

3.6 MITIGATION MONITORING AND REPORTING PROGRAM

As required by Public Resources Code Section 21081.6, subd. (a)(1), a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the project in order to monitor the implementation of the mitigation measures that have been adopted for the project. This Mitigation Monitoring and Reporting Program (MMRP) has been created based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Radio Neighborhood Park Project in the City of Visalia.

The first column of the table identifies the mitigation measure. The second column names the party responsible for carrying out the required action. The third column, “Timing of Mitigation Measure” identifies the time the mitigation measure should be initiated. The fourth column, “Responsible Party for Monitoring,” names the party ensuring that the mitigation measure is implemented. The last column will be used by the City to ensure that the individual mitigation measures have been monitored.

Plan checking and verification of mitigation compliance shall be the responsibility of the City of Visalia.

Mitigation Measure	Responsible Party for Implementation	Implementation Timing	Responsible Party for Monitoring	Verification
<p>Mitigation Measure AG-1: Prior to the issuance of grading or building permits, the Project proponent shall mitigate impacts for loss of 38.42 acres of Prime Farmland and Farmland of Statewide Importance on the Project site at a 1:1 ratio. The preserved land obligation, as established in VMC section 18.04.070(A), shall be preserved through acquisition of an agricultural easement in accordance with VMC section 18.04.080, unless eligible for payment of an in-lieu fee in accordance with VMC section 18.04.090.</p>	<p>Project Applicant</p>	<p>Prior to the Start of Construction</p>	<p>Contractor/Lead Agency</p>	
<p>Mitigation Measure TCR-1: If previously unknown resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified historical resources specialist shall be consulted to determine whether the resource requires further study. The qualified historical resources specialist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and the City’s Historic Preservation Ordinance.</p> <p>If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the</p>	<p>Project Applicant</p>	<p>Ongoing during construction</p>	<p>Contractor/Lead Agency</p>	

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finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any historical artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.				
Mitigation Measure TCR-2: In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to Health and Safety Code (HSC) Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendent of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.	Project Applicant	Ongoing during construction	Contractor/Lead Agency	
Mitigation Measure TCR-3: Prior to any ground disturbance, the proponent shall retain Santa Rosa Rancheria Cultural Staff to provide a pre-construction Cultural Sensitivity Training to construction staff regarding the discovery of cultural resources and the potential for discovery during ground disturbing activities, which will include information on potential cultural material finds and, on the procedures, to be enacted if resources are found. Tribal participation would be dependent upon the availability and interest of the Tribe.	Project Applicant	Prior to the Start of Construction and Ongoing During Construction	Contractor/Lead Agency	
Mitigation Measure HYD-1: Prior to the issuance of any construction/grading permit and/or the commencement of any clearing, grading, or excavation, the Applicant shall submit a Notice of Intent (NOI) for discharge from the Project site to the	Project Applicant	Prior to the Start of Construction	Contractor/Lead Agency	

Mitigation Measure	Responsible Party for Implementation	Implementation Timing	Responsible Party for Monitoring	Verification
<p>California SWRCB Storm Water Permit Unit.</p> <ul style="list-style-type: none"> • Prior to issuance of grading permits for Phase 1 the Applicant shall submit a copy of the NOI to the City. • The City shall review noticing documentation prior to approval of the grading permit. City monitoring staff will inspect the site during construction for compliance. 				
<p>Mitigation Measure HYD-2: The Applicant shall require the building contractor to prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to the City 45 days prior to the start of work for approval. The contractor is responsible for understanding the State General Permit and instituting the SWPPP during construction. A SWPPP for site construction shall be developed prior to the initiation of grading and implemented for all construction activity on the Project site in excess of one (1) acre, or where the area of disturbance is less than one acre but is part of the Project's plan of development that in total disturbs one or more acres. The SWPPP shall identify potential pollutant sources that may affect the quality of discharges to storm water and shall include specific BMPs to control the discharge of material from the site. The following BMP methods shall include, but would not be limited to:</p> <ul style="list-style-type: none"> • Dust control measures will be implemented to ensure success of all onsite activities to control fugitive dust; • A routine monitoring plan will be implemented to ensure success of all onsite erosion and sedimentation control measures; • Provisional detention basins, straw bales, erosion control blankets, mulching, silt fencing, sand bagging, and soil stabilizers will be used; • Soil stockpiles and graded slopes will be covered after two weeks of inactivity and 24 hours prior to and during extreme weather conditions; and, • BMPs will be strictly followed to prevent spills and discharges of pollutants onsite, such as material storage, trash disposal, construction entrances, etc. 	Project Applicant	45 Days Prior to the Start of Construction	Contractor/Lead Agency	
<p>Mitigation Measure HYD-3: A Development Maintenance Manual for the Project shall include comprehensive procedures for maintenance and operations of any stormwater facilities to ensure long-term operation and maintenance of post-construction stormwater controls. The maintenance manual shall require that stormwater BMP devices be inspected, cleaned, and</p>	Project Applicant	Prior to the Start of Construction	Contractor/Lead Agency	

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<p>maintained in accordance with the manufacturer's maintenance conditions. The manual shall require that devices be cleaned prior to the onset of the rainy season (i.e., mid-October) and immediately after the end of the rainy season (i.e., mid-May). The manual shall also require that all devices be checked after major storm events. The Development Maintenance Manual shall include the following:</p> <ul style="list-style-type: none"> • Runoff shall be directed away from trash and loading dock areas; • Bins shall be lined or otherwise constructed to reduce leaking of liquid wastes; • Trash and loading dock areas shall be screened or walled to minimize offsite transport of trash; and, • Impervious berms, trench catch basin, drop inlets, or overflow containment structures nearby docks and trash areas shall be installed to minimize the potential for leaks, spills or wash down water to enter the drainage system. 				
<p>Mitigation Measure CUL-1: If previously unknown resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified historical resources specialist shall be consulted to determine whether the resource requires further study. The qualified historical resources specialist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and the City's Historic Preservation Ordinance.</p> <p>If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any historical artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.</p>	Project Applicant	Ongoing during construction	Contractor/Lead Agency	
<p>Mitigation Measure CUL-2: In the event that human remains are unearthed during excavation and</p>	Project Applicant	Ongoing during construction	Contractor/Lead Agency	

Mitigation Measure	Responsible Party for Implementation	Implementation Timing	Responsible Party for Monitoring	Verification
<p>grading activities of any future development project, all activity shall cease immediately. Pursuant to Health and Safety Code (HSC) Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendent of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment</p>				
<p>Mitigation Measure CUL-3: Prior to any ground disturbance, the proponent shall retain Santa Rosa Rancheria Cultural Staff to provide a pre-construction Cultural Sensitivity Training to construction staff regarding the discovery of cultural resources and the potential for discovery during ground disturbing activities, which will include information on potential cultural material finds and, on the procedures, to be enacted if resources are found. Tribal participation would be dependent upon the availability and interest of the Tribe.</p>	Project Applicant	Prior to the Start of Construction and Ongoing During Construction	Contractor/Lead Agency	
<p>Mitigation Measure AQ-1: If any restaurants in the C-N portion of the project will utilize under-fired charbroilers, measures will be utilized to reduce Particulate Matter to a less than significant level, as technologically feasible. These can include Mechanical Filtration Systems, Electrostatic Precipitators, or Wet-Scrubbers.</p>	Project Applicant	Prior to the start of construction and ongoing during operational use.	Contractor/Lead Agency	
<p>Mitigation Measure BIO-1a: Construction Timing. If feasible, project construction will occur entirely outside the Swainson's hawk nesting season, typically defined as March 1- September 15.</p>	Project Applicant	Prior to the Start of Construction	Contractor/Lead Agency	
<p>Mitigation Measure BIO-1b: Preconstruction Surveys. If construction activities must occur</p>	Project Applicant	Prior to the Start of Construction	Contractor/Lead Agency	

Mitigation Measure	Responsible Party for Implementation	Implementation Timing	Responsible Party for Monitoring	Verification
between March 1 and September 15, then within 10 days prior to the start of work, a qualified biologist will conduct preconstruction surveys from publicly accessible roads for Swainson's hawk nests within ½ mile of the work area(s) in question.				
Mitigation Measure BIO-1c: Avoidance. Should any active nests be identified, the biologist will establish a suitable disturbance-free buffer around the nest, to be maintained until the biologist has determined that the young have fledged.	Project Applicant	Ongoing during construction	Contractor/Lead Agency	
Mitigation Measure BIO-2a: Avoidance. In order to avoid impacts to nesting migratory birds and raptors, construction will occur, where possible, outside the nesting season, or between September 1 and January 31.	Project Applicant	Prior to the Start of Construction	Contractor/Lead Agency	
Mitigation Measure BIO-2b: Preconstruction Surveys. If construction must occur during the nesting season (February 1-August 31), a qualified biologist will conduct preconstruction surveys for active migratory bird and raptor nests within 10 days of the onset of these activities. Nest surveys will include all areas on and within 500 feet of the project site, where accessible. Inaccessible areas will be surveyed using binoculars or a spotting scope. If no active nests are found within the survey area, no further mitigation is required.	Project Applicant	Prior to the Start of Construction	Contractor/Lead Agency	
Mitigation Measure BIO-2c: Establish Buffers. Should any active nests be discovered in or near proposed work areas, the biologist will determine appropriate construction setback distances based on applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged.	Project Applicant	Ongoing during construction	Contractor/Lead Agency	
Mitigation Measure BIO-2d: Nest Monitoring. Should construction need to occur within the construction free buffers, then prior to initiation of these activities a qualified biologist will conduct a survey to establish a behavioral baseline of the affected nest(s). When construction begins within the buffer, the qualified biologist will continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, the work causing that change will cease. If there are no behavioral changes after one week of monitoring, then monitoring may be reduced as determined by the biologist.	Project Applicant	Prior to the Start of Construction	Contractor/Lead Agency	

Mitigation Measure	Responsible Party for Implementation	Implementation Timing	Responsible Party for Monitoring	Verification
Mitigation Measure BIO-3a: Pre-construction Surveys. Preconstruction surveys for the San Joaquin kit fox shall be conducted on and within 200 feet of the project site, no less than 14 days and no more than 30 days prior to the start of ground disturbance activities on the site. The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) on and adjacent to the site and evaluate their use by kit foxes.	Project Applicant	14-30 days prior to the Start of Construction	Contractor/Lead Agency	
Mitigation Measure BIO-3b: Avoidance. Should active kit fox dens be detected during preconstruction surveys, the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified. A disturbance-free buffer will be established around the burrows in consultation with the USFWS and CDFW, to be maintained until an agency-approved biologist has determined that the burrows have been abandoned.	Project Applicant	Prior to the Start of Construction	Contractor/Lead Agency	
Mitigation Measure BIO-3c: Minimization. Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes in accordance with the USFWS Standardized Recommendations. The applicant shall implement all minimization measures presented in the Construction and On-going Operational Requirements section of the Standardized Recommendations, including, but not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g. pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.	Project Applicant	Ongoing during construction	Contractor/Lead Agency	
Mitigation Measure BIO-3d: Mortality Reporting. The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.	Project Applicant	Ongoing during construction	Contractor/Lead Agency	
Mitigation Measure BIO-4: Pre-construction Surveys. Preconstruction surveys for the California tiger salamander shall be conducted on and within 200 feet of the project site, no less than 14 days and no more than 30 days prior to the start of ground disturbance activities on the site.	Project Applicant	14-30 days Prior to the Start of Construction	Contractor/Lead Agency	

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<p>If special status animal species are not identified during pre-construction surveys, no further action is required.</p> <p>If special status animal species are detected during pre-construction surveys, the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW shall be contacted immediately to identify the appropriate avoidance and minimization actions to be taken as applicable for the species identified and to determine permitting needs.</p>				