

HEACOCK STREET TRUCK TERMINAL FACILITY

Mitigation Monitoring and Reporting Program

Prepared for
March Joint Powers Authority

February 2019



HEACOCK STREET TRUCK TERMINAL FACILITY

Mitigation Monitoring and Reporting Program

Prepared for
March Joint Powers Authority

February 2019



2121 Alton Parkway
Suite 100
Irvine, CA 92606
949.753.7001
www.esassoc.com



Bend	Oakland	San Francisco
Camarillo	Orlando	Santa Monica
Delray Beach	Pasadena	Sarasota
Destin	Petaluma	Seattle
Irvine	Portland	Sunrise
Los Angeles	Sacramento	Tampa
Miami	San Diego	

160681.03

OUR COMMITMENT TO SUSTAINABILITY | ESA helps a variety of public and private sector clients plan and prepare for climate change and emerging regulations that limit GHG emissions. ESA is a registered assessor with the California Climate Action Registry, a Climate Leader, and founding reporter for the Climate Registry. ESA is also a corporate member of the U.S. Green Building Council and the Business Council on Climate Change (BC3). Internally, ESA has adopted a Sustainability Vision and Policy Statement and a plan to reduce waste and energy within our operations. This document was produced using recycled paper.

Mitigation Monitoring and Reporting Program

CEQA Requirements

CEQA Guidelines Section 15097 requires a public agency to adopt a program for monitoring or reporting on the changes it has required in the project or conditions of approval to substantially lessen significant environmental effects. This Mitigation Monitoring and Reporting Program (MMRP) summarizes the mitigation commitments identified in the Heacock Street Truck Terminal Facility Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2018121026). Mitigation measures are presented in the same order as they occur in the Public Review Draft IS/MND.

The columns in the MMRP table provide the following information:

- **Mitigation Measure(s):** The action(s) that will be taken to reduce the impact to less than significant.
- **Timing and Implementation:** The general schedule for conducting each mitigation, either prior to construction, during construction and/or after construction.
- **Responsible Party:** The agency or private entity responsible for ensuring implementation of the mitigation measure. However, until the mitigation measures are completed, March Joint Powers Authority (March JPA), as the CEQA Lead Agency, remains responsible for ensuring that implementation of the mitigation measures occur in accordance with the MMRP (CEQA Guidelines Section 15097(a)).
- **Verification Date:** The date that the mitigation measure is completed and signed off by the Lead Agency and/or Responsible Party.

TABLE 1
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE HEACOCK STREET TRUCK TERMINAL FACILITY FINAL MND

Mitigation Measure	Timing for Implementation	Responsible Party	Verification Date
4.4 Biological Resources			
<p>BIO-1: Prior to the issuance of a grading permit, a focused survey for the smooth tarplant species shall be conducted during the blooming period (generally between April and September) for this species to determine presence/absence of this species.</p> <p>If the smooth tarplant species is determined to be absent from the portion of the project site that will be graded, no additional mitigation will be required.</p> <p>If the smooth tarplant species is determined to be present on the portion of the project site that will be graded, a buffer shall be established by a qualified biologist around each individual plant to avoid impact to the species, if outside the development area. The establishment of the buffer shall be at the discretion of the qualified biologist. If individual plants occur within a proposed impact area and cannot be avoided, the seeds from this species shall be collected to propagate the species for planting either onsite in the area proposed for habitat creation, or an offsite area under the jurisdiction of March JPA.</p>	Prior to the issuance of a grading permit	MARCH JPA; Project Applicant; Qualified Biologist	
<p>BIO-2: A preconstruction presence/absence survey for burrowing owls within suitable habitat areas on the project site and up to 500 feet from the onsite suitable habitat shall be conducted within 14 days prior to disturbance. Take of active nests shall be avoided.</p> <p>If no active nests are found during the preconstruction survey, no addition mitigation is required; however, if construction is delayed or suspended for more than 14 days after the survey, the area shall be resurveyed.</p> <p>If active nests are found during the preconstruction survey, mitigation will be required to reduce impacts to occupied habitat in accordance with the Staff Report on Burrowing Owl Mitigation (CDFW 2012). A suitable buffer as determined by a qualified biologist shall be established around active burrows to be avoided during construction. No construction activities shall be allowed to occur within the suitable buffer as long as it's in place. Suitable buffers are typically 160 to 1640 feet depending on the time of year, whether an active burrow may be impacted, and the level of disturbance that is proposed by the project. The buffer shall remain in place as long as the burrow is active and can be removed when the nestlings have fledged, typically at the end of the species' nesting period on August 31.</p> <p>Once nestlings have fledged and burrows are no longer active, an Exclusion Plan shall be prepared to evict adult burrowing owls from the project site outside of the nesting season and collapse burrows in an effort to prevent owls from returning to the project site prior to the start of construction. The Exclusion Plan shall detail the use of one-way doors to evict any owls that may still be using onsite burrows, and collapsing burrows after verifying owls have left. CDFW must approve the Exclusion Plan and determine if mitigation lands must be secured before project activities can commence on the project site.</p>	Prior to ground disturbance	MARCH JPA; Project Applicant; Qualified Biologist	
<p>BIO-3: A pre-construction nesting survey for the northern harrier, loggerhead shrike and California horned lark shall be conducted within 7 days prior to the start of construction to determine the presence/absence of these three bird species. The preconstruction survey shall be conducted on the project site and within 500 feet of the project site.</p>	Prior to ground disturbance	MARCH JPA; Project Applicant; Qualified Biologist	

Mitigation Measure	Timing for Implementation	Responsible Party	Verification Date
<p>If no active nests are found during the preconstruction survey, no additional mitigation is required; however, if construction is delayed or suspended for more than 7 days after the survey, the area shall be resurveyed.</p> <p>If an active nest of any of these three species are observed, a suitable buffer as determined by a qualified biologist shall be established around the nest based on sensitivity of the nesting species and proximity to project impact areas. The buffer distance shall be at least 100-feet. A biological monitor shall also be onsite to ensure no direct or indirect take of any of these bird species occurs. The buffer shall remain in place until the nestlings have fledged, and the nest is no longer active. Construction activities may only encroach into the buffer at the discretion of the monitoring biologist.</p>	During construction activities	MARCH JPA; Construction Contractor; Qualified Biologist	
<p>BIO-4: A preconstruction survey for the California glossy snake and coastal whiptail shall be conducted within 7 days prior to the start of construction to determine the presence/absence of these two wildlife species.</p> <p>If these two wildlife species are not found during the preconstruction survey, no additional mitigation is required; however, if construction is delayed or suspended for more than 7 days after the survey, the area shall be resurveyed.</p> <p>If either of these two wildlife species are observed, individual animals of these two species shall be relocated to either the southern portion of the project site that will not be impacted or to an offsite area that is under the jurisdiction of March JPA. In addition, construction Best Management Practices (BMPs) and Worker Environmental Awareness Program (WEAP) training shall be implemented during construction activities to avoid and minimize potential impacts to these two species.</p>	<p>Prior to ground disturbance</p> <p>During construction activities</p>	<p>MARCH JPA; Project Applicant; Qualified Biologist</p> <p>MARCH JPA; Construction Contractor; Qualified Biologist</p>	
<p>BIO-5 Prior to the issuance of a grading permit, the project applicant shall submit a detailed freshwater marsh habitat restoration plan that reduces the project's impact on jurisdictional areas at a ratio acceptable and approved by the resource agencies (i.e., USACE, RWQCB and CDFW), but no less than 1:1 ratio. The restoration plan shall also be approved by the resource agencies prior to the issuance of a grading permit. The project applicant shall create, restore or enhance riverine/riparian habitat on the southern portion of the project site between the proposed parking lot and the existing southern retention basin.</p> <p>The detailed restoration plan shall provide a schedule for site preparation and planting. Performance standards will include: (a) freshwater marsh vegetation cover of the mitigation area of 80 percent after five years following installation and (b) have an 80 percent survival of planted species after five years following installation. Furthermore, long-term maintenance and management of the freshwater marsh habitat restoration plan shall be provided.</p>	Prior to the issuance of a grading permit	MARCH JPA; Project Applicant; Qualified Biologist	
<p>BIO-6: If construction activities that include ground disturbing activities do not occur during the general bird breeding season (February 1st through August 31st), no additional mitigation is required.</p> <p>If construction activities that include ground disturbing activities occur during the general bird breeding season (February 1st through August 31st), a pre-construction clearance survey shall be conducted within 7 days prior to the start of construction activities to determine if any active nests or nesting activity associated with avian species protected by the MBTA and CFG Code is occurring on or within 500 feet of the project site. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds. However; if construction is delayed or suspended for more than 7 days after the survey, the area shall be resurveyed.</p>	Prior to ground disturbance	MARCH JPA; Project Applicant; Qualified Biologist	

Mitigation Measure	Timing for Implementation	Responsible Party	Verification Date
<p>If an active nest is observed during the pre-construction clearance survey, an adequate buffer to be determined by a qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to project impact areas. Typical buffer distances are 300-feet for passerines and up to 500-feet for raptors, but can be adjusted as needed. Onsite construction monitoring by a qualified biologist shall be provided to ensure that no direct or indirect impacts occur to the active nest. Project activities may encroach into the buffer only at the discretion of the monitoring biologist. The buffer shall remain in place until the nest is no longer active as determined by the monitoring biologist.</p>	<p>During construction activities</p>	<p>MARCH JPA; Construction Contractor; Qualified Biologist</p>	
<p>4.5 Cultural Resources</p>			
<p>CR-1: If during ground disturbance activities, unique cultural resources are discovered that were not assessed by the archeological report(s) and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. Unique cultural resources are defined, for this measure only, as being multiple artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to sacred or cultural importance as determined in consultation with the Native American Tribe(s).</p> <ul style="list-style-type: none"> A. All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the archeologist, the tribal representative(s) and the Planning Director to discuss significance of the find. B. At the meeting, the significance of the discoveries shall be discussed and after consultation with the tribal representative(s) and the archeologist, a decision shall be made, with the concurrence of the Planning Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources. C. Grading or other ground disturbance shall not resume within the area of the discovery until all parties reach an agreement regarding appropriate avoidance or mitigation measures for the resources. Work shall be allowed to continue outside of the buffer area and will be monitored by additional Tribal monitors, if needed. D. Treatment and avoidance of the newly discovered resources shall be consistent with the Cultural Resources Treatment and Monitoring Agreements entered into with the appropriate tribes. This may include avoidance of the cultural resources through the project design, in-place preservation of cultural resources located in native soils, and/or re-burial on the Project property so they are not subject to further disturbance in perpetuity. E. Pursuant to California Public Resources Code §21083.2(b) avoidance is the preferred method of preservation for the archeological resources and tribal cultural resources. If the landowner and the Tribe(s) cannot agree on the significance or the mitigation for the archeological or cultural resources, these issues will be presented to the March JPA for decision. The March JPA shall make the determination based on the provisions of the California Environmental Quality Act with respect to archeological resources, recommendations of the project archeologist and shall take into account the cultural and religious principles and practices of the Native American Tribe. Notwithstanding any other right available under the law, the decision of the Authority shall be appealable to the March Joint Powers Commission 	<p>During ground disturbance</p>	<p>MARCH JPA; Construction Contractor; Qualified Archaeologist</p>	

Mitigation Measure	Timing for Implementation	Responsible Party	Verification Date
<p>CR-2: Archaeologist Retained. Prior to the issuance of a grading permit, the Project Applicant shall retain a March JPA qualified/approved archaeologist monitor to monitor all ground disturbing activities in an effort to identify any unknown cultural or archeological resources. The Project archeologist shall have the authority to stop and redirect grading in the immediate area of a find in order to evaluate the find and determine the appropriate next steps in consultation with the Consulting Tribes.</p> <p>A Monitoring Plan shall be prepared prior to ground disturbance activities. The Plan, among other topics, shall document the proposed methodology for inadvertent finds, the state law process applicable to discovered human remains, the grading activity observation process, the mitigation measures and conditions of approval for the Project. The development/permit holder shall submit a fully executed copy of the contract to retain a March JPA qualified/approved archaeological monitor to the March JPA to ensure compliance with this measure.</p> <p>Any newly discovered cultural resources shall be subject to a cultural resource's evaluation pursuant to state law by the Project archeologist, the March JPA, and the Consulting Tribes, prior to restarting grading within 100 feet of the discovered resources. The cultural resources evaluation of the newly discovered cultural resources shall be detailed in a Cultural Resources Treatment Plan ("Plan"). Furthermore, after ground disturbing activities are completed, the archeologist shall prepare a monitoring report (consistent with the County of Riverside Phase IV monitoring report requirements) and submit the monitoring report to the March JPA and the Tribe(s).</p>	<p>Prior to the issuance of a grading permit</p> <p>Prior to ground disturbance</p> <p>During ground disturbance</p>	<p>MARCH JPA; Project Applicant; Qualified Archaeologist</p> <p>MARCH JPA; Project Applicant; Qualified Archaeologist</p> <p>MARCH JPA; Project Applicant; Qualified Archaeologist</p>	
<p>CR-3: A qualified paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards (SVP, 2010) (Qualified Paleontologist) shall be retained prior to the approval of a grading permit. The Qualified Paleontologist shall provide technical and compliance oversight of all work as it relates to paleontological resources, shall attend the Project kick-off meeting and Project progress meetings on a regular basis, and shall report to the site in the event potential paleontological resources are encountered.</p>	<p>Prior to the issuance of a grading permit</p>	<p>MARCH JPA; Project Applicant; Qualified Paleontologist</p>	
<p>CR-4: The Qualified Paleontologist shall conduct construction worker paleontological resources sensitivity training prior to the start of ground disturbing activities (including vegetation removal, pavement removal, etc.). In the event construction crews are phased, additional trainings shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the Project site and the procedures to be followed if they are found. Documentation shall be retained demonstrating that all construction personnel attended the training.</p>	<p>Prior to ground disturbance</p>	<p>MARCH JPA; Construction Contractor; Qualified Paleontologist</p>	
<p>CR-5: Full-time paleontological resources monitoring shall be conducted for all ground disturbing activities in previously undisturbed Older Alluvial sediments in the Project site, estimated as beginning 1.5 m (5 ft.) below ground surface. Ground disturbing activities that occur above this depth, or in areas of previously disturbed sediments, do not need to be monitored. The Qualified Paleontologist shall spot check the excavation on an intermittent basis and recommend whether the depth of required monitoring should be revised based on his/her observations. Paleontological resources monitoring shall be performed by a qualified paleontological monitor (meeting the standards of the SVP, 2010) under the direction of the Qualified Paleontologist. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils in order to recover the fossil specimens. Any significant fossils collected during project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage. Monitors shall prepare daily logs detailing the types of activities and soils observed, and</p>	<p>During ground disturbance at depths greater than 1.5 meters (5 feet).</p>	<p>MARCH JPA; Construction Contractor; Qualified Paleontologist</p>	

Mitigation Measure	Timing for Implementation	Responsible Party	Verification Date
<p>any discoveries. The Qualified Paleontologist shall prepare a final monitoring and mitigation report to document the results of the monitoring effort.</p> <p>If construction or other Project personnel discover any potential fossils during construction, regardless of the depth of work or location, work at the discovery location shall cease in a 50-foot radius of the discovery until the Qualified Paleontologist has assessed the discovery and made recommendations as to the appropriate treatment. If the find is deemed significant, it should be salvaged following the standards of the SVP (2010) and curated with a certified repository.</p>	<p>During ground disturbance</p>	<p>MARCH JPA; Construction Contractor; Qualified Paleontologist</p>	
<p>CR-6: If human remains are encountered, State Health and Safety Code Section 7050.0 states that no further disturbances shall occur until the Riverside County Coroner has made the necessary findings as to origin. All work shall halt work in the vicinity (within 100 feet) of the discovery, and the remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. The Riverside County Coroner shall be contacted in accordance with PRC Section 5097.98 and Health and Safety Code Section 7050.5. March JPA shall also be notified. If the County Coroner determines that the remains are Native American, the NAHC shall be notified in accordance with Health and Safety Code Section 7050.5, subdivision (c), and PRC Section 5097.98 (as amended by AB 2641). The NAHC shall designate an MLD for the remains per PRC Section 5097.98. The most likely descendant shall then make recommendations in consultation with the landowner concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.</p>	<p>During ground disturbance</p>	<p>MARCH JPA; Construction Contractor; Riverside County Coroner</p>	

Mitigation Measure	Timing for Implementation	Responsible Party	Verification Date
4.8 Hazards			
<p>HAZ-1: Prior to the issuance of a grading permit, the March JPA shall require the construction contractor to prepare and implement a Soil and Groundwater Management Plan, subject to review by the March JPA that specifies the method for handling and disposal of contaminated soil and groundwater prior to demolition, excavation, and construction activities. The plan shall include all necessary procedures to ensure that excavated materials and fluids generated during construction are stored, managed, and disposed of in a manner that is protective of human health and in accordance with applicable laws and regulations. The plan shall include the following information.</p> <ul style="list-style-type: none"> • Step-by-step procedures for evaluation, handling, stockpiling, storage, testing, and disposal of excavated material, including criteria for reuse and offsite disposal. All excavated materials shall be inspected prior to initial stockpiling, and spoils that are visibly stained and/or have a noticeable odor shall be stockpiled separately to minimize the amount of material that may require special handling. • Procedures to be implemented if unknown subsurface conditions or contamination are encountered, such as previously unreported tanks, wells, or contaminated soils. • Detailed control measures for use and storage of hazardous materials to prevent the release of pollutants to the environment, and emergency procedures for the containment and cleanup of accidental releases of hazardous materials to minimize the impacts of any such release. These procedures shall also include reporting requirements in the event of a reportable spill or other emergency incident. At a minimum, the City or its contractor shall notify applicable agencies in accordance with guidance from the California Office of Emergency Services as well as the Riverside County Certified Unified Program Agency (CUPA) or Riverside County Fire Department. • Procedures for containment, handling and disposal of groundwater generated from construction dewatering, the method used to analyze groundwater for hazardous materials likely to be encountered at specific locations and the appropriate treatment and/or disposal methods. 	<p>Prior to the issuance of a grading permit</p>	<p>MARCH JPA; Construction Contractor; Project Applicant;</p>	
4.17 Tribal Cultural Resources			
<p>TCR-1: A Native American monitor from a tribe that is culturally and traditionally affiliated with the project area shall be invited to monitor excavation activities at their discretion. In the event that a Native American monitor requests to monitor excavation activities, the project applicant shall enter into an agreement with the Native American tribe to monitor excavation activities and the agreement shall be provided to March JPA. In the event that tribal cultural resources are unearthed during ground-disturbing activities, the project archeologist shall inform the Tribe(s). The archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the discovery until March JPA, the consulting Tribe(s), and the qualified archaeologist have evaluated the discovery and determined appropriate treatment (as prescribed in Mitigation Measure TCR-2). The archaeological monitor shall keep daily logs detailing the types of activities and soils observed, and any discoveries. After monitoring has been completed, the qualified archaeologist shall prepare a report that details the results of monitoring for submittal to March JPA, the consulting Tribe(s), and the Eastern Information Center.</p>	<p>During ground disturbance</p>	<p>MARCH JPA; Construction Contractor; Project Applicant; Qualified Archaeologist; Native American Tribe(s)</p>	

Mitigation Measure	Timing for Implementation	Responsible Party	Verification Date
<p>TCR-2: Cultural Resources Disposition. In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:</p> <p>a) One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the March JPA Planning Department:</p> <ul style="list-style-type: none"> i. Preservation-In-Place of cultural resources, if feasible. Preservation in place means avoiding the resources and leaving them in the place where they found with not development affecting the integrity of the resources, in perpetuity. ii. Reburial of the resources on the Project property. The measures for reburial shall include, at minimum, the following: 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. Any reburial process shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential monitoring report (prepared in conformance with the County of Riverside Phase IV Report) and DPR forms shall be updated. The monitoring report shall be filed with the Authority under a confidential cover and not subject to Public Records Request. iii. If preservation in place or reburial is not feasible then the resources shall be curated in a culturally appropriate manner at a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archeological Resources ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating the subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the March JPA. There shall be no destructive or invasive testing on sacred items, burial goods, and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the monitoring report. 	<p>During ground disturbance</p>	<p>MARCH JPA; Construction Contractor; Project Applicant; Qualified Archaeologist; Native American Tribe(s)</p>	