

New Riverside Mid-County Courthouse: Mitigation Monitoring and Reporting Plan

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MITIGATION MONITORING and REPORTING PLAN

Introduction

Section 15097 of CEQA requires all state and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

The Judicial Council will implement the New Courthouse in compliance with standard conditions and requirements for state or federal regulations or laws that are independent of CEQA compliance. The standard conditions and requirements serve to prevent specific impacts. Typical standard conditions and requirements include compliance with the provisions of the California Building Code, National Pollutant Discharge Elimination System (NPDES) permit system, Public Resources Code Section 5097 for discovery of unexpectedly encountered human remains, and South Coast Air Quality Management District’s Rules.

The Judicial Council’s plans for the New Courthouse also include project design features—specific design elements that the Judicial Council has incorporated into the project’s construction and operation to prevent the occurrence of potential environmental effects or reduce the significance of potential environmental effects. The Courthouse’s design features are actions that conform to the California Trial Court Facilities Standards’ specifications. For example, the parties implementing the proposed New Courthouse will use best management practices and technologies aimed to limit the use of natural resources as well as the project’s operating cost over the life of the building. Because the Judicial Council is incorporating the project design features into the New Courthouse, the design features do not constitute mitigation measures as defined by CEQA. The Judicial Council’s proposed courthouse design will conform to the specifications of the California Trial Court Facilities Standards, including the standard that the Judicial Council shall design and construct Court buildings using proven best practices and technology with careful use of natural resources. To implement this standard, the project’s project manager will include specifications that design efforts and construction operations implement best management practices and other measures throughout the construction phase to avoid or minimize potential impacts. These project design features, best management practices, and other measures will include:

- General measures:
 - Designate a contact person for public interaction; and
 - Inform the nearby community through the use of a monthly newsletter that identifies the upcoming work and potential impacts to the surrounding communities.
- Cultural resource measure—If construction personnel encounter archaeological resources, construction will halt in that area of the site until a qualified archaeologist performs an evaluation of the find. If the archaeologist determines the find to be

significant, the Judicial Council shall protect the area of discovery from disturbance to allow the Judicial Council to determine appropriate measures for conserving the resource.

- Storm water, water quality, and soil erosion management measures:
 - Prior to the start of construction activities, the Judicial Council will ensure that the construction contractor prepares a Storm Water Pollution Prevention Plan and secures the Regional Water Quality Control Board's approval of the plan.
 - The construction contractor will incorporate best management practices consistent with the Storm Water Pollution Prevention Plan ("SWPPP"). For construction during the rainy season, the construction contractor will implement erosion measures that may include mulching, geotextiles and mats, earth dikes and drainage swales, temporary drains, silt fence, straw bale barriers, sandbag barriers, brush or rock filters, sediment traps, velocity dissipation devices, or other measures.
 - Wherever possible, the construction contractor will perform grading activities outside the normal rainy season to minimize the potential for increased surface runoff and the associated potential for soil erosion.
- Air quality management measures:
 - Apply water or a stabilizing agent to exposed surfaces in sufficient quantity at least two times a day to prevent generation of dust plumes.
 - Moisten or cover excavated soil piles to avoid fugitive dust emissions.
 - Discontinue construction activities that generate substantial dust blowing on unpaved surfaces during windy conditions. Install and use an appropriate system to remove bulk material from tires and vehicle undercarriages before vehicles exit the proposed project site.
 - Cover dump trucks hauling soil, sand, and other loose materials with tarps or other enclosures that will reduce fugitive dust emissions.
 - Ensure that all construction and grading equipment is properly maintained.
 - Ensure that construction personnel turn off equipment when equipment is not in use.
 - Ensure that all vehicles and compressors utilize exhaust mufflers and engine enclosure covers (as designed by the manufacturer) at all times.
 - Use electric construction power for construction operations in lieu of diesel-powered generators to provide adequate power for man/material hoisting, crane, and general construction operations.
 - Suspend heavy-equipment operations during first-stage and second-stage smog alerts.
 - Noise and vibration measures:
 - Install sound barriers around the perimeter of the proposed project site when engaging in activities that will produce a prolonged noise exposure exceeding the ambient noise threshold of 65 dB.

- When feasible, construction operations will use electric construction power in lieu of diesel-powered generators to provide adequate power for man/material hoisting, crane, and general construction operations.

The intent of this Mitigation Monitoring Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures to reduce or avoid significant environmental impacts.

8.2 Mitigation Measures Adopted From the Final EIR

Mitigation measures identified in this Mitigation Monitoring Plan are in the Final EIR prepared for the Town Center Project. Judicial Council representatives will use this Mitigation Monitoring Plan to ensure compliance with mitigation measures during project implementation. The following table, Table 1, provides a summary of all mitigation and monitoring that will be conducted for the New Courthouse. It also identifies the responsible monitoring agency and implementation phase.

Table 1. Mitigation Monitoring Plan

Mitigation Measure	Implementation Method/ Monitoring	Mitigation Timing	Monitoring Party/ Parties
Air Quality			
AQ-1: Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more);	Include in construction contract specifications	During preparation of working drawings documents and bid documents	Judicial Council's Project Manager
	Ensure compliance with specifications	During construction operations	Judicial Council's Construction Inspector
AQ-2: Contractors shall maintain and operate construction equipment to minimize exhaust emissions;	Include in construction contract specifications	During preparation of working drawings documents and bid documents	Judicial Council's Project Manager
	Ensure compliance with specifications	During construction operations	Judicial Council's Construction Inspector
AQ-3: Contractors shall use electricity from power poles rather than temporary diesel- or gasoline-powered generators to the extent feasible;	Include in construction contract specifications	During preparation of working drawings documents and bid documents	Judicial Council's Project Manager
	Ensure compliance with specifications	During construction operations	Judicial Council's Construction Inspector
AQ-4: All trucks hauling dirt, sand, soil, or other loose materials shall have covered loads;	Include in construction contract specifications	During preparation of working drawings documents and bid documents	Judicial Council's Project Manager
	Ensure compliance with specifications	During construction operations	Judicial Council's Construction Inspector
AQ-5: Suspend excavation and grading activity when winds (as instantaneous gusts) exceed 15 miles per hour or when dust becomes a visible problem;	Include in construction contract specifications	During preparation of working drawings documents and bid documents	Judicial Council's Project Manager
	Ensure compliance with specifications	During construction operations	Judicial Council's Construction Inspector

Mitigation Measure	Implementation Method/ Monitoring	Mitigation Timing	Monitoring Party/ Parties
AQ-6: Replace ground cover in disturbed areas as quickly as possible;	Include in construction contract specifications	During preparation of working drawings documents and bid documents	Judicial Council's Project Manager
	Ensure compliance with specifications	During construction operations	Judicial Council's Construction Inspector
AQ-7: All construction equipment shall be properly maintained as per the manufacturer's recommendations; and	Include in construction contract specifications	During preparation of working drawings documents and bid documents	Judicial Council's Project Manager
	Ensure compliance with specifications	During construction operations	Judicial Council's Construction Inspector
AQ-8: Trucks shall not idle at the site for more than five minutes. The Judicial Council shall post signs limiting idling to five minutes or less.	Include in construction contract specifications	During preparation of working drawings documents and bid documents	Judicial Council's Project Manager
	Ensure compliance with specifications	During construction operations	Judicial Council's Construction Inspector
AQ-9: The Judicial Council shall prepare a project-level air quality assessment that includes the modeling of nitrogen oxides and the localized nitrogen oxides emissions associated with daily grading activities anticipated for the proposed development. If the modeling shows that nitrogen oxide and/or nitrogen dioxide emissions will exceed the South Coast Air Quality Management District's significance thresholds for those emissions, the Judicial Council shall limit maximum daily grading activities of the proposed development to the extent that can occur without creating nitrogen oxide and/or nitrogen dioxide emissions in excess of South Coast Air Quality Management District's significance thresholds	Include in environmental services contract	During preparation of working drawings documents and bid documents	Judicial Council's Environmental Analyst and Project Manager
	Include in construction contract specifications	During preparation of working drawings documents and bid documents	Judicial Council's Project Manager
	Ensure compliance with specifications	During construction operations	Judicial Council's Construction Inspector

Mitigation Measure	Implementation Method/ Monitoring	Mitigation Timing	Monitoring Party/ Parties
Biological Resources			
<p>B-1: Within the Menifee city limits, payment of in-lieu fees, a standard requirement for all development occurring within the Conservation Plan's area, to the City of Menifee via the seller of the Courthouse site to mitigate project impacts to Stephen's kangaroo rat, a federally listed endangered species covered by the Conservation Plan. Include in acquisition agreement During preparation of acquisition agreement Judicial Council's Project Manager, Environmental Analyst, & Real Estate Analyst</p>	<p>Include in acquisition agreement</p>	<p>During preparation of acquisition agreement</p>	<p>Judicial Council's Project Manager, Environmental Analyst, & Real Estate Analyst</p>
<p>B-2: In order to avoid direct take of burrowing owl, the Judicial Council shall conduct a pre-construction survey no greater than 30 days prior to ground disturbance on the project site. This survey shall be conducted in accordance with the protocol approved by the California Department of Fish and Wildlife (CDFW) and modifications to the protocol by Riverside County Integrated Project, a general planning document for the County of Riverside (County of Riverside. If biologists detect the species, the Judicial Council shall limit construction to the area beyond at least 300 feet of the active burrows until a qualified biologist has confirmed that the burrowing owls have completed their nesting effort.</p> <p>If biologists observe burrowing owls outside of the breeding season (from September 1 through January 31), the qualified biologists shall perform passive relocation in coordination with CDFW. Based on CDFW requirements, passive relocation will only apply to burrowing owls that are not actively nesting, and it can occur outside of the nesting season from September 1 through January 31 unless a qualified biologist approved by CDFW verifies through non-invasive methods that the birds have not begun laying or incubating eggs or that juveniles from occupied burrows are independently foraging and capable of independent survival. At the same time that the biologists are excluding birds from occupied burrows, the qualified biologists shall ensure that all potential burrows are collapsed to ensure no burrowing owls can reoccupy the project site. If there is greater than a 30-day delay from passive relocation action to the start of grading or excavation activity, the Judicial Council shall perform a pre-construction survey within 30 days prior to the commencement of construction.</p>	<p>Include in environmental services contract</p>	<p>During preparation of working drawings documents and bid documents</p>	<p>Judicial Council's Environmental Analyst and Project Manager</p>
	<p>Include in construction contract specifications</p>	<p>During preparation of working drawings documents and bid documents</p>	<p>Judicial Council's Project Manager</p>
	<p>Ensure compliance with specifications</p>	<p>During construction operations</p>	<p>Judicial Council's Construction Inspector</p>

Mitigation Measure	Implementation Method/ Monitoring	Mitigation Timing	Monitoring Party/ Parties
<p>B-3: To avoid impacts to nesting birds, the Judicial Council will implement one of the following:</p> <p>a. Conduct all grading (or other surface-disturbing) activities during September 1st through January 31st, when birds are not likely to be nesting on the site;</p> <p>b. Conduct pre-construction surveys for nesting birds if construction is to take place during the nesting season (February 1 through August 31). A qualified wildlife biologist shall conduct a pre-construction nest survey no more than 14 days prior to initiation of grading (or other surface-disturbing) to provide confirmation of the presence or absence of active nests on or immediately adjacent to the project site. If biologists encounter active nests, a qualified biologist shall prepare species-specific measures and the Judicial Council shall implement the measures to prevent abandonment of the active nest(s). At a minimum, the Judicial Council shall defer grading in the vicinity of the nest until young birds have fledged. Depending on the species and location, the Judicial Council shall establish a minimum exclusion buffer of 100 feet from nests during construction. The Judicial Council shall fence or adequately demarcate the perimeter of the nest-setback zone with staked flagging at 20-foot intervals and restrict construction personnel and activities from the zone. Prior to initiation of grading in the nest-setback zone, a qualified biologist shall submit a survey report to the City verifying that (1) no active nests are present, or (2) that the young have fledged. The qualified biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. A qualified biologist shall submit a report of the findings to the City prior to ground disturbance.</p>	<p>Include in environmental services contract</p>	<p>During preparation of preliminary plans, working drawings documents, and bid documents</p>	<p>Judicial Council's Environmental Analyst and Project Manager</p>
	<p>Incorporate cultural resource measures into project's contract specifications</p>	<p>During preparation of working drawings documents and bid documents</p>	<p>Judicial Council's Project Manager</p>
	<p>Ensure compliance with specifications</p>	<p>During construction operations</p>	<p>Judicial Council's Project Manager & Construction Inspector</p>

Mitigation Measure	Implementation Method/ Monitoring	Mitigation Timing	Monitoring Party/ Parties
Cultural Resources			
<p>C-1: The Judicial Council shall retain a qualified archaeologist who shall prepare a cultural resources treatment plan, consult with interested parties, provide appropriate specialized technical services, inform all construction personnel of the project’s cultural resource mitigation measures prior to any construction or earth-disturbing activities, and provide instruction to appropriate construction personnel to recognize archaeological artifacts, features, or deposits. Personnel working on the project will not collect archaeological resources. The qualified archaeologist will be present for any project-related excavations of soils on the site when the Judicial Council begins its construction operations.</p>	Include in environmental services contract	During preparation of working drawings documents and bid documents	Judicial Council’s Environmental Analyst and Project Manager
	Incorporate cultural resource measures into project’s contract specifications	During preparation of working drawings documents and bid documents	Judicial Council’s Project Manager
	Ensure compliance with specifications	During construction operations	Judicial Council’s Project Manager & Construction Inspector
<p>C-1: The Judicial Council shall retain a qualified archaeologist who shall prepare a cultural resources treatment plan, consult with interested parties, provide appropriate specialized technical services, inform all construction personnel of the project’s cultural resource mitigation measures prior to any construction or earth-disturbing activities, and provide instruction to appropriate construction personnel to recognize archaeological artifacts, features, or deposits. Personnel working on the project will not collect archaeological resources. The qualified archaeologist will be present for any project-related excavations of soils on the site when the Judicial Council begins its construction operations.</p>	Include in environmental services contract	During preparation of working drawings documents and bid documents	Judicial Council’s Environmental Analyst and Project Manager
	Incorporate cultural resource measures into project’s contract specifications	During preparation of working drawings documents and bid documents	Judicial Council’s Project Manager
	Ensure compliance with specifications	During construction operations	Judicial Council’s Project Manager & Construction Inspector
<p>C-2: If construction operations discover buried cultural resources during ground-disturbing activities, the Judicial Council will stop excavation work shall stop in that area and within 100 feet of the find until the consulting archaeologist can assess the significance of the find. The archaeologist will evaluate the discovery, determine its significance, and provide proper management recommendations. Management actions may include scientific analysis and professional museum curation. The qualified archaeologist shall summarize the resources in a report prepared to current professional standards.</p>	Include in environmental services contract	During preparation of working drawings documents and bid documents	Judicial Council’s Environmental Analyst and Project Manager
	Include in construction contract specifications	During preparation of working drawings documents and bid documents	Judicial Council’s Project Manager
	Ensure compliance with specifications	During construction operations	Judicial Council’s Construction Inspector and Project Manager

Mitigation Measure	Implementation Method/ Monitoring	Mitigation Timing	Monitoring Party/ Parties
Hydrology and Water Quality			
<p>H-1: Prior to starting construction, the Judicial Council shall ensure issuance of a Letter of Map Revision from FEMA that demonstrates the project site has been removed from Zone A on the Flood Insurance Rate Map panel that includes the Judicial Council’s project site.</p> <p>H-2: The project applicant for each applicable individual land use proposal submitted to the City of Menifee under the proposed Town Center Specific Plan shall prepare and submit a project-specific Water Quality Management Plan to the City. The Water Quality Management Plan shall be consistent with the requirements contained in the <i>Riverside County Water Quality Management Plan for the Santa Ana River Region</i> or other requirements as established by the Santa Ana Region Regional Water Quality Control Board. Implementation responsibilities for the measures contained in each project-specific Water Quality Management Plan must be clearly detailed.</p> <p>H-3: The Judicial Council shall prepare and implement a Stormwater Pollution Prevention Plan designed to reduce construction-related stormwater pollution to the maximum extent practicable. The Stormwater Pollution Prevention Plan shall be consistent with the requirements contained in the General Construction Activity Storm Water Permit as well as any other or subsequent requirements as established by the State Water Resources Control Board. The Judicial Council shall submit a Notice of Intent for coverage under the General Permit and shall comply with all terms of the permit.</p>	Include in acquisition agreement	During preparation of working drawings and bid documents	Judicial Council’s Project Manager & Real Estate Analyst
	Include in construction contract specifications	During preparation of working drawings documents and bid documents	Judicial Council’s Project Manager
	Include in construction contract specifications	During preparation of working drawings documents and bid documents	Judicial Council’s Project Manager
	Ensure compliance with specifications	During construction operations	Judicial Council’s Project Manager & Construction Inspector

Mitigation Measure	Implementation Method/ Monitoring	Mitigation Timing	Monitoring Party/ Parties
<p>H-4: Any future construction activity associated with future development under the proposed Town Center Specific Plan that involves Riverside County Flood Control and Water Conservation District (Water Conservation District) right-of-way, easements, or facilities will require an encroachment permit from the Water Conservation District. The construction of facilities within road right-of-way that might affect Water Conservation District's storm drains must be coordinated with the Water Conservation District. In the event an encroachment permit is needed from the Water Conservation District, the Judicial Council shall demonstrate that all construction-related activities within the Water Conservation District right-of-way are consistent with the Western Riverside County Municipal Species Habitat Conservation Plan (Conservation Plan). To accomplish this, future CEQA documents prepared by the City for individual land use applications under the proposed Specific Plan shall include a Conservation Plan consistency report with its supporting documents and provide adequate mitigation in accordance with all applicable Conservation Plan requirements.</p>	Include in construction contract specifications	During preparation of working drawings documents and bid documents	Judicial Council's Project Manager and Environmental Analyst
	Include in construction contract specifications	During preparation of working drawings documents and bid documents	Judicial Council's Project Manager
	Ensure compliance with specifications	During construction operations	Judicial Council's Project Manager & Construction Inspector
Noise			
<p>N-1: If reasonably practical, the Judicial Council shall enclose or shield HVAC equipment from offsite properties (including other development within the Specific Plan)</p>	Include in construction contract specifications	During preparation of working drawings and bid documents	Judicial Council's Project Manager
	Ensure compliance with specifications	During excavation and construction operations	Judicial Council's Construction Inspector
<p>N-2: The Judicial Council shall select HVAC units with a relatively low sound power level;</p>	Include in construction contract specifications	During preparation of working drawings and bid documents	Judicial Council's Project Manager
	Ensure compliance with specifications	During excavation and construction operations	Judicial Council's Construction Inspector

Mitigation Measure	Implementation Method/ Monitoring	Mitigation Timing	Monitoring Party/ Parties
N-3: If reasonably practical, the Judicial Council shall install HVAC units as far as possible from residential land uses;	Include in construction contract specifications	During preparation of working drawings and bid documents	Judicial Council's Project Manager
	Ensure compliance with specifications	During excavation and construction operations	Judicial Council's Construction Inspector
N-4: If reasonably practical, the Judicial Council shall consider enclosing or shielding loading areas from off-site properties (including other development within the Specific Plan);	Include in construction contract specifications	During preparation of working drawings and bid documents	Judicial Council's Project Manager
	Ensure compliance with specifications	During excavation and construction operations	Judicial Council's Construction Inspector
N-5: If reasonably practical, the Judicial Council shall locate loading areas as far from residential land uses as possible;	Include in construction contract specifications	During preparation of working drawings and bid documents	Judicial Council's Project Manager
	Ensure compliance with specifications	During excavation and construction operations	Judicial Council's Construction Inspector
N-6: The Judicial Council shall not allow engine idling for delivery trucks and other similar types of trucks;	Include in construction contract specifications	During preparation of working drawings and bid documents	Judicial Council's Project Manager
	Ensure compliance with specifications	During excavation and construction operations	Judicial Council's Construction Inspector
N-7: The Judicial Council shall limit truck deliveries, trash compactor, and other loading/unloading activities to daytime hours (7:00 a.m. to 8:00 p.m.)	Include in working drawings and contract specifications	During preparation of working drawings and bid documents	Judicial Council's Project Manager
N-8: The Judicial Council shall consider siting parking facilities as far as possible from residential land uses.	Include in working drawings	During preparation of working drawings and bid documents	Judicial Council's Project Manager

Mitigation Measure	Implementation Method/ Monitoring	Mitigation Timing	Monitoring Party/ Parties
Traffic			
<p>T-1 (a) For the Avenida De Cortez-Sherman Road/Newport Road intersection, the Judicial Council will contribute approximately 5 percent through payments to the City towards addition of a traffic signal and the addition of a westbound left-turn lane, a northbound left-turn lane, and an eastbound through lane at the Avenida De Cortez-Sherman Road/Newport Road intersection.</p> <p>(b) For the Haun Road/Holland Road intersection, the Judicial Council will contribute approximately 0.2 percent through payments to the City towards Addition of a traffic signal and the addition of a northbound left-turn lane, and an eastbound left-turn lane, and restriping the southbound lanes to include a southbound left-turn lane and a southbound through/right-turn lane. at the Haun Road/Holland Road intersection.</p>	<p>Include in encroachment permit agreement with the City of Menifee</p>	<p>Prior to completion of the New Courthouse</p>	<p>Judicial Council's Project Manager & Real Estate Analyst</p>