

# Table of Contents

|   |   |
|---|---|
| MITIGATION MONITORING AND REPORTING PROGRAM .....     | 1 |
| 1.1 Introduction .....                                | 1 |
| 1.2 Monitoring and Reporting Program .....            | 1 |
| 1.3 Monitoring and Reporting Program Procedures ..... | 1 |
| 1.4 Monitoring and Reporting Checklist .....          | 2 |



# Mitigation Monitoring and Reporting Program

## 1.1 Introduction

CEQA Guidelines section 15097 requires public agencies to adopt reporting or monitoring programs when they approve projects subject to an environmental impact report or a negative declaration that includes mitigation measures to avoid significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid significant adverse environmental effects.

The law was passed in response to historic non-implementation of mitigation measures presented in environmental documents and subsequently adopted as conditions of project approval. In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of project conditions would include enough detailed information and enforcement procedures to ensure the measure's compliance. This monitoring program is designed to provide a mechanism to ensure that mitigation measures and subsequent conditions of project approval are implemented associated with projects in accordance with the housing element.

## 1.2 Monitoring and Reporting Program

The basis for this monitoring program is the mitigation measures included in the project mitigated negative declaration. These mitigation measures are designed to eliminate or reduce significant adverse environmental effects to less than significant levels. These mitigation measures become conditions of project approval, which the project proponent is required to complete during and after implementation of projects in accordance with the housing element.

The attached checklist is proposed for monitoring the implementation of the mitigation measures. This monitoring checklist contains all appropriate mitigation measures in the mitigated negative declaration.

## 1.3 Monitoring and Reporting Program Procedures

The City of Carmel-by-the-Sea shall use the attached monitoring checklist for projects in accordance with the housing element. The monitoring program should be implemented as follows:

1. The City of Carmel-by-the-Sea Community Planning and Building Department should be responsible for coordination of the monitoring program, including the monitoring checklist. The City of Carmel-by-the-Sea Community Planning and Building Department should be responsible for completing the monitoring checklist and distributing the checklist to the responsible individuals or agencies for their use in monitoring the mitigation measures.
2. Each responsible individual or agency will then be responsible for determining whether the mitigation measures contained in the monitoring checklist have been complied with. Once all mitigation measures have been complied with, the responsible individual or agency should submit a copy of the monitoring checklist to the City of Carmel-by-the-Sea Community Planning and Building Department to be placed in the project file. If the mitigation measure has not been complied with, the monitoring checklist should not be returned to the City of Carmel-by-the-Sea Community Planning and Building Department.
3. The City of Carmel-by-the-Sea Community Planning and Building Department will review the checklist to ensure that appropriate mitigation measures and additional conditions of project approval included in the monitoring checklist have been complied with at the appropriate time, e.g. prior to issuance of a use permit, etc. Compliance with mitigation measures is required for project approvals.
4. If a responsible individual or agency determines that a non-compliance has occurred, a written notice should be delivered by certified mail to the project proponent within 10 days, with a copy to the City of Carmel-by-the-Sea Community Planning and Building Department time. If non-compliance still exists at the expiration of the specified period of time, construction may be halted and fines may be imposed at the discretion of the City of Carmel-by-the-Sea.

## 1.4 Monitoring and Reporting Checklist

### Step 1 - Prior to Issuance of Demolition Permits, Tree Removal Permits, or Grading Permits

- AQ-1 The developer shall prepare a Construction Management Plan for review and approval by the Community Planning and Building Department. The Construction Management Plan shall include the following measures to reduce TAC emissions during construction at individual project sites:
- a. Heavy-duty diesel vehicles will have 2010 or newer model year engines, in compliance with the California Air Resources Board's Truck and Bus Regulation;
  - b. Idling of construction equipment and heavy-duty diesel trucks will be avoided where feasible, and if idling is necessary, it will not exceed three minutes;

- c. All construction equipment will be maintained and properly tuned in accordance with manufacturer’s specifications and will be checked by a certified visible emissions evaluator; and
- d. All non-road diesel construction equipment will, at a minimum, meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112. Further, where feasible, construction equipment will use alternative fuels such as compressed natural gas, propane, electricity or biodiesel.

*Party Responsible for Implementation:*      *Developer*

*Party Responsible for Monitoring:*      *Community Planning and Building Department*

**Monitoring Notes:**

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BIO-1      Worker Environmental Awareness Training. Prior to approval of a grading permit at a housing site, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of special-status species potentially occurring in the housing site vicinity, including, but not limited to, monarch butterfly, obscure bumble bee, and western bumble bee. Their habitats, general measures that are being implemented to conserve species as they relate to the housing site, and the boundaries within which construction activities will occur will be explained. Informational handouts with photographs clearly illustrating the species’ appearances shall be used in the training session. All new construction personnel shall undergo this mandatory environmental awareness training. Documentation of completion of this training shall be submitted to the City of Carmel-by-the-Sea Community Planning and Building Department prior to the start of ground disturbing activities.

*Party Responsible for Implementation:*      *Developer*

*Party Responsible for Monitoring:*      *City of Carmel-by-the-Sea Community Planning and Building Department*

**Monitoring Notes:**

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BIO-2 Monarch Butterfly Survey and Avoidance. Prior to initiation of ground disturbance, a late fall/early winter monarch butterfly survey of trees on the housing site shall be conducted by a qualified biologist. Results of the survey shall be submitted to the City of Carmel-by-the-Sea Community Planning and Building Department upon completion. If the results of the survey do not identify any potential overwintering monarch butterflies on-site, no further mitigation is required. If overwintering monarchs are determined to use the site, the applicant shall avoid removal of trees used for overwintering by monarchs to the greatest extent feasible. If trees cannot be avoided, tree removal shall occur outside of the overwintering period (November through February) or until a qualified biologist has determined that overwintering monarchs are no longer using the site. Documentation of tree avoidance or absence of monarchs shall be submitted to the City of Carmel-by-the-Sea Community Planning and Building Department prior to tree removal.

*Party Responsible for Implementation:*      *Developer*

*Party Responsible for Monitoring:*      *City of Carmel-by-the-Sea Community Planning and Building  
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**Monitoring Notes:**

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BIO-3 Bumble Bee Survey and Avoidance. Prior to ground disturbance, a qualified biologist will conduct a pre-construction survey of small mammal burrows and thatched/bunch grasses for western bumble bee activity during the optimal flight period (April 1 – July 31). If the survey results are negative (i.e., no bumble bee activity observed), a letter report confirming absence will be prepared and submitted to the City of Carmel-by-the-Sea Community Planning and Building Department and no further mitigation is required.

If bumble bee nests are detected and the area can be avoided, a qualified biologist shall supervise the installation of protective fencing/flagging a minimum of 50 feet around the nest area prior to construction. The fencing/flagging will be checked at least once per week until construction is complete to ensure that the protective fencing/flagging remains intact. The qualified biologist can conduct the weekly checks or train a biological monitor selected from the construction crew by the construction contractor (typically the project foreman) to check the fencing/flagging and provide weekly updates.

Documentation of the fencing/flagging installation shall be provided to the City of Carmel-by-the-Sea Community Planning and Building Department prior to the start of ground disturbance activities. Documentation of the weekly checks and timely maintenance (if needed) shall be provided to the City of Carmel-by-the-Sea Community Planning and Building Department quarterly during construction.

If bumble bee nests are detected and the area cannot be avoided, the qualified biologist shall coordinate with the California Department of Fish and Wildlife to determine the appropriate method of relocation or eviction of the nests.

After it has been confirmed that the habitat area is no longer occupied, a letter report will be prepared by the qualified biologist and submitted to the City of Carmel-by-the-Sea Community Planning and Building Department.

*Party Responsible for Implementation:*      *Developer*

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**Monitoring Notes:**

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BIO-4      Approximately 14 days prior to tree removal or construction activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees to be removed in trees within 50 feet of the construction easement. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the housing site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an “Anabat” unit. Potential roosting features found during the survey shall be flagged or marked.

If no roosting sites or bats are found, a letter report confirming absence shall be prepared and submitted to the Carmel-by-the-Sea Community Planning and Building Department and no further mitigation is required. If bats or roosting sites are found,

bats shall not be disturbed without specific notice to and consultation with the California Department of Fish and Wildlife.

If bats are found roosting outside of the nursery season (May 1 through October 1), the California Department of Fish and Wildlife shall be consulted prior to any eviction or other action. If avoidance or postponement is not feasible, a Bat Eviction Plan will be submitted to the California Department of Fish and Wildlife for written approval prior to project implementation. A request to evict bats from a roost includes details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed. Any bat eviction shall be timed to avoid lactation and young-rearing. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season. Once the absence of roosting bats has been confirmed, a letter report will be prepared and submitted to the City of Carmel-by-the-Sea Community Planning and Building Department.

*Party Responsible for Implementation:*      *Developer*

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**Monitoring Notes:**

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BIO-5      To avoid impacts to nesting birds during the nesting season (February 1 through September 15), construction activities within or adjacent to any housing site that includes any vegetation removal or ground disturbance (such as grading or trenching) shall be conducted between September 16 and January 31, which is outside of the bird nesting season. If construction activities must commence during the bird nesting season, then a



qualified biologist shall conduct a pre-construction survey for nesting birds to ensure that no nests would be disturbed during construction.

- a. Two surveys for active nests of birds shall occur within 7 days prior to start of construction, with the second survey conducted within 48 hours prior to start of construction. Appropriate minimum survey radius surrounding the work area is typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Individual project developers shall submit evidence of completion of the pre-construction surveys to the City of Carmel-by-the-Sea Community Planning and Building Department prior to initiation of ground disturbing activities.
  
- b. If the qualified biologist documents active nests within individual housing site boundaries, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. This measure shall be implemented by the individual project developers prior to initiation of ground disturbing activities. Once the absence of nesting birds has been confirmed, a letter report will be prepared and submitted to the City of Carmel-by-the-Sea Community Planning and Building Department prior to disturbance of the nest area.

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**Monitoring Notes:**

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GEO-1      The following language shall be included on all grading permits: “If paleontological resources are discovered during demolition and earthmoving activities, work shall stop

within 100 feet of the find until a qualified paleontologist can assess if the find is unique and, if necessary, develop appropriate treatment measures in consultation with the City's Community Planning and Building Department.”

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**Monitoring Notes:**

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