MITIGATION MONITORING AND REPORTING PROGRAM
EAST DUNNE HILLSIDE WATER RESERVOIR PROJECT
MORGAN HILL, CALIFORNIA

Prepared for the:

CITY OF MORGAN HILL

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MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The City of Morgan Hill, as Lead Agency under the California Environmental Quality Act (CEQA) and State CEQA Guidelines, has prepared the Final Mitigated Negative Declaration (MND) for the East Dunne Hillside Water Reservoir Project (proposed project). When a lead agency makes findings on significant effects identified in an MND, it must also adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of project approval (Public Resources Code [PRC] Section 21081.6[a]; State CEQA Guidelines Sections 15091[d], 15097).

This document represents the mitigation monitoring and reporting program (MMRP) prepared by the City of Morgan Hill for the proposed project. This MMRP includes all measures required to reduce potentially significant environmental impacts to a less-than-significant level. In addition, the MMRP identifies the timing of implementation; the agency responsible for implementing the mitigation; and the agency responsible for monitoring the mitigation. The mitigation measures, timing, and responsibility are summarized in Table 1, and the full text of the mitigation measures follows. The implementation and monitoring of the mitigation measures, in conjunction with the implementation of the City's Standard Measures required for such projects, will ensure the reduction of potentially significant environmental effects to less-than-significant levels.

This MMRP has been prepared by the City of Morgan Hill, with technical assistance from Raney Planning & Management, Inc., an environmental consulting firm. Questions should be directed to David Gittleson, Associate Engineer, at the City of Morgan Hill.

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TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility[1]	Timing of Implementation
Prior to Construction			
BIO-1: The following avoidance measures shall be required to avoid the project's potential effects on Swainson's hawk, grasshopper sparrow, golden eagle, white- tailed kite, or any other special-status or migratory bird species. a. If land clearing and grading are to be conducted outside of the breeding season (i.e., September 1 through January 31), a preconstruction survey for nesting migratory birds is not warranted. b. If land clearing and grading are to be conducted during the breeding season (i.e., February 1 through August 31), a preconstruction nesting bird survey shall be conducted. The survey shall be performed by a qualified biologist no more than seven days prior to the initiation of work. If no nesting or breeding activity is observed, work may proceed without restrictions. To the extent allowed by access, all active nests identified within 76 m (250 ft) for raptors and 15 m (50 ft) for passerines shall be mapped. c. For any active nests found near the construction limits (76 m [250 ft] for raptors and 15 m [50 ft] for passerines) the Project Biologist shall make a determination as to whether or not construction activities are likely to disrupt reproductive behavior. If it is determined that construction is unlikely to disrupt breeding behavior, construction may proceed. If it is determined that construction may disrupt breeding, the no-	Project Applicant with a Qualified Biologist	City of Morgan Hill Development Services Department	No more than seven days prior to the start of construction, if construction is proposed during the breeding season (February 1 to August 31)

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Mitigation Measure	Implementation Responsibility	Monitoring Responsibility[1]	Timing of Implementation
construction buffer zone shall be expanded; avoidance is the only mitigation available. The ultimate size of the no-construction buffer zone may be adjusted by the Project Biologist based on the species involved, topography, lines of site between the work area and the nest, physical barriers, and the ambient level of human activity. d. If it is determined that construction activities are likely to disrupt raptor breeding, construction activities within the no-construction buffer zone may not proceed until the project biologist determines that the nest is no longer occupied. e. If maintenance of a no-construction buffer zone is not feasible, the Project Biologist shall monitor the nest(s) to document breeding and rearing behavior of the adult birds. If it is determined that construction-related activities are likely to cause nest abandonment, work shall cease immediately and the CDFW shall be contacted for guidance. Work may not resume until an agreement has been reached with the authorities specifying the conditions under which work may proceed.			
BIO-2: Prior to commencement of construction activities, a habitat assessment shall be conducted by a qualified entomologist knowledgeable with the life history and ecological requirements of Crotch's bumble bee and submitted to the City of Morgan Hill Development Services Department for review. The habitat assessment shall include all suitable nesting, overwintering, and foraging habitats within the Project area and surrounding areas. Potential nest habitat (February through October) could include that of other	Project Applicant with a Qualified Entomologist	City of Morgan Hill Development Services Department and CDFW	Prior to commencement of construction activities

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Mitigation Measure	Implementation Responsibility	Monitoring Responsibility[1]	Timing of Implementation
Bombus species such as bare ground, thatched grasses, abandoned rodent burrows or bird nests, brush piles, rock piles, and fallen logs. Overwintering habitat (November through January) could include that of other Bombus species such as soft and disturbed soil or under leaf litter or other debris. The habitat assessment shall be conducted during peak bloom period for floral resources on which Crotch's bumble bees feed. Further guidance on habitat surveys can be found within Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (https://wildlife.ca.gov/Conservation/CESA). If Crotch's bumble bee habitat is present within the project area, a pre-construction survey shall be conducted by a qualified entomologist familiar with the behavior and life history of Crotch's bumble bees and submitted to the City of Morgan Hill Development Services Department. If CESA candidate bumble bees will be captured or handled, surveyors should obtain a 2081(a) Memorandum of Understanding from CDFW. Surveys shall be conducted during the colony active period (i.e., April through August) and when floral resources are in peak bloom. Bumble bees move nest sites each year, therefore, surveys shall be conducted each year that project work activities will occur. Further guidance on presence surveys can be found within the Survey Considerations for CESA Candidate Bumble Bee Species, referenced above. If Crotch's bumble bees are detected during pre-construction surveys, a Crotch's bumble bee avoidance plan shall be developed and provided to City of Morgan Hill Development Services Department and			

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Mitigation Measure	Implementation Responsibility	Monitoring Responsibility[1]	Timing of Implementation
CDFW for review prior to work activities involving ground disturbance or vegetation removal.			
BIO-3: A qualified biologist shall conduct focused den surveys (e.g., walking line transect surveys) within the project area and within a 250-foot radius surrounding the work area, to the maximum extent feasible, at least 14 days prior to the start of construction activities, as well as daily prior to beginning the ground-disturbing work for the day. The focused den surveys shall be submitted to the City of Morgan Hill Development Services Department for review. If American badger dens are observed at the project site, and the construction activities for the proposed project are to occur during the gestation and pup-rearing period (i.e., February 15 through July 1), a buffer of 250 feet shall be established around the den complex and construction activities shall not occur within the 250-foot buffer. A qualified biologist shall monitor the observed den(s) to detect when young American badgers are nearing independence (e.g., can be observed emerging from den opening or are located outside of the den) and disperse. After the gestation and pup-rearing period for the American badger, a qualified biologist shall conduct focused surveys to determine if the American badger den is active (e.g., burrow scoping, camera stations, track plates, observation of new signs such as tracks, claw marks, or fur). If it is determined that the American badger den is active, and it is not feasible to establish an avoidance buffer surrounding the active den, an American Badger Mitigation Plan shall be developed and submitted to the City of Morgan Hill Development Services Department and CDFW. Any American badger habitat permanently lost shall be	Project Applicant with a Qualified Biologist	City of Morgan Hill Development Services Department and CDFW	At least 14 days prior to the start of construction activities

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Mitigation Measure	Implementation Responsibility	Monitoring Responsibility[1]	Timing of Implementation
compensated at a suitable offsite location at a minimum 1:1 replacement ratio with the same or greater quality habitat.			
GEO-1: Prior to grading permit issuance, the applicant shall submit a final design-level geotechnical report of the project site that provides final design recommendations for the tank foundation and surface drainage controls to ensure slope stability hazards are minimized. The geotechnical report shall be reviewed and approved by the City Engineer, Chief Building Official, and a qualified Geotechnical Engineer to ensure that all geotechnical recommendations specified in the geotechnical report are properly incorporated and utilized in the project design in order to adhere to all geotechnical requirements contained in the California Building Code.	Project Applicant with a Qualified Geotechnical Engineer	City Engineer and Chief Building Official	Prior to grading permit issuance

[1] The City of Morgan Hill may hire a qualified contractor to conduct mitigation monitoring.

BIOLOGICAL RESOURCES

The project's construction-related activities could have potentially significant effects on special-status bird species, including nesting migratory birds and raptors protected by the Migratory Bird Treaty Act (MBTA), as well as on Crotch's bumble bee and American badger. Implementation of the following measures would reduce the potentially significant impact to a less-than-significant level.

MM BIO-1: Special-Status and Migratory Bird Species

The following avoidance measures shall be required to avoid the project's potential effects on Swainson's hawk, grasshopper sparrow, golden eagle, white- tailed kite, or any other special-status or migratory bird species.

a. If land clearing and grading are to be conducted outside of the breeding season (i.e., September 1 through January 31), a preconstruction survey for nesting migratory birds is not warranted.
b. If land clearing and grading are to be conducted during the breeding season (i.e., February 1 through August 31), a preconstruction nesting bird survey shall be conducted. The survey shall be performed by a qualified biologist no more than seven days prior to the initiation of work. If no nesting or breeding activity is observed, work may proceed without restrictions. To the extent allowed by access, all active nests identified within 76 m (250 ft) for raptors and 15 m (50 ft) for passerines shall be mapped.
c. For any active nests found near the construction limits (76 m [250 ft] for raptors and 15 m [50 ft] for passerines) the Project Biologist shall make a determination as to whether or not construction activities are likely to disrupt reproductive behavior. If it is determined that construction is unlikely to disrupt breeding behavior, construction may proceed. If it is determined that construction may disrupt breeding, the no-construction buffer zone shall be expanded; avoidance is the only mitigation available. The ultimate size of the no-construction buffer zone may be adjusted by the Project Biologist based on the species involved, topography, lines of site between the work area and the nest, physical barriers, and the ambient level of human activity.
d. If it is determined that construction activities are likely to disrupt raptor breeding, construction activities within the no-construction buffer zone may not proceed until the project biologist determines that the nest is long longer occupied.
e. If maintenance of a no-construction buffer zone is not feasible, the Project Biologist shall monitor the nest(s) to document breeding and rearing behavior of the adult birds. If it is determined that construction-related activities are likely to cause nest abandonment, work shall cease immediately and the CDFW shall be contacted for guidance. Work may not resume until an agreement has been reached with the authorities specifying the conditions under which work may proceed.

MM-BIO-2: Crotch's Bumble Bee

Prior to commencement of construction activities, a habitat assessment shall be conducted by a qualified entomologist knowledgeable with the life history and ecological requirements of Crotch's bumble bee and submitted to the City of Morgan Hill Development Services Department for review. The habitat assessment shall include all suitable nesting, overwintering, and foraging habitats within the Project area and surrounding areas. Potential nest habitat (February through October) could include that of other Bombus species such as bare ground, thatched grasses, abandoned rodent burrows or bird nests, brush piles, rock piles, and fallen logs. Overwintering habitat (November through January) could include that of other Bombus species such as soft and disturbed soil or under leaf litter or other debris. The habitat assessment shall be conducted during peak bloom period for floral resources on which Crotch's bumble bees feed. Further guidance on habitat surveys can be found within Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (https://wildlife.ca.gov/Conservation/CESA).

If Crotch's bumble bee habitat is present within the project area, a pre-construction survey shall be conducted by a qualified entomologist familiar with the behavior and life history of Crotch's bumble bees and submitted to the City of Morgan Hill Development Services Department. If CESA candidate bumble bees will be captured or handled, surveyors should obtain a 2081(a) Memorandum of Understanding from CDFW.

Surveys shall be conducted during the colony active period (i.e., April through August) and when floral resources are in peak bloom. Bumble bees move nest sites each year, therefore, surveys shall be conducted each year that project work activities will occur. Further guidance on presence surveys can be found within the Survey Considerations for CESA Candidate Bumble Bee Species, referenced above.

If Crotch's bumble bees are detected during pre-construction surveys, a Crotch's bumble bee avoidance plan shall be developed and provided to City of Morgan Hill Development Services Department and CDFW for review prior to work activities involving ground disturbance or vegetation removal.

MM-BIO-3: American Badger

A qualified biologist shall conduct focused den surveys (e.g., walking line transect surveys) within the project area and within a 250-foot radius surrounding the work area, to the maximum extent feasible, at least 14 days prior to the start of construction activities, as well as daily prior to beginning the ground-disturbing work for the day. The focused den surveys shall be submitted to the City of Morgan Hill Development Services Department for review.

If American badger dens are observed at the project site, and the construction activities for the proposed project are to occur during the gestation and pup-rearing period (i.e., February 15 through July 1), a buffer of 250 feet shall be established

around the den complex and construction activities shall not occur within the 250-foot buffer. A qualified biologist shall monitor the observed den(s) to detect when young American badgers are nearing independence (e.g., can be observed emerging from den opening or are located outside of the den) and disperse.

After the gestation and pup-rearing period for the American badger, a qualified biologist shall conduct focused surveys to determine if the American badger den is active (e.g., burrow scoping, camera stations, track plates, observation of new signs such as tracks, claw marks, or fur). If it is determined that the American badger den is active, and it is not feasible to establish an avoidance buffer surrounding the active den, an American Badger Mitigation Plan shall be developed and submitted to the City of Morgan Hill Development Services Department and CDFW. Any American badger habitat permanently lost shall be compensated at a suitable offsite location at a minimum 1:1 replacement ratio with the same or greater quality habitat.

GEOLOGY AND SOILS

Due to the soils underlying the project site, project development could result in impacts related to erosion and landslide hazards. Implementation of the following measure would reduce the potentially significant impact to a less-than-significant level.

MM GEO-1: Erosion and Landslide Hazards

Prior to grading permit issuance, the applicant shall submit a final design-level geotechnical report of the project site that provides final design recommendations for tank foundation and surface drainage controls to ensure slope stability hazards are minimized. The geotechnical report shall be reviewed and approved by the City Engineer, Chief Building Official, and a qualified Geotechnical Engineer to ensure that all geotechnical recommendations specified in the geotechnical report are properly incorporated and utilized in the project design in order to adhere to all geotechnical requirements contained in the California Building Code.

FINDING

The City of Morgan Hill Development Services Director hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the MND are included in the project.

Jennifer Carman
Development Services Director

Date: Jennifer