

Appendix N: Mitigation Monitoring and Reporting Plan

APPENDIX N

MITIGATION MONITORING AND REPORTING PLAN

	Method of Verification	Timing	Responsible Party
Air Quality			
MM 5.2-A.1. During all phases of project construction, the City of Newport Beach shall limit grading and earth moving to no more than five acres per day.	Field inspections.	During all construction.	Public Works Dept., Director or designee.
MM 5.2-A.2. During all phases of project construction, the City of Newport Beach shall ensure that the following methods to reduce fugitive dust emissions are undertaken: <ul style="list-style-type: none"> Exposed soil and sand surfaces shall be watered periodically to reduce dust. Reduce speed on unpaved roads to less than 15 miles per hour. 	Field inspections.	During all construction.	Public Works Dept., Director or designee.
MM 5.2-A.3. During Phase 3 project construction, the City of Newport Beach shall require tugboat(s) used in sand export activities to have a propulsion engine built after the year 2000 or meeting Year 2000 emission standards.	Field inspections.	During Phase 3 construction.	Public Works Dept., Director or designee.
MM 5.3-A.1. During Phase 3 construction, the City of Newport Beach shall ensure that placement of dredge material on or adjacent to ocean beaches does not occur between March 31 and June 30.	Field inspections.	During Phase 3 construction.	Public Works Dept., Director or designee.
MM 5.3-A.2. During Phase 3 construction, the City of Newport Beach shall require that sound abatement techniques be used to reduce noise and vibrations from pile-driving activities. At the initiation of each pile-driving event and after breaks of more than 15 minutes, the pile driving shall also employ a “soft-start” in which the hammer is operated at less than full capacity (i.e., approximately 40 to 60 percent energy levels) with no less than a 1-minute interval between each strike for a 5-minute period. A biological monitor shall be on-site to monitor effects on marine mammals, including flushing responses and symptoms of stress or damage. The biological monitor shall also note (surface scan only) whether marine mammals are present within 100 meters (333 ft) of the pile driving and, if any are observed, temporarily halt pile driving until the observed mammals move beyond this distance.	Field inspections.	During Phase 3 construction.	Public Works Dept., Director or designee.
MM 5.3-A.3. During Phase 3 construction, in the event of a construction vessel collision with a marine mammal, the City of Newport Beach shall immediately contact Mr. Joe Cordero, National Marine Fisheries Service Southwest Regional Office’s Stranding Coordinator 562 980-4017) and will submit a report to the NMFS Southwest Regional Office.	Field inspections.	During Phase 3 construction.	Public Works Dept., Director or designee.
MM 5.3-C.1. The City of Newport Beach shall mitigate the loss of 0.66 acres of sandy intertidal habitat at an acceptable location within Newport Bay, or at another southern California embayment, or by means of an in-lieu fee agreement. Mitigation will be based upon a ratio determined by the City of Newport Beach. An in-lieu fee agreement option for contributing to a permitted or nearly-permitted mitigation project option shall also be simultaneously pursued. A conceptual and final intertidal habitat mitigation plan shall be	Plan check.	Prior to Phase 3 construction.	Public Works Dept., Director or designee, and/or Planning Department, Director or designee.

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<p>developed that further refines habitat losses, identifies mitigation goals, mitigation success criteria, costs, location, mitigation requirements, mitigation methods, monitoring, and mitigation success criteria. The mitigation plan will be included in the USACE and the California Coastal Commission (CCC) permit conditions.</p> <p>In accordance with Public Resources Code 21081.6, a mitigation monitoring plan must be developed to monitor the success of the habitat replacement.</p>			
<p>MM 5.3-E.1. During all phases of construction, the City of Newport beach shall ensure that removal of vegetation or other potential migratory nesting-bird habitat will be conducted outside of the avian nesting season (February through August). If removal of vegetation occurs during the avian nesting season, a preconstruction nesting bird survey shall be conducted no more than 7 days prior to this activity. If migratory birds are found to be nesting within or near the impact area, a buffer where no construction activities would occur would need to be established by a qualified biologist. This biologist would also determine when the nest is no longer active, at which time construction could resume.</p>	Field inspections.	During all construction.	Public Works Dept., Director or designee.
Cultural Resources			
<p>MM 5.4-B.1. If archeological artifacts are encountered during construction, the City of Newport Beach shall contact a Native American representative (as appropriate) and take measures to avoid the site, or shall record the site then cap or cover the site with a layer of soil before building over it. Alternatively, the City shall excavate the site under the supervision of a qualified archeologist in order to recover the scientifically consequential information relevant to the resource.</p>	Field inspections	During all construction.	Public Works Dept. and Planning Dept. ,Director or designee.
<p>MM 5.4-C.1. During Phase 3 construction, a qualified paleontologist shall be retained to observe grading activities and conduct salvage excavation of paleontological resources as necessary. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resources surveillance, and shall establish, in cooperation with the City, procedures for temporarily halting or redirecting work to permit the sampling, identification and evaluation of the fossils as appropriate. If additional or unexpected paleontological features are discovered, the paleontologist shall report such findings to the City Planning Department. If the paleontological resources are found to be significant, the paleontological observer shall determine appropriate actions, in cooperation with the City, for exploration and/or salvage. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Planning Director.</p>	Field inspections	During Phase 3 construction.	Public Works Dept., Director or designee.
Geology and Soils			
<p>MM 5.5-A.1. Prior to the issuance of a grading permit for Phase 3, the City of Newport beach shall prepare a building foundation design to reduce the impacts of potential liquefaction and settlement. The foundation design shall conform to the recommendation of the geotechnical report prepared for the project, which include:</p> <p><i>Site Preparation</i> – excavation of minimum of 12 inches and recompaction to provide recommended subgrade density; all activities to be observed by a geotechnical engineer.</p>	Plan check for Phase 3.	Prior to issuance of grading permits.	Public Works Dept./Building Dept., Director or designee.

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<p><i>Foundation</i> -- mat foundation for restroom facilities and small buildings and either a deep foundation system such as driven piles or stone columns with mat foundations for the Balboa Center. The specific foundation design for each proposed structure would require approval by the City of Newport Beach Building Department.</p> <p><i>Marina</i> – design specifications and construction techniques are recommended in the geotechnical report and shall be adhered to.</p>			
Hazards and Hazardous Materials			
<p>MM 5.6-A.1. Prior to demolition activities in Phase 1, the City of Newport Beach shall determine, through sampling and testing by a licensed laboratory, whether asbestos or lead-based paint materials, or PCBs are present within the existing onsite structures. If these materials are present, the City of Newport Beach shall require that these materials be handled in accordance with all applicable laws and regulations, and shall dispose of these materials in a landfill that accepts asbestos, PCB-containing materials, and lead-based paint.</p>	Field inspections and testing.	Prior to demolition activities in each Phase.	Public Works Dept., Director or designee.
Hydrology			
<p>MM 5.7-A.1. Prior to construction of each phase, the City of Newport Beach shall prepare a stormwater pollution prevention plan (SWPPP) for construction activities that describes best management practices (BMPs) to reduce the release of potential pollutants into surface water. The plan shall also identify how the BMPs will be implemented. The SWPPP shall include, but not be limited to, the following BMPs:</p> <ul style="list-style-type: none"> • <i>Dust Control:</i> Water will be sprayed periodically in newly graded areas to prevent dust from grading activities being blown on to adjacent areas (in conformance with Newport Beach Ordinance limiting water use). • <i>Construction Staging:</i> Specific areas will be delineated for storage of material and equipment, and for equipment maintenance, to contain potential spills. • <i>Sediment Control:</i> Sand bags or silt fences will be located along the perimeter of the site. Existing inlets and proposed area drains will be protected against intrusion of sediment. • <i>Tracking:</i> Tracking of sand and mud on the local street will be avoided by tire washing and/or road stabilization. Street cleaning (using a sweeper, no wash down activities are permitted) will be done if tracking occurs. • <i>Waste Disposal:</i> Specific area and/or methods will be selected for waste disposal. Typical construction waste include concrete, concrete washout, mortar, plaster, asphalt, paint, metal, isolation material, plants, wood products and other construction material. Solid waste will be disposed of in approved trash receptacles at specific locations. Washing of concrete trucks will be done in a contained area allowing proper cleanup. (Wash water would be discharged into sanitary sewer [as permitted], Baker Tank or settling basin.) Other liquid waste will not be allowed to percolate into the ground. • <i>Construction dewatering:</i> Construction dewatering, if required, will necessitate approval of permits by the California Regional Water Quality Control Board and the City. • <i>Maintenance:</i> Maintenance of BMPs will take place before and after rainfall events to insure proper operation. • <i>Training:</i> The SWPPP will include directions for staff training 	Field inspections.	Prior to construction activities in each Phase.	Public Works Dept., Director or designee.

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<p>and checklists for scheduled inspections.</p> <ul style="list-style-type: none"> • <i>Construction Vehicles:</i> Construction vehicles will be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles will be serviced outside of the project site area. • <i>Turbidity:</i> Activities shall not cause turbidity increases in bay waters that exceed: a) 20 percent if background turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs); b) 10 percent if background is between 50 and 100 NTUs; c) 10 percent if background turbidity is greater than 100 NTUs. Monitoring of turbidity in bay water adjacent to boat slip construction will be conducted daily during construction activities that may cause turbidity. If activities exceed the above criteria, construction activities associated with causing turbidity will be discontinued until the above criteria is met. • <i>Grease:</i> Construction activities will not cause visible oil, grease, or foam in the work area or in the bay. • <i>Silt curtains:</i> Silt curtains will be placed within the bay so that all effluent from dredging activities will be contained within the construction zone. • <i>Hauling Trucks:</i> The project construction contractors will ensure that trucks hauling soil material to and from the project site will be covered and will maintain a 2-inch differential between the maximum height of any hauled material and the top of the haul trailer. Haul truck drivers will water the load prior to leaving the site in order to prevent soil loss during transport. • <i>Heavy Equipment:</i> Limit heavy equipment use on the beach, as feasible, to areas away from the high-tide line during construction. • <i>Hydrogen Sulfide:</i> Provisions shall be made, as necessary, for the treatment of hydrogen sulfide to comply with water quality standards and to control odors from the dewatering process. • <i>Dredged Material:</i> The scow doors used to release dredged material remain closed until the scows are towed to the disposal site. 			
<p>5.7-A.2. As part of marina construction in Phase 3, the City of Newport Beach shall include mechanical devices within the marina basin design to enhance the movement and mixing of water within the basin. The use of mechanical devices shall meet the EPA guidelines for adequate tidal flushing (at least 70 percent exchange every 24 hours). One option could be the use of ovoids (propeller-type devices) that have been modeled, but the selection of the system to be installed shall be coordinated with and approved by US EPA, the Santa Ana RWQCB, and NOAA Fisheries.</p>	Plan check for Phase 3.	Prior to issuance of permits for Phase 3 marina.	Public Works Dept., Director or designee.
Noise			
<p>5.9-D.1. During all phases of construction, the City of Newport Beach shall ensure that all construction equipment on-site is properly maintained and tuned to minimize noise emissions and that construction equipment is fit with properly operating mufflers, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.</p>	Field inspections	During all construction.	Public Works Dept., Director or designee.
<p>5.9-D.2. During Phase 3 construction, the City of Newport Beach shall ensure that noise abatement technology is used (e.g., shrouds and barriers) to minimize the sound from pile drivers; no pile driving shall take place outside the hours specified for</p>	Field inspections	During Phase 3 pile driving.	Public Works Dept., Director or designee.

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construction activities in the City of Newport Beach Municipal Code, Section 10.28.040.			
5.9-D.3. During all phases of construction, the City of Newport Beach shall ensure that all stationary noise sources (e.g., generators, compressors, staging areas) are located as far from residential and recreational receptors as is feasible.	Field inspections.	During all construction.	Public Works Dept., Director or designee.
5.9-D.4. During all phases of construction, material delivery, soil haul trucks, equipment servicing, and construction activities shall be restricted to the hours set forth in the City of Newport Beach Municipal Code, Section 10.28.040.	Field inspections.	During all construction.	Public Works Dept., Director or designee.