



Environmental Assessment No. EA-971, Revision A

Mitigation Monitoring and Reporting Program

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Lead Agency:

City of El Segundo

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1.0 Purpose of Mitigation Monitoring and Reporting Program

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring/reporting procedures for mitigation adopted as conditions of approval in order to mitigate or avoid significant environmental impacts. This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor mitigation measures (MMs) specified in the 444 North Nash Street Data Center Project (Environmental Assessment No. EA-971, Revision A) (“Project”) Initial Study/Mitigated Negative Declaration (IS/MND). This MMRP has been prepared in accordance with City of El Segundo (City) monitoring requirements and Public Resources Code §21081.6. Specifically, Public Resources Code §21081.6 states:

(a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:

(1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.

(2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

State CEQA Guidelines §15097 clarifies mitigation monitoring and reporting requirements and provides guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during Project implementation. The City is the Lead Agency for the Project and is therefore responsible for ensuring MMRP implementation. The MMRP has been drafted to meet Public Resources Code §21081.6 requirements as a fully enforceable monitoring program.

The mitigation measure numbering in the MMRP table that follows corresponds with the IS/MND’s mitigation measure numbering. The MMRP table “Verification” column will be used by the parties responsible for documenting when the mitigation measure has been completed. The City will complete ongoing documentation and mitigation compliance monitoring. The completed MMRP and supplemental documents will be maintained on file at the City of El Segundo Community Development Department.

**444 North Nash Street Data Center Project (Environmental Assessment No. EA-971, Revision A) Project
Mitigation Monitoring and Reporting Program**

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
				Date	Initials
<p>MM AQ-1: Generator run time associated with maintenance, staff training, and testing shall be limited to a cumulative total of not more than 108 minutes on any single day for all generators in the facility. A non-resettable totalizing hour meter capable of tracking to at least one-tenth of an hour shall be installed and maintained on each generator. In addition, an engine operating log shall be maintained by the Applicant that shall list the daily run time that each or any engine was operated for the purposes of maintenance, staff training and/or testing. The engine operating log shall record each time the subject engine is manually started including the date of operation, the specific reason for operation, and the totalizing hour meter reading (in hours and tenths of hours) at the beginning and end of operation or operations for the specific date. Engine operating logs shall be retained on-site for a minimum of five calendar years and shall be made available to a City representative upon request. Further, upon request from the City but no more than one time per year, the Applicant shall have the engine manufacturers' service provider download from the engines' CPU the engines' run time for the year including date specific run times and fuel utilization.</p>	During Operations	Applicant/operator shall maintain logs of generator usage, indicating date, time, the meter reading (in hours and tenths of hours), and duration of each maintenance, training, or testing event. Upon request from the City, the Applicant shall have the engine manufacturers' service provider download each engine's run time for the year including date specific run times and fuel utilization.	Community Development Manager, or designee		
<p>MM NOI-1: Maintenance/testing for each individual generator shall occur sequentially (one at a time) and during normal daytime hours (i.e., between 7:00 AM and 10:00 PM). Simultaneous generator maintenance/testing of two or more generators shall be prohibited.</p>	During Operations	Applicant/operator shall maintain logs of generator usage, indicating date, time, and duration of each maintenance, training, or testing event. Upon request from the City, the Applicant shall have the engine manufacturers' service	Community Development Manager, or designee		

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<p>On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.</p> <p>Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.</p>	<p>If Tribal Cultural Resources Are Discovered</p>	<p>Assessment/Disposition</p>	<p>Kizh Monitor (for monitoring)</p>		
<p>MM TCR-2: Unanticipated Discovery of Human Remains and Associated Funerary Objects. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.</p> <p>If Native American human remains and/or grave goods are discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain halted until the coroner has determined the nature of the remains.</p>	<p>During Construction If Human Remains or Funerary Objects Are Encountered</p>	<p>Notification of County Coroner</p>	<p>Community Development Manager</p>		

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<p>If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.</p> <p>Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the monitor determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)</p> <p>Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.</p> <p>Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>					
<p>MM TCR-3: Procedures for Burials and Funerary Remains. As the Most Likely Descendant (“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.</p> <p>If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.</p>	<p>During Construction If Human Remains or Funerary Objects Are Encountered</p>	<p>Assessment/ Disposition</p>	<p>Community Development Manager (for approval)/Kizh Monitor (for monitoring, if Kizh Nation determined to be MLD)</p>		

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<p>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. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.</p> <p>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 Tribe 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.</p> <p>In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects.</p> <p>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 Tribe and the landowner at a</p>					

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<p>site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</p> <p>The Tribe will work closely with the project’s qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.</p>					