

Mitigation Monitoring and Reporting Program

# **Moreno Valley College Library Learning Resource Center Building**

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*Prepared for:*

**Riverside Community College District**

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## **PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM**

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring and/or reporting procedures for mitigation adopted as conditions of approval in order to mitigate or avoid significant environmental impacts. This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor mitigation measures (MMs) outlined in the Moreno Valley College Library Learning Resource Center (LLRC) Building Initial Study/Mitigated Negative Declaration (IS/MND). This MMRP has been prepared in conformance with Public Resources Code Section 21081.6:

- (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
  - (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted 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 or responsible agency, prepare and submit a proposed reporting or monitoring program.
  - (2) 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.
- (b) A public agency shall provide that measure to mitigate or avoid significant effects on the environment 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 case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.
- (c) Prior to the close of the public review period for a draft environmental impact report or mitigated negative declaration, 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 which 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 the

authority of the responsible agency or an 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.

State CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. Riverside Community College District is the Lead Agency for the Moreno Valley College LLRC Building Project and is therefore responsible for ensuring implementation of the MMRP. The MMRP has been drafted as a fully enforceable monitoring program to meet Public Resources Code Section 21081.6 requirements.

The MMRP is comprised of the Mitigation Program and includes measures to implement and monitor the Mitigation Program. The MMRP defines the following for each MM:

- **Definition of Mitigation.** The Mitigation Measure contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.
- **Responsible Party or Designated Representative.** Unless otherwise indicated, an applicant would be the responsible party for implementing the mitigation, and the Riverside Community College District or designated representative is responsible for monitoring the performance and implementation of the mitigation measures. To guarantee that the mitigation will not be inadvertently overlooked, a supervising public official acting as the Designated Representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.
- **Timeframe.** In each case, a time frame is provided for performance of the mitigation or the review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from agencies with permitting authority over the specific activity.

The MM numbering system in the table corresponds with the MM numbering system in the IS/MND. The last column in the MMRP table will be used by the parties responsible for documenting when MM implementation has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the Riverside Community College District. The completed MMRP and supplemental documents will be kept on file at the Riverside Community College District Facilities Planning and Development Department.

**MORENO VALLEY COLLEGE LIBRARY LEARNING RESOURCE CENTER BUILDING PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
				Date	Initials
<b>Biological Resources</b>					
<p><b>Mitigation Measure BIO-1: Pre-construction Nesting Bird Surveys</b></p> <p><i>In the event of vegetation clearing, cutting, or removal activities taking place during the nesting season (January 1 – September 15), a qualified biologist shall conduct a nesting bird survey within 72 hours prior of such activities. The survey shall consist of full coverage of the Project footprint and an appropriate buffer, as determined by the biologist. If no occupied nests are found, no additional steps shall be required. If an active nest is observed, a qualified biologist shall be designated as the biological monitor. This monitor shall be required to be on-site at all times during activities involving vegetation clearance or ground disturbance. Their primary responsibility shall be to ensure that potential impacts on biological resources are either avoided or minimized to the greatest extent possible, including establishing an appropriate buffer around the active nest. No construction or ground-disturbing activities shall be conducted within the buffer until the biologist has determined that the nest is no longer being used for breeding or rearing.</i></p>	<p>Within 3 days prior to commencement of any project activities</p>	<p>Verify Preconstruction Nesting Bird Survey and Memo of Nest Avoidance Measures</p> <p>Submittal of Preconstruction Survey and Memo of Nest Avoidance Measures, if nests are found to be present on site</p>	<p>RCCD Facilities Planning and Development</p> <p>Qualified Biologist</p>		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
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<b>Cultural Resources</b>					
<p><b>Mitigation Measure CR-1: Inadvertent Discoveries of Cultural Resources</b></p> <p><i>If cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 100-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find, and if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer. Work on the other portions of the Project outside of the buffered area may continue during this assessment period.</i></p>	During excavation and grading	<p>Mitigation Measure noted on Construction Plans</p> <p>Confirmation of qualified archaeologist retention/on-going monitoring/ submittal of Report of Findings and curate discovered resources, if applicable</p>	<p>RCCD Facilities Planning and Development</p> <p>Qualified Archaeologist</p>		
<p><b>Mitigation Measure CR-2: Inadvertent Discoveries of Archaeological Resources</b></p> <p><i>In the event that potential prehistoric or historic-era archaeological resources and/or Tribal Cultural Resources (sites, features, or artifacts) are exposed during construction activities for the Project, construction work occurring not less than 100 feet of the find shall immediately stop and a qualified archaeologist must be notified immediately to assess the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find under the California Environmental Quality Act (CEQA), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work (e.g., preparation of an archaeological treatment plan, testing, or data recovery) may be warranted. If Native American resources are discovered or are suspected, each of the consulting tribes for the Project will also be notified of any inadvertent discoveries or potential impacts to cultural resources, sacred sites, or ancestral remains, including the Agua Caliente Band of Cahuilla Indians, Cahuilla Band of Indians, Pauma Band of Luiseno Indians, and Pechanga Band of Indians.</i></p>	<p>Prior to grading plan issuance</p> <p>During excavation and grading</p>	<p>Mitigation Measure noted on Construction Plans</p> <p>Confirmation of qualified archaeologist retention/on-going monitoring/submittal of Report of Findings and curate discovered resources, if applicable</p>	<p>RCCD Facilities Planning and Development</p> <p>Qualified Archaeologist</p>		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
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<p><b>Mitigation Measure CR-3: Unanticipated Discovery of Human Remains</b>  <i>If human remains are encountered during activities associated with the proposed Project, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC.</i></p>	<p>During excavation and grading</p>	<p>Mitigation Measure noted on Construction Plans with Coroner contact information added</p>	<p>RCCD Facilities Planning and Development  Qualified Archaeologist</p>		

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<b>Geology and Soils</b>					
<p><b>Mitigation Measure GEO-1: Inadvertent Discovery of Paleontological Resources</b>  <i>Should paleontological resources be encountered during Project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this measure, a “qualified paleontologist” shall be an individual with the following qualifications: (1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; (2) at least two years of professional experience related to paleontology; (3) proficiency in recognizing fossils in the field and determining their significance; (4) expertise in local geology, stratigraphy, and biostratigraphy; and (5) experience collecting vertebrate fossils in the field. If the paleontological resources are found to be significant and Project activities cannot avoid them, measures shall be implemented to ensure that the Project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials.</i></p>	During excavation and grading	Mitigation Measure noted on Construction Plans	RCCD Facilities Planning and Development  Qualified Paleontologist		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
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<b>Tribal Cultural Resources</b>					
<p><b>Mitigation Measure TCR-1: Retaining a Monitor Prior to Ground Disturbing Activities</b></p> <p><i>The project applicant/lead agency shall retain a third-party Monitor. 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.</i></p> <p><i>A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the start of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</i></p> <p><i>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 tribes. Monitor logs will identify and describe any discovered Tribal Cultural Resources (TCRs), including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, Tribal Cultural Resources, or “TCRs”), 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.</i></p>	During excavation and grading	<p>Mitigation Measure noted on Construction Plans</p> <p>Contract or Letter of Intent with Qualified Cultural Resource Specialist</p> <p>Verify Monitoring and Treatment Plan</p> <p>Verify On-site Monitoring</p> <p>Curate any discovered resources, if applicable</p>	<p>RCCD Facilities Planning and Development</p> <p>Qualified Archaeologist</p>		