



MITIGATION MONITORING PLAN

FOR THE TALBERT LAKE DIVERSION PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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September 2008

MITIGATION MONITORING PROGRAM FOR THE TALBERT LAKE DIVERSION PROJECT

PROJECT DESCRIPTION

The East Garden Grove – Wintersburg Channel (EGGWC) is a designated “water quality planning area” within the City of Huntington Beach Citywide Urban Runoff Management Plan (2005). Among the discretionary elements identified as options for the water quality improvement of the EGGWC system is implementation of the Talbert Lake Diversion Project for dry weather runoff treatment. The Talbert Lake Diversion Project would provide a variety of benefits to the environment and public at large, including protection of the beneficial uses of coastal waters; creation and enhancement of environmental habitat values; educational awareness; potential groundwater recharge; potential seawater barrier enhancements; and enhanced recreational experiences.

The Talbert Lake Diversion Project is a Santa Ana Regional Water Quality Control Board-approved Supplemental Environmental Project (SEP), and addresses concerns related to water quality issues of downstream water bodies through water quality improvement of dry weather flows passing down the EGGWC into Outer Bolsa Bay. The project proposes to divert up to 3 million gallons per day (mgd) of dry weather flows from the EGGWC into newly constructed wetlands for treatment, through which flows would move through a series of natural treatment processes into a restored Talbert Lake. This natural treatment system would be located on the eastern side of Goldenwest Street, in the northeastern corner of Central Park. Environmental habitat restoration is also a project feature. Overall project objectives include the improvement of water quality and the potential beneficial reuse of treated water on site for groundwater infiltration or park irrigation purposes if sufficient water is available.

Mitigation Monitoring Program

California’s *Public Resources Code* §21081.6 requires that a lead or responsible agency adopt a mitigation monitoring program (MMP) when approving or carrying out a project where an environmental document—either an environmental impact report (EIR) or a mitigated negative declaration (MND)—has identified measures to reduce potential adverse environmental impacts to levels that are less than significant. The City of Huntington Beach is the lead agency for the Talbert Lake Diversion Project and is therefore responsible for implementing the MMP.

The attached table identifies the mitigation program that the City of Huntington Beach must implement for the proposed project. The mitigation program includes the mitigation measures (MMs) required for project implementation. The following table identifies the timing of implementation and the City Department responsible for monitoring compliance. The numbering system corresponds with the numbering system used in the MND. The last column of the MMP table will be used by the Compliance Monitor to document implementation of the measure.

The on-going documentation and monitoring of mitigation compliance will be completed by the City of Huntington Beach. The completed MMP and supplemental documents will be kept on file at the City of Huntington Beach Department of Public Works.

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Timing	Measure	Responsible for Monitoring	Completion	
			Date	Initials
Geology and Soils				
Prior to initiation of construction	GS-1 Prior to initiation of construction, the Project Applicant shall hire a qualified Geotechnical Engineer and/or Engineering Geologist to complete a geotechnical investigation of areas to be excavated by the project and to ensure that all recommendations of the geotechnical investigation are incorporated into the final plans and specifications for the project.	Public Works		
Air Quality				
As-needed over the life of the project	AQ-1 Epoleon® (or similar odor-control measure) shall be applied as needed by the City of Huntington Beach Park, Tree and Landscape Division to ponded water behind the diversion structure.	Public Works/Park, Tree & Landscape Division		
Transportation/Traffic				
Prior to construction	<p>TRAF-1A Traffic Control Plan will be developed for all construction activities proposed within and adjacent to public road rights-of-way that would delay or disrupt local roadway traffic. The Traffic Control Plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> • Limiting road closures to identified portions of Goldenwest Street directly west of the project site and to only two lanes in each direction at any given time; • Limiting road closures to portions of Gothard Street and Warner Avenue as described in Exhibits 12.6-3 through 12.6-6 for a total of no more than 10 days (only applicable if Diversion Concept 4, 5, or 6 is chosen); • Limiting lane closures to between 9:00 AM and 3:00 PM on weekdays and Saturday, 	City Transportation Manager		

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	<p>with no closures on Sunday;</p> <ul style="list-style-type: none"> Installing traffic-control devices as specified in the California Department of Transportation’s Manual of Traffic Control for Construction and Maintenance Works Zones; Providing alternative routes (detours), as necessary, to route local traffic around roadway construction; Providing notification of road closures to residents in the vicinity of construction; and <p>Consulting with emergency service providers and developing an Emergency Access Plan for emergency vehicle access in and adjacent to the construction zone.</p>			
Biological Resources				
During construction between March 15 and September 15	<p>BIO-1 A permitted Biological Monitor shall be on site for all construction activities occurring during the least Bell’s vireo nesting season (March 15 to September 15). If the Biologist determines that the least Bell’s vireo is present on or within 500 feet of the project site, construction operations shall cease. To resume construction operations, the appropriate permits must be obtained from the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS).</p>	Planning & Qualified Biologist		
During the life of the project	<p>BIO-2 Post-construction maintenance operations shall occur outside the least Bell’s vireo breeding and nesting season (March 15 to September 15) and shall be confined to vector-control activities and manual removal of vegetal debris in open water areas.</p>	Planning		

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72 hours prior to the onset of any construction occurring between March 1 and August 31	<p>BIO-3 <u>Nesting Migratory Birds</u></p> <p>If construction commences during the migratory bird nesting season (March 1 to August 31), a qualified Biologist will survey the project impact area for the presence of any active bird nest (common or special status) within 72 hours prior to the onset of construction activities. Any nest found during the survey efforts will be mapped on the construction plans. If no active nests are found, no further mitigation is required. Results of the surveys will be provided to the CDFG and the City of Huntington Beach.</p> <p>If any active migratory bird nest is present, the nest will be protected until nesting activity has ended to ensure compliance with Section 3503 of the California <i>Fish and Game Code</i>. To protect any active nest, the following restrictions on construction are required until the nests are no longer active, as determined by a qualified Biologist: (1) clearing limits will be established with a 300-foot buffer around any occupied nest, or as otherwise determined by a qualified Biologist. Any encroachment into the buffer area around the known nest will only be allowed if the qualified Biologist determines that the proposed construction activities would not disturb the nest occupants. Construction during the nesting season can occur only at the sites if a qualified Biologist has determined that the construction activities are not a disruption to the breeding activities or if the fledglings have left the nest.</p> <p><u>Nesting Raptors</u></p> <p>If construction commences during the raptor</p>	Planning & Qualified Biologist		

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	<p>nesting season (February 1 to June 30), a qualified Biologist shall survey within 500 feet of the project impact area for the presence of any active raptor nests (common or special status) at least seven days prior to the onset of construction activities. Any nest found during survey efforts shall be mapped on the construction plans. If no active nests are found, no further mitigation is required. Results of the surveys shall be provided to the CDFG and the City of Huntington Beach.</p> <p>If nesting activity is present at any raptor nest site, the active site will be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California <i>Fish and Game Code</i>. To protect any nest site, the following restrictions on construction are required until nests are no longer active, as determined by a qualified Biologist: (1) clearing limits shall be established with a 500 foot buffer, or as otherwise determined by a qualified Biologist, around any occupied nest. Any encroachment into the buffer area around the known nest shall only be allowed if the qualified Biologist determines that the proposed construction activities would not disturb the nest occupants. Construction during the nesting season can occur only at the sites if a qualified Biologist has determined that the construction activities are not a disruption to the breeding activities or if the fledglings have left the nest.</p> <p>If an inactive nest is observed within the area to be directly impacted during the non-nesting season, the nest site shall be monitored by a qualified Biologist, and when the raptor is away</p>			

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	from the nest, the nest will be removed so raptors cannot return to it. The qualified Biologist will supervise the removal of the nest.			
Hazards and Hazardous Materials				
Prior to the preparation of final plans and specifications	HM-1 The existing and abandoned oil pipelines shall be potholed prior to initiation of construction activities to determine the exact locations of the pipelines and to allow for implementation of any additional measures necessary to avoid impact.	Fire		
Prior to the preparation of final plans and specifications	HM-2 Prior to the preparation of final plans and specifications, the Project Applicant shall have prepared a Phase I Environmental Site Assessment (ESA) for the entirety of the project to determine the potential to encounter hazardous materials during project implementation. This documentation shall be prepared by a Registered Environmental Assessor (REA) or other qualified personnel, as determined by the State of California.	Fire		
Prior to the preparation of final plans and specifications	HM-3 The Project Applicant shall have the soils displaced during all potholing operations and all excavation activities on the remainder of the project site tested for the presence of petroleum hydrocarbons and other potential hazardous materials. The soil testing shall be overseen by an REA or other qualified personnel, as determined by the State of California. The results of the tests on the soils collected during <u>potholing operations</u> shall be finalized before initiating further construction activities. If soil testing during site excavations positively identifies the presence of hazardous materials, the City of Huntington Beach shall coordinate with the appropriate regulatory agency(s) to determine the oversight and remediation method to be implemented.	Fire		

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During construction	HM-4 If any hydrocarbon-contaminated soils or other hazardous materials on proposed project construction sites are to be transported off site, the transport shall be conducted by a properly licensed Hazardous Waste Hauler, who will be in compliance with all applicable State and federal requirements, including the federal Department of Transportation regulations under Title 49 of the <i>Code of Federal Regulations</i> (CFR); the California Department of Transportation (Caltrans); the federal Occupational Safety and Health Administration (OSHA) standards; and under 40 CFR 263 (Subtitle C of Resource Conservation and Recovery Act).	Public Works		
Noise				
During construction	NOI-1 During construction, the project applicant shall ensure that all noise-generating activities be limited to the hours of 7:00 AM to 8:00 PM on weekdays. No noise-generating activities shall occur on Saturdays, Sundays, or holidays. Noise-generating activities are also prohibited within 100 feet of the Park Bench Café between the hours of 11:00 AM and 1:00 PM.	Public Works		
Prior to the issuance of grading permits	NOI-2 Prior to the issuance of any grading permits, the Construction Contractor shall produce evidence acceptable to the City of Huntington Beach, Manager, Building Permits Services, that: (1) All construction vehicles or equipment (fixed or mobile) operated within 1,000' of a residential dwelling shall be equipped with properly operating and maintained mufflers. (2) Stockpiling and/or vehicle staging areas shall be located as far as practicable from residential dwellings.	Public Works		

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Cultural Resources				
Prior to the approval of any project grading plans	<p>CR-1 Prior to approval of any rough, precise, or stockpiling grading plans, the City shall hire a certified Archaeologist to ensure that the following actions are implemented:</p> <ul style="list-style-type: none"> a. The Archaeologist must be present at the pre-grading conference in order to establish procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of artifacts if potentially significant artifacts are uncovered. If artifacts are uncovered and determined to be significant, the Archaeological Observer shall determine appropriate actions in cooperation with the City for exploration and/or salvage. b. Specimens that are collected prior to or during the grading process shall be donated to an appropriate educational or research institution. c. Any archaeological work at the site shall be conducted under the direction of the certified Archaeologist. If any artifacts are discovered during grading operations when the Archaeological Monitor is not present, grading shall be diverted around the area until the Monitor can survey it. d. A final report detailing the findings and disposition of the specimens shall be submitted to the City. Upon completion of the grading, the Archaeologist shall notify the City as to when the final report will be submitted. 	Planning		

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Prior to the approval of any project grading plans	<p>CR-2 Prior to approval of any rough, precise, or stockpiling grading plans, the City shall hire a certified Paleontologist to ensure that the following actions are implemented:</p> <ul style="list-style-type: none"> a. The Paleontologist must be present at the pre-grading conference in order to establish procedures to temporarily halt or redirect work to permit the sampling, identification, and evaluation of fossils if potentially significant paleontological resources are uncovered. If artifacts are uncovered and found to be significant, the Paleontological Observer shall determine appropriate actions in cooperation with the City for exploration and/or salvage. b. Specimens that are collected prior to or during the grading process will be donated to an appropriate educational or research institution. c. Any paleontological work at the site shall be conducted under the direction of the certified Paleontologist. If any fossils are discovered during grading operations when the Paleontological Monitor is not present, grading shall be diverted around the area until the Monitor can survey the area. <p>A final report detailing the findings and disposition of the specimens shall be submitted. Upon completion of the grading, the Paleontologist shall notify the City as to when the final report will be submitted.</p>	Planning		