

Terms and Definitions:

1. **Property Owner/Developer** – Owner or developer of Palmyra Cemetery Project.
2. **Environmental Equivalent/Timing** – Any mitigation measure and timing thereof, subject to the approval of the City, which will have the same or superior result and will have the same or superior effect on the environment. The Planning Department, in conjunction with any appropriate agencies or City departments, shall determine the adequacy of any proposed "environmental equivalent/timing" and, if determined necessary, may refer said determination to the Planning Commission. Any costs associated with information required in order to make a determination of environmental equivalency/timing shall be done by the property owner/developer. Staff time for reviews will be charged on a time and materials basis at the rate in the City's adopted Fee Schedule.
3. **Implementation Timing** – This is the point where a mitigation measure must be monitored for compliance. In the case where multiple action items are indicated, it is the first point where compliance associated with the mitigation measure must be monitored. Once the initial action item has been complied with, no additional monitoring pursuant to the Mitigation Monitoring Plan will occur, as routine City practices and procedures will ensure that the intent of the measure has been complied with. For example, if the timing is "to be shown on approved building plans" subsequent to issuance of the building permit consistent with the approved plans will be final building and zoning inspections pursuant to the building permit to ensure compliance.
4. **Responsibility Monitoring Party** – Shall mean that compliance with the subject mitigation measure(s) shall be reviewed and determined adequate by all departments listed for each mitigation measure. Outside public agency review is limited to those public agencies specified in the Mitigation Monitoring Plan which have permit authority in conjunction with the mitigation measure.
5. **Ongoing Mitigation Measures** – The mitigation measures that are designated to occur on an ongoing basis as part of this Mitigation Monitoring Plan will be monitored in the form of an annual letter from the property owner/developer in January of each year demonstrating how compliance with the subject measure(s) has been achieved. When compliance with a measure has been demonstrated for a period of one year, monitoring of the measure will be deemed to be satisfied and no further monitoring will occur. For measures that are to be monitored "Ongoing During Construction", the annual letter will review those measures only while construction is occurring; monitoring will be discontinued after construction is complete. A final annual letter will be provided at the close of construction.
6. **Building Permit** – For purposes of this Mitigation Monitoring Plan, a building permit shall be defined as any permit issued for construction of a new building or structural expansion or modification of any existing building but shall not include any permits required for interior tenant improvements or minor additions to an existing structure or building.



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4.3 – Air Quality	<p>PDF AQ-1: Prior to the issuance of a grading permit and building permit, the Property Owner/Developer shall include a note on the grading and building plans, respectively, that the Contractor shall adhere to the requirements of SCAQMD Rule 403 to reduce emissions resulting from fugitive dust.</p>	Prior to Issuance of a Grading Permit and Building Permit	Planning Department	
4.4 - Biological Resources	<p>MM BIO-1: In order to comply with Section 10 of the Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code, any vegetation clearing should take place outside of the typical avian nesting season (e.g., March 15th until September 1st).</p> <ul style="list-style-type: none"> • If work needs to take place between March 15th and September 1st, a pre – activity clearance survey for nesting passerines and raptors should be completed prior to the onset of project activities. • An activity exclusion buffer zone around occupied nests should be maintained during physical ground disturbing undertakings. Once nesting has ended, the buffer may be removed. 	Prior to Issuance of a Grading Permit	Planning Department	
4.5 – Cultural Resources	<p>MM CUL-1: During ground disturbance/construction, in the event of an unanticipated discovery, the Contractor shall ensure all work be suspended within 50 feet of the find until a qualified archaeologist evaluates it. In the unlikely event that human remains are encountered during project development, all work shall cease near the find immediately.</p> <p>In accordance with California Health and Safety Code Section 7050.5, the County Coroner must be notified if potentially human bone is discovered. The Coroner will then determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) by phone within 24 hours, in accordance with Public Resources Code Section 5097.98. The NAHC will then designate a Most Likely Descendant (MLD) with respect to the human</p>	Ongoing During Ground Disturbance/Construction	Planning Department	



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	<p>remains. The MLD then has the opportunity to recommend to the property owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and associated grave goods. Work may not resume in the vicinity of the find until all requirements of the health and safety code have been met.</p>			
<p align="center">4.7 – Geology and Soils</p>	<p>MM GEO-1: The Property Owner/Developer shall incorporate into the project plans and specifications all recommendations detailed within the project-specific geotechnical report (Appendix E, Geotechnical Feasibility Assessment, Hamilton and Associates, July 2021), as listed out below. Without these report recommendations, the project plans and specifications would not be approved, and the Proposed Project would not be allowed to advance into the final design stage or ultimately into construction.</p> <ul style="list-style-type: none"> • Discussion, Conclusions and Recommendations <ul style="list-style-type: none"> ○ Site Preparation and Grading <ul style="list-style-type: none"> ▪ Existing Construction Debris, Disturbed Soils ▪ Remedial Grading ▪ New Fills ▪ Backfilling and Compaction Requirements ▪ Imported Soils ▪ Observation and Testing During Construction ○ Foundation Design <ul style="list-style-type: none"> ▪ Foundation Capacity ▪ Lateral Resistance ▪ Foundation Settlements/Displacements ○ Seismic Design Parameters ○ Retaining Walls ○ Placement, Paths, Slab-On-Grade ○ Asphalt Pavement ○ Site Drainage ○ Utility Trenches ○ Plan Review, Observation and Testing 	<p>Prior To Issuance Of Grading And Building Permits</p>	<p>Building Department</p>	



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4.7 – Geology and Soils	MM-GEO-2: During ground disturbance/construction, in the event of an unanticipated paleontological discovery, the Contractor shall ensure all work be suspended within 25 feet of the find until a qualified paleontologist evaluates it.	Ongoing During Ground Disturbance/Construction	Planning Department	
4.9 – Hazards and Hazardous Materials	<p>MM HAZ-1: The Property Owner/Developer and Contractor shall implement the environmental activities in the Soil Management Plan Section 6 – <i>Environmental Activities for Site Redevelopment</i>, summarized below, in compliance with all applicable agencies, including but not limited to the City of Orange, Orange County Health Care Agency, South Coast Air Quality Management District, and California Department of Toxic Substances Control:</p> <ul style="list-style-type: none"> • 6.1 Pre-Grading Activities: <ul style="list-style-type: none"> ○ 6.1.1) Health and Safety Plan ○ 6.1.2) Pre-Grading Meeting ○ 6.1.3) South Coast Air Quality Management District, Various Sites Permit • 6.2 During Excavation and Grading Activities: <ul style="list-style-type: none"> ○ 6.2.1) Dust and Odor Control ○ 6.2.2) Notification and Identification of Unknown Environmental Concerns ○ 6.2.3) Cleanup Standards • 6.3 Site-Specific Soil Management Protocols: <ul style="list-style-type: none"> ○ 6.3.1) Stained and/or Odorous Soil or Other Unregulated Feature ○ 6.3.2) Unburied Landfill Waste ○ 6.3.3) Regulated Features ○ 6.3.4) Sampling Export Soils ○ 6.3.5) Sampling Imported Soil <ul style="list-style-type: none"> ○ 6.3.5.1) Sampling Criteria ○ 6.3.5.2) Acceptable Levels • 6.4 Final Reporting 	Prior To Issuance Of A Grading Permit And Ongoing During Ground Disturbance, Construction, And Operation	Planning Department	



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	<ul style="list-style-type: none"> The SMP shall be implemented during site grading, construction, and project operations, inclusive of all agencies' reporting requirements and timing. 			
<p>4.9 – Hazards and Hazardous Materials</p>	<p>MM HAZ-2: The Property Owner/Developer and Contractor shall implement the programs to inspect and maintain the portion of the former La Veta Landfill cover system located at the site, as cited in the Post Closure Land Use Plan (PCLUP) Section 5 – post Closure Maintenance Plan, summarized below, in compliance with all applicable agencies, including but not limited to the City of Orange, Orange County Health Care Agency, South Coast Air Quality Management District, and California Department of Toxic Substances Control:</p> <ul style="list-style-type: none"> 5.1 Landfill Cover Inspections and Maintenance 5.2 Drainage Structures 5.3 Continues Landfill Gas Monitoring: <ul style="list-style-type: none"> 5.3.1) Indoor Air Monitoring 5.3.2) Landfill Gas Monitoring Probes 5.3.3) Indoor Air Sampling 5.4 Continued Groundwater Monitoring <p>The PCLUP shall be implemented during site grading, construction, and project operations, inclusive of all agencies' reporting requirements and timing.</p>	<p>Prior To Issuance Of A Grading Permit And Ongoing During Ground Disturbance, Construction, And Operation</p>	<p>Planning Department</p>	
<p>4.9 – Hazards and Hazardous Materials</p>	<p>MM HAZ-3: The Property Owner/Developer shall obtain approval of a project specific Traffic Control Plan through the City of Orange's Public Works Department for all works on arterial streets. The Traffic Control Plan shall be prepared by a California Licenses Traffic Engineer.</p>	<p>Prior to Issuance of a Grading Permit</p>	<p>Public Works Department</p>	
<p>4.13 - Noise</p>	<p>MM NOI-1: The Property Owner/Developer and Contract shall ensure the following measures are implemented as part of the Proposed Project's during all project site excavation, ground disturbance, and construction.</p> <p>A. During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile,</p>	<p>Ongoing during Construction</p>	<p>Planning Department</p>	



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	<p>with properly operating and maintained mufflers consistent with manufacturer standards.</p> <p>B. The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Project Site.</p> <p>C. Equipment shall be shut off and not left to idle when not in use.</p> <p>D. The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the Project Site during all project construction.</p> <p>E. Jackhammers, pneumatic equipment and all other portable stationary noise sources shall be shielded and noise shall be directed away from sensitive receptors.</p> <p>F. The project proponent shall mandate that the construction contractor prohibit the use of music or sound amplification on the Project Site during construction.</p> <p>G. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment.</p>			
<p>4.18 – Tribal Cultural Resources</p>	<p>MM TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities:</p> <p>The Project Applicant/Lead Agency shall retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation (the “Kizh” or the “Tribe”) - the direct lineal descendants of the project location. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the Proposed Project, at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. A copy of the executed monitoring agreement shall be provided to the Lead Agency prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.</p>	<p>Prior to Issuance of a Grading Permit</p>	<p>Planning Department</p>	



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	<p>The Project Applicant/Developer shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.</p> <p>The Project Applicant/Developer shall hold at least one (1) pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe will inform and educate the project’s construction and managerial crew and staff members (including any project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project’s compliance with the TCR mitigation measures.</p> <p>The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request.</p> <p>Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs.</p>			
4.18 – Tribal	MM TCR-2: Discovery of TCRs, Human Remains, and/or Grave Goods	Ongoing during Construction	Planning Department	



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Cultural Resources	<p>A. Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a Kizh monitor and/or Kizh archaeologist will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered TCR unless and until the Tribe has completed its assessment/evaluation/recovery of the discovered TCR and surveyed the surrounding area.</p> <p>B. The Tribe will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes.</p> <p>C. If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall immediately cease. Native American “human remains” are defined to include “an inhumation or cremation, and in any state of decomposition or skeletal completeness.” (Pub. Res. Code § 5097.98 (d)(1).) Funerary objects, referred to as “associated grave goods,” shall be treated in the same manner and with the same dignity and respect as human remains. (Pub. Res. Code § 5097.98 (a), d)(1) and (2).)</p> <p>D. Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health & Safety Code § 7050.5(c); 14 Cal. Code Regs. § 15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on site and in any other area where the presence of human remains and/or grave goods are suspected to be present, shall immediately halt and remain halted until the coroner has determined the nature of the remains. (14 Cal. Code Regs. § 15064.5(e).) 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, within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.</p>			



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	<p>E. Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe 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 Tribal monitor and/or archaeologist deems necessary). (14 Cal. Code Regs. § 15064.5(f).)</p> <p>F. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods.</p> <p>G. Any historic archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, 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>H. Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance.</p>			
<p>4.18 – Tribal Cultural Resources</p>	<p>MM TCR-3: Procedures for Burials, Funerary Remains, and Grave Goods</p> <p>A. As the Most Likely Descendant (“MLD”), the Koo-nas-gna Burial Policy shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains.</p> <p>B. If the discovery of human remains includes four (4) or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.</p> <p>C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated “grave goods” (aka, burial goods or 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, as well as other items made exclusively for burial purposes or</p>	<p>Ongoing during Construction</p>	<p>Planning Department</p>	



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	<p>to contain human remains. Cremations will either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials.</p> <p>D. In the case where discovered human remains cannot be fully recovered (and documented) 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 divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.</p> <p>E. 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. The site of reburial/repatriation shall be agreed upon by the Tribe and the landowner and shall be protected in perpetuity.</p> <p>F. Each occurrence of human remains and associated grave goods will be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items will be retained and shall be reburied within six months of recovery.</p> <p>G. 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>			