

APPENDIX L

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program has been prepared for use in implementing mitigation for the:

**Aragon West District
Walnut Village Specific Plan
MCN21-63 / GPA21-03 / SPA21-06 / ZCA21-05 / TTM21-02 / DRP21-24**

The program has been prepared in compliance with State law and the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the project by the City of Fontana (City).

The California Environmental Quality Act (CEQA) requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid significant effects on the environment (Public Resource Code Section 21081.6). The law states the reporting or monitoring program shall be designed to ensure compliance during Project implementation.

The monitoring program contains the following elements:

- 1) The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- 2) A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
- 3) The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

This Mitigation Monitoring and Reporting Program includes mitigation identified in the IS/MND.

MITIGATION MONITORING AND RESPONSIBILITIES

As the Lead Agency, the City is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the Project site. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination 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 will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the project is required and/or whether alternative mitigation is appropriate.

STANDARD CONDITIONS

Standard Conditions are presented in instances where the proposed Project would not create a significant impact but would be required to adhere to regulatory requirements in order to ensure

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impacts do not become significant. Standard Conditions outline compliance with various federal, State, and/or local acts, laws, rules, regulations, municipal codes, etc.

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MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project Name: Aragon West District, Walnut Village Specific Plan

Applicant: Frontier Communities

Date: November 8, 2021

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
BIOLOGICAL RESOURCES					
<p>MITIGATION MEASURE BIO-1: Prior to the start of any vegetation removal or ground-disturbing activities, a pre-construction clearance survey for burrowing owls shall be conducted to ensure that burrowing owls remain absent, and impacts to any occupied burrows do not occur. In accordance with the California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation, two pre-construction clearance surveys shall be conducted 14 days and 24 hours, respectively, prior to any vegetation removal or ground-disturbing activities. In the event this species is not identified on site, no further mitigation is required. If during the pre-construction burrowing owl survey, this species is found to occupy the site, Mitigation Measure BIO-2 shall be required</p>	Community Development Director or designee	Prior to the issuance of grading permits, and during grading activities	<p>Evidence to the City:</p> <p>1) the required pre-construction surveys have been completed</p> <p>2) the establishment and maintenance (as applicable) of appropriate buffer(s)</p>		Withhold grading permit, and/or issuance of a stop work order
<p>MITIGATION MEASURE BIO-2: In the event burrowing owls are identified during the survey periods, the City shall contact the California Department of Fish and Wildlife (CDFW) to develop a burrowing owl relocation and conservation strategy. Prior to ground-disturbing activities, the project applicant shall take the following actions:</p> <ul style="list-style-type: none"> A minimum 75-meter (250-foot) buffer shall be provided around any active nest until fledging has occurred. Following fledging, owls may be passively relocated (use of one-way doors and collapse of burrows) by a qualified biologist. 	Community Development Director or designee	Prior to the issuance of grading permits, and during grading activities	<p>1) Evidence to the City the required requirements have been implemented</p> <p>2) Evidence to the City that the required relocation activities (as required) have been completed per the applicable CDFW requirements.</p>		Withhold grading permit and/or issuance of a stop work order

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<ul style="list-style-type: none"> • If impacts to occupied (non-nesting) burrows are unavoidable, on-site passive relocation techniques, as approved by the CDFW, may be employed to encourage owls to move to alternative burrows outside of the impact area. • If relocation of the owls is approved for the site by the CDFW, the City shall require the developer to hire a qualified biologist to prepare a plan for relocating the owls to a suitable site. The relocation plan must include all of the following: <ul style="list-style-type: none"> - The location of the nest and owls proposed for relocation. - The location of the proposed relocation site. - The number of owls involved and the time of year when the relocation is proposed to take place. - The name and credentials of the biologist who shall be retained to supervise the relocation. - The proposed method of capture and transport for the owls to the new site. - A description of site preparation at the relocation site (e.g., enhancement of existing burrows, creation of artificial burrows, one-time or long-term vegetation control). - A description of efforts and funding support proposed to monitor the relocation. 					
<p>MITIGATION MEASURE BIO-3: Pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, prior to removal of any trees, shrubs, or any other potential nesting habitat, a qualified biologist shall first conduct a pre-construction survey for active bird nests outside the avian nesting season. The nesting season generally extends from early February through August, but can vary slightly from year to year based upon seasonal weather conditions. The report shall be provided to the Community Development</p>	<p>Community Development Director or designee</p>	<p>Prior to the issuance of grading permits</p>	<p>Evidence to the City the required requirements have been implemented.</p>		<p>Withhold grading permit and/or issuance of a stop work order</p>

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Department.					
GEOLOGY AND SOILS					
<p>MITIGATION MEASURE GEO-1: Prior to issuance of grading permits, the City of Fontana (City) shall verify that the following note is included on all grading plans:</p> <p>“If paleontological resources are encountered during the course of ground disturbance, work within 60 feet of the find shall be halted, and an exclusionary buffer shall be established. A qualified paleontologist (defined as an individual with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least one year) shall be contacted to assess the find for scientific significance. Construction personnel shall not collect or move any suspected paleontological materials or further disturb any soils within the exclusionary buffer without the consent of the paleontologist and the City Community Development Director, but construction activity may continue unimpeded on other portions of the Project site. If the paleontologist determines the find is not a paleontological resource, no further evaluation shall be required within the exclusionary buffer, and construction activity shall be allowed to resume therein. However, if the paleontologist determines the find is a paleontological resource, construction activity shall not resume within the exclusionary buffer, and Mitigation Measure GEO-2 shall apply.”</p> <p>This measure shall be implemented to the satisfaction of the City Community Development Director or designee.</p>	Building and Safety Director or designee	Prior to issuance of grading and/or building permits	Evidence to the City that the stated language is included on all grading plans.		Withhold grading and/or building permits and/or issuance of a stop work order
<p>MITIGATION MEASURE GEO-2: If the qualified paleontologist determines paleontological resources are encountered on the Project site, the paleontologist shall prepare a Paleontological Resource Impact</p>	Community Development	During construction	Evidence to the City:		Issuance of a stop work order

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<p>Mitigation Plan (PRIMP) to be implemented during the balance of ground-disturbing activities. Implementation of the PRIMP shall include (but not be limited to) the following:</p> <ul style="list-style-type: none"> • Review of Project-specific geotechnical report data, with particular regard to location and depth of earthmoving and the rock unit(s) encountered; • Development of a formal agreement between the Project Applicant and the San Bernardino County Museum, Natural History Museum of Los Angeles County, Western Science Center, San Diego Natural History Museum, Riverside Municipal Museum, or other accredited museum repository for the final disposition, permanent storage, and maintenance of any fossil collections and associated data; • The construction schedule, term/schedule of on-site paleontological monitor(s) and the extent of areas and activities to be monitored; • Authority of paleontological monitor(s) to temporarily redirect construction activity in the vicinity of any paleontological discovery; • Procedures for the evaluation and option to recover large fossil specimens and for the evaluation, recovery, and processing of small fossil specimens; • Fossil specimen preparation, identification to the lowest taxonomic level possible, curation, and cataloging; and • A report of findings. <p>The paleontologist shall monitor remaining ground-disturbing activities in native soils at the Project site and shall be equipped to record and salvage fossil resources that may be unearthed during construction. The paleontologist shall temporarily halt or divert</p>	<p>Director or designee</p>		<ol style="list-style-type: none"> 1) preparation of a Paleontological Resource Impact Mitigation Plan 2) appropriate buffer areas have been established 3) formal agreement between the Project applicant and appropriate repository for fossils 4) submittal of required evaluation and report by a qualified paleontologist to the City. 		
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<p>construction equipment to allow recording and removal of the unearthed resources. Significant fossils shall be offered for curation at an accredited museum repository in accordance with the PRIMP. A report of findings, including, when appropriate, an itemized inventory of recovered specimens and a discussion of their significance, shall be prepared upon completion of the steps outlined above. The report and inventory, when submitted to and approved by the City of Fontana (City), would signify completion of the program. This measure shall be implemented to the satisfaction of the City Community Development Director or designee.</p>					
HYDROLOGY AND WATER QUALITY					
<p>MITIGATION MEASURE HYD-1: Prior to the issuance of a grading permit, the Project Applicant shall file and obtain a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) in order to be in compliance with the State National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit for discharge of surface runoff associated with construction activities. Evidence that this has been obtained (i.e., a copy of the Waste Discharger’s Identification Number) shall be submitted to the City of Fontana (City) for coverage under the NPDES General Construction Permit. This measure shall be implemented to the satisfaction of the City Public Works Department.</p>	<p>Public Works Department</p>	<p>Prior to issuance of grading permit</p>	<p>Copy of the Waste Discharger’s Identification Number submitted to City.</p>		<p>Withhold grading permit</p>
<p>MITIGATION MEASURE HYD-2: Prior to the issuance of a grading permit, the Project Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City of Fontana (City). The SWPPP shall include a surface water control plan and erosion control plan citing Best Management Practices (BMPs) to control on-site and off-site erosion during the entire demolition, grading, and construction period. In addition, the SWPPP shall emphasize structural and nonstructural BMPs to control sediment and non-visible discharges from the site. The SWPPP shall include inspection forms for routine monitoring of the site during the demolition, grading,</p>	<p>Public Works Department</p>	<p>Prior to issuance of grading permit</p>	<p>Submit a Storm Water Pollution Prevention Plan to the City and kept on site for the entire duration of Project construction and shall be available to the local Regional Water Quality Control Board for inspection.</p>		<p>Withhold grading permit</p>

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<p>and construction phases to ensure National Pollutant Discharge Elimination System (NPDES) compliance and that additional BMPs and erosion control measures would be documented in the SWPPP and utilized if necessary. The SWPPP shall be kept on site for the entire duration of Project construction and shall be available to the local Regional Water Quality Control Board (RWQCB) for inspection at any time. BMPs to be implemented may include the following:</p> <ul style="list-style-type: none"> • Sediment discharges from the site may be controlled by the following: sandbags, silt fences, straw wattles and temporary basins (if deemed necessary), and other discharge control devices. The construction and condition of the BMPs shall be periodically inspected during construction, and repairs shall be made when necessary as required by the SWPPP. • Materials that have the potential to contribute to non-visible pollutants to storm water must not be placed in drainage ways and must be contained, elevated, and placed in temporary storage containment areas. • All loose piles of soil, silt, clay, sand, debris, and other earthen material shall be protected in a reasonable manner to eliminate any discharge from the site. Stockpiles shall be surrounded by silt fences and covered with plastic tarps. • The construction contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. Weekly inspections shall be performed on sandbag barriers and other sediment control measures called for in the SWPPP. Monthly reports and inspection logs shall be maintained by the contractor and reviewed by the City and representatives of the RWQCB. In the event that it is not feasible to implement specific BMPs, the City can make a determination that 					
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<p>other BMPs would provide equivalent or superior treatment either on or off site.</p> <p>This measure shall be implemented to the satisfaction of the City Public Works Department.</p>					
<p>MITIGATION MEASURE HYD-3: Prior to the issuance of a grading permit, the Project Applicant shall submit a Final Water Quality Management Plan (Final WQMP) to the City of Fontana (City) for review and approval. The Project shall include Project design features identified in the Final WQMP. The Final WQMP shall demonstrate that any proposed on-site development plan includes best management practices (BMPs) for source control, pollution prevention, site design, low impact development (LID) implementation, and structural treatment control. BMPs to be implemented may include the following:</p> <ul style="list-style-type: none"> • Property Owner/Occupant will be required to review and implement Storm Water Pollution Brochures, Hazardous Waste Guidelines, and the "After the Storm" handouts. • Property Owner/Occupant shall clean and dispose of any hazardous spills and educate and train employees on use of pesticides and in pesticide application techniques to prevent pollution. Pesticide application must be under the supervision of a California qualified pesticide applicator. • Property Owner/Occupant shall clean and maintain all proposed LID BMPs and ensure that underground infiltration BMP is in proper working order by inspecting and cleaning out the system of silt/sediment as needed after every qualifying event. • Property Owner/Occupant shall implement trash management and litter control procedures in the common areas aimed at reducing pollution of drainage water. 	<p>Public Works Department</p>	<p>Prior to issuance of grading permit</p>	<p>Submit a Final Water Quality Management Plan and grading and development plans to the City detailing the low impact development best management practices.</p>		<p>Withhold grading permit</p>

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<ul style="list-style-type: none"> • Industrial facility docks shall be kept in a clean and orderly condition through a regular program of sweeping and litter control and immediate cleanup of spills and broken containers. Cleanup procedures must minimize or eliminate the use of water. If wash water is used, it must be disposed of in an approved manner and not discharged to the storm drain system. If there are no other alternatives, discharge of non-stormwater flow to the sanitary sewer may be considered only if allowed by the local sewerage agency through a permitted connection. • Stenciling shall be provided at all catch basin inlets that states “No Dumping - Drains to Ocean.” • Drainage is routed around the trash enclosure area. Additionally, the trash enclosure area shall be walled to prevent off-site transport of trash. Enclosure area shall also have a roof and attached lids to prevent rainfall from entering the containers. • Loading dock drainage shall be directed, through use of trench drains, to the underground infiltration BMP and shall be pretreated with inlet filters and grate. • A landscape plan is to be submitted to the City for approval. The landscape plan shall have an emphasis on efficient water use and irrigation methods and on water conservation. <p>BMPs shall be designed and implemented to address Section 303(d) listed pollutants and retain the Project site’s minimum design capture volume and, if applicable, hydromodification volume to ensure post-development storm water runoff volume or time of concentration does not exceed pre-development storm water runoff by more than five percent of the two-year peak flow in accordance with the <i>Technical Guidance Document for Water Quality Management Plans</i></p>					
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<p>prepared for the County of San Bernardino Areawide Stormwater Program, National Pollutant Discharge Elimination System Permit Number CAS618036, Order Number R8-2010-0036. The proposed LID BMPs specified in the Final WQMP shall be incorporated into the grading and development plans submitted to the City for review and approval. Periodic maintenance of any required BMPs and landscaped areas during Project occupancy and operation shall be in accordance with the schedule outlined in the Final WQMP. This measure shall be implemented to the satisfaction of the City Public Works Department.</p>					
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Date: November 8, 2021

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CULTURAL RESOURCES					
<p>STANDARD CONDITION CUL-1: Upon discovery of any cultural, tribal cultural, or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All cultural, tribal cultural and archaeological resources unearthed by Project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.</p>	<p>Community Development Director or designee</p>	<p>During construction</p>	<p>Mandatory work stoppage if cultural, tribal cultural, or archaeological resources are encountered and evidence to the City that a qualified archaeologist and tribal monitor/consultant are retained to provide recommendations.</p>		<p>Issuance of a stop work order</p>
<p>STANDARD CONDITION CUL-2: Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. 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, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.</p>	<p>Community Development Director or designee</p>	<p>During construction</p>	<p>Evidence to the City that</p> <ol style="list-style-type: none"> 1) Resources are preserved in place or archaeological data recovery excavation is conducted. 2) All Tribal Cultural Resources are returned to the Tribe. 3) Historic archaeological material that is not Native American in origin is curated at a public, non-profit institution or 		<p>Issuance of a stop work order</p>

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			offered to the Tribe or a local school or historical society in the area.		
<p>STANDARD CONDITION CUL-3: Archaeological and Native American monitoring and excavation during construction projects shall 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 shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' 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.</p>	Community Development Director or designee	During construction	Evidence to the City that 1) A qualified archaeologist and tribal monitor/ consultant are retained to provide recommendations and ensure all other personnel are appropriately trained and qualified		Issuance of a stop work order
NOISE					
<p>STANDARD CONDITION NOI-1: The construction contractor will use the following source controls at all times:</p> <p>a. Construction shall be limited to 7:00 a.m. to 6:00 p.m. on weekdays, 8:00 a.m. to 5:00 p.m. on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(7) of the Municipal Code.</p> <p>b. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise-generating potential practical for their intended use.</p> <p>c. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly</p>	Community Development Director or designee	During construction	Evidence to the City the construction documents include the stated conditions.		Issuance of a stop work order

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<p>operating (tuned-up) and lubricated, and that mufflers are working adequately.</p> <p>d. Have only necessary equipment on site.</p> <p>e. Use manually-adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:</p> <p>i. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.</p> <p>ii. Temporarily enclose localized and stationary noise sources.</p> <p>iii. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.</p>					
TRIBAL CULTURAL RESOURCES					
<p>CONDITION OF APPROVAL TRIBAL CULTURAL RESOURCES -1: A Register of Professional Archaeologists (RPA)-qualified archeologist experienced with Native American artifact identification and approved by the City of Fontana shall be present to monitor the first two (2) days of site preparation/ grubbing; the first two (2) days of mass grading; and the first two (2) days of utility trenching. Such monitoring activities may be reduced or terminated depending on the findings and recommendations of the archeologist. In the event that prehistoric or historic cultural resources be uncovered during these activities, representatives of the tribal entity(s) whom consider the project site to be within their traditional use area shall be contacted and invited to the site to review the find, and monitoring shall be</p>	<p>Community Development Director or designee</p>	<p>During construction</p>	<p>1) Mandatory work stoppage if cultural, tribal cultural, or archaeological resources are encountered.</p> <p>Also, evidence to the City that</p> <p>The Consulting Native American group has been notified and invited to the site to review the find.</p>		<p>Issuance of a stop work order</p>

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continued at the discretion of the archeologist.					
<p>STANDARD CONDITION TRIBAL CULTURAL RESOURCES-1: Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.</p> <p>Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. 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, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.</p> <p>Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All</p>	Community Development Director or designee	During construction	<p>1) Mandatory work stoppage if cultural, tribal cultural, or archaeological resources are encountered and evidence to the City that a qualified archaeologist and tribal monitor/consultant are retained to provide recommendations.</p> <p>Also, evidence to the City that</p> <p>2) Resources are preserved in place or archaeological data recovery excavation is conducted.</p> <p>3) All Tribal Cultural Resources are returned to the Tribe.</p> <p>4) Historic archaeological material that is not Native American in origin is curated at a public, non-profit institution or offered to the Tribe or a local school or historical society in the area.</p> <p>5) A qualified archaeologist and tribal monitor/consultant are retained to</p>		Issuance of a stop work order

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feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' 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.			provide recommendations and ensure all other personnel are appropriately trained and qualified		