

## 5.0 MITIGATION MONITORING PROGRAM

The California State Lands Commission (CSLC) is the lead agency under the California Environmental Quality Act (CEQA) for the Mohave Valley Conservation Area Backwater Project (Project). In conjunction with approval of this Project, the CSLC adopts this Mitigation Monitoring Program (MMP) for implementation of mitigation measures (MMs) for the Project to comply with Public Resources Code section 21081.6, subdivision (a) and State CEQA Guidelines sections 15091, subdivision (d), and 15097.

The Project authorizes Bureau of Reclamation (Reclamation) and the California Department of Fish and Wildlife (CDFW or Applicant) to create, manage, and monitor the backwater habitat accordance with the MMP and any additional terms and conditions contained in proposed CSLC Lease No. PRC 9239.9.

### 5.1 PURPOSE

It is important that significant impacts from the Project are mitigated to the maximum extent feasible. The purpose of a MMP is to ensure compliance and implementation of MMs; this MMP shall be used as a working guide for implementation, monitoring, and reporting for the Project's MMs.

### 5.2 ENFORCEMENT AND COMPLIANCE

The CSLC is responsible for enforcing this MMP. Reclamation and CDFW are responsible for the successful implementation of and compliance with the MMs identified in this MMP. This includes all field personnel and contractors working for the Applicant.

### 5.3 MONITORING

The CSLC staff may delegate duties and responsibilities for monitoring to other environmental monitors or consultants as necessary. Some monitoring responsibilities may be assumed by other agencies, such as affected jurisdictions, cities, and/or the CDFW. The CSLC and/or its designee shall ensure that qualified environmental monitors are assigned to the Project.

**Environmental Monitors.** To ensure implementation and success of the MMs, an environmental monitor must be on site during all Project activities that have the potential to create significant environmental impacts or impacts for which mitigation is required. Along with the CSLC staff, the environmental monitor(s) are responsible for:

- Ensuring that the Applicant has obtained all applicable agency reviews and approvals;
- Coordinating with the Applicant to integrate the mitigation monitoring procedures during Project implementation (for this Project, many of the monitoring procedures shall be conducted during Phases 1 through 3); and
- Ensuring that the MMP is followed.

1 The environmental monitor shall immediately report any deviation from the procedures  
2 identified in this MMP to the CSLC staff or its designee. The CSLC staff or its designee  
3 shall approve any deviation and its correction.

4 **Workforce Personnel.** Implementation of the MMP requires the full cooperation of  
5 Project personnel and supervisors. Many of the MMs require action from site  
6 supervisors and their crews. The following actions shall be taken to ensure successful  
7 implementation.

- 8 • Relevant mitigation procedures shall be written into contracts between the  
9 Applicant and any contractors.
- 10 • For this Project, a Worker Environmental Awareness Program (under MM BIO-1)  
11 shall be implemented and all personnel would be required to participate.

12 **General Reporting Procedures.** A monitoring record form shall be submitted to the  
13 Applicant, and once the Project is complete, a compilation of all the logs shall be  
14 submitted to the CSLC staff. The CSLC staff or its designated environmental monitor  
15 shall develop a checklist to track all procedures required for each MM and shall ensure  
16 that the timing specified for the procedures is followed. The environmental monitor shall  
17 note any issues that may occur and take appropriate action to resolve them.

18 **Public Access to Records.** Records and reports are open to the public and would be  
19 provided upon request.

#### 20 **5.4 MITIGATION MONITORING PROGRAM**

21 This section presents the Mitigation Monitoring Program (Table 5-1) for the following  
22 environmental disciplines: Biological Resources, Cultural and Paleontological  
23 Resources/Traditional Cultural Properties/Sacred Sites, Hazards/Hazardous  
24 Materials/Human Health and Safety, Hydrology and Water Quality, and  
25 Transportation/Traffic. All other environmental disciplines were found to have less than  
26 significant or no impacts and are therefore not included below. The table lists the  
27 following information, by column:

- 28 • Potential Impact;
- 29 • Mitigation Measure (full text of the measure);
- 30 • Location (where impact occurs and mitigation measure should be applied);
- 31 • Monitoring/Reporting Action (action to be taken by monitor or Lead Agency);
- 32 • Timing (before, during, or after construction; during operation, etc.);
- 33 • Responsible Party; and
- 34 • Effectiveness Criteria (how the agency can know if the measure is effective).

**Table 5-1. Mitigation Monitoring Program**

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
<b>Biological Resources</b>						
<b>Special-Status Species</b>	<p><b>MM BIO-1. Worker Environmental Awareness Program (WEAP).</b> Prior to initiating work at the site, an education program (WEAP) will be provided by the Project Biologist to workers. The WEAP shall include:</p> <ul style="list-style-type: none"> <li>• Brief life history;</li> <li>• Ecology;</li> <li>• Identification;</li> <li>• Legal protections afforded all potentially occurring special-status plant and animal species as well as the identified protective measures; and</li> <li>• Implications of noncompliance.</li> </ul> <p>All persons employed or otherwise working on the Project sites shall attend a WEAP presentation prior to performing any work on site.</p>	Not Applicable	Submit a copy of the training material, duration of training, attendees sign-in sheet to CSLC before starting work.	Before work	Applicant/Contractors/CSLC	Minimize/Avoid impacts to special status species
	<p><b>MM BIO-2:</b> Designated Project Biologist. At least 30 days before initiating Project activities, the Project proponent shall obtain the California Department of Fish and Wildlife's written approval for a designated Project Biologist/biological field contact representative. The Project Biologist shall be on site during initial Project activities and as necessary to oversee activities described for monitoring breeding and nesting (<b>MM BIO-3</b>) avoidance measures and may halt Project activities that are in violation. In addition, all occurrences of MSCP covered species and California sensitive species observed in the Project area will be submitted to the CNDDDB by the Project Biologist or the long-term site monitor, as appropriate (information and forms at <a href="http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp">http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp</a>).</p>	Project Site and Vicinity	Submit name and contact information of Biologist, and any monitoring records to CSLC before starting work	Before work and during work; during long-term monitoring	Applicant/Contractors/CDFW	Minimize impacts to migratory birds and special status species

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	<b>MM BIO-3 Bird Breeding Season Avoidance.</b> To the extent feasible, all work for Phases 1 and 2 shall be conducted outside the breeding season (September 1 through February 28) to reduce the possibility of abandonment, or commenced prior to occupation by sensitive birds in the spring in order to prevent occupation and breeding/nesting. If ground disturbance or vegetation clearing is needed during the breeding/nesting season for any phase, a pre-construction survey will be completed by the Project Biologist and a minimum 100-foot buffer will be enforced around all nests until the young have fledged.	Sensitive habitat areas	Comply and coordinate with the appropriate CDFW staff.	Before work and during work	Applicant/Contractors/CDFW	Minimize impacts to migratory birds and special status species
<b>Invasive Species</b>	<b>MM BIO-4. Reduce Terrestrial Invasive Species.</b> All vehicles and equipment entering and leaving the site will be properly cleaned to avoid spreading non-native invasive species.	Project Site and Vicinity	Comply	Before work and during work	Applicant Contractors	Minimize spread of terrestrial invasive species
	<b>MM BIO-5. Reduce Aquatic Invasive Species.</b> All vehicles and equipment will be appropriately washed by implementing the "Clean, Drain, Dry" philosophy to prevent the spread of aquatic invasive species like the quagga mussel <a href="https://www.wildlife.ca.gov/Conservation/Invasives/Quagga-Mussels">https://www.wildlife.ca.gov/Conservation/Invasives/Quagga-Mussels</a> .	Project Site and Vicinity	Comply	Before work and during work	Applicant/Contractors	Minimize spread of aquatic invasive species
<b>Cultural and Paleontological Resources/Traditional Cultural Properties/Sacred Sites</b>						
<b>Cultural Resources and Human Remains</b>	<b>MM CUL-1. Discovery of Unanticipated Cultural Resources.</b> Should additional cultural materials such as archaeological and/or historical resources be uncovered during earthmoving activities, all work in that area shall cease immediately and a qualified archeologist shall be retained to access the findings and CSLC staff shall be contacted immediately. Earthmoving shall be diverted no closer than 100 feet temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as	Project Site and Vicinity	Comply and coordinate with CSLC	During work	Applicant/Contractors/CSLC	Minimize impacts to cultural resource

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	<p>necessary. Construction will be allowed to proceed on the site when the archaeologist, in consultation with the Bureau of Reclamation, CSLC, appropriate Native American Tribe(s) and the County of San Bernardino Museum, determine the resources are recovered to their satisfaction.</p> <p>The State requires that the location of any such findings must be kept confidential and measures should be taken to ensure that the area is secured to minimize site disturbance and potential vandalism. Additional measures to meet these requirements include assessment of the nature and extent of the resource, including its possible eligibility for listing in the National Register of Historic Places, and subsequent recordation and notification of relevant parties based upon the results of the assessment. Title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the CSLC must be approved by the Commission.</p>					
	<p><b>MM CUL-2. Discovery of Unanticipated Human Remains.</b> If human remains are encountered during implementation of the Project, all provisions provided in California Health and Safety Code section 7050.5 and California Public Resources Code section 5097.98 shall be followed. Work shall stop within 100 feet of the discovery and a qualified Cultural Resources Specialist must be contacted immediately, who shall consult with the County Coroner. In addition, CSLC staff shall be notified. If human remains are of Native American origin, the County Coroner shall notify the Native American Heritage</p>	Project Site and Vicinity	Comply and coordinate with CSLC	During work	Applicant/ Contractors/ CSLC	Minimize impacts to cultural resource

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	Commission within 24 hours of this determination and a Most Likely Descendent shall be identified. No work is to proceed in the discovery area until consultation is complete and procedures to avoid and/or recover the remains have been implemented.					
<b>Hazards/Hazardous Materials/Human Health and Safety</b>						
<b>Hazardous and Hazardous Materials</b>	<b>MM HHM-1. Discovered Contaminants Protections.</b> Should contaminants be identified, activity on the site shall cease and a qualified Reclamation Hazardous Materials Specialist for the Project shall be retained to conduct the following: <ul style="list-style-type: none"> <li>• Obtain samples of the suspected contaminants;</li> <li>• Require lab analysis and access findings to identify specific contaminants; and</li> <li>• Ensure appropriate remediation is conducted and completed in accordance with the regulations specific to the contaminants identified.</li> </ul>	Project Site and Vicinity	Comply	During work	Applicant/Contractors/CSLC	Minimize impacts to hazards, health and safety
	<b>MM HHM-2. Toxic Substances Protections.</b> To ensure toxic substances are not released into the aquatic environment, the following measures shall be followed: <ul style="list-style-type: none"> <li>• All engine-powered equipment shall be well-maintained and free of leaks of fuel, oil, hydraulic fluid or any other potential contaminant.</li> <li>• Staging areas for refueling of equipment shall be located away from the backwater and away from the Colorado River to prevent any accidental fuel leakage from contaminating surface water.</li> <li>• A spill prevention and response plan shall be prepared in advance of the commencement of work; a spill kit with appropriate clean-up supplies shall be kept on hand during operations.               <ul style="list-style-type: none"> <li>○ The kit shall include a floating oil-absorbent sock that could be immediately deployed and maintained around the Project area in the event of a spill or any accidental leakage of fuel or</li> </ul> </li> </ul>	Project Site and Vicinity	Comply	During work	Applicant/Contractors/CSLC	Minimize impacts to hazards, health and safety

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	hydraulic fluids; <ul style="list-style-type: none"> <li>○ Refueling and maintenance of mobile equipment shall not be performed directly over the waters of the River. Only approved and certified fuel cans with “no-spill” spring-loaded nozzles shall be used; and</li> <li>○ All spill cleanup materials or other liquid or solid wastes shall be securely containerized and labeled in the field.</li> </ul> <ul style="list-style-type: none"> <li>● The application and control of herbicides and pesticides shall be in accordance with the Toxic Substance Control Act (TSCA) and Environmental Protection Agency Labeling requirements including but not limited to:                             <ul style="list-style-type: none"> <li>○ Requiring a certified and trained applicator</li> <li>○ Application of the material in accordance with its label</li> </ul> </li> </ul>					
<b>Hydrology and Water Quality</b>						
<b>Water Quality</b>	<b>MM HHM-2 Toxic Substances Protections</b> (see above)					
<b>Transpiration/Traffic</b>						
<b>Navigable Waters</b>	<b>MM TT-1 Placement of Dredge Pipe in Navigable Waters.</b> The dredge pipe used to move dredge material across the river shall be submerged at a depth where no obstruction to the navigable waters would occur, as follows: <ul style="list-style-type: none"> <li>● At least 10 feet from the bottom of the Colorado River if there is no obstruction to the navigable waterway.</li> <li>● If there is still obstruction, the pipe shall be laid at the bottom of the Colorado River to ensure there is no obstruction.</li> </ul>	Project Site and Vicinity	Comply	During work	Applicant/Contractors/CSLC	Minimize impacts to navigable waters
<b>Temporary Road Closures</b>	<b>MM TT-2. Traffic Plan During Construction.</b> A traffic plan shall be developed to ensure emergency and public access within the proposed Project Area is not affected. The Traffic plan shall include, but is not	Project Site and Vicinity	Comply	During work	Applicant/Contractors/CSLC	Minimize impacts to road access and traffic

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	limited to, the following: <ul style="list-style-type: none"> <li>• Not involve any long-term increase in traffic that would conflict with adopted policies, plans, or programs supporting alternative transportation or obstruct current access within and around the Project area;</li> <li>• Provide an ingress and egress to the Project area;</li> <li>• Ensure traffic and safety signed are posted appropriately;</li> <li>• Provide trained personnel to ensure the implementation of the Traffic Plan; and</li> <li>• Ensure coordination and communication with local emergency response agencies.</li> </ul>					