

## Appendix D

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### Mitigation Monitoring and Reporting Program

## MITIGATION MONITORING AND REPORTING PROGRAM

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EVMWD has prepared an IS/MND in conformance with CEQA Guidelines, Section 15070(b). The purpose of the MND and the Initial Study Checklist (i.e., the IS/MND) is to identify potentially significant impacts associated with the proposed project and incorporate mitigation measures into the project as necessary to eliminate the potentially significant effects of the project or to reduce the effects to a level of insignificance. The CEQA Guidelines, Section 15074(d), requires that a lead or responsible agency adopt a mitigation monitoring plan when approving or carrying out a project when an IS/MND identifies measures to reduce potential adverse environmental impacts. As lead agency for the project, the EVMWD is responsible for adoption and implementation of the mitigation monitoring and reporting program (MMRP). The intent of the MMRP is to ensure the effective implementation and enforcement of all adopted mitigation measures. The MMRP for the proposed project is shown below in Table 1. The MMRP identifies the project's mitigation measures, the party that is responsible for implementing each measure, the party that monitors implementation of each measure, and the stage of the project at which the measure would be implemented.

**Table 1**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Responsible Party	Monitoring Party	Implementation Stage
<i>Biological Resources</i>			
<b>MM-BIO-1:</b> <u>Avoidance of Nesting Birds and Raptors.</u> If initial ground-disturbing and vegetation removal activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird breeding season for migratory birds and raptors (January 15 through September 15), the project applicant shall retain a qualified biologist to perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the Migratory Bird Treaty Act and California Fish and Game Code. The pre-construction survey shall be performed no more than seven days prior to the commencement of the activities. If the qualified biologist determines that no active migratory bird or raptor nests occur within 300 feet of the impact site (500 feet for raptors), the activities shall be allowed to proceed without further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no impacts shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, or until noise barriers have been installed that adequately protect the nest, as determined by the qualified biologist.	Contractor; Biologist	EVMWD	Prior to ground-disturbing activities, if occurring during the bird breeding/nesting season
<b>MM-BIO-2:</b> <u>Construction Fencing.</u> Temporary construction fencing (with silt barriers) shall be installed at the limits of project impacts (including construction staging areas and access routes) adjacent to sensitive habitat to prevent sensitive habitat impacts and to prevent the spread of silt from the construction zone into adjacent habitats. Temporary fencing shall be located on the western and southern boundaries of the impact area where they interface with the Lake Elsinore Outlet Channel and Lake Elsinore shoreline. Fencing shall be installed in a manner that does not impact habitats to be avoided.	Contractor	EVMWD; Biologist	Prior to construction

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<i>Biological Resources</i>			
<p>Construction crews shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent runoff from entering adjacent habitat and shall be shown on the construction plans. Contractor equipment shall be checked for leaks prior to operation and repair, as necessary. "No-fueling zones" shall be designated on construction plans.</p> <p>If work occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the Elsinore Valley Municipal Water District (EVMWD). Impacts that occur to sensitive areas beyond the approved fence shall be mitigated as determined by EVMWD in coordination with the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife. Temporary construction fencing shall be removed upon project completion.</p>			
<p><b>MM-BIO-3:</b> <u>Downstream Riparian Monitoring</u>. In order to verify the persistence of habitat downstream of the existing flood control channel, EVMWD shall retain a qualified biologist to monitor the downstream area annually for a period of five years to confirm that it can persist without the effluent flow and no significant impact has occurred. The area monitored shall consist of the area within the outer banks of the drainage or the dripline of the riparian canopy, whichever is greater. The monitoring shall include baseline measurements of the stand's pre-project condition, which shall then be repeated at the same time each year for</p>	EVMWD	EVMWD; Biologist	Prior to operation and then once a year for a period of five years

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<i>Biological Resources</i>			
<p>five years after the diversion of the effluent. To the extent possible, the baseline measurements shall be completed and documented no more than 90 days prior to diversion of the effluent. The area downstream of the new effluent discharge location shall also be monitored on the same schedule and collecting the same data as the habitat downstream of the existing flood control channel.</p> <p>Data collected each year shall include visual estimates of the habitat area (acres, currently estimated at 0.4 acre); species composition (woody plants only); and structural composition (percent cover of herbs, shrubs, and trees) of the downstream habitat and the new effluent discharge path. Photos shall be taken from fixed locations to document current conditions. Significant lake level fluctuations, wind storms, drought, flood, fire, and other external and environmental influences unrelated to the removal of effluent shall also be recorded, and the project shall not be held responsible for changes caused by any of these factors. Monitoring results and recommendations shall be documented in a brief report, which shall be submitted to the USFWS and CDFW each year, in combination with the monitoring results of the habitat enhancement addressed in mitigation measure BIO-5.</p> <p>Pursuant to guidance provided by the USFWS and CDFW in project correspondence, the threshold triggering a potential significant impact warranting consultation and additional compensatory mitigation shall be a 40 percent or greater decrease of native cover in any of the three strata (herb, shrub, and tree), or the disappearance of one or more native woody plant genus that was recorded in the pre-project condition.</p>			

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<i>Biological Resources</i>			
If the monitoring results indicate a significant impact after five years, then EVMWD shall consult with the USFWS and CDFW to confirm the need for any additional compensatory mitigation requirements. At a minimum, the additional mitigation shall include one or a combination of on- and/or off-site habitat establishment/re-establishment, restoration, enhancement, and/or preservation, at a minimum 1:1 ratio, in-kind or with like-functioning habitat, or as otherwise determined in consultation with the USFWS and CDFW. Documented gains in riparian canopy, structure, or native woody plant genera downstream (i.e., on the receiving end) of the new discharge location (besides the 0.06 acre of enhancement discussed in mitigation measure Bio-5) could be used to offset decreases in the downstream habitat, in which case no additional mitigation would be required.			
<b>MM-BIO-4:</b> <u>Seeding Temporary Impact Area.</u> Upon completion of the construction phase of the proposed project, the temporary impact area shall be seeded by hydroseeding or hand seeding the temporary impact area with a non-irrigated native seed mix, including but not limited to saltgrass ( <i>Distichlis spicata</i> var. <i>stricta</i> ), seep monkeyflower ( <i>Mimulus guttatus</i> ), and salt heliotrope ( <i>Heliotropium curassavicum</i> ). To the extent available, the seed mix shall also include sensitive native species that are endemic to the local area targeted for conservation, such as smooth tarplant ( <i>Centromadia pungens</i> ssp. <i>laevis</i> ).	Contractor	EVMWD	Upon completion of construction
<b>MM-BIO-5:</b> <u>Habitat Enhancement.</u> Permanent impacts to 0.02 acre of disturbed upland Riverine Areas shall be mitigated at a 3:1 ratio in the area of the new effluent discharge by enhancing at least 0.06 acre of habitat below the 1,265-foot elevation line. Habitat enhancement shall consist of increasing native plant species coverage and richness above the baseline condition, such that a biologically superior condition is established. Enhancement will include	EVMWD; Biologist	EVMWD; Biologist	Upon completion of construction for a period of five years

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<i>Biological Resources</i>			
<p>initial site preparation and non-native vegetation treatment followed by seeding with a non-irrigated native seed mix. To the extent available, the seed mix shall also include sensitive native species that are endemic to the local area targeted for conservation, such as smooth tarplant (<i>Centromadia pungens</i> ssp. <i>laevis</i>). Enhancement may also include installation of mule fat (<i>Baccharis salicifolia</i>) and/or willow (<i>Salix</i> sp.) cuttings within the newly-established drainage feature, in addition to non-native vegetation treatment and maintenance, on an as-needed basis and under the direction of a qualified biologist or restoration specialist, to encourage native species establishment and help prevent non-native species recruitment.</p> <p>Monitoring shall consist of annual, qualitative surveys to obtain visual estimates on native species coverage, non-native species coverage, and species richness in each tree, shrub, and herbaceous strata. General wildlife use shall also be noted and representative photographs will be taken from at least two pre-determined photo stations. Monitoring results and recommendations shall be documented in a brief report, which shall be submitted to the USFWS and CDFW each year, in combination with the monitoring results of the habitat downstream of the existing flood control channel addressed in mitigation measure Bio-3. If at least 0.06 acre of enhancement is not achieved, EVMWD may substitute off-site mitigation as determined in consultation with the USFWS and CDFW.</p>			

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<i>Cultural Resources</i>			
<p><b>MM-CUL-1:</b> <u>Cultural Resources Monitoring.</u> At least 30-days prior to ground disturbance, EVMWD will establish monitoring agreements with the consulting tribes to monitor all ground-disturbing activities in an effort to identify cultural deposits within the project site.</p> <ol style="list-style-type: none"> <li>1. EVMWD, in consultation with consulting tribes and the project construction supervisor, shall develop a Tribal Monitoring Plan to address the details, timing, and responsibility of all tribal monitoring activities that will occur on the project site. Details in the Plan shall include: <ol style="list-style-type: none"> <li>a. Project ground-disturbing activities and development scheduling;</li> <li>b. The development of a rotating or simultaneous schedule in coordination with EVMWD, the project supervisor, and the consulting tribe, for designated Native American Tribal Monitors from the consulting tribes during trenching, excavation, and ground-disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect ground-disturbing activities.</li> </ol> </li> <li>2. The project archaeologist and Native American Tribal Monitor(s) shall attend a pre-construction meeting with the ground-disturbing contractor to explain the requirements of the monitoring program and protocols for the treatment of cultural resources in the event that resources are encountered.</li> </ol>	EVMWD	EVMWD; Tribal Monitor; Archaeological Monitor	At least 30 days prior to ground disturbance.



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<i>Cultural Resources</i>			
3. A qualified archaeological monitor and Native American Tribal Monitor(s) shall be on site full time during trenching and other ground-disturbing activities. Both the archaeological monitor and the Native American Tribal Monitor(s) shall have the authority to temporarily halt or redirect ground-disturbing activities in the event that cultural material is encountered.			
<b>MM-CUL-2:</b> <u>Treatment and Disposition of Cultural Resources.</u> In the event that Native American cultural resources are encountered during the course of trenching and other ground disturbance for this project, the following procedures shall be carried out for treatment and disposition of the discoveries:  1. EVMWD shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and nonhuman remains as part of the required mitigation for impacts to cultural resources. EVMWD shall relinquish the artifacts through one or more of the following methods, to be agreed upon through discussion among EVMWD, the consulting tribes, and the project archaeologist: a. Preservation in place by accommodating the process for on-site reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed;	EVMWD; Archeologist; Contractor	EVMWD; Tribal Monitor	During ground-disturbance/construction

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<i>Cultural Resources</i>			
b. A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/ researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation. Curation may be at a tribal facility.			
<b>MM-CUL-3:</b> <u>Discovery of Paleontological Materials.</u> In the unlikely event that potentially significant paleontological materials (e.g., fossils) are encountered during construction of the project, all work shall be halted in the vicinity of the paleontological discovery until a qualified paleontologist can visit the site of discovery, assess the significance of the paleontological resource, and provide proper management recommendations. If the discovery proves to be significant, additional work, such as data recovery excavation, may be warranted. The treatment and disposition of paleontological materials that might be discovered during excavation shall be in accordance with applicable laws and regulations.	Paleontologist; Contractor	Paleontologist Monitor; EVMWD	During construction or site disturbance
<b>MM-CUL-4:</b> <u>Discovery of Human Remains.</u> In the event that human remains (or remains that may be human) are discovered at the project site during trenching or ground disturbance, the construction contractors, project archaeologist, and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. EVMWD shall then inform the Riverside County Coroner immediately, and 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	Contractor; Archaeological Monitor; Tribal Monitor; EVMWD	EVMWD; Archaeological Monitor; Tribal Monitor	During ground- disturbance

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<p>Native American. If human remains are determined as those of Native American origin, EVMWD 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) (MLD). 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 MLD to determine the most appropriate means of treating the human remains and any associated grave artifacts.</p> <p>The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The County Coroner will notify the NAHC in accordance with California Public Resources Code 5097.98.</p>			
<i>Hazardous Materials</i>			
<p><b>MM-HAZ-1:</b> <u>Potentially Hazardous Material.</u> To reduce potentially hazardous conditions and minimize impacts from the handling of potentially hazardous material, EVMWD shall include the following mitigation measures as requirements in the construction contract documents for this project.</p> <p>The contractor(s) shall:</p> <ul style="list-style-type: none"> <li>Monitor soil for the presence of discolored or odorous soil during excavation and construction activities. If impacted soil is encountered, the site shall be evaluated by a qualified hazardous material professional and handled in accordance with applicable environmental laws and regulations. During excavation and construction activities, environmental monitoring for the presence of</li> </ul>	Contractor	EVMWD; EVMWD Representative	During construction

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<i>Hazardous Materials</i>			
<p>contamination and impacted groundwater shall be conducted. Health and safety measures shall be followed to minimize the risk of human exposure to contaminants during excavation and construction activities. Additionally, impacted soil shall be exported to an approved off-site disposal or recycling facility. However, if impacted soil is encountered and planned to be used as backfill, such a scenario must be evaluated by a local regulatory agency such as the RWQCB. The stockpiling and reuse of impacted soil would likely be subject to Waste Discharge Requirements mandated by the RWQCB. If construction of the project requires export of excavated soil, the construction contractor shall be required to screen the soil for potential contaminants prior to removal from the site. All contractors and workers shall be made aware of the presence or likely presence of hazardous material along the proposed alignment.</p> <ul style="list-style-type: none"> <li>• Prepare a <i>Health and Safety Plan</i> in compliance with the requirements of Chapter 6.95, Division 20 of the Health and Safety Code (§§ 25500 – 25532). The plan shall include measures to be taken in the event of an accidental spill.</li> <li>• Enforce strict on-site handling rules to keep construction and maintenance materials out of receiving waters and storm drains. In addition, the contractor(s) shall store all reserve fuel supplies only within the confines of a designated construction staging area, and regularly inspect all construction equipment for leaks.</li> </ul>			

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<b>Mitigation Measure</b>	<b>Responsible Party</b>	<b>Monitoring Party</b>	<b>Implementation Stage</b>
<i>Hazardous Materials</i>			
<ul style="list-style-type: none"><li>Design the construction staging area to contain contaminants such as oil, grease, and fuel products so that they do not drain towards receiving waters (e.g., Lake Elsinore) or storm drain inlets. Additionally, the construction staging area shall be located within the temporary construction fencing limits.</li></ul>			