

March 2026 | **Mitigation Monitoring and Reporting Program**  
State Clearinghouse No. 2025041045

# PERFORMING ARTS THEATER, ACCEL CENTER AND LIBRARY PROJECT

for Tulare County Office of Education

*Prepared for:*

**Tulare County Office of Education**

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# 1. Introduction

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## 1.1 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor the mitigation measures in the Environmental Impact Report (EIR) for the Performing Arts Theater, AcCEL Center, and Library Project (State Clearinghouse No. 2025041045). The MMRP has been prepared in conformance with Section 21081.6 of the Public Resources Code (PRC). PRC Section 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.

## 1.2 ENVIRONMENTAL IMPACTS

### 1.2.1 Impacts Considered No Impact or Less Than Significant

The EIR identified various thresholds from the CEQA Guidelines for which implementation of the proposed project would not result in significant impacts, as indicated in Chapter 5, *Environmental Analysis*, and Chapter 8, *Impacts Found Not to Be Significant*, of the Draft EIR. Therefore, these environmental categories did not require mitigation. Impacts to the following environmental resources were found to be less than significant or no impact:

## 1. Introduction

- Aesthetics
- Air Quality
- Energy
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

### 1.2.2 Potentially Significant Adverse Impacts That Can Be Mitigated, Avoided, or Substantially Lessened

The EIR concluded that the proposed project could result in one or more potentially significant impacts in the following topic areas:

- Biological Resources
- Cultural Resources
- Geology and Soils
- Tribal Cultural Resources

However, the EIR also found that these impacts would be reduced, avoided, or substantially lessened through the implementation of mitigation measures, which are listed in Table 1, *Mitigation Monitoring Requirements*.

### 1.2.3 Unavoidable Significant Adverse Impacts

The EIR concluded that the proposed project would result in significant and unavoidable impacts in the following topic areas, even with the implementation of mitigation measures:

- Agriculture and Forestry Resources
- Land Use and Planning

## 2. Mitigation Monitoring Requirements

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Project-specific mitigation measures have been categorized in matrix format, as shown in Table 1, *Mitigation Monitoring Requirements*. The matrix identifies the mitigation measures for the proposed project along with the related environmental topic, party responsible for implementation, implementation timing, and party responsible for monitoring. The mitigation matrix will serve as the basis for scheduling the implementation of, and compliance with, all mitigation measures.

## 2. Mitigation Monitoring Requirements

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## 2. Mitigation Monitoring Requirements

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)	
<b>BIOLOGICAL RESOURCES</b>					
BIO-1	<p>Preconstruction Avian Survey. If project construction-related activities (i.e., vegetation clearing or ground disturbing activities) take place during the breeding season (February 15 through September 15), preconstruction surveys for nesting birds and raptors (birds of prey) within the existing vegetation onsite, which would be removed during construction, shall be conducted by a qualified biologist at least 10 days prior to the commencement of the vegetation clearing or ground disturbing activities. A qualified biologist shall establish a behavioral baseline of all identified nests. Once project activities begin, a qualified biologist shall continuously monitor nests to detect behavioral changes resulting from the project. If behavior changes, work causing that change shall be halted and consultation with CDFW for additional avoidance and minimization measures shall occur. A qualified biologist shall implement a no-disturbance buffer of 75 feet for passerine birds and a minimum of 200 feet for raptors. A no-disturbance buffer of 250 feet shall be implemented around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors if continuous monitoring is infeasible. Buffers should remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant on the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason, such as when the project site would be concealed from a nest site by topography. A qualified biologist shall advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.</p>	<p>Tulare County Office of Education to hire Qualified Biologist; Qualified Biologist to conduct surveys</p>	<p>Prior to construction for hiring;                      Prior to vegetation clearing or ground-disturbing activities during the breeding season (February 15 through September 15) for surveys (minimum of 10 days prior to the start of work)</p>	<p>Tulare County Office of Education</p>	
BIO-2	<p><b>Swainson's Hawk Survey.</b> A qualified biologist shall conduct protocol surveys following the survey methodology developed by the <b>Swainson's Hawk Technical Advisory Committee the survey season immediately prior to construction.</b> If project-specific activities will take place during the Swainson's hawk nesting season (i.e., March 1 through September 15), and active Swainson's hawk nests are present, a minimum of ½-mile no-disturbance buffer shall be delineated and maintained around each nest, regardless of whether it</p>	<p>Tulare County Office of Education to hire Qualified Biologist; Qualified Biologist to conduct surveys</p>	<p>Prior to construction for hiring;                      Immediately prior to construction for protocol surveys;                       During Swainson's hawk nesting season (March 1 through September 15) for</p>	<p>Tulare County Office of Education</p>	

## 2. Mitigation Monitoring Requirements

Table 1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	<p>was detected by surveys or observed incidentally. Buffers should remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent <b>nest abandonment and other take of Swainson's hawk as a result of project activities. In the event an active Swainson's hawk nest is detected and a ½-mile no-disturbance buffer is not feasible, consultation by a qualified biologist with CDFW is required to discuss how to implement the project and avoid take. If take cannot be avoided, the COE shall acquire an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) to comply with California Endangered Species Act.</b></p>		buffers		
BIO-3	<p>Western Spadefoot. A qualified biologist shall conduct a habitat assessment prior to the initiation of construction activities to determine if the project site and the immediate surrounding vicinity contain habitat suitable to support western spadefoot. Potential breeding habitat and upland refugia should be evaluated as part of this assessment. If it is determined that suitable habitat is present, a qualified biologist shall conduct focused surveys for western spadefoot, using appropriate survey methodologies, prior to any ground-disturbing activities. If western spadefoot burrows, cracks, loose soil areas, or other refugia are found to be used by western spadefoot during focused surveys, avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around these resources, including all potential breeding habitat, which can include agricultural sumps, irrigation ditches, and areas that pool water for only a few weeks. Potential breeding habitat should be avoided even when dry. If any life stage of western spadefoot is observed on the project site, project activities in their immediate vicinity should cease, allowing individuals to leave the project site of their own accord.</p>	Tulare County Office of Education to hire Qualified Biologist; Qualified Biologist to conduct surveys	Prior to the initiation of construction activities for hiring and surveys	Tulare County Office of Education	

## 2. Mitigation Monitoring Requirements

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)	
<b>CULTURAL RESOURCES</b>					
CUL-1	<p>Prior to the start of construction, the Tulare County Office of Education shall retain a qualified archaeologist. The qualified archaeologist shall be present onsite earthwork activities and monitor earthwork activities for the presence of archaeological resources. If buried cultural materials are encountered during any earth-moving operations associated with the proposed project, all work within 50 feet of the discovery should be halted or diverted until the qualified archaeologist can evaluate the nature and significance of the find(s). If the qualified archaeologist determines that the find is significant, an archaeological treatment plan must be developed to mitigate harm to the resource and will include procedures for data recovery in the event that the resource cannot be avoided.</p> <p>Work may continue on other parts of the project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). If a non-Native American resource is determined by the <b>qualified archaeologist to constitute a "historical resource" or "unique archaeological resource," time allotment and funding sufficient to allow</b> for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources.</p> <p>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, non-profit institution with a research interest in the materials if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.</p>	<p>Tulare County Office of Education to hire Qualified Archaeologist; Qualified Archaeologist to conduct monitoring and treatment</p>	<p>Prior to the start of construction for hiring; During all ground-disturbing earthwork activities for monitoring; Additional actions to be implemented as specified in treatment plan</p>	<p>Tulare County Office of Education</p>	

## 2. Mitigation Monitoring Requirements

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)	
<b>GEOLOGY AND SOILS</b>					
GEO-1	<p>Prior to construction, the Tulare County Office of Education shall retain a qualified paleontological monitor. Earth-moving operations during construction that reach beyond the depth of five feet below the current ground surface shall be monitored periodically by the qualified paleontological monitor to identify potentially fossil-bearing sediments when they are encountered, at which time continuous monitoring will <b>become necessary. The frequency of the periodic monitoring, or “spot-checking,” will be determined</b> and adjusted upon inspection of exposed subsurface soils. The monitor should be prepared to quickly salvage fossils as they are unearthed to avoid construction delays and should collect samples of sediments that are likely to contain fossil remains of small vertebrates or invertebrates. However, the monitor must have the authority to temporarily halt or divert grading equipment to allow for the removal of abundant or large specimens.</p> <p>Samples of sediment shall be collected and processed to recover small fossils, and all fossil remains shall be identified and curated at a repository with permanent retrievable storage, such as the Fossil Discovery Center of Madera County in Chowchilla, the Buena Vista Museum of Natural History in Bakersfield, or the Fresno Discovery Center in Fresno.</p> <p>The qualified paleontological monitor shall prepare a report of findings, including an itemized inventory of recovered specimens, upon completion of on-site monitoring and sample processing. The report shall include a discussion of the significance of the paleontological findings, if any. The report and the inventory, when approved by the COE, would signify completion of the program to mitigate potential impacts on paleontological resources.</p>	<p>Tulare County Office of Education to hire Qualified Paleontological Monitor;                      Qualified Paleontological Monitor to conduct monitoring</p>	<p>Prior to construction for hiring;                      Prior to construction and during earth-moving operations for monitoring (spot-checking below 5 feet, continuous monitoring if fossil beds encountered)</p>	<p>Tulare County Office of Education</p>	

## 2. Mitigation Monitoring Requirements

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)	
NOISE					
TCR-1	<p>If tribal cultural resources are inadvertently discovered during ground disturbing activities for this project, the following procedures will be carried out for treatment and disposition of the discoveries:</p> <ul style="list-style-type: none"> <li>• Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 50 feet) until the find can be assessed.</li> <li>• All Tribal Cultural Resources unearthed by project activities shall be evaluated by the qualified archaeologist. If the resources are Native American in origin, the proper Tribe(s) will retain it/them in the form and/or manner the Tribe(s) deems appropriate, for educational, cultural and/or historic purposes.</li> <li>• If human remains and/or grave goods are discovered or recognized at the project site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health &amp; Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</li> <li>• Work may continue on other parts of the project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]).</li> <li>• Unless otherwise requested by a California Native American Tribe in consultation on this project, 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.</li> </ul>	<p>Tulare County Office of Education to hire Qualified Archaeologist;                      Qualified Archaeologist to conduct evaluation;                      Native American Tribe(s) to be consulted as needed</p>	<p>During all ground-disturbing activities</p>	<p>Tulare County Office of Education</p>	

## 2. Mitigation Monitoring Requirements

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### 3. List of Preparers

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### 3. List of Preparers

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