

## **MITIGATION MONITORING AND REPORTING PROGRAM**

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### **1. Mitigation Monitoring and Reporting Requirements**

Public Resources Code (PRC) Section 21081.6 (enacted by the passage of Assembly Bill [AB] 3180) mandates that the following requirements shall apply to all reporting or mitigation monitoring programs:

- The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval 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 Agency or a Responsible Agency, prepare and submit a proposed reporting or monitoring program.
- 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. A public agency shall provide the measures to mitigate or avoid significant effects on the environment that are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or in the case of the adoption of a plan, policy, regulation, or other project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.
- Prior to the close of the public review period for a draft Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND), a Responsible Agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the Lead Agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the Responsible Agency or agency having jurisdiction over natural resources affected by the project, or refer the Lead Agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a Lead Agency by a Responsible Agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures that mitigate impacts to resources, which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a Responsible Agency or agency having jurisdiction over natural resources affected by a project with that requirement shall not limit that authority of the Responsible Agency or agency having jurisdiction over natural resources affected by a project, or the authority of the Lead Agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

### **2. Mitigation Monitoring and Reporting Procedures**

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with PRC Section 21081.6. It describes the requirements and procedures to be followed by the City of Chino to ensure that all mitigation measures adopted as part of the Proposed Project will be carried out as described in the Draft IS/MND. Table 1 lists each of the mitigation measures specified in the Draft IS/MND and identifies the party or parties responsible for implementation and monitoring of each measure.

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**Table 1. Well 11 Pipeline Alignment Project  
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Mitigation Measures and Project Design Features	Responsible Party	Timing for Standard Condition or Mitigation Measure	Compliance Verification (Date and Signature Required)
<b>1. Aesthetics</b>			
The Proposed Project would not result in significant adverse impacts related to aesthetics. No mitigation would be required.	N/A	N/A	N/A
<b>2. Agricultural and Forestry Resources</b>			
The Proposed Project would not result in significant adverse impacts related to agriculture and forestry resources. No mitigation would be required.	N/A	N/A	N/A
<b>3. Air Quality</b>			
The Proposed Project would not result in significant adverse impacts related to air quality. No mitigation would be required.	N/A	N/A	N/A
<b>4. Biological Resources</b>			
The Proposed Project would not result in significant adverse impacts related to biological resources. No mitigation would be required.	N/A	N/A	N/A
<b>5. Cultural Resources</b>			
<b>CUL-1: Post-Review Discovery Procedures:</b> If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for pre-contact and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using	Director of Public Works	During all ground disturbing construction activities.	Submittal of evidence a qualified archaeologist has been retained.  As appropriate, evidence appropriate buffers have been

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<p>professional judgment. The following notifications shall apply, depending on the nature of the find:</p> <ul style="list-style-type: none"> <li>● If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.</li> <li>● If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City of Chino, and applicable landowner. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to their satisfaction.</li> <li>● If the find includes human remains, or remains that are potentially human, he or she shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the San Bernardino County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The des-</li> </ul>			<p>established around any suspected resources uncovered during earth disturbance.</p> <p>Submittal (as required) of evidence of appropriate treatment, recordation, and /or recovery of any resource.</p>

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<p>ignated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.</p>			
<b>6. Energy</b>			
<p>The Proposed Project would not result in significant adverse impacts related to energy. No mitigation is required.</p>	N/A	N/A	N/A

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<b>7. Geology and Soils</b>			
<p><b>GEO-1: Unanticipated Discovery – Paleontological Resource.</b> If paleontological resources (i.e., fossil remains) are discovered during excavation activities, the contractor will notify the City and cease excavation within 100 feet of the find until a qualified paleontological professional can provide an evaluation of the site. The qualified paleontological professional will evaluate the significance of the find and recommend appropriate measures for the disposition of the site (e.g. fossil recovery, curation, data recovery, and/or monitoring). Construction activities may continue on other parts of the construction site while evaluation and treatment of the paleontological resource takes place.</p>	Director of Public Works	During all ground disturbing construction activities, as appropriate.	<p>Submittal of evidence a qualified paleontologist has been retained.</p> <p>As appropriate, evidence appropriate buffers have been established around any suspected resources uncovered during earth disturbance.</p> <p>Identification of appropriate treatment, recordation, and/or recovery of any resource.</p>
<b>8. Greenhouse Gas Emissions</b>			
The Proposed Project would not result in significant adverse impacts related to greenhouse gas emissions. No mitigation would be required.	N/A	N/A	N/A
<b>9. Hazards and Hazardous Materials</b>			
<p><b>HAZ-1: Traffic Control Plan.</b> Prior to construction, the City of Chino (or its contractor) shall prepare a Traffic Control Plan to ensure proper access to residences and businesses in the area by emergency vehicles during</p>	Director of Public Works	Prior to construction.	

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construction and to maintain traffic flow. The Traffic Control Plan shall be approved by the City of Chino prior to any lane closures.			
<b>10. Hydrology and Water Quality</b>			
The Proposed Project would not result in significant adverse impacts related to hydrology and water quality. No mitigation would be required.	N/A	N/A	N/A
<b>11. Land Use and Planning</b>			
The Proposed Project would not result in significant adverse impacts related to land use and planning. No mitigation would be required.	N/A	N/A	N/A
<b>12. Mineral Resources</b>			
The Proposed Project would not result in significant adverse impacts related to mineral resources. No mitigation would be required.	N/A	N/A	N/A
<b>13. Noise</b>			
<p><b>NO-1:</b> The following measures are recommended during all construction of the Proposed Project:</p> <ul style="list-style-type: none"> <li>• All construction equipment on construction sites shall be operated as far away from vibration-sensitive sites as reasonably possible.</li> <li>• All rollers used during Project construction shall be turned off when not in use.</li> </ul>	Director of Public Works	During all construction activities.	Site inspection
<b>14. Population and Housing</b>			
The Proposed Project would not result in significant adverse impacts related to population and housing. No mitigation would be required.	N/A	N/A	N/A
<b>15. Public Services</b>			

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The Proposed Project would not result in significant adverse impacts related to public services. No mitigation would be required.	N/A	N/A	N/A
<b>16. Recreation</b>			
The Proposed Project would not result in significant adverse impacts related to recreation. No mitigation would be required.	N/A	N/A	N/A
<b>17. Transportation</b>			
The Proposed Project would not result in significant adverse impacts related to transportation. No mitigation would be required.	N/A	N/A	N/A
<b>18. Tribal Cultural Resources</b>			
<p><b>TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities:</b></p> <p>a. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p>	Director of Public Works	Prior to commencement of ground disturbing activities and during project implementation.	Evidence of Executed Monitoring Agreement

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<p>b. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>c. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.</p> <p>d. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determina-</p>			

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<p>tion and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.</p> <p>e. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe’s sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.</p>			
<p><b>TCR-2: Unanticipated Discovery of Human Remains and Associated Funerary Objects:</b></p> <p>a. 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 Public Resources Code Section 5097.98, are also to be treated according to this statute.</p>	Director of Public Works	During all ground disturbing construction activities.	Submittal (as required) of evidence of appropriate treatment, recordation, and /or recovery of any resource.

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<p>b. If Native American human remains and/or grave goods discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain 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 they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.</p> <p>c. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>d. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)</p>			

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<p>e. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. 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>f. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>			
<p><b>TCR-3: Procedures for Burials and Funerary Remains:</b></p> <p>a. As the Most Likely Descendant (“MLD”), the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.</p>	Director of Public Works	During all ground disturbing construction activities.	Submittal (as required) of evidence of appropriate treatment, recordation, and /or recovery of any resource.

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<p>b. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.</p> <p>c. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.</p> <p>d. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.</p>			

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<p>e. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects.</p> <p>f. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</p> <p>g. The Tribe will work closely with the project’s qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any</p>			

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scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.			
<b>19. Utilities and Service Systems</b>			
The Proposed Project would not result in significant adverse impacts related to utilities and service systems. No mitigation would be required.	N/A	N/A	N/A
<b>20. Wildfire</b>			
The Proposed Project would not result in significant adverse impacts related to wildfire. No mitigation would be required.	N/A	N/A	N/A