

DRAFT MITIGATION MONITORING PROGRAM

1.0 INTRODUCTION

To ensure that the mitigation measures contained in this RDEIR are properly implemented, a mitigation monitoring program has been developed pursuant to state law. This Draft Mitigation Monitoring Program (MMP) identifies measures incorporated in the Project which reduce its potential environmental effects; the entities responsible for implementation and monitoring of mitigation measures; and timing for implementation of mitigation measures. As described in *CEQA Guidelines* §15097, this MMP employs both reporting on, and monitoring of, Project mitigation measures.

The objectives of the Draft MMP are to:

- Assign responsibility for, and further proper implementation of mitigation measures;
- Assign responsibility for, and provide for monitoring and reporting of compliance with mitigation measures;
- Provide the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs.

Specific mitigation measures incorporated in the Project, mitigation timing, and implementation and reporting/monitoring responsibilities are presented within Table F-1.

2.0 MITIGATION MONITORING AND REPORTING

Mitigation Monitoring and Responsibilities

As the Lead Agency, the City of Victorville is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City shall monitor and report on all mitigation activities. Mitigation measures shall be implemented at different stages of development throughout the Project area. In this regard, the responsibilities for implementation have been assigned to the Lead and Responsible Agencies, Applicant, Contractors, On-Site Monitors, or combinations thereof.

If during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City shall then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, shall then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.

**Table F-1
Victorville CarMax Auto Superstore Project
Mitigation Monitoring Program**

General Note: To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing/ Remarks	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/ Reporting Frequency
Greenhouse Gas Emissions				
<p>4.4.1 The Project shall implement Screening Table Measures that achieve at least 45 points per the Screening Tables. The City shall verify that Screening Table Measures achieving the 45-point performance standard are incorporated in development plans prior to the issuance of building permit(s) and/or site plans (as applicable). The City shall verify implementation of the selected Screening Table Measures prior to the issuance of Certificate(s) of Occupancy. At the discretion of the City, measures that provide GHG reductions equivalent to GHG emissions reductions achieved via the Screening Table Measures may be implemented.</p>	<p>Screening Table Measures yielding a minimum of 45 points incorporated as part of the Project final design/development plans as submitted to the City.</p>	<p>Applicant</p>	<p>City of Victorville</p>	<p>City shall verify that Screening Table Measures achieving the 45-point performance standard are incorporated prior to the issuance of building permit(s) and/or site plans (as applicable). City shall verify implementation of the selected Screening Table Measures prior to the issuance of Certificate(s) of Occupancy.</p>
Biological Resources				
<p>BIO-1 Nesting Birds. If Project activities must occur during the avian nesting season (February to September), a survey for active nests shall be conducted by a qualified biologist, no more than three (3) days prior to the start of activities. If active nests are identified and present onsite, the qualified biologist shall establish an appropriate nest buffer with flagging and stakes or construction fencing that does not pose an entanglement risk to wildlife. All Project activities within 0-300 feet of the nest, depending</p>	<p>Prior to issuance of the first grading permit, and on-going during any site disturbing activities.</p>	<p>Applicant, Project Biologist</p>	<p>City of Victorville</p>	<p>Prior to issuance of the first grading permit, and on-going during any site disturbing activities.</p>

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<p><i>on the species (50 feet for passerines and up to 300 feet for raptors), shall be postponed until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. The qualified biologist shall monitor the nest at the onset of Project activities and at the onset of any changes in Project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the qualified biologist determines that Project activities may be causing an adverse reaction, the qualified biologist shall adjust the buffer accordingly. Construction personnel shall be instructed regarding the ecological sensitivity of the flagged or fenced area. The qualified biologist shall have the authority to stop work if nesting individuals or pairs exhibit signs of disturbance.</i></p>				
<u>Cultural Resources</u>				
<p>CR-1 A. Prior to the issuance of the first grading permit, the Applicant shall provide a letter to the City of Victorville Planning Department, or designee, from a qualified professional archeologist stating that the Project Archaeological Monitor has been retained to provide on-call services in the event archeological resources are encountered.</p>	<p>Project Archaeological Monitor shall be retained prior to issuance of the first grading permit.</p> <p>Project Archaeological Monitor shall be present at the pre-grading conference</p>	<p>Project Archaeological Monitor, Native American Monitor, Applicant, Developer(s)</p>	<p>City Planning Department, Project Archaeological Monitor, Native American Monitor</p>	<p>Archaeological Monitor retained prior to issuance of the first grading permit.</p> <p>On-going monitoring during ground disturbing activities.</p>

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<p><i>B. The Project Archaeological Monitor shall be present at the pre-grading conference to establish procedures for archeological resource surveillance. In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery shall cease and the City shall be immediately notified. The Project Archaeological Monitor shall be contacted to flag the area in the field and determine if the archaeological deposits meet the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique archaeological resource (Public Resources Code 21083.2(g)).</i></p> <p><i>C. If the find is considered a “resource” the Project Archaeological Monitor shall pursue either protection in place or recovery, salvage and treatment of the deposits. The Project Archaeological Monitor and a Native American Monitor shall evaluate all archaeological resources unearthed by Project construction activities. If the resources are Native American in origin, they shall have the opportunity to consult with the City and/or Project developer(s) on appropriate treatment and curation of these resources.</i></p>	<p>and on-site throughout site disturbing activities.</p> <p>Final Monitoring Report shall be completed and submitted to the City within 60 days of completion of grading, excavation and ground-disturbing activities at the site.</p>			<p>Final Report documenting monitoring activities and monitoring results within 60 days of completion of grading, excavation and ground-disturbing activities at the site.</p>

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<p><i>D. If unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the Applicant's expense. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4.</i></p> <p><i>E. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the Project Archaeological Monitor. Resources shall be identified and curated into an established accredited professional repository. The Project Archaeological Monitor shall have a repository agreement in hand prior to initiating recovery of the resource. Excavation as a treatment option will be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the Project.</i></p> <p><i>F. Final Report. Within 60 days of completion of grading, excavation and ground-disturbing activities at the site, the Project Archaeological Monitor shall prepare a Final Mitigation and</i></p>				

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<p><i>Monitoring Report (Final Report). The Final Report shall document monitoring activities conducted by the Project Archaeologist. This report shall:</i></p> <ul style="list-style-type: none"> • <i>Document the impacts to the known resources on the property.</i> • <i>Describe how each mitigation measure was fulfilled;</i> • <i>Document the type of cultural resources recovered and the disposition of such resources;</i> • <i>Provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting;</i> • <i>In a confidential appendix, include the daily/weekly monitoring notes from the archaeologist.</i> • <i>All reports produced shall be submitted to the City, and Eastern Information Center.</i> <p><i>See also: MMs TR-1, TR-2, TR-3.</i></p>				
<u>Geology and Soils</u>				
<p><i>GEO-1 Prior to the issuance of grading permits, and to the satisfaction of the City, the Project Applicant shall ensure that the recommendations, performance standards and requirements</i></p>	<p><i>Geotechnical design and engineering requirements incorporated in the Project design and construction</i></p>	<p><i>Applicant</i></p>	<p><i>City of Victorville</i></p>	<p><i>Verification of incorporation of geotechnical design and engineering requirements at the issuance of grading</i></p>

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<p><i>established within the Final Project Geotechnical Study are incorporated into the Project design and construction plans. A qualified geotechnical engineer shall be retained on site to ensure that Project implementation is realized in conformance with specifications and requirements identified in the Study.</i></p>	<p>plans prior to the issuance of grading permits. Project Geotechnical engineer retained on-site throughout Project development activities or as otherwise determined appropriate by the Lead Agency.</p>			<p>permits. Project Geotechnical engineer retained on-site throughout Project development activities or as otherwise determined appropriate by the Lead Agency.</p>
<p><i>GEO-2 Prior to the issuance of the first grading permit, the Applicant shall provide a letter to the City of Victorville Planning Department, or designee, from a qualified professional paleontologist (Project Paleontological Monitor) stating that the Project Paleontological Monitor has been retained to provide on-call services in the event paleontological resources are encountered.</i></p> <p><i>The Project Paleontological Monitor shall develop an acceptable monitoring and fossil remains treatment plan (Paleontological Management Treatment Plan - PMTP) for construction-related activities that could disturb potential unique paleontological resources within the Project area. Minimum provisions of the PMTP are outlined below:</i></p>	<p>Project Paleontological Monitor shall be retained prior to issuance of the first grading permit.</p> <p>Project Paleontological Monitor shall be present at the pre-grading conference and on-site throughout site disturbing activities.</p> <p>Final Monitoring Report shall be completed and submitted to the City within 60 days of completion of grading, excavation and ground-disturbing activities at the site.</p>	<p>Applicant/Project Paleontological Monitor, Developer(s)</p>	<p>City Planning Department, Project Paleontological Monitor</p>	<p>Paleontological Monitor retained prior to issuance of the first grading permit.</p> <p>On-going monitoring during ground disturbing activities.</p> <p>Final Report documenting monitoring activities and monitoring results within 60 days of completion of grading, excavation and ground-disturbing activities at the site.</p>

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<ul style="list-style-type: none"> • Paleontological monitoring shall be conducted during all grading and trenching operations. Monitoring shall be conducted intermittently during initial cuts until the Quaternary deposits (if any) are encountered. Once Quaternary deposits are identified, paleontological monitoring shall be conducted on a full-time basis. • The Project Paleontological Monitor shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediment that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor shall be empowered to temporarily halt or divert equipment to allow for the removal of abundant or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if they are present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. • Recovered specimens shall be prepared to a point of identification and permanent preservation, including screen-washing sediments to recover 				

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<p><i>small invertebrates and vertebrates if indicated by the results of test sampling.</i></p> <ul style="list-style-type: none"> <i>All recovered fossils shall be deposited in an accredited institution (university or museum) that maintains collections of paleontological materials. All costs of the paleontological monitoring and mitigation program, including any one-time charges by the receiving institution, shall be the responsibility of the developer(s).</i> <p><i>Within 60 days of completion of grading, excavation and ground-disturbing activities at the site, the Project Paleontological Monitor shall prepare a Final Mitigation and Monitoring Report (Final Report). The Final Report shall identify findings and significance of findings, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). A letter documenting receipt and acceptance of all fossil collections by the receiving institution shall be included in the Final Report. The Final Report, when submitted to and accepted by the Lead Agency (City of Victorville), shall signify satisfactory completion of mitigation of potential impacts to paleontological resources.</i></p>				

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<u>Tribal Cultural Resources</u>				
<p>TR-1 Tribal Monitoring – General. Prior to the issuance of a grading permit, the Project Applicant shall contact the consulting tribes with notification of the proposed grading and shall enter into a Tribal Cultural Resources Treatment and Monitoring Agreement with each Tribe that determines its tribal cultural resources may be present at the site. The agreements shall include, but not be limited to, outlining provisions and requirements for addressing the handling of Tribal cultural resources; Project grading and development scheduling; terms of compensation for the Tribal monitors; treatment and final disposition of any tribal cultural resources, including but not limited to sacred sites, burial goods and human remains discovered at the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal monitors during all ground-disturbing activities. The terms of the agreements shall not conflict with any of these mitigation measures. A copy of the agreement shall be provided to the City of Victorville Planning Department prior to the issuance of a grading permit.</p>	<p>Prior to issuance of grading permit(s):</p> <ul style="list-style-type: none"> • Consulting Tribes shall be notified regarding commencement of grading activities. • Tribal Cultural Resources Treatment and Monitoring Agreement(s) (if any), shall be entered into with consulting Tribes. 	<p>Applicant, Contractors</p>	<p>City of Victorville; Project Archaeologist; Tribal Representative(s)</p>	<p>On-going monitoring shall be conducted per the conditions noted under “Mitigation Timing.”</p> <p>Completion/compliance with requirements of Tribal Cultural Resources Treatment and Monitoring Agreement(s) (if any) per Mitigation Measure TR-1 shall be verified by the City and Consulting Tribes prior to issuance of the Final Project Certificate of Occupancy.</p>
<p>TR-2 Tribal Cultural Resources – Archaeological Monitoring. At least 30 days prior to application</p>	<p>Secretary of Interior Standards-qualified</p>	<p>Applicant, Contractors</p>	<p>City of Victorville; Project</p>	<p>On-going monitoring shall be conducted per the conditions</p>

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<p><i>for a grading permit and before any grading, excavation and/or ground disturbing activities at the site take place, the Project Applicant shall retain a Secretary of Interior Standards-qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Ground-disturbing activities may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, weed abatement, boring, grading, excavation, drilling, and trenching. The on-site monitoring would end when the Project site grading and excavation activities are completed, or when the monitor has indicated that the site has a low potential for archeological resources.</i></p> <p><i>The Project Archaeologist, in consultation with interested Tribes and the Developer, shall develop an Archaeological Monitoring Plan to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the Project site. Details in the Plan shall include:</i></p> <p><i>A. Project grading and development scheduling.</i></p> <p><i>B. The development of a rotating or simultaneous schedule in coordination with the Project</i></p>	<p>archaeological monitor shall be retained at least 30 days prior to application for a grading permit and before any grading, excavation and/or ground disturbing activities take place.</p> <p>On-going monitoring for Tribal archaeological resources shall occur during ground-disturbing activities.</p>		<p>Archaeologist; Tribal Representative(s)</p>	<p>noted under "Mitigation Timing/Remarks."</p> <p>Completion/compliance with requirements of the Archaeological Monitoring Plan (if any) per Mitigation Measure TR-2 shall be verified by the City, the Project Archaeologist and Tribal Representative(s) prior to issuance of the final Project Certificate of Occupancy.</p>

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<p><i>Applicant and the Project Archeologist for designated Native American Tribal Monitors from the consulting Tribes during grading, excavation and ground-disturbing activities at the site.</i></p> <p><i>C. The safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all Project archaeologists.</i></p> <p><i>D. The protocols and stipulations that the Developer, Tribes and Project Archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.</i></p>				
<p><i>TR-3 Treatment and Disposition of Tribal Cultural Resources. 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:</i></p> <p><i>A. Temporary Curation and Storage. During the course of construction, all discovered resources shall be temporarily curated in a secure location on-site or at the offices of the Project Archaeologist. The removal of any</i></p>	<p>On-going monitoring for Tribal Cultural Resources shall occur during ground-disturbing activities. Any curation, storage, treatment, final disposition, or reburial on-site of TCRs shall be accomplished at the direction of the Project Archeologist with tribal monitor oversight. Final Monitoring</p>	<p>Applicant, Contractors</p>	<p>City of Victorville; Project Archaeologist; Tribal Representative(s)</p>	<p>On-going monitoring shall be conducted per the conditions noted under "Mitigation Timing."</p> <p>Completion/compliance with requirements for treatment and disposition of any encountered tribal cultural resources per Mitigation Measure TR-3 shall be</p>

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<p><i>artifacts from the Project site will need to be thoroughly inventoried by the Project Archeologist with tribal monitor oversight of the process.</i></p> <p><i>B. Treatment and Final Disposition. The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The landowner shall relinquish the artifacts through one or more of the following methods and provide the City Planning Department with documentation of same:</i></p> <p><i>a. Reburial on-site. Accommodate the process for on-site reburial of the discovered items with the consulting Tribes. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed.</i></p> <p><i>b. Curation. A curation agreement with an appropriate qualified repository within San Bernardino County that meets federal standards pursuant to 36 CFR Part 79,</i></p>	<p>Report submitted to the City at the completion of ground-disturbing activities.</p>			<p>verified by the City, the Project Archaeologist, and Tribal Representative(s) prior to the issuance of the final Project Certificate of Occupancy.</p>

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<p><i>and therefore, would be professionally curated and made available to other archaeologists or researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Bernardino County, to be accompanied by payment of the fees necessary for permanent curation.</i></p> <p><i>c. Disposition Dispute. If more than one Tribe is involved with the Project and cannot come to a consensus as to the disposition of cultural materials, they shall be curated at the Western Science Center.</i></p> <p><i>d. Final Report. At the completion of grading, excavation and ground-disturbing activities at the site, a Phase IV Monitoring Report shall be submitted to the City documenting monitoring activities conducted by the Project Archaeologist and Tribal Monitors within 60 days of completion of grading. This report shall:</i></p> <ul style="list-style-type: none"> <i>• Document the impacts to the known resources on the property;</i> <i>• Describe how each mitigation measure</i> 				

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<p><i>was fulfilled;</i></p> <ul style="list-style-type: none"> • <i>Document the type of cultural resources recovered and the disposition of such resources;</i> • <i>Provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting;</i> • <i>In a confidential appendix, include the daily/weekly monitoring notes from the archaeologist.</i> • <i>All reports produced will be submitted to the City, Eastern Information Center and consulting tribes.</i> 				