

# BIG CANYON COASTAL HABITAT RESTORATION AND ADAPTATION PROJECT – PHASE 2A

Mitigation Monitoring and Reporting Program

Prepared for  
City of Newport Beach  
Public Works Department

October 2018





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# Introduction

The following is a Mitigation Monitoring and Reporting Program (MMRP) for the Big Canyon Coastal Habitat Restoration and Adaptation Project – Phase 2A, which has been prepared pursuant to Section 15097 of the CEQA Guidelines and Section 21081.6 of the Public Resources Code. This MMRP lists all applicable mitigation measures from the Initial Study and Mitigated Negative Declaration (IS/MND). The appropriate timing of implementation and responsible party are identified to ensure proper enforcement of the mitigation measures from the IS/MND to reduce project impacts to less than significant levels.

## Project Description

The proposed project is located within the City of Newport Beach, on a site in the eastern portion of the 60-acre Big Canyon Nature Park. The proposed project encompasses 11.32 acres and includes the following: (1) restore historic riparian habitat by removing non-native vegetation and replanting native species, (2) create a mosaic of native and sustainable habitats, (3) stabilize the creek and floodplain with erosion control measures, and (4) enhance public access within the Big Canyon Nature Park by improving existing trails and closing illegal trails. The project also includes maintenance of the restored habitat area and erosion quality measures to ensure that the plants are established and erosion features function as designed.

## Mitigation Monitoring and Reporting Program

The following table will be used by the City of Newport Beach and the Newport Bay Conservancy to enforce mitigation measures during each phase of the project pursuant to Section 15097 of the State CEQA Statutes and Guidelines and Public Resources Code Section 21081.6. The City of Newport Beach and the Newport Bay Conservancy will be responsible for the implementation for all the mitigation measures listed in Table 1 below and shall maintain monitoring documentation on each measure within the City of Newport Beach files at the addressed listed below. The entity responsible for monitoring will change based on the specific requirements identified in each mitigation measure. The timing of the implementation is also listed. When compliance with a mitigation measure for each project phase has been demonstrated, documentation on the verification date column is provided and monitoring of the measure will be deemed to be satisfied. No further monitoring will be required for the completed mitigation measure. For measures that require monitoring during operation of the project, annual documentation on the verification date column or a separate letter/memorandum shall be provided in the monitoring file that is kept at the City of Newport Beach.

The Mitigation Monitoring and Reporting Program will be kept on file at the following address:

City of Newport Beach, Public Works Department  
100 Civic Center Drive  
Newport Beach, CA 92660

**TABLE 1**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timing for Implementation	Responsible Party	Verification Date
<b>Biological Resources (BIO)</b>			
<p><b>BIO-1: Special-Status Plants</b> Special-Status Plants. Impacts to special-status plants would be avoided by implementing the following:</p> <ol style="list-style-type: none"> <li>Within two weeks prior to construction activities, preconstruction surveys shall be conducted by a qualified Project Biologist to confirm presence/absence of special-status plant species within the project site. The locations of any special-status plant species identified during the pre-construction botanical survey, including those with a CRPR of 1, 2, or 3 shall be flagged (or otherwise delineated and marked) by a biologist and shall be avoided. To verify avoidance during construction, a qualified biologist shall be onsite during any ground disturbing activities within 10 feet of a special-status plant species population.</li> <li>If special-status plant species are observed during the preconstruction surveys within the portion of the project site proposed for restoration and if avoidance of the special-status plant species is not feasible, coordination with USFWS and/or CDFW will be required to confirm suitable mitigation prior to ground-disturbing activities. The mitigation strategy may include on-site or off-site restoration, translocation, and/or seed collection, and shall be outlined in a restoration/revegetation plan to be approved by USFWS and/or CDFW. At a minimum, the plan shall include a description of the existing conditions, site selection criteria, site preparation and planting methods, maintenance and monitoring schedule, performance standards, adaptive management strategies, and identification of responsible parties.</li> </ol>	Prior to construction	Newport Bay Conservancy and City of Newport Beach	
<p><b>BIO-2: Nesting Birds.</b> Impacts to nesting birds would be avoided by conducting all grading and construction activities outside of the bird breeding season (February 15 to August 31; January 15 to August 31 for raptors). If breeding season cannot be avoided, the following measures would be followed.</p> <ol style="list-style-type: none"> <li>During the avian breeding season, a qualified Project Biologist shall conduct a preconstruction avian nesting survey no more than 3 days prior to vegetation disturbance or site clearing. If grading or other construction activity begins in the non-breeding season and proceeds continuously into the breeding season, no surveys shall be required. However, if there is a break of 3 days or more in grading or construction activities during the breeding season, a new nesting bird survey shall be conducted before these activities begin again.</li> <li>The nest survey shall cover all reasonably potential nesting locations on and within 300 feet of the proposed areas where construction activities will occur.</li> <li>If an active nest is found during an avian nest survey, a qualified Project Biologist shall implement a 300-foot minimum avoidance buffer for special-status species</li> </ol>	<p>Prior to construction</p> <p>Grading and construction activities should be conducted September 1–February 14 (outside of bird breeding season) to avoid impacts to nesting birds.</p> <p>If unavoidable, preconstruction survey shall be conducted no more than 3 days prior to vegetation disturbance or site clearing.</p>	Newport Bay Conservancy and City of Newport Beach	

Mitigation Measure	Timing for Implementation	Responsible Party	Verification Date
(e.g., coastal California gnatcatcher, least Bell's vireo); a 500-foot minimum avoidance buffer for all raptor species; and 300-foot minimum avoidance buffer (or other buffer as determined appropriate by the Project Biologist) for other passerine birds. Buffer distances for other species will be determined by the Project Biologist based on the species and its breeding or nesting requirements. The nest site area shall not be disturbed until the nest becomes inactive or the young have fledged.			
<p><b>BIO-3: Special-Status Bats.</b> Impacts to special-status bat species would be avoided by conducting all grading and construction activities outside of the maternity roosting season (mid-March through August). If maternity roosting season cannot be avoided, the following measures would be followed.</p> <ol style="list-style-type: none"> <li>If grading/construction activities must occur during the maternity season, a qualified biologist shall conduct a pre-construction survey to identify potential active roosts. The pre-construction survey shall occur the night before grading/construction activities to observe if any bats are exiting suitable habitat within 100 feet of the proposed work area. The pre-construction survey will be conducted at sunset for 90 minutes by a qualified biologist with the use of a thermal imaging camera to observe and record any bats. If no bats are observed, work may proceed in the proposed work area the following day and will remain cleared for the duration of the work activity. If active roosts are observed, no grading/construction activities may take place in the proposed work area the following day and not until it can be verified with thermal imaging that bats have left the area or the maternity roosting season is over.</li> <li>Additional pre-construction surveys will be required in new work areas located more than 100 feet away from the previously surveyed work area.</li> </ol>	<p>Prior to construction</p> <p>Grading and construction activities should be conducted Mid-March – August (outside of maternity roosting season) to avoid impacts to special-status bats.</p> <p>If unavoidable, preconstruction survey shall be conducted no more the night before grading/construction activities</p>	Newport Bay Conservancy and City of Newport Beach	
<b>Cultural Resources (CR)</b>			
<p><b>CR-1: Archaeological Monitoring.</b> An archaeological monitor (working under the direct supervision of a Secretary of the Interior-qualified archaeologist [USDl, 2008]) shall be retained to observe all ground-disturbing activities, including but not limited to brush clearance, vegetation removal, grubbing, grading, and excavation. Prior to start of ground-disturbing activities, the archaeologist shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. The City shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.</p> <p>Archaeological monitoring shall be conducted by an archaeologist familiar with the types of archaeological resources that could be encountered within the project site. The</p>	<p>Prior to construction;</p> <p>During construction;</p>	Newport Bay Conservancy and City of Newport Beach	



Mitigation Measure	Timing for Implementation	Responsible Party	Verification Date
<p>qualified archaeologist, in coordination with the City, may reduce or discontinue monitoring if it is determined that the possibility of encountering buried archaeological deposits is low based on observations of soil stratigraphy or other factors. The archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of a discovery until the qualified archaeologist has evaluated the discovery and determined appropriate treatment. 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 monitoring report that details the results of monitoring. The report shall be submitted to the City, the Corps, and any Native American groups who request a copy.</p> <p>A copy of the final report shall be filed at the SCCIC.</p> <p>If archaeological resources are encountered during monitoring, and if it is determined that the discovered archaeological resource constitutes a historic property under Section 106 of the National Historic Preservation Act (NHPA) or a historical resource under CEQA, avoidance and preservation in place is the preferred manner of treatment. Preservation in place maintains the important relationship between artifacts and their archaeological context and also serves to avoid conflict with traditional and religious values of groups who may ascribe meaning to the resource. Preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place is demonstrated to be infeasible and data recovery through excavation is the only feasible mitigation available, a Cultural Resources Treatment Plan would be prepared and implemented by a qualified archaeologist in consultation with the Corps and the City. The plan will provide for the adequate recovery of the scientifically consequential information contained in the archaeological resource. The Corps and the City shall be required to consult with appropriate Native American representatives in determining treatment for prehistoric or Native American resources to ensure cultural values ascribed to the resource, beyond that which is scientifically important, are considered.</p>			
<p><b>CR-2: Native American Monitoring.</b> The City shall retain a Native American monitor to observe all ground-disturbing activities, including but not limited to brush clearance, vegetation removal, grubbing, grading, and excavation. The Native American monitor shall be selected from amongst the Native American groups identified by the NAHC as having affiliation with the project area. The Native American representative shall be allowed to participate in the cultural resources sensitivity training, discusses in Mitigation Measure CR-1, and all authorities ascribed to the archaeological monitor, including the authority to stop work in the event of the discovery of cultural resources, shall also apply to the Native American monitor. In the event that archaeological</p>	Prior and during construction	Newport Bay Conservancy and City of Newport Beach	

Mitigation Measure	Timing for Implementation	Responsible Party	Verification Date
materials are encountered, the Native American monitor shall participate in any discussions involving treatment and subsequent mitigation.			
<p><b>CR-3: Paleontological Monitoring.</b> A qualified paleontologist meeting the Society for Vertebrate Paleontology (SVP) guidelines for professional paleontologist (SVP, 2010) shall be retained to oversee all mitigation measures related to paleontological resources. That said, both the paleontological and archaeological monitoring could be carried out by the same person, presuming the monitor is qualified in both disciplines. During ground disturbing activity, the qualified paleontologist or paleontological monitor shall conduct spot-checks of exposed sediments. The purpose would be to determine whether the project would impact the paleontologically sensitive Monterey Formation. The qualified paleontologist may institute paleontological monitoring if, based on observations of subsurface stratigraphy or other factors, he or she determines that the possibility of encountering fossiliferous deposits is high. Paleontological monitoring would be conducted by a paleontological monitor working under the supervision of the qualified paleontologist. In the event that monitoring is required, the monitor shall have the authority to temporarily halt or divert work away from exposed fossils in order to recover the fossil specimens and shall complete daily monitoring logs outlining the day's activities. The qualified paleontologist shall prepare a final monitoring report to be submitted to the City and filed with the local repository, along with any fossils recovered during construction.</p> <p>The qualified paleontologist shall also contribute to any construction worker cultural resources sensitivity training (see Mitigation Measure CR-1) either in person or via a training module provided to the qualified archaeologist. The training shall include information of the types of paleontological resources that may be encountered, and the proper procedures to be enacted in the event of an inadvertent discovery of paleontological resources.</p> <p>In the event of unanticipated discovery of paleontological resources, the City shall cease ground-disturbing activities within 100 feet of the find until it can be assessed by the qualified paleontologist. The qualified paleontologist shall assess the find, implement recovery measures if necessary, and determine if paleontological monitoring is warranted once work resumes.</p>	During construction	Newport Bay Conservancy and City of Newport Beach	
<b>Noise (NOI)</b>			
<b>NOI-1:</b> The construction contractor shall ensure proper maintenance and working order of equipment and vehicles and that all construction equipment is equipped with manufacturers approved mufflers and baffles.	During construction	Construction Contractor, Newport Bay Conservancy and City of Newport Beach	
<b>NOI-2:</b> The construction contractor(s) shall endeavor to use quieter equipment as opposed to noisier equipment (such as rubber-tired equipment rather than track equipment), when feasible. Noisy equipment shall be switched off when not in use.	During construction	Construction Contractor, Newport Bay Conservancy and City of Newport Beach	

Mitigation Measure	Timing for Implementation	Responsible Party	Verification Date
<b>NOI-3:</b> Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels, to the extent feasible.	During construction	Construction Contractor, Newport Bay Conservancy and City of Newport Beach	
<b>NOI-4:</b> The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.	During construction	Construction Contractor, Newport Bay Conservancy and City of Newport Beach	