

3.6 MITIGATION MONITORING AND REPORTING PROGRAM

As required by Public Resources Code Section 21081.6, subd. (a)(1), a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project in order to monitor the implementation of the mitigation measures that have been adopted for the project. This Mitigation Monitoring and Reporting Program (MMRP) has been created based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Elliott Property Subdivision Project in the City of Visalia.

The first column of the table identifies the mitigation measure. The second column names the party responsible for carrying out the required action. The third column, "Timing of Mitigation Measure" identifies the time the mitigation measure should be initiated. The fourth column, "Responsible Party for Monitoring," names the party ensuring that the mitigation measure is implemented. The last column will be used by the City to ensure that the individual mitigation measures have been monitored.

Plan checking and verification of mitigation compliance shall be the responsibility of the City of Visalia.

Mitigation Measure	Responsible Party for Implementation	Implementation Timing	Responsible Party for Monitoring	Verification
Mitigation Measure BIO-1: Swainson's Hawk Nesting Habitat: If construction, grading, or Project-related improvements are to commence between March 1 and September 15, a focused survey for Swainson's hawk nests on the site and within ¼ mile of the site shall be conducted by a qualified biologist no later than 30 days prior to the start of construction work (including clearing and grubbing). If active nests are found, the California Fish and Wildlife shall be contacted to determine appropriate protective measures, and these measures shall be implemented prior to the start of any ground-disturbing activities. If no active nests are found during the focused survey, no further mitigation will be required.	Project Applicant	Prior to the Start of Construction	Contractor/Lead Agency	
Mitigation Measure BIO-1a: Nesting Bird and Roosting Bat Survey: If Project-related activities are scheduled between February 1 to August 31 (the typical nesting season), a focused survey for nests shall be conducted by a Designated Biologist within three (3) calendar days prior to the beginning of Project-related activities. The Designated Biologist shall survey a minimum radius of 500-feet for MBTA birds around the Project Area and for sign of roosting bats. If no active nests or roosts are found, project activities may proceed as scheduled.	Project Applicant	Prior to the Start of Construction	Contractor/Lead Agency	
Mitigation Measure BIO-1b: Active Nests or Roosts: If an active nest or roost is found, active nests should be avoided, and a no disturbance or destruction buffer shall be determined and established by a Designated Biologist through consultation with CDFW. A report will be prepared documenting any active nest(s) and CDFW will be contacted and consulted in order to approve an adequate buffer size for the species. The buffer shall be kept in place until after the breeding nesting season or the Designated Biologist confirms the young have fledged, are foraging independently, and the nest is no longer active for the season. The extent of these buffers shall be determined by CDFW and established by the Designated Biologist and will depend on the species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers.	Project Applicant	Prior to the Start of Construction		

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Mitigation Measure BIO-1c: Project Delay: If a lapse in project-related work of fourteen (14) calendar days or longer occurs, the Designated Biologist shall complete another focused survey before Project work can be reinitiated.	Project Applicant	Ongoing During Construction	Contractor/ Lead Agency	
Mitigation Measure CUL-1: If previously unknown resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified historical resources specialist shall be consulted to determine whether the resource requires further study. The qualified historical resources specialist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and the City's Historic Preservation Ordinance. If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of the Site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any historical artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.	Project Applicant	Ongoing during construction	Contractor/ Lead Agency	
Mitigation Measure CUL-2: In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to Health and Safety Code (HSC) Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendent of the deceased Native American, who shall then serve as the	Project Applicant	Ongoing during construction	Contractor/ Lead Agency	

Mitigation Measure	Responsible Party for Implementation	Implementation Timing	Responsible Party for Monitoring	Verification
consultant on how to proceed with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.				
Mitigation Measure CUL-3: Prior to the start of construction, an archaeological firm shall be hired to conduct a pre-construction survey and submit a comprehensive report to the lead agency for review and approval prior to the start of construction. This report should document the findings of the pre-construction survey and include an assessment of the potential impacts of the proposed Project on any identified archaeological resources. The plan should outline specific measures that will be implemented, such as construction phasing, Site buffering, and artifact preservation, to protect the cultural resources, if any are discovered. To ensure compliance, the Project approval should require that the archaeological survey report and the associated plan be prepared by a qualified archaeologist and that the survey and monitoring activities be conducted in accordance with relevant state and federal regulations and best practices. By requiring a comprehensive archaeological survey report and a detailed mitigation plan, the lead agency can ensure that any impacts to archaeological resources are avoided or minimized to the fullest extent possible.	Project Applicant	Prior to the Start of Construction	Contractor/ Lead Agency	
Mitigation Measure CUL-4: During any ground disturbing activities, an archaeological firm shall be hired to monitor the Project Site. The monitoring should be conducted by a qualified archaeologist with experience in the region and in compliance with relevant state and federal regulations and best practices. The monitoring should include regular Site inspections to identify any archaeological resources that may have been uncovered during ground-disturbing	Project Applicant	Ongoing during construction	Contractor/ Lead Agency	

Mitigation Measure	Responsible Party for Implementation	Implementation Timing	Responsible Party for Monitoring	Verification
activities. If any resources are identified, the monitoring should also include documentation, mapping, and analysis of the resources, as well as the development of a mitigation plan to address any potential impacts to the resources.				
Mitigation Measure HYD-1: Prior to the issuance of any construction/grading permit and/or the commencement of any clearing, grading, or excavation, the Applicant shall submit a Notice of Intent (NOI) for discharge from the Project Site to the California SWRCB Storm Water Permit Unit. • Prior to issuance of grading permits for Phase 1 the Applicant shall submit a copy of the NOI to the City. • The City shall review noticing documentation prior to approval of the grading permit. City monitoring staff will inspect the Site during construction for compliance.	Project Applicant	Prior to the Start of Construction	Contractor/Lead Agency	
Mitigation Measure HYD-2: The Applicant shall require the building contractor to prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to the City 45 days prior to the start of work for approval. The contractor is responsible for understanding the State General Permit and instituting the SWPPP during construction. A SWPPP for Site construction shall be developed prior to the initiation of grading and implemented for all construction activity on the Project Site in excess of one (1) acre, or where the area of disturbance is less than one acre but is part of the Project's plan of development that in total disturbs one or more acres. The SWPPP shall identify potential pollutant sources that may affect the quality of discharges to storm water and shall include specific BMPs to control the discharge of material from the site. The following BMP methods shall include, but would not be limited to: • Dust control measures will be implemented to ensure success of all onsite activities to control fugitive dust; • A routine monitoring plan will be implemented to ensure success of all onsite erosion and sedimentation control measures; • Provisional detention basins, straw bales, erosion control blankets, mulching, silt fencing, sand bagging, and soil stabilizers will be used; • Soil stockpiles and graded slopes will be covered after two weeks of inactivity and 24		45 Days Prior to the Start of Construction	Contractor/Lead Agency	

Mitigation Measure	Responsible Party for Implementation	Implementation Timing	Responsible Party for Monitoring	Verification
hours prior to and during extreme weather conditions; and, • BMPs will be strictly followed to prevent spills and discharges of pollutants onsite, such as material storage, trash disposal, construction entrances, etc.				
Mitigation Measure HYD-3: A Development Maintenance Manual for the Project shall include comprehensive procedures for maintenance and operations of any stormwater facilities to ensure long-term operation and maintenance of post-construction stormwater controls. The maintenance manual shall require that stormwater BMP devices be inspected, cleaned, and maintained in accordance with the manufacturer's maintenance conditions. The manual shall require that devices be cleaned prior to the onset of the rainy season (i.e., mid-October) and immediately after the end of the rainy season (i.e., mid-May). The manual shall also require that all devices be checked after major storm events. The Development Maintenance Manual shall include the following: • Runoff shall be directed away from trash and loading dock areas; • Bins shall be lined or otherwise constructed to reduce leaking of liquid wastes; • Trash and loading dock areas shall be screened or walled to minimize offsite transport of trash; and • Impervious berms, trench catch basin, drop inlets, or overflow containment structures nearby docks and trash areas shall be installed to minimize the potential for leaks, spills or wash down water to enter the drainage system.	Project Applicant	Prior to the Start of Construction	Contractor/Lead Agency	
Mitigation Measure TRAN-1: Based on the results of the Level of Service (LOS) analysis and the eight-hour vehicular volume warrants, and the City of Visalia thresholds for mitigation, signals shall be constructed at the following three intersections by 2028 in order to operate at an acceptable level of service by the year 2033: • Shirk Street and SR 198 WB Ramps • Shirk Street and SR 138 EB Ramps • Shirk Street and Walnut Avenue The Project applicant will pay its fair share of traffic impact fees to support payment of the signals.	Project Applicant	Prior to the Start of Construction	Contractor/Lead Agency	