

MITIGATION MONITORING PROGRAM

FOR

Los Angeles River and Arroyo Seco Low Flow Diversions Project

W.O. SZS11687, SZS11688, SZS11689, SZS11690, SZS11691

INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

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Introduction

The California Environmental Quality Act (CEQA) requires public agencies to adopt a reporting or monitoring program for the changes to the project that have been adopted to mitigate or avoid significant effects on the environment (Public Resources Code Section 21081.6). The program must be adopted by the public agency at the time findings are made regarding the project. The State CEQA Guidelines allow public agencies to choose whether its program will monitor mitigation, report on mitigation, or both (14 CCR Section 15097(c)). This mitigation monitoring program contains the elements required by CEQA for the *Los Angeles River and Arroyo Seco Low Flow Diversion Project*.

Project Description

The City of Los Angeles is proposing to construct five Low Flow Diversion (LFD) systems: two LFD systems to divert dry-weather flows which would discharge to the Arroyo Seco and three LFD systems to divert the dry-weather flows which would discharge to Reach 2 of the Los Angeles River. The Project would capture dry-weather flows from prioritized stormwater outfalls before discharge into adjacent water bodies and divert the dry-weather flows to sanitary sewers for treatment at the Hyperion Water Reclamation Plant (HWRP). The Project construction consists of installing diversion structures within existing storm drains, below-grade gravity pipelines, trash collection structures, maintenance holes, junction structures, pump well structures, pressurized discharge pipes, valve and meter vaults, power supplies for pump stations, a supervisory control and data acquisition (SCADA) system, and instrumentation. The intent of the Project is to help improve water quality and help meet total maximum daily load (TMDLs) requirements of the Los Angeles River and its tributaries (including the Arroyo Seco) by removing the dry-weather flows, which have been identified to have high levels of bacteria. Construction is anticipated to start Winter 2021 and end in Fall 2022 for an approximately 18-month duration.

The analysis in this document assumes that, unless otherwise stated, the project will be designed, constructed and operated following all applicable laws, regulations, ordinances and formally adopted City standards (e.g., *Los Angeles Municipal Code* and Bureau of Engineering *Standard Plans*). Also, the analysis in this document assumes that construction will follow the uniform practices established by the Southern California Chapter of the American Public Works Association (e.g., *Standard Specifications for Public Works Construction* and the *Work Area Traffic Control Handbook*) as specifically adapted by the City of Los Angeles (e.g., The City of Los Angeles Department of Public Works *Additions and Amendments to the Standard Specifications For Public Works Construction* (AKA "The Brown Book," formerly Standard Plan S-610)).

Mitigation Measures

The mitigation measures described in the following pages are taken from the Initial Study and Mitigated Negative Declaration (MND) and related documents. The measures are listed according to the nexus between the listed mitigation measure and the environmental resource section of the source document. For example, MM-CUL-1 correlates to Cultural Resources. The

source document should be consulted whenever there is any question regarding the intent or implementation of the mitigation measure.

The following are identified for each mitigation measure:

1. The phases of the project at which each mitigation measure must be implemented;
2. the description of the mitigation measure;
3. the party who is responsible for the necessary implementing actions;
4. the necessary implementing vehicle;
5. the party who is responsible for verifying that the necessary implementing action is taken;
and
6. the primary record documenting the necessary implementing action.

The mechanisms for verifying that mitigation measures have been implemented include design drawings, construction documents intended for use by construction contractors and construction managers, field inspections, field reports, and other periodic or special reports. All records pertaining to this mitigation monitoring program will be maintained and made available for inspection by the public in accordance with the City's records management systems and policies.

CULTURAL RESOURCES

Potential to impact cultural resources including archeological, paleontological, and tribal cultural resources.

MM-CUL-1: Prior to the commencement of construction activities, a Cultural Resources Management Plan (CRMP) shall be prepared that the City and designees shall follow during construction. The CRMP shall include, but not be limited to, construction monitoring protocols for ground-disturbing activities and project related construction activities. Monitoring by a qualified archaeologist will be required if final designs show excavation into native soils. The CRMP shall include the protocol for Native American Monitoring, development of a construction worker training program and protocols for stopping or diverting work; and cultural resource recovery and processing protocols if significant cultural resources are discovered. The CRMP shall also include City Engineer Standard Specifications for unanticipated historical artifact discoveries, in all areas, including in imported fill: Section 6-3.2, states: "If discovery is made of items of archaeological or paleontological interest, the Contractor shall immediately cease excavation in the area of discovery and shall not continue until ordered by the Engineer." Therefore, during activities in which there will be ground disturbances (i.e., digging, drilling, etc.) if any evidence of archaeological, cultural, or paleontological resources are found, all work within the vicinity of the find shall stop until a qualified archaeologist and/or Native American monitor can assess the finds and make appropriate treatment recommendations. No excavation of any finds should be attempted by project personnel unless directed by a qualified archaeologist. Construction activities may continue in other areas. If the discovery proves significant under CEQA (Section 15064.5f; Public Resources Code or PRC 21082), additional work such as testing, or data recovery may be warranted. Any culturally significant materials, field notes, reports, or photographs shall be deposited in a museum, archeological repository, or with the appropriate Native American tribe. A copy of the monitoring report shall be filed with South Coast Central Information Center at the University of Fullerton, California.

Implementation Phase	Responsible Party	Implementation Vehicle	Enforcement Responsibility	Record of Implementation
Design	Project Engineer	Project Plans & Specifications	Project Manager	Signed Plans & Specifications for Project file
Construction	Construction Contractor as the Bureau of Engineering designee	Contract: Construction/ Scope of work per MM-CUL-1	Bureau of Contract Administration	Bureau of Contract Administration Records and filing CRMP in the Project files.

MM-CUL-2: In accordance with the CRMP, archaeological monitoring by a qualified archaeological monitor shall be conducted during ground-disturbing activities in connection with the Project until the archeological monitor deems there is a low potential for finding cultural materials. Ground-disturbing activities include, but are not limited to, pavement/asphalt removal, boring, trenching, and grading. Per Public Resources Code Sections 21083.2(b) for unique archaeological resources, preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, nonprofit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered a local school or historical society in the area for educational purposes.

Implementation Phase	Responsible Party	Implementation Vehicle	Enforcement Responsibility	Record of Implementation
Design	Project Engineer	Project Plans & Specifications	Project Manager	Signed Plans & Specifications for Project file
Construction	Construction Manager	Project Plans & Specifications	Project Manager	Final Monitoring Report Submitted to South Coast Information Center (SCCIC)
	Construction Contractor as the Bureau of Engineering designee	Contract: Construction/Scope of work per MM-CUL-2	Bureau of Contract Administration	Bureau of Contract Administration Records

MM-CUL-3: In accordance with the CRMP, a Native American monitor shall also be present during ground-disturbing activities that have potential to disturb Tribal Cultural Resources.

Implementation Phase	Responsible Party	Implementation Vehicle	Enforcement Responsibility	Record of Implementation
Design	Project Engineer	Project Plans & Specifications	Project Manager	Signed Plans & Specifications for Project file
Construction	Construction Manager	Project Plans & Specifications	Project Manager	Final Monitoring Report Submitted to South Coast Information Center (SCCIC)
	Construction Contractor as the Bureau of Engineering designee Contract: Construction/	Scope of work per MM-CUL-3	Bureau of Contract Administration	Bureau of Contract Administration Records and Final Monitoring Report Submitted to SCCIC

NOISE

The following noise mitigation measures apply to Via Marisol LFD and Rose Street LFD:

MM-NOI-1: Construction equipment shall be properly maintained and equipped with mufflers.

Implementation Phase	Responsible Party	Implementation Vehicle	Enforcement Responsibility	Record of Implementation
Design	Project Engineer	Project Plans & Specifications	Project Manager	Signed Plans & Specifications for Project file
Construction	Construction Contractor as the Bureau of Engineering designee	Construction Contract	Bureau of Contract Administration	Bureau of Contract Administration Records

MM-NOI-2: Grading and construction contractors shall use rubber-tired equipment rather than metal tracked equipment.

Implementation Phase	Responsible Party	Implementation Vehicle	Enforcement Responsibility	Record of Implementation
Design	Project Engineer	Project Plans & Specifications	Project Manager	Signed Plans & Specifications for Project file
Construction	Construction Contractor as the Bureau of Engineering designee	Construction Contract	Bureau of Contract Administration	Bureau of Contract Administration Records

MM-NOI-3: Equipment shall be turned off when not in use for an excess of five minutes, except for equipment that requires idling to maintain performance.

Implementation Phase	Responsible Party	Implementation Vehicle	Enforcement Responsibility	Record of Implementation
Design	Project Engineer	Project Plans & Specifications	Project Manager	Signed Plans & Specifications for Project file
Construction	Construction Contractor as the Bureau of Engineering designee	Construction Contract	Bureau of Contract Administration	Bureau of Contract Administration Records

MM-NOI-4: Property owners within 500 feet of the Project site shall be notified in advance of the location and dates of construction hours and activities.

Implementation Phase	Responsible Party	Implementation Vehicle	Enforcement Responsibility	Record of Implementation
Design	Project Engineer	Project Plans & Specifications	Project Manager	Signed Plans & Specifications for Project file
Construction	Construction Manager	Public Outreach	Bureau of Contract Administration	Bureau of Contract Administration Records

MM-NOI-5: Construction activities during the hours of 9:00 p.m. to 7:00 a.m. shall be limited to low intensity equipment. Equipment such as concrete saws and heavy equipment shall be prohibited between the hours of 9:00 p.m. and 7:00 a.m. when located within 500 feet of occupied sleeping quarters or other land uses sensitive to increased nighttime noise levels.

Implementation Phase	Responsible Party	Implementation Vehicle	Enforcement Responsibility	Record of Implementation
Design	Project Engineer	Project Plans & Specifications	Project Manager	Signed Plans & Specifications for Project file
Construction	Construction Contractor as the Bureau of Engineering designee	Construction Contract	Bureau of Contract Administration	Bureau of Contract Administration Records

MM-NOI-6: A Noise Disturbance Coordinator shall be established. The Noise Disturbance Coordinator shall be responsible for responding to local complaints about construction noise. The Noise Disturbance Coordinator shall determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to sensitive receptors within 500 feet of the construction site and all signs posted at the construction site shall list the telephone number for the Noise Disturbance Coordinator.

Implementation Phase	Responsible Party	Implementation Vehicle	Enforcement Responsibility	Record of Implementation
Design	Project Engineer	Project Plans & Specifications	Project Manager	Signed Plans & Specifications for Project file
Construction	Construction Manager	Public Outreach	Bureau of Contract Administration	Bureau of Contract Administration Records

MM-NOI-7: Piles shall be installed using a vibratory pile driver in lieu of an impact pile driver. Pile installation shall be limited to a period of 10 days or less per site.

Implementation Phase	Responsible Party	Implementation Vehicle	Enforcement Responsibility	Record of Implementation
Design	Project Engineer	Project Plans & Specifications	Project Manager	Signed Plans & Specifications for Project file
Construction	Construction Contractor as the Bureau of Engineering designee	Construction Contract	Bureau of Contract Administration	Bureau of Contract Administration Records

MM-NOI-8: Sound barriers, such as, but not limited to, temporary construction sound walls, plywood structures, or flexible sound control curtains extending eight feet in height shall be erected around the Project site to minimize the amount of noise during construction on the nearby noise-sensitive uses located off-site. These sound barriers would have a minimum sound transmission loss (rating) of a Sound Transmission Class STC-25 and shall be capable of reducing noise levels by at least 15 decibels.

Implementation Phase	Responsible Party	Implementation Vehicle	Enforcement Responsibility	Record of Implementation
Design	Project Engineer	Project Plans & Specifications	Project Manager	Signed Plans & Specifications for Project file
Construction	Construction Contractor as the Bureau of Engineering designee	Construction Contract	Bureau of Contract Administration	Bureau of Contract Administration Records

TRIBAL CULTURAL RESOURCES

Potential to impact tribal cultural resources.

MM-TCR-1: Retain a Native American Monitor/Consultant: The City shall retain and compensate for a Native American monitor who is both traditionally and culturally affiliated with the project area and approved by the Gabrieleño Band of Mission Indians - Kizh Nation Tribal Government and is listed under the Native American Heritage Commission’s (NAHC) Tribal Contact list for the area of the project location. This list is provided by the NAHC. The Tribal Monitor shall be on site to monitor all project-related, ground-disturbing construction activities within the project area (including, but not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching), until the qualified archeologist in consultation with the Native American monitor determines that monitoring is no longer necessary for a specific project activity. The Tribal Monitor will only be present on-site during the construction phases that involve ground disturbing activities. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day’s activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and Monitor have indicated that the site has a low potential for impacting Tribal Cultural Resources.

Implementation Phase	Responsible Party	Implementation Vehicle	Enforcement Responsibility	Record of Implementation
Design	Project Engineer	Project Plans & Specifications	Project Manager	Signed Plans & Specifications for Project file
Construction	Construction Manager	Project Plans & Specifications	Project Manager	Final Monitoring Report Submitted to SCCIC
	Construction Contractor as the Bureau of Engineering designee	Contract: Construction/Scope of work per MM-TCR-1 including the CRMP	Bureau of Contract Administration	Bureau of Contract Administration Records

MM-TCR-2: Unanticipated Discovery of Tribal Cultural Resources: Upon discovery of any tribal cultural resources, construction activities in the immediate vicinity of the find will cease until the find can be assessed. All tribal cultural resources unearthed by Project construction activities shall be evaluated by a Tribal Monitor. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the City regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue at other parts of the Project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). Any and all Tribal Cultural Resources shall be returned to the authority of the Gabrieleño Band of Mission Indians-Kizh Nation for both anticipated and unanticipated discoveries. If a resource is determined to be not a tribal cultural resource, MM-CUL-2 would apply.

Implementation Phase	Responsible Party	Implementation Vehicle	Enforcement Responsibility	Record of Implementation
Design	Project Engineer	Project Plans & Specifications	Project Manager	Signed Plans & Specifications for Project file
Construction	Construction Manager	Project Plans & Specifications	Project Manager	Final Monitoring Report Submitted to SCCIC
	Construction Contractor as the Bureau of Engineering designee	Contract: Construction/Scope of work per MM-TCR-2 including the CRMP	Bureau of Contract Administration	Bureau of Contract Administration Records

MM-TCR-3: Resource Assessment & Continuation of Work Protocol: Upon discovery of human remains, the Tribal Monitor will immediately divert work at minimum of 150 feet and place an exclusion zone around the discovery location. The Tribal Monitor will then notify the Tribe, the qualified archaeologist, and the construction manager who will call the County Coroner. Work will continue to be diverted while the County Coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the county coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

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Design	Project Engineer	Project Plans & Specifications	Project Manager	Signed Plans & Specifications for Project file
Construction	Construction Manager	Project Plans & Specifications	Project Manager	Final Monitoring Report Submitted to SCCIC
	Construction Contractor as the Bureau of Engineering designee	Contract: Construction/Scope of work per MM-TCR-3 including the CRMP	Bureau of Contract Administration	Bureau of Contract Administration Records

MM-TCR-4: Kizh-Gabrieleno Procedures for burials and funerary remains: If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

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Construction	Construction Manager	Project Plans & Specifications	Project Manager	Final Monitoring Report Submitted to SCCIC
	Construction Contractor as the Bureau of Engineering designee	Contract: Construction/Scope of work per MM-TCR-4 including the CRMP	Bureau of Contract Administration	Bureau of Contract Administration Records

MM-TCR-5: Treatment Measures: If a burial is encountered and determined to be of the Gabrieleño Band of Mission Indians-Kizh Nation origin, prior to the continuation of ground disturbing activities within the vicinity of the find, the City, in consultation with the Gabrieleño Band of Mission Indians-Kizh Nation, shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Gabrieleño Band of Mission Indians-Kizh Nation will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Gabrieleño Band of Mission Indians-Kizh Nation will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically, and respectfully. If data recovery is approved by the Gabrieleño Band of Mission Indians-Kizh Nation, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be prepared and approved by the Gabrieleño Band of Mission Indians-Kizh Nation for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Gabrieleño Band of Mission Indians-Kizh Nation, the City, and the NAHC. The Gabrieleño Band of Mission Indians-Kizh Nation does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects, and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the Project site but at a location agreed upon between the Gabrieleño Band of Mission Indians-Kizh Nation and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

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Design	Project Engineer	Project Plans & Specifications	Project Manager	Signed Plans & Specifications for Project file
Construction	Construction Manager	Project Plans & Specifications	Project Manager	Final Monitoring Report Submitted to SCCIC
	Construction Contractor as the Bureau of Engineering designee	Contract: Construction/Scope of work per MM-TCR-5 including the CRMP	Bureau of Contract Administration	Bureau of Contract Administration Records

MM-TCR-6: Professional Standards: Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

Implementation Phase	Responsible Party	Implementation Vehicle	Enforcement Responsibility	Record of Implementation
Design	Project Engineer	Project Plans & Specifications	Project Manager	Signed Plans & Specifications for Project file
Construction	Construction Manager	Project Plans & Specifications	Project Manager	Final Monitoring Report Submitted to SCCIC
	Construction Contractor as the Bureau of Engineering designee	Contract: Construction/Scope of work per MM-TCR-6 including the CRMP	Bureau of Contract Administration	Bureau of Contract Administration Records