

Mitigation Monitoring and Reporting Program

Introduction

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Mitigated Negative Declaration has been certified which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "...reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented for the Newland Kirby Project (Project). The City of Hemet is the Lead Agency for the project and is responsible for implementation of the MMRP. This report describes the MMRP for the Project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

Mitigation Monitoring and Reporting Program

The MMRP for the Project will be active through all phases of the Project, including design, construction, and operation. The attached table identifies the mitigation program required to be implemented by the City for the Newland Kirby Project. The table identifies the Plans, Programs, Policies (PPPs); and mitigation measures required by the City to mitigate or avoid significant adverse impacts associated with the implementation of the project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual Plan, Program, Policies; and mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

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**TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM
THE NEWLAND KIBRY PROJECT**

Plan, Program, Policy / Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
AIR QUALITY			
<p>Final EIR MM 4.3-1a: Fugitive Dust Emissions. The City shall implement the following measures to reduce the amount of fugitive dust that is re-entrained into the atmosphere from parking lots and construction sites.</p> <p>Require the following measures to be taken during the construction of all projects to reduce the amount of dust and other sources of PM10, in accordance with SCAQMD Rule 403:</p> <ul style="list-style-type: none"> - Dust suppression at construction sites using vegetation, surfactants, and other chemical stabilizers Wheel washers for construction equipment - Watering down of all construction areas - Limit speeds at construction sites to 15 miles per hour - Cover aggregate or similar material during transportation of material - Adopt incentives, regulations, and/or procedures to reduce paved road dust emissions through targeted street sweeping of roads subject to high traffic levels and silt loadings. 	<p>Submittal of dust control plan approved by the SCAQMD or other sufficient proof of compliance with Rule 403. Prior to grading permits.</p>	<p>City of Hemet Building & Safety Division</p>	
<p>Final EIR MM 4.3-1b: Reduce Exhaust Emissions from Construction Equipment. The City shall require each project applicant, as a condition of project approval, to implement the following measures to reduce exhaust emissions from construction equipment emissions:</p> <ul style="list-style-type: none"> - Commercial electric power shall be provided to the project site in adequate capacity to avoid or minimize the use of portable gas-powered electric generators and equipment. - Where feasible, equipment requiring the use of fossil fuels (e.g., diesel) shall be replaced or substituted with electrically driven 	<p>Confirmation that this restriction is included in Contractor Specifications. Prior to grading permits.</p>	<p>City of Hemet Building & Safety Division</p>	

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<p>equivalents (provided that they are not run via a portable generator set).</p> <ul style="list-style-type: none"> - To the extent feasible, alternative fuels and emission controls shall be used to further reduce exhaust emissions. - On-site equipment shall not be left idling when not in use. - The hours of operation of heavy-duty equipment and/or the amount of equipment in use at any one time shall be limited. - Staging areas for heavy-duty construction equipment shall be located as far as possible from sensitive receptors. - Before construction contracts are issued, the project applicants shall perform a review of new technology, in consultation with SCAQMD, as it relates to heavy-duty equipment, to determine what (if any) advances in emissions reductions are available for use and are economically feasible. Construction contract and bid specifications shall require contractors to utilize the available and economically feasible technology on an established percentage of the equipment fleet. It is anticipated that in the near future, both NOX and PM10 control equipment will be available. - Provide temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow. - Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site. - Reroute construction trucks away from congested streets or sensitive receptor areas. - Appoint a construction relations officer to act as a community liaison concerning on-site construction activity, including resolution of issues related to PM10 generation. - Improve traffic flow by signal synchronization and ensure that all vehicles and equipment will be properly tuned and maintained according to manufactures' specifications. 			

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<ul style="list-style-type: none"> - Use coatings and solvents with a VOC content lower than that required under AQMD Rule 1113. - Construct or build with materials that do not require painting or require the use of pre-painted construction materials where feasible. - Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export). If the City determines that 2010 model year or newer diesel trucks cannot be obtained, the lead agency shall use trucks that meet EPA 2007 model year NOx and PM emissions requirements. - During project construction, all internal combustion engines or construction equipment operating on the project site shall meet EPA-Certified Tier 2 emissions standards or higher. A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization for each applicable unit of equipment. <ul style="list-style-type: none"> • Encourage construction contractors to apply for AQMD "SOON" funds 			
<p>Final EIRR MM 4.3-1e: Reduce Exposure to Sensitive Receptors. The City shall implement the following measures to minimize exposure of sensitive receptors and sites to health risks related to air pollution:</p> <ul style="list-style-type: none"> - Encourage the applicants for sensitive land uses to incorporate design features (e.g., pollution prevention, pollution reduction, barriers, landscaping, ventilation systems, or other measures) in the planning process to minimize the potential impacts of air pollution on sensitive receptors. - Activities involving idling trucks shall be oriented as far away from and downwind of existing or proposed sensitive receptors as feasible. - Strategies shall be incorporated to reduce the idling time of diesel engines through alternative technologies such as IdleAire, 	<p>Confirmation that building and grading permits include required restriction. Prior to grading permits.</p>	<p>City of Hemet Building & Safety Division</p>	

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<p>electrification of truck parking, and alternative energy sources for TRUs to allow diesel engines to be completely turned off.</p>			
BIOLOGICAL RESOURCES			
<p>Mitigation Measure BIO-1: A pre-construction/clearance California glossy snake survey shall be performed not more than 30 days prior to initial ground disturbance activity to determine presence/absence of the species. A qualified biologist will survey the Project site and a buffer zone, 500-feet outside the project limits for glossy snakes. If any California glossy snake is found on site during the preconstruction survey a qualified biologist will relocate the snake to the nearest available offsite area with suitable habitat.</p>	<p>Submittal of pre-activity field survey results report. Prior to grading permits.</p>	<p>City of Hemet Planning Division</p>	
<p>Mitigation Measure BIO-2: A pre-construction/ clearance burrowing owl survey shall be performed not more than 30 days prior to initial ground disturbance activity to determine presence/absence of the species. A qualified biologist will survey the Project site and a buffer zone, 500-feet outside the project limits for burrows that could be used by burrowing owls. If the burrow is determined to be occupied, the burrow will be flagged, and a 160-foot diameter buffer will be established during nonbreeding season or a 250-foot diameter buffer during the breeding season. If burrows onsite are unoccupied, construction may proceed.</p> <p>If the site survey determines the presence of burrowing owl, mitigation in accordance with the California Department of Fish and Wildlife CDFW shall be implemented as follows:</p> <ul style="list-style-type: none"> If burrowing owls are identified as being resident on-site outside the breeding season (September 1 to February 14) they may be relocated to other sites by a permitted biologist (permitted by CDFW), as allowed in the CDFW Staff Report on Burrowing Owl Mitigation (March 2012). 	<p>Submittal of pre-activity field survey results report. Prior to grading permits.</p>	<p>City of Hemet Planning Division</p>	

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<ul style="list-style-type: none"> If an active burrow is found during the breeding season, the burrow shall be treated as a nest site and temporary fencing shall be installed at a distance from the active burrow, to be determined by the biologist, to prevent disturbance during grading or construction. Installation and removal of the fencing shall be done with a biological monitor present. Active relocation and eviction/passive relocation require the preservation and maintenance of suitable burrowing owl habitat determined through coordination with the Wildlife Agencies. 			
<p>Mitigation Measure BIO-3: Vegetation removal activities shall be conducted outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds.</p> <p>Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) will require that all suitable habitats be thoroughly surveyed for the presence of nesting birds by a qualified biologist within three days before commencement of vegetation clearing/ground disturbance activities. If any active nests are detected a buffer of 500 feet of an active listed species or raptor nest, 300 feet of other sensitive bird nests (non-listed), and 100 feet of most common songbird nests will be delineated, flagged, and avoided until the nesting cycle is complete. The buffer may be modified and/or other recommendations proposed as determined appropriate by the biological monitor to minimize impacts.</p>	<p>Submittal of pre-activity field survey results report. Prior to grading permits.</p>	<p>City of Hemet Planning Division</p>	
CULTURAL RESOURCES			
<p>Mitigation Measure CR-1: Pursuant to General Plan Policies HR-2.2 and HR-2.3 and Program HR-P-10, prior to ground disturbing activity, the applicant shall retain a registered professional archaeologist (RPA), and the registered professional archaeologist shall conduct monitoring of all mass grading and</p>	<p>During all ground disturbing activities</p>	<p>City of Hemet Planning Division</p>	

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<p>trenching activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction.</p>			
<p>Mitigation Measure CR-2: Pursuant to General Plan Policies HR-2.1, HR-2.2, and HR-2.3 and Program HR-P-10, a Cultural Resource Management Plan shall be developed by the Project Archaeologist, in consultation with the Soboba Band of Luiseno Indians, the contractor, and City, to address the documentation process for discovered resources, temporary storage of the items, limited non-destructive analysis, treatment and final disposition in accordance with MM TCR-2. The CRMP will be subject to the approval of the City. Details in the CRMP shall include:</p> <ul style="list-style-type: none"> a) The protocols and stipulations to be followed in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation. b) Treatment of inadvertent discoveries limited to basic recordation and non-destructive analysis. c) Pre-grading meeting with the City, the construction manager and any contractors, including but limited to a mandatory Workers Environmental Awareness Training (WEAP) to those in attendance. The Training will include a brief review of the cultural sensitivity of the Project and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. 	<p>Prior to issuance of grading permit</p>	<p>City of Hemet Planning Division</p>	
<p>Mitigation Measure CR-3: Pursuant to General Plan Policies HR-2.1, HR-2.2, and HR-2.3 and Program HR-P-10 and in accordance with Section 7050.5 of the California Health and Safety Code, if human remains (or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors, project archaeologist, and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the</p>	<p>During all ground disturbing activities</p>	<p>City of Hemet Planning Division</p>	

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<p>find. The project proponent shall then inform the Riverside County Coroner and the City of Hemet Planning Department immediately. The coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b). Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the applicant shall comply with the state relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (PRC Section 5097). The coroner shall contact the NAHC to determine the most likely descendant(s). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The Disposition of the remains shall be overseen by the most likely descendant(s) to determine the most appropriate means of treating the human remains and any associated grave artifacts, in consultation with the property owner and the lead agency.</p>			
ENERGY			
<p>PPP E-1 Hemet Development Code Section 14.65. Projects are required to abide by Title 24 Chapter 6 of the California Code of Regulations with respect to energy efficiency standards.</p>	<p>Prior to issuance of building permits</p>	<p>City of Hemet Building & Safety Division</p>	
GEOLOGY AND SOILS			
<p>Mitigation Measure PAL-1: Paleontological Resource Impact Mitigation Program (PRIMP). Pursuant to Policy HR-2.2, Policy HR-2.3, and Program HR-P-10, prior to the issuance of the first grading permit, the applicant shall provide a letter to the City of Hemet Planning Division, or designee, from a qualified professional paleontologist pursuant to the 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by the Society for Vertebrate Paleontology, stating that the paleontologist has been retained to provide services for the project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried</p>	<p>Confirmation of professional archaeologist retention/ongoing/monitoring/submittal of Report of Findings. Prior to grading permits and during subsurface excavation.</p>	<p>City of Hemet Planning Division</p>	

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<p>paleontological resources that may exist onsite for the review and approval by the City. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall also require paleontological monitoring pursuant to the 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by the Society for Vertebrate Paleontology for ground disturbing activities greater than five feet in depth within native soil, as determined by the Project paleontologist.</p> <p>In the event paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered.</p> <p>Criteria for discard of specific fossil specimens will be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage and treatment shall be done at the Applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.</p>			
GREENHOUSE GAS EMISSIONS			
<p>Final EIR MM 4.7-1: Reduce Construction-based GHG Emissions. To further reduce construction GHG emissions, projects consistent with the Draft General Plan seeking discretionary approval from the City shall implement all feasible measures for reducing construction GHG emissions recommended by the City and/or SCAQMD at the time individual portions of the site undergo construction.</p>	<p>Prior to issuance of building permits</p>	<p>City of Hemet Building & Safety Division</p>	

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<p>At the time of project review for discretionary approval from the City, the City shall require the applicant(s) to implement the most current list of GHG reduction measures recommended by the as conditions of approval. The list of feasible measures must be established prior to the selection of a primary contractor, to require that the ability of a contractor to effectively implement the selected GHG reduction measures be inherent to the selection process.</p> <p>The City’s recommended measures for reducing construction GHG emissions at the time of writing this EIR are listed below. This list will be updated as new technologies or methods become available. The project applicant(s) shall, at a minimum, be required to implement the following:</p> <ul style="list-style-type: none"> - Improve fuel efficiency of construction equipment: <ul style="list-style-type: none"> - reduce unnecessary idling (modify work practices, install auxiliary power for driver comfort); - perform equipment maintenance (inspections, detect failures early, corrections); - train equipment operators in proper use of equipment; - use the proper size of equipment for the job; and - use equipment with new technologies (repowered engines, electric drive trains). - Use alternative fuels for electricity generators and welders at construction sites such as propane or solar, or use electrical power. - Use an ARB-approved low-carbon fuel, such as biodiesel or renewable diesel for construction equipment. Emissions of oxides of nitrogen [NOX] from the use of low carbon fuel must be reviewed and increases mitigated. Additional information about low-carbon fuels is available from ARB’s Low Carbon Fuel Standard Program (ARB 2010g). - Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking for construction workers. 			

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<ul style="list-style-type: none"> - Reduce electricity use in the construction office by using compact fluorescent bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones. - Recycle or salvage nonhazardous construction and demolition debris (goal of at least 75% by weight). - Use locally sourced or recycled materials for construction materials (goal of at least 20% based on costs for building materials, and based on volume for roadway, parking lot, sidewalk, and curb materials). - Minimize the amount of concrete used for paved surfaces or use a low carbon concrete option. - Produce concrete on-site if determined to be less emissive than transporting ready mix. - Use EPA-certified SmartWay trucks for deliveries and equipment transport. Additional information about the SmartWay Transport Partnership Program is available from ARB’s Heavy-Duty Vehicle Greenhouse Gas Measure (ARB 2010h) and EPA (EPA 2010f). - Develop a plan to efficiently use water for adequate dust control. This may include the use of non-potable water from a local source. <p>The project applicant(s) for any particular discretionary project may submit to the City a report that substantiates why specific measures are considered infeasible for construction of that particular discretionary project and/or at that point in time.</p>			

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HYDROLOGY AND WATER QUALITY			
<p>PPP HYD-1 Construction General Permit. Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ). Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must list Best Management Practices (BMPs) the discharger will use to protect storm water runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment.</p>	<p>Prior to issuance of grading permits</p>	<p>City of Hemet Building & Safety Division</p>	
<p>PPP HYD-2 Santa Ana RWQCB MS4 Permit. Projects will be constructed and operated in accordance with the Santa Ana RWQCB Municipal Stormwater (MS4) Permit for the part of the Santa Ana Basin in Riverside County in 2010 (Order No. R8-2010-0036). The MS4 Permit requires new development and redevelopment projects to adopt a WQMP to:</p> <ul style="list-style-type: none"> - Control contaminants into storm drain systems - Educate the public about stormwater impacts - Detect and eliminate illicit discharges - Control runoff from construction sites - Implement BMPs and site-specific runoff controls and treatments 	<p>Prior to issuance of a grading permit</p>	<p>City of Hemet Building & Safety Division</p>	
TRIBAL CULTURAL RESOURCES			

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<p>Mitigation Measure TCR-1: Pursuant to General Plan Policies HR-2.1, HR-2.2, and HR-2.3 and Programs HR-P-10 and HR-P-11, prior to the issuance of a grading permit, and prior to the commencement of ground disturbing activity, the applicant shall secure an agreement with the Soboba Band of Luiseno Indians for Tribal Monitoring and the Treatment and Disposition of all tribally associated artifacts discovered within the project boundaries. Native American Monitor(s) from the Soboba Band of Luiseno Indians shall conduct monitoring of all initial ground disturbing activities associated with the project. The Native American Monitor(s) shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during project construction.</p>	<p>Prior to grading permits and during subsurface excavation.</p>	<p>City of Hemet Planning Division</p>	
<p>Mitigation Measure TCR-2: Pursuant to General Plan Policies HR-2.1, HR-2.2, and HR-2.3 and Programs HR-P-10 and HR-P-11, 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. Evidence of such shall be provided to the City:</p> <ul style="list-style-type: none"> i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place is defined as avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources. <p>Onsite reburial of the discovered items. 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 the Soboba Band of Luiseno Indians. The location for the future reburial area shall be identified on a confidential exhibit on file with the City, and concurred to by the Soboba Band of Luiseno Indians prior to certification of the environmental document.</p>	<p>During subsurface excavation.</p>	<p>City of Hemet Planning Division</p>	