

APPENDIX K

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Monitoring and Reporting Program

Murrieta Road Transmission Pipeline Project

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January 21, 2020

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SECTION 1.0 MITIGATION MONITORING AND REPORTING PROGRAM

1.1 INTRODUCTION

In accordance with the requirements of Public Resources Code Section 21081.6, and as part of its certification of the adequacy of the Mitigated Negative Declaration (MND) for the Murrieta Road Transmission Pipeline Project, the following “Mitigation Monitoring and Reporting Plan” (“MMRP” or “Plan”) is hereby adopted for this project. The principal purpose of the MMRP is to ensure that the mitigation measures for the adopted project are reported and monitored so as to ensure compliance with the measures’ requirements.

1.2 MITIGATION MONITORING AND REPORTING PLAN

The MMRP is provided in tabular format to facilitate effective tracking and documentation of the status of mitigation measures. The attached MMRP Table provides the following monitoring information:

- **Mitigation Program.** The text of all adopted mitigation program for the project from the MND.
- **Implementation Action.** This summarizes the action that must be taken to implement the required measure.
- **Timing of Verification.** This identifies when in the process the measure needs to be implemented.
- **Responsible Party.** The party responsible for overseeing the implementation and completion of each measure.

Mitigation Program	Implementing Action(s)	Time of Verification	Responsible Party
BIOLOGICAL RESOURCES			
<p>BIO-1. Use of the open-cut-trenching method across Salt Creek requires acquisition of permits/ certifications/ agreements from the USACE (404 Permit), the RWQCB (401 Water Quality Certification), and CDFW (1602 Streambed Alteration Agreement) prior to construction activities.</p> <p>A pre-application meeting with these agencies is recommended prior to submittal of permit applications to discuss existing conditions; confirm the agencies' jurisdiction over water resources on the study area; discuss impacts to these resources that would result from the project; discuss proposed avoidance, minimization, and mitigation measures to offset these impacts; and to discuss the regulatory permitting process. Following the pre-application meeting, EMWD would prepare and process the appropriate permits (e.g., a Section 404 Permit from the USACE in the form of a Nationwide Permit, a Section 401 Water Quality Certification from the RWQCB, and/or a CDFW Section 1602 Notification of Lake or Streambed Alteration). Permit conditions may be required by the resource agencies regarding impacts to areas under their respective jurisdictions.</p>	<p>Pre-application meeting/ Acquisition of permits</p>	<p>Prior to construction activities</p>	<p>EMWD/Construction Contractor</p>
<p>BIO-2. In order to avoid impacts on nesting birds, vegetation removal should be scheduled between September 16 and February 14, which is outside the peak nesting season. If vegetation removal must occur during the peak nesting season (i.e., February 15 to September 15), a pre-construction nesting bird survey shall be conducted by a qualified Biologist within three days prior to vegetation removal activities.</p> <p>If the Biologist finds an active nest within or adjacent to the construction area, the Biologist shall identify an appropriate protective buffer zone around the nest depending on the sensitivity of the species, the nature of the construction activity, and the amount of existing disturbance in the vicinity. In general, the Biologist shall designate a buffer of 50 to 200 feet for common nesting birds and 200 to 500 feet for special status nesting birds and nesting raptors. No construction activities shall be allowed within the buffer until nesting activity has ended to ensure compliance with <i>California Fish and Game Code</i>.</p>	<p>Limit vegetation removal between September 16 and February 14/Conduct a pre-construction nesting bird survey</p>	<p>Prior to initiation of ground disturbance activities associated with construction (i.e. site clearing, grading, or excavation)/ verify implementation during ground disturbances</p>	<p>EMWD/Construction Contractor</p>
<p>BIO-3. Prior to initiation of construction activities requiring removal of trees, EMWD shall coordinate with the City of Menifee to obtain a tree removal permit.</p>	<p>Obtain a tree removal permit</p>	<p>Prior to initiation of construction activities requiring removal of trees</p>	<p>EMWD/Construction Contractor</p>

Mitigation Program	Implementing Action(s)	Time of Verification	Responsible Party
CULTURAL RESOURCES			
<p>CULT-1. Cultural Resources Treatment and Monitoring Agreement. At least 30 days prior to the start of any ground-disturbing activities, EMWD shall contact the Consulting Tribe(s) to develop Cultural Resource Treatment Monitoring Agreement(s) ("Agreement"). The Agreement(s) shall address the treatment of archaeological resources inadvertently discovered on the project site; project grading; ground disturbance and development scheduling; the designation, responsibilities, and participation of tribal monitor(s) during grading, excavation, and ground disturbing activities; and compensation for the tribal monitors, including overtime, weekend rates, and mileage reimbursements.</p>	<p>Development of Cultural Resource Treatment Monitoring Agreement</p>	<p>At least 30 days prior to the start of any ground-disturbing activities</p>	<p>EMWD/Construction Contractor</p>
<p>CULT-2. Develop a Cultural Resources Monitoring Plan. Prior to any grading activities, a Cultural Resources Monitoring Plan shall be prepared by a qualified archaeologist in consultation with the Consulting Tribe(s). The plan shall also identify the location and timing of cultural resources monitoring. The plan shall contain an allowance that the qualified archaeologist, based on observations of subsurface soil stratigraphy or other factors during initial grading, and in consultation with the Native American monitor and the lead agency, may reduce or discontinue monitoring as warranted if the archaeologist determines that the possibility of encountering archaeological deposits is low. The plan shall outline the appropriate measures to be followed in the event of unanticipated discovery of cultural resources during project implementation (including during the survey to occur following vegetation removal and monitoring during ground-disturbing activities). The plan shall identify avoidance as the preferred manner of mitigating impacts to cultural resources. The plan shall establish the criteria utilized to evaluate the historic significance (per CEQA) of the discoveries, methods of avoidance consistent with <i>CEQA Guidelines</i> Section 15126.4(b)(3), as well as identify the appropriate data recovery methods and procedures to mitigate the effect of the project if avoidance of significant historical or unique archaeological resources is determined to be infeasible. The plan shall also include reporting of monitoring results within a timely manner, disposition of artifacts, curation of data, and dissemination of reports to local and state repositories, libraries, and interested professionals. A qualified archaeologist and Consulting Tribe(s) tribal monitor shall attend a pre-grade meeting with EMWD staff, the contractor, and appropriate subcontractors to discuss the monitoring program, including protocols to be followed in the event that cultural material is encountered.</p>	<p>Preparation of a Cultural Resources Monitoring Plan/Pre-grade meeting</p>	<p>Prior to any grading activities</p>	<p>EMWD/Construction Contractor</p>

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<p>CULT-3. Tribal Monitoring Agreements. A qualified archaeological monitor and a Consulting Tribe(s) monitor shall be present for ground-disturbing activities associated with the project, and both the project archaeologist and Tribal Monitor(s) will make a determination as to the areas with a potential for encountering cultural material. At least seven business days prior to project grading, EMWD shall contact the tribal monitors to notify the Tribe of grading/excavation and the monitoring program/schedule, and to coordinate with the Tribe on the monitoring work schedule. Both the archaeologist and the tribal monitor shall have the authority to stop and redirect grading activities in order to evaluate the nature and significance of any archaeological resources discovered within the project limits. Such evaluation shall include culturally appropriate temporary and permanent treatment pursuant to the Cultural Resources Treatment and Monitoring Agreement, which may include avoidance of cultural resources, in-place preservation, data recovery, and/or reburial so the resources are not subject to further disturbance in perpetuity. Any reburial shall occur at a location predetermined between EMWD and the Consulting Tribe(s), details of which shall be addressed in the Cultural Resources Treatment and Monitoring Agreement in MM CR-1. Treatment may also include curation of the cultural resources at a tribal curation facility, as determined in discussion among EMWD, the project archaeologist, and the tribal representatives and addressed in the Cultural Resources Treatment and Monitoring Agreement referenced in MM CR-1.</p>	<p>Obtain a qualified archaeological monitor and Consulting Tribal monitor</p>	<p>At least seven business days prior to project grading/ground-disturbing activities</p>	<p>EMWD/Construction Contractor</p>
<p>CULT-4. Evaluation of Discovered Artifacts. All artifacts discovered at the development site shall be inventoried and analyzed by the project archaeologist and tribal monitor(s). A monitoring report will be prepared, detailing the methods and results of the monitoring program, as well as the disposition of any cultural material encountered. If no cultural material is encountered, a brief letter report will be sufficient to document monitoring activities.</p>	<p>Preparation of a monitoring report/letter report</p>	<p>During monitoring activities</p>	<p>EMWD/Construction Contractor</p>

Mitigation Program	Implementing Action(s)	Time of Verification	Responsible Party
<p>CULT-5. Disposition of Inadvertent Discoveries. In the event that Native American cultural resources are recovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries with the tribe. EMWD shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources, and adhere to the following:</p> <ol style="list-style-type: none"> 1) Preservation-in-place is the preferred option; preservation-in-place means avoiding the resources and leaving them in the place where they were found with no development affecting the integrity of the resource. 2) If preservation-in-place is not feasible, on-site reburial of the discovered items as detailed in the Monitoring Plan required pursuant to MM CR-2 is the next preferable treatment measure. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of all Consulting Native American Tribal Governments. 3) In the event that on-site reburial is not feasible, EMWD will enter into a curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 Code of Federal Regulations 800 Part 79 and therefore would be curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation. 	<p>Recovery/discovery of Native American cultural resources</p>	<p>During grading activities</p>	<p>EMWD/Construction Contractor</p>
<p>CULT-6. Non-Disclosure of Reburial Locations. It is understood by all parties that unless otherwise required by law, the site of any reburial of culturally sensitive resources shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254(r), parties, and Lead Agencies will be asked to withhold public disclosure information related to such reburial.</p>	<p>Non-disclosure of reburial locations</p>	<p>Project grading/ground-disturbing activities</p>	<p>EMWD/Construction Contractor</p>
<p>CULT-7. Human Remains. If Native American human remains are encountered, Public Resources Code Section 5097.98 and California Health and Safety Code Section 7050.5 will be followed. If human remains are encountered no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours. Subsequently, the NAHC shall identify the person or persons it believes to be the "most likely descendant." The most likely descendant shall then make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.</p>	<p>Notify County coroner if human remains are encountered</p>	<p>Implementation during construction</p>	<p>EMWD/Construction Contractor</p>

Mitigation Program	Implementing Action(s)	Time of Verification	Responsible Party
HYDROLOGY AND WATER QUALITY			
<p>HYDRO-1. Prior to approval of final plans and specifications for the project and if open cut excavation is not feasible, the contractor shall provide evidence that excavations for the proposed pipelines are supported by a temporary shoring system such as cross-braced hydraulic shoring, conventional shields, sheet piles, soldier piles and wood lagging.</p>	<p>Provision of evidence that excavations for pipelines are supported by a temporary shoring system</p>	<p>Prior to approval of final plans and specifications</p>	<p>EMWD/Construction Contractor</p>
<p>HYDRO-2. Prior to initiation of excavation activities and if groundwater is encountered at depths of 20 feet or less in the areas of trenching and pipeline construction, the contractor shall implement dewatering activities or other suitable method for stabilizing excavation bottom to the satisfaction of the geotechnical engineer.</p>	<p>Dewatering activities/ Methods for stabilizing excavation</p>	<p>Prior to initiation of excavation activities</p>	<p>EMWD/Construction Contractor</p>
<p>HYDRO-3. Prior to site preparation or grading activities, construction personnel shall be instructed by a professional Paleontologist of the potential for encountering unique paleontological resources and instructed on steps to take in the event such resources are encountered. This shall include the provision of written materials to familiarize personnel with the range of resources that might be expected, the type of activities that may result in impacts, and the legal framework of paleontological resources protection. All construction personnel shall be instructed to stop work in the vicinity of a potential discovery until a professional Paleontologist, as appropriate, assesses the significance of the find and implements appropriate measures to protect or scientifically remove the find. Construction personnel shall also be informed that unauthorized collection of paleontological resources is prohibited.</p> <p>In the event that any paleontological resources (e.g., plant or animal fossils) are encountered before or during grading, EMWD shall retain a qualified Paleontologist to evaluate unanticipated discoveries and to take appropriate measures to protect or preserve them for study. The Paleontologist shall submit a report of findings that will also provide specific recommendations regarding further mitigation measures (i.e., paleontological monitoring) that may be appropriate. Where mitigation monitoring is appropriate, the program must include, but may not be limited to, the following measures:</p> <ul style="list-style-type: none"> • Assign a Paleontological Monitor, trained and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full time during earth-disturbing activities. • Divert earth-disturbing activities away from the immediate area of the discovery until the Paleontological Monitor has completed salvage. If construction personnel make the discovery, the Grading Contractor shall immediately divert construction and notify the Paleontological Monitor of the find. 	<p>Conduct paleontological observation and recovery during grading activities</p>	<p>Prior to initiation of grading/ verify implementation during construction</p>	<p>EMWD/Construction Contractor</p>

Mitigation Program	Implementing Action(s)	Time of Verification	Responsible Party
<ul style="list-style-type: none"> Prepare, identify, and curate all recovered fossils for documentation in the summary report and transfer to an appropriate depository (e.g., Western Science Center of Riverside County). <p>Prepare and submit a technical report describing the identification, salvage, evaluation, and treatment of all fossils discovered during grading to EMWD. Transfer collected specimens with a copy of the report to the depository.</p>			