	Department/ Contractor	The Department and/or its Contractor shall prepare a verification report or notes to be retained in the Project file.	
BIO-12 A weed abatement program shall be developed to minimize the importation of nonnative plant material during and after construction. Eradication strategies would be employed should an invasion occur.	Prior to construction, implemented during construction.	Department/ Contractor	The Department and/or its Contractor shall prepare the program prior to construction to be implemented during construction.	
BIO-13 Bird nesting season generally extends from February 1 through September 15 in southern California and specifically, April 15 through August 31 for migratory	At least 3 days prior to construction during nesting season	Department/ Contractor	The biologist shall prepare a report of findings that will be retained in the Project file.	

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<p>passerine birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) prior to project-related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.</p>				
CULTURAL RESOURCES				
<p>CUL 1 Worker Environmental Awareness Program (WEAP) training should be developed and implemented by a cultural resource specialist and provided for all construction personnel. For the life of the project, each employee (including temporary contractors and subcontractors) will receive WEAP training prior to conducting any work on the site.</p>	<p>Prior to the beginning of construction.</p>	<p>Department/ Contractor</p>	<p>The attendee list be retained by the Department in the project file.</p>	
<p>CUL-2 In the event that pre-contact cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess</p>	<p>During Construction</p>	<p>Department/ Contractor</p>	<p>The Department and/or its Contractor shall prepare a verification report or notes to be retained in the Project file.</p>	

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<p>the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period, with the approval of the qualified archaeologist. Additionally, if the archaeologist makes his/her initial assessment of the nature of the find to be Native American, the archaeologist will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD) so as to provide Tribal input with regards to significance and treatment.</p>			<p>The Qualified Archaeologist if needed, will provide a copy of his/her findings to the Department.</p>	
<p>CUL-3 In the event that human remains are discovered, there shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify those persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains. Excavation or disturbance may continue in other areas of the project site that are not reasonably suspected to overlie adjacent remains or archaeological resources.</p>	<p>During Construction</p>	<p>Department/ Contractor</p>	<p>The Department and/or its Contractor shall prepare a verification report or notes to be retained in the Project file.</p> <p>The Qualified Archaeologist if needed, will provide a copy of his/her findings to the Department.</p>	
GEOLOGY AND SOILS				
<p>GEO-1 Worker Environmental Awareness Program (WEAP) training should be developed and implemented by a paleontological resource specialist and provided for all construction personnel. For the life of the project, each employee (including temporary contractors and subcontractors) will receive WEAP training prior to conducting any work on the site.</p>	<p>Prior to the beginning of construction.</p>	<p>Department/ Contractor</p>	<p>The attendee list be retained by the Department in the project file.</p>	

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GEO-2	Due to the depth of the excavation, a Paleontological Resource Impact Mitigation Program should be developed and implemented during the project to prevent impacts on paleontological resources or reduce them to a level less than significant. As the primary component of the mitigation program, all earth-moving operations in the project area that reach beyond a depth of 2 feet below the ground surface should be monitored for potential paleontological resources.	Prior to the beginning of construction.	Department/ Contractor	The Department and/or its Contractor shall have a Paleontological Resource Impact Mitigation Program, prepared by a qualified cultural resource specialist or paleontologist on file prior to the start of construction.	
HAZARDS AND HAZARDOUS MATERIALS					
HAZ – 1	A hazardous spill prevention plan shall be prepared by the Department to minimize the likelihood of a spill shall be prepared prior to construction. The plan shall state the actions that would be required if a spill occurs to prevent contamination of surface waters and provide for cleanup of the spill. The plan shall follow Federal, state, and local safety guidelines and standards to avoid increased exposure to these pollutants.	Prior to construction	Department/ Contractor	A copy of a hazardous spill prevention plan should be retained by the Department in the project file.	
HAZ – 2	If a contaminated area is encountered during construction, construction shall cease in the vicinity of the contaminated area. The construction contractor shall notify all appropriate authorities, including the EPA and the Department. If necessary, the contaminated site shall be remediated to minimize the potential for exposure of the public and to allow the Project to be safely constructed.	During Construction	Department/ Contractor	The Department and/or its Contractor shall prepare a verification report or notes to be retained in the Project file.	

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HYDROLOGY					
HYD-1	Prepare and Implement Storm Water Pollution Prevention Plan (SWPPP). Prior to beginning construction, the Department and/or its contractor shall prepare and submit a Notice of Intent to the Santa Ana Regional Water Quality Control Board (RWQCB) providing notification and intent to comply with the State of California General Construction Permit. Also, a SWPPP shall be reviewed and approved by the Department for water quality construction activities on-site. A copy of the SWPPP shall be made available and implemented at the construction site at all times. The SWPPP shall outline the source control and/or treatment control BMPs to avoid or mitigate runoff pollutants at the construction site to the “maximum extent practicable.” All recommendations in the Plan shall be implemented during area demolition/preparation, grading, and construction. The Project shall comply with each of the recommendations detailed in the Plan, and other such measure(s) as the Department deems necessary to mitigate potential storm water runoff impacts..	Prior to Construction	Department/ Contractor	A copy of a SWPPP should be retained by the Department in the project file.	
TRIBAL CULTURAL RESOURCES					
TCR-1	Retain a Native American Monitor/Consultant: Prior to the commencement of any ground disturbing activity at the project site, the project applicant shall retain a Native American Monitor approved by the Gabrieleno Band of Mission Indians-Kizh Nation – the tribe that	Prior to Construction	Department/ Contractor	The Department and/or its Contractor shall prepare a verification report or notes to be retained in the Project file.	

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<p>consulted on this project pursuant to Assembly Bill A52 - SB18 (the “Tribe” or the “Consulting Tribe”). A copy of the executed contract shall be submitted to the Lead Agency prior to the issuance of any permit necessary to commence a ground- disturbing activity. The Tribal monitor will only be present on-site during the construction phases that involve ground-disturbing activities. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day’s activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the Project Site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground-disturbing activities at the Project Site have little to no potential for impacting Tribal Cultural Resources. Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 50 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by project activities shall be evaluated by the Tribal monitor approved by the Consulting Tribe and a qualified archaeologist if one is present. If the resources are Native American in origin, the Consulting Tribe will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes. If human remains and/or grave goods are discovered or recognized at the Project Site, all ground</p>				

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<p>disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). Work may continue in other parts of the Project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.</p>				
<p>TCR-2 Unanticipated Discovery of Human Remains and Associated Funerary Objects: Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to</p>	<p>During Construction</p>	<p>Department/ Contractor</p>	<p>The Department and/or its Contractor shall prepare a verification report or notes to be retained in the Project file.</p>	

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<p>the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC and PRC 5097.98 shall be followed.</p> <p>Upon discovery of human remains, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 100 feet and place an exclusion zone around the discovery location. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).</p> <p>The Department shall work closely with the MLD to accommodate their treatment procedures.</p>				
WILDFIRE				
<p>FIRE-1 During construction, all staging areas, welding areas, or areas slated for construction using spark-producing equipment will be cleared of dried vegetation or other material that could ignite. Spark arresting equipment shall be in good working order. The Department and/or</p>	During Construction	Department/ Contractor	The Department and/or its Contractor shall prepare a verification report or notes to be retained in the Project file.	

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<p>its contractor shall require all vehicles and crews working at the project site to have access to functional fire extinguishers at all times. In addition, construction crews are required to have a spotter during welding activities to look out for potentially dangerous situations, including accidental sparks. The contractor also shall provide a safety plan for the implementation of additional protocols when the National Weather Service issues a Red Flag Warning. Such protocols should address smoking and fire rules, storage and parking areas, use of gasoline-powered tools, use of spark arresters on construction equipment, road closures, use of a fire guard, fire suppression tools, fire suppression equipment, and training requirements.</p>				