1400 – 1700 Blocks East Cabrillo Blvd (MST2011-00315)

MITIGATION MONITORING AND REPORTING PROGRAM

NOVEMER 3, 2011

PROJECT LOCATION

1400 – 1700 Blocks East Cabrillo Boulevard, Santa Barbara, CA

PROJECT DESCRIPTION

The proposed project would remove 0.86 acres of marsh vegetation from Andree Clark Bird Refuge and restore 0.86 acres of wetland habitat at the Refuge. The proposed project would also remove .03 acres of silt and vegetation from a grouted sandstone culvert along Old Coast Highway and 0.04 acres from a concrete culvert entering the Bird Refuge from the north, for a total of 0.07 acres from the culverts. Initial vegetation removal would occur in year one and maintenance activities would occur over the five-year period to keep the affected locations free of marsh vegetation. The purpose of the project is to restore water flow and conveyance in the lake and culverts to reduce mosquito production and flooding, improve water quality and limit eutrophication and resulting odors. The proposal would also protect the diversity of habitats at the Bird Refuge.

PURPOSE

The purpose of the **1400 – 1700 Blocks East Cabrillo Blvd** Mitigation Monitoring and Reporting Program (MMRP) is to ensure compliance with all mitigation measures identified in the Initial Study to mitigate or avoid potentially significant adverse environmental impacts resulting from the proposed project. The implementation of this MMRP shall be accomplished by City staff and the project contractor, consultants and representatives. The program shall apply to the following phases of the project:

- Plan and specification preparation
- Pre-construction conference
- Construction of the site improvements
- Post Construction
  Restoration

I. RESPONSIBILITIES AND DUTIES

A qualified representative of the contractor, approved by the City Parks Division and paid for by the contractor, shall be designated as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of this mitigation monitoring and reporting program to the City. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in this program. It is anticipated that the construction and restoration portions will have two different PECs, as the contractors will change with completion of construction.

It is the responsibility of the contractor to comply with all mitigation measures listed in the attached MMRP matrix. Any problems or concerns between monitors and construction personnel shall be addressed by the PEC and the contractor. The contractor shall prepare a

construction schedule subject to the review and approval of the PEC and Biologist. The contractor shall inform the PEC of any major revisions to the construction schedule at least 48 hours in advance. The PEC and contractor shall meet on a weekly basis in order to assess compliance and review future construction activities.

A. PRE-CONSTRUCTION BRIEFING

The PEC and Biologist shall prepare a pre-construction project briefing report. The report shall include a list of all mitigation measures (PEC) and a plot plan delineating all sensitive areas to be avoided (Biologist). This report shall be provided to all construction personnel.

The pre-construction briefing shall be conducted by the PEC and Biologist consultant. The briefing shall be attended by the PEC, construction manager, necessary consultants, Parks Division Case Planner, Public Works representative and all contractors and subcontractors associated with the project.

The MMRP shall be presented to those in attendance. The briefing presentation shall include project background, the purpose of the MMRP, duties and responsibilities of each participant, communication procedures, monitoring criteria, compliance criteria, filling out of reports, and duties and responsibilities of the PEC, Biologist and project consultants.

It shall be emphasized at this briefing that the PEC, Biologist and project consultants have the authority to stop construction and redirect construction equipment in order to comply with all mitigation measures.

Once construction commences, field meetings between the PEC, Biologist and project consultants, and contractors shall be held on an as-needed basis in order to create feasible mitigation measures for unanticipated impacts, assess potential effects, and resolve conflicts.

II. IMPLEMENTATION PROCEDURES

There are three types of activities which require monitoring. The first type pertains to the review of the Conditions of Approval and Construction Plans and Specifications. The second type relates to construction activities and the third to ongoing monitoring activities during operation of the project.

A. MONITORING PROCEDURES

The PEC, Biologist and required consultant(s) shall monitor all field activities. The authority and responsibilities of the PEC, Biologist and consultant(s) are described in the previous section.

B. REPORTING PROCEDURES

The following three (3) types of reports shall be prepared:

1. Schedule

The PEC and contractor shall prepare a construction schedule to be submitted to the City and Biologist prior to or at the pre-construction briefing.

2. General Progress Reports

The PEC shall be responsible for preparing written progress reports submitted to the City. These reports would be expected on a weekly basis during vegetation removal and site preparation, and on a biweekly basis thereafter throughout landscaping activities. The reports would document field activities and compliance with project mitigation measures, with the exception of wildlife monitoring and habitat protection. The Biologist will prepare progress reports for wildlife monitoring and habitat protection, on the same schedule as stated here.

3. Final Report

A final report shall be submitted to the Planning Division, by the PEC and Biologist for their respective duties, when all monitoring (other than long term operational) has been completed and shall include the following:

a. A brief summary of all monitoring activities.

b. The date(s) the monitoring occurred.

c. An identification of any violations and the manner in which they were dealt with.

d. Any technical reports required.

e. A list of all project mitigation monitors (Biologist for wildlife and habitat protection; PEC for remaining).

C. MMRP MATRIX

The following MMRP Matrix describes each initial study mitigation measure, monitoring activities and the responsibilities of the various parties, along with the timing and frequency of monitoring and reporting activities. For complete language of each condition, the matrix should be used in conjunction with the mitigation measures described in full in the Initial Study.

The MMRP Matrix is intended to be used by all parties involved in monitoring the project mitigation measures, as well as project contractors and others working in the field. The Matrix should be used as a compliance checklist to aid in compliance verification and monitoring requirements. A copy of the MMRP matrix shall be kept in the project file as verification that compliance with all mitigation measures has occurred.

MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		DATE	ACCOMPLISHED	COMMENTS
AQ-1 Construction Dust Control – Tarping. Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches.	PEC			
AQ-2 Construction Dust Control – Gravel Pads. Gravel pads shall be installed to reduce mud/dirt track out from unpaved truck exit routes, if needed.	PEC			
AQ-3 Construction Dust Control – Minimize Disturbed Area/Speed. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.	PEC			
AQ-4 Construction Dust Control – Disturbed Area Treatment. After clearing, grading, earth moving, excavation, or demolition is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by: a. Seeding and watering until grass cover is grown; b. Spreading soil binders; c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind; d. Other methods approved in advance by the Air Pollution Control District.	PEC			
AQ-5 Stockpiling. If importation, exportation and stockpiling of soils are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared.	PEC			
AQ-6 Construction Dust Control – Project Environmental Coordinator (PEC). The contractor or builder shall designate a person or persons to monitor the dust control	PEC			

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program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure.				
AQ-7 Engine Size. The engine size of construction equipment shall be the minimum practical size.	PEC			
AQ-8 Equipment Numbers. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.	PEC			
AQ-9 Equipment Maintenance. Construction equipment shall be maintained to meet the manufacturer's specifications.	PEC			
AQ-10 Catalytic Converters. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.	PEC			
AQ-11 Diesel Catalytic Converters. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.	PEC			
AQ-12 Diesel Replacements. Diesel powered equipment shall be replaced by electric equipment whenever feasible.	PEC			
AQ-13 Idling Limitation. All commercial diesel vehicles are subject to Title 13, Section 2485 and 2449 of the California Code of Regulations, limiting engine idling times. Idling of heavy-duty diesel trucks and diesel fueled or alternative diesel fueled off-road compression ignition vehicle during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible.	PEC			

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AQ-14 Portable diesel equipment - All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program or shall obtain an APCD permit.	PEC			
AQ-15 Mobile construction equipment - Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, Section 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emission from in-use (existing) off-road diesel-fueled vehicles. The current requirements include idling limits of 5 minutes, labeling of vehicles with ARB-issued equipment identification numbers, reporting to ARB, and vehicle sales disclosures For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm	PEC			
BIO-1 A pre-maintenance survey of culverts shall be performed by a qualified biologist no more than seven days prior to maintenance initiation to verify that no gobies are present. If gobies are determined to be present during the survey, a qualified biologist with applicable permits/approval will conduct tidewater goby rescue and relocation in order to clear the maintenance areas. Biologist(s) with tidewater goby experience shall be designated to monitor onsite compliance. The monitor shall have the authority to halt any action that may result in impacts that exceed levels anticipated by City staff or permitting agencies.	Biologist			
BIO-2 Complete all pre-construction and construction activities outside of the tidewater goby peak breeding season (April through June), to the extent feasible.	City Parks/PEC			
BIO-3 Report all dead or injured listed or sensitive animals immediately.	Biologist			

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BIO-4 Do not disturb, capture, handle, or move animals, or their nests. If any wildlife is encountered during the course of project activities, said wildlife shall be allowed to freely leave the area unharmed.	Biologist/PEC			
BIO-5 Institute a litter control program during the course of construction/maintenance activities. Covered trash receptacles shall be placed at each designated work site and the contents properly disposed of at the end of the day at a minimum and more often as necessary. No foodstuffs or associated trash, containers, etc. shall be left overnight.	PEC			
BIO-6 Pets shall be prohibited on the job site.	PEC			
BIO-7 Complete all work during daylight hours. Night-time work (and use of artificial lighting) shall not occur.	PEC			
BIO-8 A biological monitor shall conduct environmental training for all workers.	Biologist			
BIO-9 Equipment mobilization and vegetation cutting and removal shall be conducted outside the breeding season (February 15 through August 31, for all birds except raptors (which can nest as early as December 1).	City Parks/PEC/Biologist			
BIO-10 If vegetation maintenance must occur during the nesting season (including raptors), a qualified biologist shall conduct nesting bird surveys prior to the work. If nesting is observed within or immediately adjacent to the work area, a buffer of at least 100 feet (500 feet for raptors) shall be established, marked, monitored, and maintained until the nest is abandoned or the young have fledged.	Biologist			
BIO-11 The consulting ornithologist recommends initial aquatic vegetation removal should be conducted in one year to reduce repeated impacts to nesting birds.	City Parks/PEC			
BIO-12 Equipment shall maintain speeds of less than 5 mph in the water.	PEC			

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BIO-13 Work shall be monitored by a qualified biologist who can flush birds away, salvage birds that could be harmed by the work, and check for new nesting activity as the work progresses.	Biologist			
BIO-14 Work crews will be restricted to designated and clearly defined work areas. Construction crews shall be educated regarding staying within work areas for the protections of sensitive wetland and native habitat onsite.	Biologist/PEC			
BIO-15 To prevent the introduction of new invasive animals and weedy plant species, the City shall require the designated contractor to ensure that work boots, vehicles, and equipment have been cleaned prior to starting work on the project.	PEC			
BIO-16 Staging of equipment and temporary dump sites shall be restricted to designated areas. Any waste materials produced by removal activities will be temporarily stored away from the lake margin and will be removed for disposal in an approved disposal site.	PEC			
BIO-17 All materials, wastes, and equipment will be removed from construction sites as soon as practical after use and at the completion of construction.	PEC			
BIO-18 All power equipment and vehicles will be kept in good working order and inspected each day for leaks prior to use. Leaks will be repaired immediately or problem vehicles or equipment will be removed from the Project site. Equipment will be staged in containment or other suitable barriers overnight to prevent accidental leakage of fluids.	PEC			
BIO-19 All power equipment will be staged over tarps, or in holding pens with walled sides, to catch any leakage of fuel, oils, and other liquid to prevent these materials from soaking into the soil, or being carried into the lake.	PEC			

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BIO-20 Refueling will only take place in a designated area away from the lake. Refueling of the cookie cutter and harvester, if not feasible to do on land, will be conducted so that no fuel is spilled into the water. No foreign materials, such as petroleum or other fuels, will be released into the lake. During refueling of equipment, a drip pan shall be used to ensure that no fuel spills onto the ground or in the lake.	PEC			
BIO-21 Appropriate firefighting equipment (e.g., extinguishers, shovels) shall be available on site during all phases of the Project, and appropriate fire prevention measures shall be taken to help minimize the chance of human-caused wildfires.	PEC			
BIO-22 Drip pans or absorbent pads will be used during vehicle and equipment fueling. Absorbent spill clean-up materials and spill kits will be available in fueling areas, and workers will be trained in their use. Fuels will be stored in containment basins.	PEC			
BIO-23 Appropriate spill containment and clean-up materials will be available on site at all times. Any spills will be cleaned up immediately and will not be buried or washed with water.	PEC			
BIO-24 Used clean-up materials, contaminated materials, and recovered spilled materials that are no longer suitable for clean-up will be stored and disposed of properly. Hazardous and nonhazardous material will be disposed of in the manner specified by the manufacturer.	PEC			
BIO-25 Sand bags, straw bales, straw wattles, or other erosion control materials will be used during restoration to dissipate the energy of flowing water, reduce soil erosion, and prevent sediment or other materials from entering the lake.	PEC			
BIO-26 Define and respect clear work area limits.	Biologist/PEC			
BIO-27 Cleared or trimmed vegetation and woody debris shall be disposed of in a legal manner.	PEC			

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BIO-28 Precautions shall be taken to avoid damage to non-target vegetation by people or equipment.	Biologist/PEC			
CR-1 Discovery Procedures and Mitigation. Discovery measures specific to this project and per the City Master Environmental Assessment shall be implemented throughout upland vegetation removal and restoration: A City-qualified archaeologist and City-qualified Chumash observer should be retained to monitor significant ground disturbing activities that occur during construction in portions of the project area designated as "Medium Sensitivity Zone" in the Comprehensive Archaeological Resources Assessment, Santa Barbara Zoological Gardens, prepared by SAIC in July 2003. If intact cultural materials are identified, construction shall be temporarily suspended until the extent of the find is determined and an appropriate treatment plan is proposed and approved by the City Environmental Analyst, following the procedures set forth in the City's Master Environmental Assessment Guidelines for Archaeological Resources and Historic Structures and Sites. Prior to the start of work in all portions of the project area, restoration personnel shall be alerted to the possibility of uncovering unanticipated archaeological features or artifacts associated with past human occupation of the project area. In the unlikely event that potentially intact and significant cultural resources are discovered during any project work, the City Environmental Analyst and project's City-approved archaeologist should be notified and activity in the location of the discovery should be temporarily suspended until the project archaeologist can evaluate the potential significance of the find, pursuant to the City's MEA. If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission shall also be contacted. Work in the area shall only proceed after authorization is granted by the Environmental Analyst.	PEC/Archaeologist/ City-qualified Chumash observer/EA			

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N-1 Neighborhood Notification Prior to Construction. At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the (Project Environmental Coordinator (PEC) and) Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.	PEC			
N-2: Construction Hours. Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m., excluding the following holidays: New Year's Day (January 1st); Martin Luther King Jr.'s Birthday (3rd Monday in January); President's Day (3rd Monday in February); Memorial Day (Last Monday in May); Independence Day (July 4th); Labor Day (1st Monday in September); Thanksgiving Day (4th Thursday in November); Day Following Thanksgiving Day (Friday following Thanksgiving); Christmas Day (December 25th). *When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday respectively shall be observed as a legal holiday. When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.	PEC			
N-3: Construction Equipment Sound Control. All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.	PEC			
PS-1 A source reduction/recycling plan shall be developed for the proposed project and submitted for review and approval by the City's Environmental Analyst prior to building permit issuance. This plan shall include provisions for recycling of all marsh materials that meet the	PEC/City Parks/EA			

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waste disposal facilities standards.				
W-1 Drainage and Water Quality. Project plans for grading, drainage, stormwater facilities, and project development shall be subject to review and approval by City Building Division and Public Works Department per City regulations, (*and Regional Water Quality Control Board*). Sufficient engineered design and adequate mitigation measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water quality pollutants, or groundwater pollutants would result from the project.	PEC/City Building Division/Public Works			
W-2 Sand bags, straw bales, straw wattles, or other erosion control materials will be used during restoration to dissipate the energy of flowing water, reduce soil erosion, and prevent sediment or other materials from entering the lake.	PEC			