



## MITIGATION MONITORING AND REPORTING PROGRAM

SUNSET UPPER DEBRIS BASIN  
DAM MODIFICATION PROJECT  
COUNTY OF LOS ANGELES, CALIFORNIA

SCH No. 2013031018

Prepared for | County of Los Angeles  
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## **MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

Pursuant to the California Environmental Quality Act (CEQA), the potential environmental effects of the proposed Sunset Upper Debris Basin Dam Modification Project (Project) have been analyzed in an Initial Study/Mitigated Negative Declaration (IS/MND) (SCH No. 2013031018) dated February 2013. Pursuant to Section 15367 of the CEQA Guidelines, the Los Angeles County Flood Control District (LACFCD), now administered by the Los Angeles County Department of Public Works (LACDPW), is the Lead Agency for the Project.

Section 15074(d) of the CEQA Guidelines states that, when adopting a mitigated negative declaration, the Lead Agency shall adopt a program for reporting on or monitoring the changes that it has either required in the project or made a condition of approval to reduce or avoid significant environmental effects. Section 21081.6 of CEQA and Section 15097 of the CEQA Guidelines require a public agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) for assessing and ensuring the implementation of required mitigation measures applied to proposed projects. Specific reporting and/or monitoring requirements that will be enforced during project implementation shall be adopted simultaneously with final Project approval by the responsible decision making body. The MMRP provided in this document describes the mitigation program to be implemented by the LACFCD.

The MMRP for the Sunset Upper Debris Basin Dam Modification Project consists of Mitigation Measures (MMs), for biological resources that will reduce or avoid significant environmental effects associated with Project implementation. The MMs for the Project are listed in the first column in the Table below, along with the timeframe for implementing the MM in the second column; the agency or party with primary responsibility for implementing the MM in the third column; and the agency or party with responsibility for monitoring compliance in the fourth column. Implementation of the MMs for the Project would primarily be the responsibility of the LACFCD, as the Lead Agency under CEQA, and its consultants/contractors.

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Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party
<b>Biological Resources (Section 4.4 of the Draft IS/MND)</b>			
<p><b>MM 4.4-1</b> Prior to construction of the dam modifications, the County of Los Angeles Flood Control District (LACFCD) or their consultant will contact the U.S. Fish and Wildlife Service (USFWS) to determine the appropriate pre-construction survey methodology (e.g., full protocol survey or a reduced-visit modified survey protocol) for the coastal California gnatcatcher and discuss and obtain approval on pre-nesting season exclusionary measures and avoidance and minimization measures if a nesting coastal California gnatcatcher is observed during the pre-construction survey. The LACFCD will implement the approved exclusionary measures prior to the coastal California gnatcatcher's breeding season. A permitted gnatcatcher Biologist (i.e., one holding a 10[a][1][A] permit to conduct surveys for the coastal California gnatcatcher) shall conduct a pre-construction survey for coastal California gnatcatcher following the methodology approved by the USFWS to determine the presence or absence of this species in the coastal sage scrub in and adjacent to the Project site. If no coastal California gnatcatchers are observed, no further avoidance or mitigation would be required. If the coastal California gnatcatcher is observed during the pre-construction survey, the LACFCD (and/or its consultant Biologist) will implement the approved avoidance and minimization measures. These measures may include biological monitoring by a permitted gnatcatcher Biologist during construction or maintenance activities; construction or maintenance activities restricted to occur outside the breeding season (February 14 to August 15); or noise restrictions near the occupied area.</p> <p>Prior to any maintenance activities within the expanded maintenance areas during the breeding season, the LACFCD will follow the same pre-construction survey as described above. This approach is consistent with the LACFCD's existing debris basin maintenance permits.</p>	<p>(1) Prior to initiation of construction activities</p> <p>and</p> <p>(2) During construction and routine maintenance activities (if gnatcatcher present)</p>	<p>LACFCD, permitted gnatcatcher Biologist</p>	<p>LACFCD, USFWS</p>
<p><b>MM 4.4-2</b> Prior to construction, the LACFCD will obtain permits/agreements from the U.S. Army Corps of Engineers (USACE), the California Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Wildlife (CDFW) to authorize impacts to "waters of the United States", including wetlands, and resources under the jurisdiction of the CDFW that are outside the impacts already authorized under the LACFCD's existing permits/agreement for maintenance of the debris basin. (These maintenance authorizations are comprised of: USACE Regional Permit File No. SPL-2003-00411-KW; RWQCB File No. 02-144-2008 Renewal; and CDFG Streambed Alteration Agreement No. 1600-2008-0290-R5.) No Project-related discharge or fill material will be allowed to impact any</p>	<p>(1) Prior to initiation of construction activities</p> <p>and</p> <p>(2) During construction and routine maintenance activities (implementing permit conditions)</p>	<p>LACFCD</p>	<p>LACFCD, USACE, RWQCB, and CDFW</p>

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<p>drainages in the Project impact area until the new permits/agreement are obtained. Compliance with the conditions of the new permits/agreement and applicable conditions of the existing maintenance permits/agreement will be made part of the Project construction. Based on LACFCD's experience, these conditions may include biological monitoring during the initiation of construction; use of Best Management Practices (BMPs) to protect water quality; flagging of the boundaries of the construction site; measures to protect trees; other measures to protect sensitive species; mitigation for construction impacts outside those already authorized in the existing maintenance permits/agreement; and mitigation for ongoing impacts within the expanded maintenance area. Such mitigation may include on-site or off-site preservation or restoration of impacted habitat.</p> <p>It is anticipated that the permits/agreement for the construction of the Project will also cover the first several years of maintenance within the expanded maintenance area, until the LACFCD and the permitting agencies can coordinate to amend the existing maintenance permits/agreement to incorporate the additional maintenance footprint.</p>			
<p><b>MM 4.4-3</b> The LACFCD will work with the CDFW during the preparation of the Project's Streambed Alteration Agreement to incorporate into the Agreement CDFW-approved temporary exclusionary measures to prevent raptor nesting within the established buffer distance from the Project construction areas. The LACFCD will employ approved exclusionary measures prior to February 1 (start of raptor breeding season) and remove them upon completion of construction activities.</p> <p>A pre-construction survey for active raptor nests shall be conducted by a qualified Biologist prior to the commencement of any construction activities as directed in the CDFW Streambed Alteration Agreement. If an active nest is observed, it shall be mapped and a buffer zone designated per CDFW's direction to protect the nest. The size of the buffer zone shall be designated based on consultation between CDFW and a qualified Biologist regarding the specific raptor nest(s), if present, and the recommendations of CDFW and the qualified Biologist on the site shall be implemented throughout Project construction. Construction activities will be excluded from this buffer zone until the nest is no longer active. If an active raptor nest(s) is present and a buffer zone has been implemented, a qualified Biologist shall be retained by the LACFCD to periodically monitor, at an interval to be determined by the Biologist, the efficacy of the buffer and the status of the nest(s). All recommendations of the monitoring Biologist shall be implemented by the LACFCD, and the Biologist shall have the authority to halt construction activity and/or move the buffer as</p>	<p>(1) Prior to February 1 of year of construction, during construction, and at completion of construction</p> <p>and</p> <p>(2) During routine maintenance activities from February 1 to July 30</p>	<p>LACFCD</p>	<p>LACFCD, CDFW</p>

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Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party
<p>necessary if the nest(s) being monitored are being adversely affected.</p> <p>Prior to any maintenance activities within the expanded maintenance areas during the breeding season (February 1 to July 30), the LACFCD will follow the same pre-construction survey procedure and restrictions as described above. This approach is consistent with the LACFCD's existing debris basin maintenance permits.</p>			
<p><b>MM 4.4-4</b> The LACFCD will work with the CDFW during the preparation of the Project's Streambed Alteration Agreement to incorporate into the Agreement CDFW-approved temporary exclusionary measures to prevent migratory bird nesting within the established buffer distance from the Project construction areas. The LACFCD will employ approved exclusionary measures prior to March 1 (start of nesting season) and remove them upon completion of construction activities.</p> <p>A pre-construction survey for active bird nests shall be conducted by a qualified Biologist prior to the commencement of any construction activities as directed in the CDFW Streambed Alteration Agreement. The survey shall include all potential nesting areas, including dam structures and bare ground. If an active nest is observed, it shall be mapped and a buffer zone designated per CDFW's direction to protect the nest. The size of the buffer zone shall be designated based on consultation between CDFW and a qualified Biologist regarding the specific migratory bird nest(s), if present, and the recommendations of CDFW and the qualified Biologist on the site shall be implemented throughout Project construction. Construction activities will be excluded from this buffer zone until the nest is no longer active. If an active migratory bird nest(s) is present and a buffer zone has been implemented, a qualified Biologist shall be retained by the LACFCD to periodically monitor, at an interval to be determined by the Biologist, the efficacy of the buffer and the status of the nest(s). All recommendations of the monitoring Biologist shall be implemented by the LACFCD, and the Biologist shall have the authority to halt construction activity and/or move the buffer as necessary if the nest(s) being monitored are being adversely affected.</p> <p>Prior to any maintenance activities within the expanded maintenance areas during the nesting season (March 1 to August 31), the LACFCD will follow the same pre-construction survey procedure and restrictions as described above. This approach is consistent with LACFCD's existing debris basin maintenance permits.</p>	<p>(1) Prior to March 1 of year of construction, during construction, and at completion of construction</p> <p>and</p> <p>(2) During routine maintenance activities from March 1 to August 31</p>	<p>LACFCD</p>	<p>LACFCD, CDFW</p>