

MITIGATION MONITORING AND REPORTING PROGRAM

In compliance with the requirements of Public Resources Code (PRC) Section 21081.6 and California Environmental Quality Act (CEQA) Guidelines Section 15097, this Mitigation Monitoring and Reporting Program (MMRP) describes the procedures that will be followed to implement the mitigation measures identified in the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Los Angeles Valley Bikeway & Greenway Project - Vanalden Avenue to Balboa Boulevard (proposed project). The intent of this MMRP is to establish the following:

- (1) Verify satisfaction of the required mitigation measures identified in the IS/MND;
- (2) Provide a methodology to document implementation of the required mitigation measures;
- (3) Provide a record of the monitoring program;
- (4) Identify monitoring responsibility;
- (5) Establish administrative procedures for the clearance of mitigation measures;
- (6) Establish the frequency and duration of monitoring; and
- (7) Utilize existing review processes wherever feasible.

The City of Los Angeles, Department of Public Works, Bureau of Engineering (BOE) as the Lead Agency is responsible for overseeing and enforcing implementation of the MMRP which shall be carried out, as shown in **Table 1**.

TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measure | Timing/ Phasing | Responsible Party | Enforcement/ Monitoring Party | Action(s) Indicating Compliance |
|--|--|--------------------------------------|-------------------------------|---|
| <p>BIOLOGICAL RESOURCES</p> <p>BR-1 <u>Least Bell's Vireo Avoidance and Monitoring</u></p> <p>Construction activities, including any earth moving, equipment use, and construction-related noise in excess of 60 dB within 500 feet of the soft-bottom portion of the river shall be avoided during the least Bell's vireo breeding season (February 1 to August 31), if feasible. If breeding season avoidance is not feasible, a qualified biologist shall conduct focused presence/absence surveys in accordance with the United States Fish and Wildlife Service (USFWS) protocols for least Bell's vireo (2001, or its successor), prior to any mobilization activities. Any survey methodology that deviates from these protocols shall be approved by the USFWS prior to initiation of the first survey.</p> <p>Surveys shall focus on riparian habitat associated with the soft-bottom portion within the Study Area and adjacent suitable habitat up to 500-feet outside the project area. Prior to construction activity, authorization under Section 2081(b) of the California Fish and Game Code will be obtained from USFWS and CDFW for incidental take that may result from indirect impacts on reproductive success for least Bell's vireo. Additionally, adverse effects to nesting least Bell's vireo will be reduced by implementing the following mitigation measures:</p> <ul style="list-style-type: none"> a) Monitoring of least Bell's vireo during construction activities to confirm that mitigation measures are implemented and to assess residual impacts with the authority to halt construction if signs of stress are observed b) A 500-foot buffer between construction activities and suitable least Bell's vireo nesting habitat in the soft-bottom portion c) Sound attenuation methods to reduce sound from construction activities to less than 60 db, if feasible d) Additional measures, if any, required as a result of agency permits or Section 7 consultation | <p>Prior to Construction / During Construction</p> | <p>BOE / Construction Contractor</p> | <p>BOE</p> | <p>Completion of surveys as needed as indicated in measure. Submission of report(s) documenting completion.</p> |

PUBLIC WORKS – BUREAU OF ENGINEERING

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| <p>BR-2 <u>Take Authorization of Least Bell's Vireo</u></p> <p>Prior to construction activities, including any earth moving, equipment use, and construction-related noise making in excess of 60 dB within 500 feet of suitable least Bell's vireo habitat, authorization for the take of least Bell's vireo will be obtained, either through a Consistency Determination of the project's USFWS Biological Opinion or through obtaining an Incidental Take Permit prior to construction activities within 500 feet of suitable least Bell's vireo habitat. If an Incidental Take Permit is required, additional mitigation measures acceptable to the CDFW will be developed and implemented. Measures may include:</p> <ul style="list-style-type: none"> a) Habitat protection via the acquisition of Habitat Management (HM) lands in Los Angeles County supporting suitable habitat for least Bell's vireo b) Habitat restoration/enhancement of suitable habitat for least Bell's vireo within Los Angeles County via the implementation of the following: <ol style="list-style-type: none"> 1. Invasive species removal 2. Planting of native species meeting least Bell's vireo habitat requirements 3. Stewardship and maintenance for at least 5 years 4. In-fill planting as needed for at least 5 years 5. Annual monitoring and reporting of the restoration site for at least 5 years c) Offsite habitat restoration/enhancement and/or preservation d) In-lieu fee to CDFW to support least Bell's vireo <p>Mitigation will be based on potential impacts up to 0.5 acre per nest, for a maximum total of 1 acre. The proposed mitigation area is based on field observations of two active nests within 1,000 feet of the project area, suggesting small territory sizes, and is consistent with previously documented territory size ranges for least Bell's vireo (USFWS 1998).</p> | <p>Prior to Construction / During Construction</p> | <p>BOE / Contractor</p> | <p>BOE</p> | <p>Receipt of consistency determination or ITP.</p> |
| <p>BR-3 <u>Bat Avoidance</u></p> <p>Tree removal may cause direct injury or mortality to roosting bats. To avoid impacts to roosting bats during the maternity season, trees containing suitable bat habitat (as determined by a qualified biologist) will be removed outside of maternity season, during the fall/winter (October through February).</p> <p>A preconstruction survey will be conducted within two weeks of tree</p> | <p>Prior to Construction</p> | <p>BOE / Contractor</p> | <p>BOE</p> | <p>Completion of survey as needed as indicated in measure. Submission of report documenting completion.</p> |

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| <p>removal by a qualified biologist (this can be done concurrently with other surveys). If bats are observed roosting during the survey, then bats will be encouraged to leave prior to tree removal. A qualified biologist will oversee disturbance of the roost near sunset the day prior to tree removal.</p> | | | | |
| <p>BR-4 <u>Nesting Bird Avoidance</u> To avoid disturbance of nesting and special-status birds, including raptor species protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, activities related to the project including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1 through August 30), if feasible. If construction must begin during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than 14 days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted on foot inside the project boundary, including a 300-foot buffer (500-foot for raptors), and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practical. The survey shall be conducted by a qualified biologist. The biologist will prepare a summary of findings within 24 hours of conducting the survey, documenting the presence or absence of any protected native bird within 300 feet of the construction work area (or within 500 feet for raptors and excluding least Bell's vireo). If nests are found, an avoidance buffer (dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. If a raptor nest is observed in a tree proposed for removal, the Applicant must consult with CDFW. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.</p> | <p>Prior to Construction / During Construction</p> | <p>BOE / Construction Contractor</p> | <p>BOE</p> | <p>Completion of survey as needed as indicated in measure. Submission of report documenting completion.</p> |
| <p>BR-5 <u>Implementation of Best Management Practices</u> The following Best Management Practices (BMPs) to be implemented for project construction activities to minimize direct and indirect impacts to sensitive communities.</p> | <p>During Construction</p> | <p>BOE / Construction Contractor</p> | <p>BOE</p> | <p>Completion of reports (at discretion of BOE) documenting compliance.</p> |

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| <p>a) Erosion control BMPs to be installed around any stockpiled material to reduce potential run-off into jurisdictional waters. Any material/spoils from project activities to be stored at least 50 feet from potential jurisdictional areas.</p> <p>b) Materials will be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage. Material storage to be at least 50-feet from channels and/or waterways.</p> <p>c) Construction materials and spoils to be protected from stormwater runoff using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate.</p> <p>d) Site washout areas to be at least 50-feet from a storm drain, open ditch or surface water and ensure that runoff flows from such activities do not enter receiving water bodies.</p> <p>e) All re-fueling, cleaning, and maintenance of equipment to occur at least 50-feet from potentially jurisdictional waters.</p> <p>f) Prevent the off-site tracking of loose construction and landscape materials by implementing street sweeping, vacuuming, and rumble plates, as appropriate.</p> <p>g) All vehicles and equipment to be in good working condition and free of leaks. The contractor will prevent oil, petroleum products, or any other pollutants from contaminating the soil or entering a watercourse (dry or otherwise). When vehicles or equipment are stationary, mats or drip pans to be placed below vehicles to contain fluid leaks.</p> <p>h) All food related trash to be disposed of in closed containers and removed from the project site each day during the construction period or covered such that it will not enter jurisdictional waters or will otherwise attract wildlife to the construction area. At project completion, all project-generated debris, vehicles, building materials, and rubbish to be removed from the project footprint.</p> | | | | |
| <p>BR-6 <u>Lake and Streambed Alteration Agreement Notification</u> Notification for a Streambed Alteration Agreement pursuant to Sections 1600–1616 of the California Fish and Game Code will be submitted to CDFW. A permit pursuant to Sections 1600-1616 of the California Fish and Game Code will be obtained prior to disturbance of jurisdictional resources. CDFW’s issuance of an Streambed Alteration Agreement for a project that is subject to CEQA will require CEQA compliance actions</p> | <p>Prior to Construction</p> | <p>BOE / Construction Contractor</p> | <p>BOE</p> | <p>Receipt of SAA from CDFW.</p> |

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| <p>by CDFW as a responsible agency.</p> <p>Any Streambed Alteration Agreement issued for the project by CDFW may include additional measures protective of streambeds on and downstream of the project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any Streambed Alteration Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity.</p> <p>The proposed Project will occur within previously-developed areas and remove non-native tree, but will not directly or indirectly impact sensitive riparian resources.</p> | | | | |
| CULTURAL RESOURCES | | | | |
| <p>CR-1 If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. The consulting tribes (including the Ferndandefio Tataviam Band of Mission Indians) shall also be notified of the find to assist in the evaluation. Following evaluation, an appropriate treatment should be developed to ensure that archaeological resources are not impacted.</p> | During Construction | BOE / Construction Contractor | BOE | Submission of report(s) documenting finds and resolution of disposition. |
| <p>CR-2 If human remains are found, the State of California 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. In the event of an unanticipated discovery of human remains, the County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.</p> | During Construction | BOE / Construction Contractor | BOE | Submission of report(s) documenting finds and resolution of disposition. |

SOURCE: TAHA, 2021.