

# Attachment B

## **SECTION 3.0 MITIGATION MONITORING AND REPORTING PROGRAM**

Section 21081.6 of CEQA and Section 15097 of the State 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 (City Council).

The MMRP for the Berkshire Creek Area Improvements Project, presented in Table 1, below, consists of Mitigation Measures (MMs) identified in the IS/MND. The MMs reflect any clarifications resulting from comments received during the public review period, that are required to reduce or avoid significant environmental effects associated with Project implementation. The MMs for the Project are listed in the first column in Table 1, with the timeframe for implementation in the second column, the agency or party with primary responsibility for implementation in the third column, and the agency or party with responsibility for monitoring compliance in the last column.

The City of Pasadena Public Works Department will confirm that all MMs are included in the Contractor Specifications and bid documents, as appropriate, and verified as part of MMRP implementation, consistent with Section 15097 of the State CEQA Guidelines.

**TABLE 1  
 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timing	Implementation Responsibility	Enforcement Responsibility
<p><b>Biological Resources</b></p> <p><b>MM BIO-1:</b> Project construction activities (including, but not limited to, staging and disturbances to native and non-native vegetation, structures, and substrates) shall occur outside of the avian breeding season, which generally runs from February 1–August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. "Take" means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (<i>California Fish and Game Code</i>, Section 86), and includes take of eggs or young resulting from disturbances that cause abandonment of active nests.</p> <p>A Biological Monitor shall be present on site during all grubbing and clearing of vegetation to ensure that these activities remain within the Project footprint (i.e., the demarcated buffer); to ensure that the flagging/stakes/fencing that shall be installed by the Biologist prior to initiation of construction activity is being maintained; and to minimize the likelihood that active nests are abandoned or fail due to Project activities.</p>	<ul style="list-style-type: none"> <li>All construction activity to occur between September 1 and January 31 (or December 31 for some raptors)</li> <li>Prior to construction activity</li> <li>During all grubbing and clearing</li> </ul>	<p>Construction Contractor</p>	<p>Pasadena Department of Public Works</p>
<p><b>MM BIO-2:</b> Prior to the initiation of any grading and/or construction-related activity involving the disturbance and/or removal of potentially suitable bat roosting habitat—namely rocky outcrops or trees—a qualified Biologist shall conduct a pre-construction bat habitat assessment of the potential habitat marked for removal. Potential for roosting will be categorized by (1) potential for solitary roost sites and (2) potential for colonial roost sites (i.e., ten bats or more). If the potential for colonial roosting is determined, those rocky outcrops or trees shall not be removed during the bat maternity roost season (March 1 to July 31). Trees potentially supporting colonial roosts outside the maternity roost season and trees potentially supporting solitary roosts may be removed via a two-step removal process whereby, at the direction of the Biologist, some level of disturbance (such as trimming of lower branches of trees) is applied to the habitat on the day prior to removal to allow bats to escape during the darker hours. In the case of a tree, it shall be removed the following day (i.e., there shall be no less or more than one night between initial disturbance and the grading or tree removal). Rock outcrops potentially supporting colonial roosts outside the maternity roost season and rock outcrops potentially supporting solitary roosts shall be fitted with a bat exclusionary device at the entry location, whereby bats are allowed to leave the structure but unable to return. The structure can be demolished the following day.</p>	<ul style="list-style-type: none"> <li>Prior to construction activity involving rocky outcrops or trees</li> <li>During construction (depending on findings of pre-construction survey)</li> </ul>	<p>Construction Contractor</p>	<p>Pasadena Department of Public Works</p>
<p><b>MM BIO-3:</b> Mitigation for the loss of jurisdictional resources shall be negotiated with the resource agencies during the regulatory permitting process and shall ensure that mitigation to compensate for permanent impacts on jurisdictional resources is equivalent or superior to biological functions and values impacted by the Project. Potential mitigation options may include: (1) removal of exotic species from within the</p>	<ul style="list-style-type: none"> <li>Prior to construction activity involving identified jurisdictional features (Berkshire Creek)</li> </ul>	<p>Construction Contractor</p>	<p>Pasadena Department of Public Works</p>

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Mitigation Measure	Timing	Implementation Responsibility	Enforcement Responsibility
<p>Project site or Hahamongna Watershed Park or elsewhere within the Arroyo Seco or adjacent watersheds (e.g., invasive plant or wildlife species removal); (2) payment to a mitigation bank or regional riparian enhancement program; and/or (3) restoration of a riparian habitat including qualifying vegetation and trees, either on site or off site at a ratio of no less than 1:1, determined through consultation with the USACE, the RWQCB, and the CDFW. The restoration plan shall detail the methodology and performance standards, which shall be prepared in accordance with requirements specified in permits/agreements issued by the USACE, the RWQCB, and the CDFW.</p>			
<p><b>Cultural Resources</b></p>			
<p><b>MM CUL-1:</b> Prior to the initiation of any earthmoving activity in which native soil is disturbed, the City shall be responsible for retaining a qualified Archaeologist to observe grading activities and to salvage and catalogue archaeological resources, as necessary. The Archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the City or its designee, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of any discovered artifacts as appropriate. If archaeological resources are found to be significant pursuant to Section 15064.5 of the State CEQA Guidelines, the Archaeologist shall determine appropriate actions, in cooperation with the City or its designee, for exploration and/or recovery. The Archaeologist shall also prepare a report of findings. The report shall include the period of inspection, an analysis of any artifacts found, and the present repository of the artifacts. The Archaeologist shall prepare excavated material to the point of identification and curation. The City or its designee shall pay curatorial fees associated with the cost of curation.</p>	<ul style="list-style-type: none"> <li>• Prior to initiation of native soil disturbance</li> <li>• At pre-grade conference</li> <li>• During grading activities</li> </ul>	<p>Construction Contractor</p>	<p>Pasadena Department of Public Works</p>

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Mitigation Measure	Timing	Implementation Responsibility	Enforcement Responsibility
<p><b>Tribal Cultural Resources</b></p> <p><b>MM TCR-1:</b> During ground-disturbing activities, a monitor meeting the satisfaction of a Native American tribe with cultural affinity to the Gabrieleno (for example, the Gabrieleno Band of Mission Indians—Kizh Nation) shall be present. Consistent with Mitigation Measure 4-1 in the Pasadena General Plan EIR, if Native American artifacts are found, all ground disturbing activities in the immediate vicinity of the find shall be halted until the find is evaluated by a Registered Professional Archaeologist. If testing determines that significance criteria are met, then the Project shall be required to perform data recovery, professional identification, radiocarbon dates as applicable, and other special studies; and provide a comprehensive final report, including site record to the City and the South Central Coastal Information Center at California State University, Fullerton. No further grading shall occur in the area of the discovery until Planning Department approves the report. Subsequently, the find shall be turned over to the tribe. In addition, any cultural resources found shall be treated in accordance with regulatory requirements. Grading and excavation may continue around the isolated area of the find so long as the activities do not impede or jeopardize the protection and preservation of any cultural resources as determined by the monitor.</p>	<ul style="list-style-type: none"> <li>• During grading activities</li> </ul>	<p>Construction Contractor</p>	<p>Pasadena Department of Public Works</p>

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