

## **EL ESTERO DRAIN AND LAGUNA CHANNEL MITIGATION MONITORING AND REPORTING PROGRAM**

### **PURPOSE**

The purpose of the El Estero Drain and Laguna Channel 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 developer's 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

### **I. RESPONSIBILITIES AND DUTIES**

A qualified representative of the developer, approved by the City Planning Division and paid for by the developer, 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 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. 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 shall prepare a pre-construction project briefing report. The report shall include a list of all mitigation measures and a plot plan delineating all sensitive areas to be avoided. This report shall be provided to all construction personnel.

The pre-construction briefing shall be conducted by the PEC. The briefing shall be attended by the PEC, construction manager, necessary consultants, Planning Division Case Planner, Public Works representative and all contractors and subcontractors associated with the project. Multiple pre-construction briefings shall be conducted as the work progresses and a change in contractor occurs.

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 and project consultants.

It shall be emphasized at this briefing that the PEC 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 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 and required consultant(s) shall monitor all field activities. The authority and responsibilities of the PEC 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 monthly construction schedule to be submitted to the City 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 grading, excavation and construction, activities. The reports would document field activities and compliance with project mitigation

measures, such as dust control and sound reduction construction.

3. Final Report

A final report shall be submitted to the Planning Division 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, such as noise measurements.
- e. A list of all project mitigation monitors.

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.



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### MITIGATION MONITORING AND REPORTING PROGRAM MATRIX – Page 5

MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	TIMING/ FREQUENCY	COMPLIANCE CHECK	VERIFICATION
Aes-1	Plant native vines appropriate to the habitat, propagated from the project site or as near as feasible, adjacent to the chain link fence in such a manner that the vines eventually hide the fence.	Applicant	Project Environmental Coordinator (PEC)	Show on plans; field check	Prior to building permit; check growth & health during restoration plan monitoring.	See Bio-1 through Bio-4 Mitigation Measures	
AQ-1	During site grading & transportation of fill materials, regular water sprinkling shall occur using reclaimed water. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust. Throughout construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning & after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.	Applicant	PEC	Check in field.	Monitor daily	PEC report	

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MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	TIMING/FREQUENCY	COMPLIANCE CHECK	VERIFICATION
AQ-2	<p>After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:</p> <p>A. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust &amp; prevent dust pickup by the wind; B. Completion of revegetation plan; C. Other methods approved in advance by the Air Pollution Control District.</p>	Applicant	PEC	Check in field.	Monitor daily	PEC report	

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#### Biological Resources Mitigation Measures Applicable to Carrying Out Initial Restoration Plans:

MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	TIMING/FREQUENCY	COMPLIANCE CHECK	VERIFICATION
<b>Bio-1</b>	Plants used in the restoration plans for both Laguna Creek & El Estero Drain shall be propagated from the project site or as near as feasible within the Santa Barbara coastal area. Sycamore trees meeting these criteria shall be added to the plant mix for the El Estero Drain buffer areas. Willow trees shall be added to the east bank of Laguna Creek & may be pruned as necessary to allow access for the crane-mounted clamshell bucket used for desilting. It is preferable to use smaller propagules for establishment of habitat. Consider use of liners & cuttings rather than one- to five-gallon plants, where feasible.	Applicant	PEC/Qualified Restoration Expert/Biologist	Show on plans; field check	Prior to permit issuance	PEC report	
<b>Bio-2</b>	Design grading plan for El Estero Drain to prevent changes in ponding on the adjacent property to the east of the subject parcel. Redesign the perimeter fence to eliminate the concrete footing and the wooden slats.	Applicant	PEC/Qualified Restoration Expert/Biologist	Review & approve plans	Prior to permit issuance	PEC report	
<b>Bio-3</b>	The two-year maintenance period shall begin immediately after the contractor has completed the implementation of the restoration. To receive final acceptance of the restoration, the site shall be inspected & approved by a qualified restoration specialist/biologist involved in the design &/or	Applicant	PEC/Qualified Restoration Expert/Biologist	Review & approve report	Semi-annually during the 2-year maintenance period	PEC report	

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MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	TIMING/FREQUENCY	COMPLIANCE CHECK	VERIFICATION
	<p>implementation of the mitigation plan. During the two year maintenance period following initial restoration: • The contractor will conduct routine activities to maintain the plantings &amp; seeded areas in a healthy condition &amp; control erosion of the site. • The site will be inspected by a qualified restoration specialist/biologist for necessary repair or remedial measures a minimum of four times a year. • At the end of the maintenance period, the restoration specialist/ biologist will conduct a final inspection. Any outstanding items will need to be completed prior to final approval &amp; acceptance of the restoration. Maintenance activities will include routine watering, replanting or reseeding, repair of damaged areas, weeding, remedial erosion control &amp; removal of excess sediment from areas if the sediment has clearly eroded from the site. Semi-annual reports in April &amp; November on the status of the restoration work shall be submitted to the Environmental Analyst, including the following information: • A quantitative analysis of attainment of annual performance standards &amp; progress toward meeting final performance standards. • A list of names, titles &amp; affiliations of persons conducting the monitoring &amp; preparing the</p>						



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MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	TIMING/FREQUENCY	COMPLIANCE CHECK	VERIFICATION
<b>Bio-4</b>	<p>report. • A copy of the Corps &amp;/ or other agency permits, including special conditions &amp; any letters of modification. • Photos taken at photo-documentation points. • Relevant maps. Summary results of previous years' monitoring.</p> <p>During the five year monitoring period following the two-year maintenance program, typical plant vegetation sampling methods shall be used, i.e., plant species composition &amp; percentages would be determined for the site by sampling throughout the site &amp; recording relevant data, such as: • Species occurring within the area, the species wetland or riparian indicator status &amp; whether the species is native or introduced. • Percent plant cover. Qualitative information about weather &amp; site conditions shall also be collected. There shall also be permanent photo-documentation points established. Color photos shall be taken from the same point each year to assist in documentation of mitigation status. Based on the findings of the annual monitoring report, additional weeding could occur if necessary to meet the performance goals for plant cover &amp; species diversity.</p>	Applicant	PEC/Qualified Restoration Expert/Biologist	Review & approve report	Annually during the 5-year monitoring period	PEC report	
<b>Bio-5</b>	A report on the condition of site	Applicant	PEC/Qualified	Review & approve	Report at the	PEC report	

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MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	TIMING/FREQUENCY	COMPLIANCE CHECK	VERIFICATION
	<p>vegetation shall be prepared at the end of the two year maintenance period. During the 5-year monitoring period, annual reports describing the results of mitigation monitoring shall be submitted to the Corps &amp; other interested agencies, as appropriate, &amp; the Environmental Analyst before the end of each November. The annual monitoring reports shall contain the following information: • A quantitative analysis of attainment of annual performance standards &amp; progress toward meeting final performance standards. • A list of names, titles &amp; affiliations of persons conducting the monitoring &amp; preparing the report. • A copy of the Corps &amp;/or other agency permits, including special conditions &amp; any letters of modification, as determined to be necessary. • Photos taken at photo-documentation points. Relevant maps. • Summary results of previous years' monitoring.</p>		Restoration Expert/Biologist	prepare report	end of the 2-year monitoring period & annually during the 5-year maintenance period		

### Biological Resources Mitigation Measures That Apply to Ongoing Maintenance of Laguna Creek and El Estero Drain:

MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	TIMING/FREQUENCY	COMPLIANCE CHECK	VERIFICATION
Bio-6	Prior to desilting or vegetation removal, a qualified biologist shall temporarily relocate any turtles	Applicant	PEC/Qualified Restoration Expert	Assure that turtle relocation has been	Whenever desilting or vegetation removal is	Notice by Public Works Department to Planning	

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MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	TIMING/FREQUENCY	COMPLIANCE CHECK	VERIFICATION
	found in or near the proposed work area.		pert/Biologist	carried out	scheduled	Division	
<b>Bio-7</b>	Prior to desilting or removing debris or vegetation in either Laguna Creek or El Estero Drain in the future, the Public Works Dept. must demonstrate the need for such removal (e.g., the extent of capacity lost due to siltation). Desilting or debris and vegetation removal shall occur only during low flow periods after turtle & bird breeding seasons end & before the rainy season begins. Work in El Estero Drain shall be done by hand unless it is necessary to remove large obstructions or substantial sediment plugs.	Applicant	Public Works Engineering	Determine loss of capacity	Whenever desilting is considered	Notice by Public Works Department to Planning Division	
<b>Bio-8</b>	To the extent feasible, vegetation shall be removed from the El Estero Drain area in a mosaic pattern that preserves enough vegetation to provide diverse habitats.	Applicant	PEC/Qualified Restoration Expert/Biologist	Field check	Whenever vegetation removal is proposed	Report to Planning Division	
<b>Bio-9</b>	Use of herbicides shall be subject to approval by the restoration specialist/biologist. Hand spraying shall be used. No aerial spraying shall be allowed. All spraying shall take place when wind speeds are at or below five miles per hour & rain is not predicted within six hours. Herbicides shall be applied selectively, only to specific problem vegetation. Spraying shall be confined to the immediate channel	Applicant	Qualified Restoration Expert/ herbicide worker	Field check	Whenever herbicides are used	Public works Department oversight	

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MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	TIMING/FREQUENCY	COMPLIANCE CHECK	VERIFICATION
<b>Bio-10</b>	<p>invert to provide habitat by allowing native riparian &amp; understory vegetation to develop on stream banks. Invasive weeds shall be reduced by selective spraying &amp; hand-removal of propagules. Trained personnel shall do all spraying. Sprayers shall be filled outside of riparian corridors.</p> <p>After desilting or vegetation removal, plants included in the initial restoration &amp; revegetation plans shall be planted as necessary to assist in reestablishment of lost habitat, in consultation with a qualified restoration biologist.</p>	Applicant	Qualified restoration expert/biologist	Field check	Whenever desilting or vegetation removal is proposed	Report to Planning Division	

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MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	TIMING/FREQUENCY	COMPLIANCE CHECK	VERIFICATION
CR-1	For El Estero Drain grading only, the Owner shall complete a contract with a City-approved archaeologist prior to issuance of building permits for monitoring during all ground disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching, vegetation or paving removal & ground clearance in the El Estero Drain area. The contract shall establish a schedule for monitoring & submittal of a report to the City Environmental Analyst on the findings of the monitoring. Contract(s) shall be subject to review & approval of the Environmental Analyst.	Applicant/Archaeologist	PEC/Archaeologist	Assure that required language has been included on plans	Prior to Building Permit issuance	City Planning Division	
CR-2	For El Estero Drain only, prior to the issuance of building permits, the General Contractor shall schedule a construction conference. The conference shall include representatives from the archaeologist, Public Works Dept., Building Div., Planning Div. & Contractor. The following information shall be specified on the construction plans submitted for building permits: a. If any archaeological artifacts, exotic rock (non-native) or unusual amounts of shell or bone are uncovered during any on-site grading,	Applicant/Archaeologist	PEC/Archaeologist	Assure that contract has been activated & required language included on plans	Prior to building permit issuance	City Planning Division	

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MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	TIMING/FREQUENCY	COMPLIANCE CHECK	VERIFICATION
	<p>trenching or construction activities, all work must stop immediately in the area &amp; a City-approved archaeologist retained to evaluate the deposit. The City of Santa Barbara Environmental Analyst must also be contacted for review of the archaeological find(s). If the discovery consists of potentially human remains, the Santa Barbara County Coroner &amp; the California Native American Heritage Commission must also be contacted. Work in the area may only proceed after the Environmental Analyst grants authorization. b. Schedule for the City-approved archaeologist/s presence during grading and/or construction activities that disturb the area described above. The archaeologist's monitoring shall include the following provisions. If cultural resources are encountered or suspected, work shall be halted immediately; the City Environmental Analyst shall be notified. The archaeologist shall assess the nature, extent &amp; significance of any discoveries &amp; develop appropriate management recommendations for archaeological resource treatment, including but not limited to redirection of grading &amp;/or excavation activities. If the findings are potentially significant, a Phase 3 recovery program shall be prepared &amp; accepted</p>						

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MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	TIMING/FREQUENCY	COMPLIANCE CHECK	VERIFICATION
	by the Environmental Analyst & the Historic Landmarks Commission. That portion of the Phase 3 program that requires work on-site shall be completed prior to continuing construction in the affected area. If prehistoric or other Native American remains are encountered, a Native American monitor shall be contacted & shall remain present during all further subsurface disturbances in the area of the find.						
<b>CR-3</b>	Prior to Final Inspection, the owner of El Estero Drain shall complete a final report on results of the archaeological monitoring shall be submitted to the Environmental Analyst within 180 days of completion of the monitoring & prior to Final Inspection, whichever is earlier.	Applicant/Archaeologist	PEC	Assure that report is submitted	Prior to final inspection	Planning Division	
<b>Haz-1</b>	The Public Works Dept. shall minimize applicator exposure to glyphosate. Workers mixing Roundup shall wear eye protection & gloves to minimize exposure to face & hands. When pouring herbicides, workers shall keep containers below eye level.	Applicant	PEC/Public Works Department	Field check of workers	Whenever herbicides are used	City Public Works Department	
<b>Noise-1</b>	Noise generating construction activity should be prohibited Saturdays, Sundays, holidays and between the hours of 5 p.m. to 8 a.m. Holidays are defined as those days that are observed by	Applicant	PEC	Field check	Through grading	PEC report	

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MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	TIMING/FREQUENCY	COMPLIANCE CHECK	VERIFICATION
Noise-2	the City of Santa Barbara as official holidays by City employees. All construction equipment, including trucks, should be professionally maintained & fitted with standard manufacturers' muffler & silencing devices.	Applicant/contractor	PEC	Ensure requirements shown on approved plans and followed	At building plan check & throughout construction period	PEC report	
WR-1	A storm water pollution prevention plan shall be prepared & implemented & shall include, but not be limited to, the following: A. For Laguna Creek, all mechanized equipment shall operate from the top of the bank. B. To the extent feasible, limit grading activities in & around El Estero Drain to the non-rainy season, while avoiding turtle & bird breeding seasons, as discussed in the Biological Resources Section. If construction during the rainy season is unavoidable, use silt fences, straw bales & other erosion control measures, as necessary, to control siltation of El Estero Drain & Laguna Creek during wet periods. C. Cover stockpiled fill soils & other construction materials. D. Seed and plant disturbed areas with native vegetation required by the restoration plan immediately following construction activities. E. Provide dust control by wetting exposed soil surfaces. F. Clean up equipment leaks, drips & spills	Applicant	PEC	Ensure requirements incorporated into plans & that plans are followed	At plan check & throughout construction period	PEC reports	



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MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	TIMING/FREQUENCY	COMPLIANCE CHECK	VERIFICATION
<b>WR-2</b>	<p>immediately. Use dry cleaning methods wherever possible. G. Any on-site equipment refueling shall be confined to one designated location, preferably in an existing paved area. H. Apply any other Best Management Practices appropriate to the project to protect surface water quality.</p> <p>If necessary, use straw bales, jute mats or other BMPs on the new channel banks to reduce runoff velocity &amp; erosion while the new vegetation is being established.</p>	Applicant	PEC	Work with biologist & follow weather reports to determine need	As determined to be necessary	PEC report	PEC
<b>WR-3</b>	<p>The culvert between El Estero Drain &amp; Laguna Creek shall be designed such that its elevation &amp; size will result in maintenance of moist conditions in El Estero Drain while still allowing high flows to drain into Laguna Creek in a manner similar to that occurring under the existing condition.</p>	Applicant	PEC	Ensure requirements incorporated into plans & that plan is followed	At plan check & throughout construction period	PEC report	