

# CHAPTER 5 MITIGATION, MONITORING, AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Project in the Rolling Hills community for the State Water Resources Control Board. The MMRP lists mitigation measures recommended in the IS/MND for the Project and identifies monitoring and reporting requirements.

**Table 5-1 Mitigation, Monitoring, and Reporting Program** presents the mitigation measures identified for the Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, AIR-2 would be the second mitigation measure identified in the Air Quality analysis of the IS/MND.

The first column of **Table 5-1 Mitigation, Monitoring, and Reporting Program** identifies the mitigation measure. The second column, entitled “When Monitoring is to Occur,” identifies the time the mitigation measure should be initiated. The third column, “Frequency of Monitoring,” identifies the frequency of the monitoring of the mitigation measure. The fourth column, “Agency Responsible for Monitoring,” names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by the Lead and Responsible Agencies to ensure that individual mitigation measures have been complied with and monitored.

**Table 5-1 Mitigation, Monitoring, and Reporting Program**

Mitigation, Monitoring, and Reporting Program						
Item	Mitigation Measure	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
<b>Biological Resources</b>						
<b>Nesting Raptors, Migratory Birds, and Special Status Birds</b>						
<b>BIO-1</b>	<b>(Avoidance):</b> The Project’s construction activities will occur, if feasible, between September 16 and January 31 (outside of nesting bird season) in an effort to avoid impacts to nesting birds. If all Project activities will occur outside of nesting bird season, no further mitigation is required.	Prior to construction	Once	SWRCB	Submission of construction schedule to SWRCB	
<b>BIO-2</b>	<b>(Pre-construction Surveys):</b> If activities must occur within nesting bird season (February 1 to September 15), a qualified biologist will conduct pre-construction surveys for Swainson’s Hawk nests onsite and within a 0.5-mile radius. These surveys will be conducted in accordance with the Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley (Swainson’s Hawk Technical Advisory Committee 2000), and the Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields (California Department of Fish and Wildlife 2015) current guidance. The Swainson’s Hawk survey will not be completed between April 21 to June 10 due to the difficulty of identifying nests during this time of year. The pre-construction survey would also provide a presence/absence survey for all other nesting birds within the APE and an additional 50-foot survey area, no more than seven (7) days prior to the start of construction. All raptor nests would be considered “active” upon the nest-building stage.	Prior to construction	Once	SWRCB	Submission of pre-construction survey report.	
<b>BIO-3</b>	<b>(Establish Buffers):</b> On discovery of any active nests or breeding colonies near work areas, the biologist will determine appropriate construction setback distances based on applicable CDFW and/or USFWS guidelines and/or the biology of the species in	On discovery of active nests or breeding colonies	Once	SWRCB	Verified in writing by a qualified biologist	

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	question. Active Swainson’s Hawk nests will receive a 0.5-mile buffer, active California Horned Lark nests will receive a 150-foot buffer, and active Tricolored Blackbird nests will receive a 200-foot buffer. Reduced buffer distances for Swainson’s Hawk, California Horned Lark, and Tricolored Blackbird may be appropriate depending on site conditions and ongoing disturbance levels and would be discussed with CDFW, if warranted. Construction buffers will be identified with flagging, fencing, or other easily visible means, and will be maintained until the biologist has determined that the nestlings have fledged.					
<b>BIO-4</b>	<b>(ITP):</b> In the event an active Swainson’s Hawk nest, California Horned Lark nest, Tricolored Blackbird, or other nest is detected during surveys and cannot be avoided, consultation with CDFW will be warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP pursuant to Fish and Game Code section 2081, subdivision (b) is necessary to comply with CESA.	On discovery of an active nest that cannot be avoided	Once	SWRCB	Record of ITP submitted to SWRCB.	
<b>California Tiger Salamander</b>						
<b>BIO-5</b>	<b>(Avoidance):</b> The Project’s construction activities will occur, if feasible, 350-feet from suitable aquatic and upland habitat of CTS as identified by a qualified biologist. The Project will install exclusion fencing 350-feet or more from the wetted area and upland habitat in the north-east corner of the APE to ensure California tiger salamanders do not enter the site during construction. Exclusion fencing materials, size, and placement should follow wildlife agency guidelines appropriate for the species.	Prior to construction	Once	SWRCB	Biologist verifies buffer.	
<b>BIO-6</b>	<b>(Pre-construction Survey):</b> If activities must occur within 350-feet of suitable aquatic and upland habitat a qualified biologist will conduct a focused survey in accordance with the <i>USFW Interim</i>	Prior to construction	Once	SWRCB	Submittal of reconnaissance survey.	

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	<i>Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander</i> (United States Fish and Wildlife Service, 2003) or current guidance. If no California tiger salamanders are observed during the preconstruction survey, then construction activities may begin. If construction is delayed or halted for more than 30 days, another pre-construction survey for special status herpetofauna should be conducted. If the survey results in the identification of a special status species, the qualified biologist should determine if appropriate buffers can be implemented to avoid impacts to the individual(s).					
<b>BIO-7</b>	<b>(Formal Consultation/ITP):</b> In the event CTS are detected during surveys and cannot be avoided, consultation with CDFW will be warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP pursuant to Fish and Game Code section 2081, subdivision (b) is necessary to comply with CESA.	On discovery of CTS that cannot be avoided	Once	SWRCB	Record of ITP submitted to SWRCB.	
<b>Western Pond Turtle</b>						
<b>BIO-8</b>	<b>(Avoidance):</b> The Project's construction activities will occur, if feasible, 350-feet from suitable aquatic and upland habitat of WPT as identified by a qualified biologist. The Project will install exclusion fencing 350-feet or more from the wetted area and upland habitat in the north-east corner of the APE to ensure WPT do not enter the site during construction. Exclusion fencing materials, size, and placement should follow wildlife agency guidelines appropriate for the species.	Prior to construction	Once	SWRCB	Biologist verifies buffer.	
<b>BIO-9</b>	<b>(Pre-construction Survey):</b> If activities must occur within 350-feet of suitable aquatic and upland habitat a qualified biologist will conduct pre-construction surveys for Northwestern Pond Turtles (WPT) within the wetland and 350-feet surrounding	Prior to construction	Once	SWRCB	Submittal of reconnaissance survey.	

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	it. Pre-construction surveys will be conducted in accordance with the <i>United States Geological Survey Western Pond Turtle (Emys marmorata) Visual Survey Protocol for the Southcoast Ecoregion</i> (United States Geological Survey, 2006) or current guidance. Surveys will be conducted outside of winter months (December–February). If no WPT are observed during the pre-construction survey, then construction activities may begin. If construction is delayed or halted for more than 90 days, another pre-construction basking survey for WPT will be conducted. If the surveys result in the identification of a special status species, the qualified biologist will determine if appropriate buffers can be implemented to avoid impacts to the individual(s) or if further surveys are required to avoid impacts to potential nesting sites.					
<b>BIO-10</b>	<b>(ITP):</b> In the event WPT are detected during surveys and cannot be avoided, consultation with CDFW will be warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP pursuant to Fish and Game Code section 2081, subdivision (b) is necessary to comply with CESA.	On discovery of WPT that cannot be avoided	Once	SWRCB	Record of ITP submitted to SWRCB.	
<b>Giant garter snake</b>						
<b>BIO-11</b>	<b>(Avoidance):</b> The Project’s construction activities will occur, if feasible, 350-feet from suitable aquatic and upland habitat of giant garter snake as identified by a qualified biologist. The Project will install exclusion fencing 350-feet or more from the wetted area and upland habitat in the north-east corner of the APE to ensure giant garter snake do not enter the site during construction. Exclusion fencing materials, size, and placement should follow wildlife agency guidelines appropriate for the species.	Prior to construction	Once	SWRCB	Biologist verifies buffer.	
<b>BIO-12</b>	<b>(Focused Survey):</b> If activities must occur within 350-feet of suitable aquatic and upland habitat a	Prior to construction	Once	SWRCB	Submittal of Focused survey report.	

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	qualified biologist will conduct a focused survey 30 days prior to the start of construction. Surveys would be conducted according to the USFW <i>Recovery Plan for the Giant Garter Snake (Thamnophis gigas)</i> (United States Fish and Wildlife Service, 2017) or current guidance. If no giant garter snake are observed during the focused survey, then construction activities may begin. If the survey results in the identification of this special status species, a qualified biologist will consult CDFW.					
<b>BIO-13</b>	<b>(Formal Consultation/ITP):</b> In the event giant garter snake is detected during surveys and cannot be avoided, consultation with CDFW will be warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP pursuant to Fish and Game Code section 2081, subdivision (b) is necessary to comply with CESA.	On discovery of giant garter snake that cannot be avoided	Once	SWRCB	Record of ITP submitted to SWRCB.	
<b>Monarch Butterfly and Crotch Bumble Bee</b>						
<b>BIO-14</b>	<b>(Pre-Construction Survey):</b> A qualified biologist will survey the Project work area within seven (7) days prior to the start of Project activities to identify whether over-wintering or foraging habitats for Monarch butterfly or Crotch bumble bee are present on or within 100 feet of the Project work area. If no individuals or suitable habitat is observed, no further mitigation is required.	Prior to construction	Once	SWRCB	Submittal of reconnaissance survey.	
<b>BIO-15</b>	<b>(Visual Surveys):</b> If suitable habitat is identified buffer zones of 100 feet will be provided using exclusion fencing. If habitat cannot be avoided, a qualified biologist will conduct visual surveys for Monarch butterfly between October through May prior to Project activity. If habitat cannot be avoided, a qualified biologist will conduct visual surveys for Monarch butterfly between March 1 to September 1 prior to Project activity. Surveys will not take place when daytime temperatures are below 55 degrees	Prior to construction	Once	SWRCB	Submittal of Visual survey report.	

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	Fahrenheit. If an individual or colony is observed, no Project activities will occur until CDFW has been consulted.					
<b>BIO-16</b>	<b>(Consultation with CDFW):</b> The qualified biologist will consult with CDFW if a Monarch butterfly individual or a colony is observed. Work will not occur until a plan to protect the Monarch butterfly, including over-wintering colonies, has been submitted and approved in writing by CDFW. The qualified biologist will consult with CDFW if an individual Crotch bumble bee or a nest is observed. Work will not occur until CDFW determines distances for disturbance-free buffers, or a plan to protect the Crotch bumble bee, including over-wintering queens, has been submitted to and approved in writing by CDFW.	On discovery of a Monarch butterfly individual or colony.	Once	SWRCB	Record of consultation submitted to SWRCB.	
<b>Western Spadefoot and California Red-legged Frog</b>						
<b>BIO-17</b>	<b>(Avoidance):</b> The Project's construction activities will occur, if feasible, 350-feet from suitable aquatic and upland habitat for western spadefoot and California red-legged frogs as identified by a qualified biologist. The Project will install exclusion fencing 350-feet or more from the wetted area and upland habitat in the north-east corner of the APE to ensure western spadefoot and California red-legged frogs do not enter the site during construction. Exclusion fencing materials, size, and placement should follow wildlife agency guidelines appropriate for the species. If activities must occur within 350-feet of suitable aquatic and upland habitat a qualified biologist will conduct a focused survey during the known peak breeding months for these species (February-March), prior to the start of construction.	Prior to construction	Once	SWRCB	Biologist verifies buffer.	
<b>BIO-18</b>	<b>(Focused Survey):</b> If activities must occur within 350-feet of suitable aquatic and upland habitat a qualified biologist will conduct a focused survey during the known peak breeding months of this	Prior to construction	Once	SWRCB	Submittal of Focused survey report.	

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	species (February-March), prior to the start of construction. Surveys would be conducted according to <i>Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog</i> (United States Fish and Wildlife Service, 2005) or current guidance. If no western spadefoot or California red-legged frog adults or larvae are observed during the focused survey, then construction activities may begin. If the survey results in the identification of this special status species, a qualified biologist will consult CDFW to determine if appropriate buffers can be implemented to avoid impacts to individual(s) during construction.					
<b>BIO-19</b>	<b>(Formal Consultation/ITP):</b> In the event western spadefoot and California red-legged frogs are detected during surveys and cannot be avoided, consultation with CDFW will be warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP pursuant to Fish and Game Code section 2081, subdivision (b) is necessary to comply with CESA.	On discovery of western spadefoot and CA red-legged frogs that cannot be avoided	Once	SWRCB	Record of ITP submitted to SWRCB.	