
Mesa Linda Significance and Mitigation Measures

Introduction

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Environmental Impact Report has been certified which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "...reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented for the Mesa Linda Street Development Project (Project). The City of Hesperia is the Lead Agency for the Project and is responsible for implementation of the MMRP. This report describes the MMRP for the Project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

Mitigation Monitoring and Reporting Program

The MMRP for the Project will be active through all phases of the Project, including design, construction, and operation. The attached table identifies the mitigation program required to be implemented by the City for the Mesa Linda Street Development Project. The table identifies the Project Design Features; Regulatory Requirements (RRs); and mitigation measures required by the City to mitigate or avoid significant adverse impacts associated with the implementation of the Project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual Plan, Program, Policies; and mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

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**MITIGATION MONITORING AND REPORTING PROGRAM
MESA LINDA STREET DEVELOPMENT PROJECT EIR**

Regulatory Requirement /Project Design Feature/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
AESTHETICS			
<p>Mitigation Measure AES-1. Project buildings and elements shall include colors and tones that mimic the natural desert environment. The Project applicant shall present to the City of Hesperia a materials board showing the proposed building color palette for review and approval prior to issuance of the first building permit. City staff shall review the color palette to ensure that the selected colors and tones largely conform to those colors and tones already found in the surrounding natural desert landscape. The color palette, along with the Project design as a whole, shall also be reviewed to assure conformance with the development standards of the Hesperia Municipal Code and the Main Street and Freeway Corridor Specific Plan in order to promote the visual character and quality of the surrounding area.</p>	<p>Verified during review of final plan check.</p>	<p>City of Hesperia Planning Department.</p>	
BIOLOGICAL RESOURCES			
<p>Mitigation Measure BIO-1: Preconstruction Burrowing Owl Surveys</p> <ul style="list-style-type: none"> • A preconstruction survey for resident burrowing owls shall be conducted by a qualified biologist within 30 days prior to commencement of grading and construction activities to ensure that no owls have colonized the site in the days of weeks preceding project activities. If ground disturbing activities in these areas are delayed or suspended for more than 30 days after the preconstruction survey, the area shall be resurveyed for owls. The preconstruction survey and any relocation activity shall be conducted in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012). • If active nests are identified on an implementing project site during the preconstruction survey, the nests shall be avoided, or the owls actively or passively relocated. To adequately avoid active nests, no grading or heavy equipment activity shall take place within at least 250 feet of an active nest during the breeding season (February 1 through August 31), and 160 feet during the non-breeding season. • If burrowing owls occupy any implementing portion of the Project site and cannot be avoided, active or passive relocation shall be used to 	<p>Submittal of pre-construction survey for burrowing owls. Prior to construction and ground-disturbing activities.</p>	<p>City of Hesperia Planning Department and CDFW.</p>	

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<p>exclude owls from their burrows, as agreed to by the City of Hesperia Planning Department and the CDFW. Relocation shall be conducted outside the breeding season or once the young are able to leave the nest and fly. Burrows shall be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible pipe shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. The CDFW shall be consulted prior to any active relocation to determine acceptable receiving sites available where this species has a greater chance of successful long-term relocation.</p>			
<p>Mitigation Measure BIO-2: Sensitive Wildlife Surveys</p> <ul style="list-style-type: none"> • Coastal whiptail (<i>Aspidoscelis tigris stejnegeri</i>) and coast horned lizard (<i>Phrynosoma blainvillii</i>) have the potential to exist on the Project site and the potential to be impacted by construction activities. A qualified biological monitor shall be present on site during all ground disturbing activities to ensure no direct or indirect take of the species occurs. A pre-construction survey will be conducted three days prior to initiation of construction activities that would remove vegetation or otherwise disturb potential habitat. If the species occurs on site during Project activities, the biologist will have the authority to stop construction and allow the species time to evacuate the Project site. • If a listed species is encountered and cannot be avoided until they voluntarily leave the work area, this plan will be amended to include: <ul style="list-style-type: none"> • Information on the site form which the species is to be removed and the proposed alternate habitat to which they are to be moved; • Identification of proposed biologists who will handle species movement; • The proposed method for capture and relocation for the species to the new site; and • Reference to any applicable protocol guidelines. 	<p>Submittal of pre-construction survey for sensitive wildlife. Three days prior to initiation of construction activities.</p>	<p>City of Hesperia Planning Department and Qualified Biologist</p>	
<p>Mitigation Measure BIO-3: Migratory Bird Treaty Act. Prior to issuance of a Grading Permit, the Project Applicant/Developer shall provide evidence of</p>	<p>Submittal of pre-activity nesting bird field survey results report (during Feb</p>	<p>City of Hesperia Planning Department.</p>	

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<p>intention to comply with the Federal Migratory Bird Treaty Act by including a note on the Grading Plans that states as follows:</p> <ul style="list-style-type: none"> Project development ground disturbing and vegetation clearing activities should <u>not</u> occur during the bird nesting season of February 1 through September 15. If avoidance of ground disturbing and vegetation clearing activities cannot be implemented and these activities will occur during the bird nesting season, the Project Applicant/Developer shall employ a qualified biologist who will conduct pre-construction nesting bird surveys during the nesting bird season within 3 (three) days prior to vegetation removal and/or construction activities. <p>If active nests are found during nesting bird surveys, the nests will be flagged and a 500-foot buffer for raptors and a 250-foot buffer for migratory songbirds and shall be installed around the nests. The buffers shall remain in place until the young have fledged, and the nest becomes unoccupied.</p>	<p>1 – Sept 15). Within 3 days of commencement of construction activities.</p>		
<p>Mitigation Measure BIO-4: Jurisdictional Waters. Impacts to jurisdictional waters require mitigation through habitat creation, restoration, or enhancement as determined by consultation with the regulatory agencies during the permitting process:</p> <ul style="list-style-type: none"> Impacts to the 2.95 acres of CDFW jurisdictional waters will require a 1602 Streambed Alteration Agreement from the CDFW. Impacts to the 0.30 acres of Waters of the State would require a Section 401 State Water Quality Certification from the RWQCB. Impacts to Waters of the State will be mitigated through land credits through purchases of credits at a California Department of Fish and Wildlife (CDFW)-approved mitigation bank for ephemeral stream at a 2:1 ratio. 	<p>Submittal of 1602 Streambed Alteration Agreement, Section 401 State Water Quality Certification, and purchase of land credits at a California Department of Fish and Wildlife (CDFW). During the permitting process.</p>	<p>City of Hesperia Planning Department, CDFW, and RWQCB.</p>	
<p>Mitigation Measure BIO-5: Relocation of Desert Native Plants (Hesperia Municipal Code Chapter 16.24). In compliance with City Municipal Code 16.24.040 E., the building official shall require a preconstruction inspection prior to approval of development permits. Plant survey shall be completed prior to ground disturbance on the site. If any of the eight special status native desert plant species known to occur in the Project area are found on site during the surveys, the population size of the species and importance to the</p>	<p>Submit an application and applicable fee for removal or relocation of protected native desert plants and schedule a preconstruction site inspection. Prior to the</p>	<p>City of Hesperia Planning Department and Building Division.</p>	

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<p>overall population should be determined. If a rare plant species occurs on the site and cannot be avoided, it should be transplanted and/or have seeds/topsoil collected in a manner approved by the county agricultural commissioner or other reviewing authority. Prior to the issuance of grading permits, the Project Applicant shall submit an application and applicable fee paid to the City of Hesperia for removal or relocation of protected native desert plants under Hesperia Municipal Code Chapter 16.24 as required and schedule a preconstruction site inspection with the Planning Division and the Building Division. The application shall include certification from a qualified Joshua tree and native desert plant expert(s) to determine that proposed removal or relocation of protected native desert plants are appropriate, supportive of a healthy environment, and in compliance with the City of Hesperia Municipal Code. Protected plants subject to Hesperia Municipal Code Chapter 16.24 may be relocated on-site, or within an area designated as an area for species to be adopted later. The application shall include a detailed plan for the removal of all protected plants on the Project site. The plan shall be prepared by a qualified Joshua tree and native desert plant expert(s). The plan shall include, but not be limited to, the following measures:</p> <ul style="list-style-type: none"> Salvaged plants shall be transplanted expeditiously to either their final on-site location, or to an approved off-site area. If the plants cannot be expeditiously taken to their permanent relocation area at the time of excavation, they may be transplanted in a temporary area (stockpiled) prior to being moved to their permanent relocation site(s). Transplanted plants shall be watered prior to and at the time of transplantation. The schedule of watering shall be determined by the qualified tree expert and desert native plant expert(s) to maintain plant health. Watering of the transplanted plants shall continue under the guidance of qualified tree expert and desert native plant expert(s) until it has been determined that the transplants have become established in the permanent relocation site(s) and no longer require supplemental watering. 	<p>issuance of grading permits.</p>		
<p>Mitigation Measure BIO-6: Western Joshua Tree Lands (CESA). The western Joshua tree is a candidate threatened species under the California Endangered Species Act, and the following measures will be implemented:</p> <ul style="list-style-type: none"> Prior to the initiation of Joshua tree removal, obtain California Endangered Species Act (CESA) Incidental Take Permit under Section 	<p>Obtain California Endangered Species Act (CESA) Incidental Take Permit. Prior to the</p>	<p>City of Hesperia Planning Department and CDFW.</p>	

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<p>2081 of the Fish and Game Code. The Project Applicant will adhere to measures and conditions set forth within the Incidental Take Permit.</p> <ul style="list-style-type: none"> • Mitigation for direct impacts to western Joshua trees shall be fulfilled through conservation of western Joshua trees at a 1:1 habitat replacement ratio, of equal or better functions and values to those impacted by the Project. Mitigation can be through purchases of credits at a California Department of Fish and Wildlife (CDFW)-approved mitigation bank for western Joshua tree. Additionally, no take of western Joshua tree will occur without authorization from CDFW in the form of an Incidental Take Permit pursuant to Fish and Game Code 2081 while it is being considered as a candidate or if it is listed under the CESA. • Name, qualifications, business address, and contact information of a biological monitor (designated botanist) shall be submitted to CDFW at least 30 days prior to Project activities. The designated botanist shall be responsible for monitoring Project activities to help minimize and fully mitigate or avoid incidental take of Joshua trees. • An education program (Worker Environmental Awareness Program) shall be conducted for all persons employed or working in the project area before performing any work. • A trash abatement program shall be in place before starting project activities and throughout the duration of the Project to ensure that trash and food are contained in animal proof containers. • The boundaries of the Project site shall be clearly delineated, in consultation with the designated botanist, prior to project activities with posted signs, posting stakes, flags, and/or rope or cord. • Project-related personnel shall access the Project area using existing routes, or routes identified in the Project description, and shall not cross Joshua tree habitat outside or on route to the Project area. • The designated botanist shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid unauthorized take of an individual Joshua tree. • The Project analyzed impacts to western Joshua trees by applying the 186-foot and 36-foot buffer zone overlap with the project boundaries 	<p>initiation of Joshua tree removal.</p>		

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<p>of two adjacent proposed developments. Any impacts to overlapping Joshua trees will be analyzed by CDFW to ensure no Joshua trees are mitigated twice.</p> <ul style="list-style-type: none"> The Western Joshua Tree Conservation Act has been signed and put into effect by the California Governor’s Office. In the event that the Western Joshua Tree Conservation Act is implemented for the project, effectively providing a streamlined mitigation approach under CESA and Western Joshua tree conservation, alternative habitat replacement mechanisms, providing equal or better function and value to existing mechanisms under CESA, will be implemented as required under state law. 			
CULTURAL RESOURCES			
<p>Mitigation Measure CUL-1: Archaeological Monitoring. Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City Planning Division, or designee, from a qualified professional archeologist meeting the Secretary of Interior’s Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A, stating that qualified archeologists have been retained and will be present at pre-grade meetings and for all initial ground disturbing activities, up to five feet in depth.</p> <p>In the event that a resource is inadvertently discovered during ground-disturbing activities, work must be halted within 50 feet of the find until it can be evaluated by the qualified archaeologist. Construction activities could continue in other areas. If the find is considered a “resource” the archaeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. 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 in consultation with the City. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage, and treatment shall be required at the developer/applicant’s expense.</p>	<p>Retain archaeological monitor and submit letter. Prior to the issuance of the first grading permit.</p>	<p>City of Hesperia Planning Department.</p>	

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<p>Mitigation Measure PAL-1: Paleontological Resource Management Plan. Prior to the start of construction, a Paleontological Resources Management Plan (PRMP) shall be prepared by a qualified Paleontologist and include the following procedures:</p> <ul style="list-style-type: none"> • Paleontological spot checks during ground-disturbing activities greater than 6 feet below the current ground surface, in order to identify if moderate sensitivity middle to early Pleistocene-age very old axialchannel deposits (Qvoa) are being impacted. If sensitive sediments are observed, then paleontological monitoring will continue on a full-time basis in those areas. • Development of an inadvertent discovery plan to expediently address treatment of paleontological resources should any be encountered during development associated with the Project. If these resources are inadvertently discovered during ground-disturbing activities, work must be halted within 50 feet of the find until it can be evaluated by a qualified paleontologist. Construction activities could continue in other areas. If the discovery proves to be significant, additional work, such as fossil collection and curation, may be warranted and would be discussed in consultation with the appropriate regulatory agency(ies). 	<p>Paleontological Resources Management Plan (PRMP) shall be prepared by a qualified Paleontologist Prior to the start of construction</p>	<p>City of Hesperia Planning Department.</p>	
TRIBAL CULTURAL RESOURCES			
<p>Mitigation Measure 6. The landowner will relinquish ownership of all cultural resources, including sacred items, burial goods and all archaeological artifacts that are found on the project area to the appropriate Tribe for proper treatment and disposition.</p>	<p>Relinquish ownership of all cultural resources to the appropriate Tribe during construction activities.</p>	<p>City of Hesperia Planning Department</p>	
<p>Mitigation Measure CUL-1: Archaeological Resources, as listed above.</p>	<p>Same as listed above.</p>	<p>Same as listed above.</p>	

The Project would implement voluntary best practices which would include the following: Measures AQ-1 through AQ-8.

Best Practice AQ-1: Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.

Best Practice AQ-2: Forbidding idling of heavy equipment for more than three minutes.

Best Practice AQ-3: Providing information on transit and ridesharing programs and services to construction employees.

Best Practice AQ-4: Forbidding trucks from idling for more than two minutes and requiring operators to turn off engines when not in use.

Best Practice AQ-5: Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager.

Best Practice AQ-6: Running conduit to designated locations for future electric truck charging stations.

Best Practice AQ-7: Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

Best Practice AQ-8: Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.