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Mitigation Monitoring and Reporting Program

# **Demolition of the Flint Center, Utilities, and Associated Work Project**

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*Prepared for:*

**FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT**

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# 1 Introduction

The California Environmental Quality Act (CEQA) requires adoption of feasible mitigation measures to reduce the severity and magnitude of significant environmental impacts associated with project development. The Mitigated Negative Declaration (MND) prepared for the proposed Demolition of the Flint Center, Utilities, and Associated Work Project (project) includes mitigation measures to reduce the potential environmental effects of the proposed project.

CEQA also requires reporting on and monitoring of mitigation measures adopted as part of the environmental review process (Public Resources Code Section 21081.6). This Mitigation Monitoring and Reporting Program (MMRP) will be used by the Foothill-De Anza Community College District (District) staff to ensure compliance with all mitigation measures identified in the Demolition of the Flint Center, Utilities, and Associated Work Project MND is achieved during project implementation.

The mitigation measures in this MMRP are assigned the same number they had in the Initial Study/MND. The MMRP is presented in table format and describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

# 2 Mitigation Monitoring and Reporting Program Description

The District will coordinate monitoring activities and document the implementation of mitigation measures for the project. Table 1 lists each mitigation measure as identified in the EIR and the associated implementation, monitoring/reporting, timing and performance requirements. The table includes:

1. the full text of each mitigation measure;
2. the party or parties responsible for implementation and monitoring of each measure and any reporting requirements;
3. the timing of implementation of each measure, including any ongoing monitoring and/or reporting requirements; and
4. performance criteria by which to ensure requirements have been met.

Following completion of the monitoring and reporting process, the final monitoring results will be recorded and incorporated into the project file maintained by the District .

As demonstrated in the MND, no mitigation measures are required for the following resources

- Aesthetics
- Agriculture and Forestry Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

**Table 1. Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Criteria
<b>Air Quality</b>				
<i>Impact Being Addressed: <u>Impact 3.3-b</u>: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?</i>				
<b>MM AIR-1 Implement Air Quality BMPs</b> The Foothill De Anza Community College District will require that the project contractor implement the following BMPs through contractual agreements: <ul style="list-style-type: none"> <li>• BMP-1. All exposed surfaces (e.g., parking/staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> </ul>	District and construction contractor	District	<u><b>Prior to construction</b></u> <ul style="list-style-type: none"> <li>• Ensure that all contracts and site plans include notes requiring implementation of the identified BMPs</li> </ul> <u><b>During construction</b></u> <ul style="list-style-type: none"> <li>• Throughout all project activities, ensure that appropriate measures are in place to ensure each BMP is implemented</li> </ul>	BMPs identified in MM AIR-1 are implemented throughout all project activities such that fugitive dust emissions are minimal, equipment does not idle more than 5 minutes, and equipment is

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<ul style="list-style-type: none"> <li>• BMP-2. All haul trucks transporting soil, sand, or other loose material off site shall be covered.</li> <li>• BMP-3. All visible mud or dirt track-out onto local roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>• BMP-4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</li> <li>• BMP-5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>• BMP-6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>• BMP-7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All</li> </ul>			<ul style="list-style-type: none"> <li>• Throughout all project activities, undertake occasional site inspections and photographic documentation to verify BMP implementation</li> </ul>	properly maintained

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<p>equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <ul style="list-style-type: none"> <li>BMP-8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD’s phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul>				
<b>Biological Resources</b>				
<p><i>Impact Being Addressed:</i> <u>Impact 3.4-a:</u> Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p>				
<p><b>MM BIO-1 Pre-construction Surveys for Nesting Birds</b>                      If project construction activities are scheduled to occur during the nesting season (February 1 to August 31), a pre-construction nesting bird survey should be conducted by a qualified biologist within 7 days prior to construction activities to determine if any native birds are nesting on or near the project site (including a 250-foot buffer for raptors). If any active nests are observed during surveys, a suitable avoidance buffer will be determined by the qualified biologist based on species, location, and planned construction activity. These nests shall be avoided until the chicks have fledged and the nests are no longer active as determined by the qualified biologist.</p>	<p>District, project biologist, and construction contractor</p>	<p>District</p>	<p><b><u>Prior to construction</u></b></p> <ul style="list-style-type: none"> <li>Nesting bird survey completed within two days of start of construction</li> <li>Avoidance buffer from any active nests established and flagging, fencing, or other appropriate barriers installed</li> </ul> <p><b><u>During construction</u></b></p> <ul style="list-style-type: none"> <li>Nesting bird survey repeated if construction pauses for more than 7 days</li> </ul>	<p>Impacts to nesting birds are avoided</p>

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			<ul style="list-style-type: none"> <li>Avoidance buffer barriers are maintained until removal is approved by the project biologist</li> </ul>	
<p><b>MM BIO-2 Pre-construction Surveys for Roosting Bats</b>                      No sooner than 30 days prior to building demolition, a pre-construction roosting bat survey shall be performed by a qualified biologist (i.e., a biologist with several years' experience performing roosting bat surveys, capable of identifying signs of roosting such as urine stains and guano piles) to determine if roosting bats or maternity colonies exist in any of the structures within the project area. If any active roosts are observed, consultation with the California Department of Fish and Wildlife (CDFW) shall be sought to potentially develop an exclusion plan under the direction of CDFW. If maternity roosts are observed, demolition shall be postponed until the maternity colonies have dispersed, usually between late August and the end of September. Project activities shall be confined to daylight hours to prevent impacts to foraging bats.</p>	District, project biologist, and construction contractor	District	<p><b><u>Prior to construction</u></b></p> <ul style="list-style-type: none"> <li>Roosting bat survey is conducted no sooner than 30 days prior to building demolition</li> <li>If roosting bats are present, exclusion measures are used under the direction of CDFW</li> <li>If maternity roosts are present, demolition is postponed until the roost has dispersed</li> </ul> <p><b><u>During construction</u></b></p> <ul style="list-style-type: none"> <li>Project activities occur in daylight hours</li> </ul>	Impacts to roosting and foraging bats are avoided
<b>Cultural Resources</b>				
<i>Impact Being Addressed: <u>Impact 3.5-b:</u> Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</i>				
<p><b>Mitigation Measure CR-1 Archaeological Inadvertent Discoveries.</b>                      If potential archaeological resources are discovered during construction activities, all work shall cease within 100 feet of the find (based on the apparent distribution of cultural resources). Examples of</p>	District, Construction Contractor, and Qualified Cultural Resources	District	<p><b><u>Prior to construction</u></b></p> <ul style="list-style-type: none"> <li>Requirements of this measure are noted in construction contracts and plans</li> </ul> <p><b><u>During construction</u></b></p>	Potential archaeological resources uncovered during construction are evaluated and adverse effects to

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<p>potential archaeological resources include midden soil, artifacts, chipped stone, exotic (non-native) rock, or unusual amounts of baked clay, shell, or bone.</p> <p>A qualified cultural resources specialist will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. FHDA shall also provide the opportunity for a Native American Representative from the traditionally and culturally affiliated Native American Tribe(s) to assess the find and make recommendations for further evaluation and treatment. Culturally appropriate treatment that preserves or restores the cultural character and integrity of an archaeological resource may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, construction monitoring of further construction activities by Tribal representatives of the traditionally and culturally affiliated Native American Tribe, and/or returning objects to a location within the project area where they will not be subject to future impacts.</p> <p>Following a review of the find and consultation with appropriate experts, the authority to proceed may be accompanied by the addition of development requirements which provide for protection of the site and/or additional measures necessary to address the unique or sensitive nature of the site. The treatment recommendations made by the cultural resource specialist and the Native American Representative (if one assesses the find), including any recommendations that are not implemented, shall be</p>	<p>Specialist, if necessary</p>		<ul style="list-style-type: none"> <li>• Work is halted within 100 feet of any potential archaeological resources encountered during construction</li> <li>• A qualified cultural resources specialist assesses any potential archaeological resources encountered</li> <li>• District provides opportunity for Native American Representative to review potential archaeological resources</li> <li>• Measures for further evaluation and treatment recommended by the qualified cultural resources specialist, and/or Native American representative are implemented</li> </ul>	<p>significant such resources are avoided.</p>



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documented and explained in the project record. Work in the area(s) of the cultural resource discovery may only proceed after authorization is granted by the cultural resource specialist.				
<b>Land Use and Planning</b>				
<i>Impact Being Addressed:</i> <u>Impact 3.11-b</u> : Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				
Refer to Section 3.3, Air Quality Mitigation Measure AIR-1 Implement Air Quality BMPs				
<b>Tribal Cultural Resources</b>				
<i>Impact Being Addressed:</i> <u>Impact 3.18-b</u> : Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				
<b>Mitigation Measure TCR-1 Tribal Cultural Resource Monitoring and Inadvertent Discoveries.</b> To facilitate identification of potential Tribal Cultural Resources (TCRs) at the earliest possible time during project-related earth-disturbing activities, the Foothill De Anza Community College District (FHDA) and/or their construction contractor(s) shall provide the opportunity for Native American monitoring provided by a representative from the Muwekma Ohlone tribe (Tribe). Monitoring shall occur on the project site periodically, as defined by FHDA or designated representative, during initial ground-disturbing activities. Native American monitoring shall occur with the intent of gaining an appropriate understanding of subsurface conditions. FHDA shall	District, Construction Contractor, and Qualified Cultural Resources Specialist, if necessary	District	<b><u>Prior to construction</u></b> <ul style="list-style-type: none"> <li>Requirements of this measure are noted in construction contracts and plans</li> </ul> <b><u>During construction</u></b> <ul style="list-style-type: none"> <li>District and contractor provide opportunity for Native American monitoring</li> <li>Work is halted within 100 feet of identified TCRs encountered during construction</li> <li>Measures for further evaluation and treatment recommended by</li> </ul>	Opportunity for Native American monitoring is provided Potential TCRs uncovered during construction are evaluated and adverse effects to significant such resources are avoided.

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<p>provide guidance on the duration and frequency of monitoring. FHDA may also retain a qualified archaeological consultant to periodically inspect subsurface conditions and to provide recommendations with regard to the potential for unanticipated buried resources to be present and related monitoring strategies. Native American monitors or their representatives, and archaeologists, if present, shall have the authority to request that work be temporarily stopped, diverted, or slowed within 100 feet of identified TCRs. The Native American monitor or representative shall recommend appropriate treatment and final disposition of TCRs.</p> <p>Once initial monitoring efforts are suspended the following Inadvertent Discoveries portion of this mitigation measure shall provide necessary protection in the event that resources are subsequently encountered:</p> <p>Inadvertent Discoveries: If potential TCRs are discovered during construction activities, all work shall cease within 100 feet of the find (based on the apparent distribution of cultural resources). Examples of potential TCRs include midden soil, artifacts, chipped stone, exotic (non-native) rock, or unusual amounts of baked clay, shell, or bone.</p>			<p>the qualified cultural resources specialist, and/or Native American representative are implemented</p>	

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<p>A qualified cultural resources specialist will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. FHDA shall also provide the opportunity for a Native American Representative from the traditionally and culturally affiliated Native American Tribe(s) to assess the find and make recommendations for further evaluation and treatment. Culturally appropriate treatment that preserves or restores the cultural character and integrity of a TCR may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, construction monitoring of further construction activities by Tribal representatives of the traditionally and culturally affiliated Native American Tribe, and/or returning objects to a location within the project area where they will not be subject to future impacts.</p> <p>Following a review of the find and consultation with appropriate experts, the authority to proceed may be accompanied by the addition of development requirements which provide for protection of the site and/or additional measures necessary to address the unique or sensitive nature of the site. The treatment recommendations made by the cultural resource specialist and the Native American Representative (if one assesses the find), including any recommendations that are not implemented, shall be documented and explained in the project record.</p> <p>Work in the area(s) of the cultural resource discovery may only proceed after authorization is granted by the</p>				

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cultural resource specialist following coordination with tribal representatives as appropriate.				

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