

# **MITIGATION MONITORING AND REPORTING PROGRAM**

## **LINDEN BLOOMINGTON CONDOMINIUM PROJECT**

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

### **Linden Bloomington Condominium Project PROJ-2022-00037**

The program has been prepared in compliance with State law and the Mitigated Negative Declaration (MND) prepared for the project by the County of San Bernardino (County).

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 MND.

### **MITIGATION MONITORING AND RESPONSIBILITIES**

As the Lead Agency, the County is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The County 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 County shall be immediately informed, and the County will then inform any affected responsible agencies. The County, 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 impacts do not become significant. Standard Conditions outline compliance with various federal, State, and/or local acts, laws, rules, regulations, municipal codes, policies, etc.

**MITIGATION MONITORING AND REPORTING PROGRAM  
LINDEN BLOOMINGTON CONDOMINIUM PROJECT**

**Mitigation Monitoring and Reporting Program Checklist**

Mitigation Measure/Standard Condition	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<b>Section IV: Biological Resources</b>					
<p><b>MM BIO-1. Avoidance of Breeding and Nesting Bird Season.</b> Project activities shall take place outside the nesting season (February 1 through September 30) to the fullest practicable extent.</p> <p><b>Pre-Construction Nesting Bird Survey.</b> If project activities with potential to indirectly disturb suitable avian nesting habitat within 500 feet of the work area would take place during the nesting season (as determined by a qualified biologist), a qualified biologist with experience in conducting breeding bird surveys shall conduct a nesting bird survey no more than 3 days prior to the initiation of project activities to determine the presence/absence of migratory and resident bird species occurring in suitable nesting habitat. Project activities may begin no more than 3 days after the completion of the nesting bird survey in the absence of active bird nests. An additional nesting bird survey shall be conducted if project activities fail to start within 3 days of the completion of the pre-construction nesting bird survey.</p> <p><b>Nesting Bird Exclusionary Buffers.</b> Should nesting birds be found during the pre-construction nesting bird survey, an exclusionary buffer shall be established by the qualified biologist. This buffer shall be clearly marked in the field by construction personnel under the guidance of the biologist, and construction shall not be conducted in this zone until the biologist determines that the young have fledged, or the nest is no longer active. Work may only take place during the breeding season if nesting bird surveys indicate the absence of any active nests within the work area. Without the written approval of the California Department of Fish and Wildlife (CDFW) and/or the United States Fish and Wildlife Service, no work shall take place if listed or fully protected bird species are found to be actively nesting within 500 feet of the areas subject to construction activities.</p> <p><b>Trash and Waste Removal.</b> During construction, trash and food waste shall be removed from worksites on a daily basis to avoid the attraction of predators that</p>	<p>Confirm completion of survey by a qualified biologist.</p> <p>Confirm establishment of exclusionary buffers by a qualified biologist, if required.</p> <p>Daily inspection of</p>	<p>At least 3 days prior to the initiation of project activities.</p> <p>Prior to the initiation of project activities.</p> <p>During construction.</p>	<p>County of San Bernardino</p> <p>Construction Contractor</p>		

**MITIGATION MONITORING AND REPORTING PROGRAM  
LINDEN BLOOMINGTON CONDOMINIUM PROJECT**

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prey on nesting bird species.	construction site.				
<p><b>MM BIO-2. Focused Burrowing Owl Breeding Season Surveys.</b> In order to avoid impacts to burrowing owl, a burrowing owl breeding season survey shall be conducted in accordance with the <i>CDFW 2012 Staff Report on Burrowing Owl Mitigation</i>. Four site visits shall be conducted during the breeding season: one between February 15 and April 15 (if possible) and three, at least 3 weeks apart, between April 15 and July 15, with at least one of these after June 15. Surveys are conducted by walking transects spaced up to 20 meters (65 feet) apart throughout the survey area, which includes the project site plus adjacent habitat within 150 meters (500 feet) where access is permitted. Areas within the 500-foot buffer that are inaccessible shall be scanned using binoculars during the survey effort. Surveys are to be conducted between morning civil twilight and 10:00 a.m. or between 2 hours before sunset and evening civil twilight. All burrowing owl sightings, occupied burrows, and potentially suitable burrows shall be mapped. If burrowing owl is found during any of the surveys, the project proponent shall need to inform the CDFW and additional avoidance and minimization measures would then be required.</p> <p><b>Burrowing Owl Take Avoidance.</b> A take avoidance survey for burrowing owls and their burrows should be conducted in accordance with accepted guidelines (“Staff Report on Burrowing Owl Mitigation,” California Department of Fish and Game, March 7, 2012). This includes an initial take avoidance survey no more than 14 days prior to initiating ground disturbance activities and a final take avoidance survey within 24 hours of initiating ground disturbance activities. If no burrowing owls are detected during the take avoidance surveys, project activities can proceed. If burrowing owl is found during the pre-construction survey, the project proponent shall need to inform the CDFW and additional avoidance and minimization measures would then be required.</p>	<p>Confirm completion of survey by a qualified biologist.</p> <p>Confirm completion of survey by a qualified biologist.</p>	<p>Prior to the initiation of project activities.</p> <p>No more than 14 days prior to initiating ground disturbance activities, and within 24 hours of initiating ground disturbance activities.</p>	<p>County of San Bernardino</p> <p>County of San Bernardino</p>		
<p><b>MM BIO-3.</b> Pursuant to the Migratory Bird Treaty Act 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</p>	<p>Confirm completion of survey by a qualified biologist.</p>	<p>Prior to removal of any trees, shrubs, or any other potential nesting habitat.</p>	<p>County of San Bernardino/Community Development Department</p>		

**MITIGATION MONITORING AND REPORTING PROGRAM  
LINDEN BLOOMINGTON CONDOMINIUM PROJECT**

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the Community Development Department.					
<b>Section V: Cultural Resources</b>					
<p><b>MM CUL-1.</b> Prior to issuance of grading permits, the County of San Bernardino (County) shall verify that the following note shall be included on all grading plans:</p> <p>In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, Native American tribe(s) that have expressed interest in consulting on this Project pursuant to Public Resources Code Statute 21080.3.1 shall be contacted regarding any pre-contact and/or historic-era finds so as to provide tribal input with regards to significance and treatment.</p> <p>Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.</p> <p>This measure shall be implemented to the satisfaction of the County of San Bernardino’s Community Development Director or designee.</p>	Review and approval of grading plans.	Prior to the issuance of grading permits.	County of San Bernardino/County of San Bernardino’s Community Development Director or designee		
<p><b>MM CUL-2.</b> If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the Project archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to Native American tribe(s) that have expressed interest in consulting on this Project pursuant to Public Resources Code Statute 21080.3.1 for review and comment, in particular the YSMN for review and comment, as detailed within TCR-1. The Project archaeologist shall</p>	Review and approval of Monitoring and Treatment Plan	In the event that unanticipated significant pre-contact and/or historic-era cultural resources are discovered.	County of San Bernardino		

**MITIGATION MONITORING AND REPORTING PROGRAM  
LINDEN BLOOMINGTON CONDOMINIUM PROJECT**

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monitor the remainder of the Project and implement the Plan accordingly.					
<b>MM CUL-3.</b> If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.	Confirm implementation of mitigation measure.	In the event that unanticipated human remains, or funerary objects are encountered.	County of San Bernardino		
<b>Section VII: Geology and Soils</b>					
<p><b>MM GEO-1.</b> Prior to the issuance of grading and/or building permits, the Project Applicant shall provide evidence to the County of San Bernardino (County) for review and approval that proposed structures, features, and facilities have been designed and shall be constructed in conformance with applicable provisions of the 2019 edition of the California Building Code (CBC) or the most current edition of the CBC in effect at the time the Applicant’s development application is deemed complete by the County.</p> <p>Additionally, the Project Applicant shall submit a site-specific geotechnical investigation of the Project and provide evidence to the County that the recommendations cited in the geotechnical investigation are incorporated into Project plans and/or implemented as deemed appropriate by the County. Geotechnical recommendations may include, but are not limited to, removal of existing vegetation, structural foundations, floor slabs, utilities, and any other surface and subsurface improvements that would not remain in place for use with the new development. Remedial earthwork, over-excavation, and ground improvement shall occur to depths specified in the geotechnical investigation to provide a sufficient layer of engineered fill or densified soil beneath the structural footings/foundations, as well as proper surface drainage devices and erosion control. Retaining wall parameters shall be in accordance with the geotechnical investigation to protect against lateral spreading and landslides. Construction of concrete structures in contact with subgrade soils determined to be corrosive shall include measures to protect concrete, steel, and other metals. Verification testing must be performed upon completion of ground improvements to confirm that the compressible soils have been sufficiently</p>	Review and approval of project plans and site-specific geotechnical investigation.	Prior to issuance of grading and/or building permits and at the time the Applicant’s development application is deemed complete by the County.	County of San Bernardino/County Director of Building and Safety or designee		

**MITIGATION MONITORING AND REPORTING PROGRAM  
LINDEN BLOOMINGTON CONDOMINIUM PROJECT**

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<p>densified. The structural engineer must determine the ultimate thickness and reinforcement of the building floor slabs based on the imposed slab loading.</p> <p>As necessary, the County may require additional engineering protocols to meet its requirements. This measure shall be implemented to the satisfaction of the County Director of Building and Safety or designee.</p>					
<p><b>MM GEO-2.</b> Prior to issuance of a grading permit, the Project Applicant must retain 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) to prepare a Paleontological Resource Impact Mitigation Plan (PRIMP) and monitor mass grading activities on the site. Implementation of the PRIMP shall include (but not be limited to) the following:</p> <ul style="list-style-type: none"> <li>• Review of Project-specific geotechnical report data, with particular regard to location and depth of earthmoving and the rock unit(s) encountered;</li> <li>• 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;</li> <li>• The construction schedule, term/schedule of on-site paleontological monitor(s) and the extent of areas and activities to be monitored;</li> <li>• Authority of paleontological monitor(s) to temporarily redirect construction activity in the vicinity of any paleontological discovery;</li> <li>• Procedures for the evaluation and option to recover large fossil</li> </ul>	Confirm presence of a qualified paleontologist.	Prior to issuance of a grading permit.	County of San Bernardino/San Bernardino County Planning Division		

**MITIGATION MONITORING AND REPORTING PROGRAM  
LINDEN BLOOMINGTON CONDOMINIUM PROJECT**

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<p>specimens and for the evaluation recovery, and processing of small fossil specimens;</p> <ul style="list-style-type: none"> <li>Fossil specimen preparation, identification to the lowest taxonomic level possible, curation, and cataloging; and</li> <li>A report of findings.</li> </ul> <p>Monitoring shall occur from the outset of grading activities since the depth of Pleistocene sediments onsite is unknown. However, the qualified paleontologist shall have the discretion of scaling back monitoring to a schedule approved by the San Bernardino County Planning Division if, at the discretion of the paleontologist, grading is unlikely to reach depths of Pleistocene sediments or if the sediments encountered on the site have little to no potential to yield paleontological resources.</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. The qualified paleontologist shall 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 San Bernardino County Planning Division, 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 <b>GEO-3</b> shall apply. This measure shall be implemented to the satisfaction of the San Bernardino County Planning Division.</p>					
<p><b>MM GEO-3.</b> If the qualified paleontologist determines paleontological resources are encountered on the Project site, the paleontologist shall address the resource(s) pursuant to the Paleontological Resource Impact Mitigation Plan (PRIMP) to be implemented during the balance of ground-disturbing activities.</p>	Review and approval of the Report of Findings.	In the event that unanticipated paleontological resources are	County of San Bernardino/San Bernardino County		

**MITIGATION MONITORING AND REPORTING PROGRAM  
LINDEN BLOOMINGTON CONDOMINIUM PROJECT**

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The paleontologist shall be equipped to record and salvage fossil resources that may be unearthed during construction and shall temporarily halt or divert 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 at the conclusion of paleontological monitoring. The report and inventory, when submitted to and approved by the San Bernardino County Planning Division, would signify completion of the program. This measure shall be implemented to the satisfaction of the San Bernardino County Planning Division.		encountered.	Planning Division		
<b>Section IX: Hazards and Hazardous Materials</b>					
<b>MM HAZ-1.</b> Prior to the grading of the site, the Project applicant shall retain a Phase I Environmental Assessment conduct a field survey of the single-family residential unit and detached shed. If the specialist determines that there are hazardous materials on site, the specialist shall prepare a mitigation plan to safely and properly remove the structures from the property and to dispose of the hazardous materials pursuant to applicable federal, State, and local regulations. The specialist shall submit the report to the County of San Bernardino and shall proceed with construction of the structures based on report approval. If the specialist determines that the on-site structures are not constructed with lead-based paint or asbestos-containing materials, the results shall be submitted to the County and construction activities can proceed as normal.	Confirmation of Phase 1 Environmental Assessment, and review and approval of project-specific mitigation plan, if required.	Prior to the grading of the site.	County of San Bernardino		
<b>Section X: Hydrology and Water Quality</b>					
<b>MM HYD-1.</b> 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	Confirm receipt of a copy of the Waste Discharger's Identification Number.	Prior to the issuance of a grading permit.	County of San Bernardino		



**MITIGATION MONITORING AND REPORTING PROGRAM  
LINDEN BLOOMINGTON CONDOMINIUM PROJECT**

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Number) shall be submitted to the County of San Bernardino (County) for coverage under the NPDES General Construction Permit.					
<p><b>MM HYD-2.</b> Prior to issuance of a grading permit, the Project Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the County of San Bernardino (County). 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 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 grading 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"> <li>• 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</li> <li>• 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</li> <li>• 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</li> </ul>	Confirmation of receipt of a Storm Water Pollution Prevention Plan.	Prior to the issuance of a grading permit.	County of San Bernardino/County Public Works Department		

**MITIGATION MONITORING AND REPORTING PROGRAM  
LINDEN BLOOMINGTON CONDOMINIUM PROJECT**

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<p>reviewed by the City and representatives of the RWQCB. In the event that it is not feasible to implement specific BMPs, the County can make a determination that other BMPs would provide equivalent or superior treatment either on or off site</p> <ul style="list-style-type: none"> <li>This measure shall be implemented to the satisfaction of the County Public Works Department.</li> </ul>					
<p><b>MM HYD-3.</b> Prior to the issuance of a grading permit, the Project Applicant shall submit a Final Water Quality Management Plan (Final WQMP) to the County of San Bernardino (County) 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"> <li>Property Owner/Occupant will be required to review and implement Storm Water Pollution Brochures, Hazardous Waste Guidelines, and the "After the Storm" handouts</li> <li>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</li> <li>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</li> <li>Property Owner/Occupant shall implement trash management and litter control procedures in the common areas aimed at reducing</li> </ul>	Review and approval of Final Water Quality Management Plan.	Prior to the issuance of a grading permit.	County of San Bernardino/County Public Works Department		

**MITIGATION MONITORING AND REPORTING PROGRAM  
LINDEN BLOOMINGTON CONDOMINIUM PROJECT**

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<p>pollution of drainage water</p> <ul style="list-style-type: none"> <li>Stenciling shall be provided at all catch basin inlets that states “No Dumping—Drains to Ocean.”</li> <li>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</li> <li>A landscape plan is to be submitted to the County for approval. The landscape plan shall have an emphasis on efficient water use and irrigation methods and on water conservation</li> </ul> <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 stormwater runoff by more than 5 percent of the two-year peak flow in accordance with the <i>Technical Guidance Document for Water Quality Management Plans</i> 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 County 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 County Public Works Department.</p>					
<b>Section XIII: Noise</b>					
<b>Standard Condition (SC) NOI-1.</b> The construction contractor shall limit construction activities to between the hours of 7:00 a.m.and 7:00 p.m. on	Confirm implementation of	During construction	Construction Contractor		

**MITIGATION MONITORING AND REPORTING PROGRAM  
LINDEN BLOOMINGTON CONDOMINIUM PROJECT**

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<p>weekdays and Saturdays. Construction is prohibited outside these hours or at any time on Sundays and federal holidays.</p> <p>During all project site excavation and grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.</p> <p>The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and most noise-sensitive receptors nearest the project site during all project construction.</p> <p>The construction contractor shall place all stationary construction equipment so that the emitted noise is directed away from the sensitive receptors nearest the project site.</p>	standard condition.				
<b>Section XVIII: Tribal Cultural Resources</b>					
<p><b>MM TCR-1.</b> The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.</p>	<p>Review and approval of cultural resource Monitoring and Treatment Plan, if required.</p> <p>Confirm presence of YSMN representative.</p>	In the event of any pre-contact and/or historic-era cultural resources are discovered during project implementation.	YSMN/County of San Bernardino		
<p><b>MM TCR-2.</b> Any and all archaeological/cultural documents created as part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.</p>	Confirm dissemination of all archaeological/cultural documents to YSMN	During life of the project	County of San Bernardino		

**MITIGATION MONITORING AND REPORTING PROGRAM  
LINDEN BLOOMINGTON CONDOMINIUM PROJECT**

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<p><b>MM TCR-3.</b> Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities:</p> <p><b>a.</b> The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject 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” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p> <p><b>b.</b> A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p><b>c.</b> 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 to the Tribe.</p> <p><b>d.</b> On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point</p>	<p>Confirm presence of Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation.</p> <p>Confirm receipt of a copy of the executed monitoring agreement.</p>	<p>Prior to commencement of ground-disturbing activities.</p> <p>Prior to commencement of ground-disturbing activities, or the issuance of any permit necessary to commence a ground-disturbing activity.</p>	<p>County of San Bernardino</p> <p>County of San Bernardino</p>		

**MITIGATION MONITORING AND REPORTING PROGRAM  
LINDEN BLOOMINGTON CONDOMINIUM PROJECT**

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<p>of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.</p> <p><b>e.</b> Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.</p>					
<p><b>MM TCR-4.</b> Unanticipated Discovery of Human Remains and Associated Funerary Objects:</p> <p><b>a.</b> Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.</p> <p><b>b.</b> If Native American human remains and/or grave goods discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain halted until the coroner has determined the nature of the remains. 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, by</p>	Confirm implementation of mitigation measure.	In the event of unanticipated discovery of human remains and/or associated funerary objects.	County of San Bernardino		

**MITIGATION MONITORING AND REPORTING PROGRAM  
LINDEN BLOOMINGTON CONDOMINIUM PROJECT**

Mitigation Measure/Standard Condition	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.</p> <p><b>c.</b> Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p><b>d.</b> Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh 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 Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f)).</p> <p><b>e.</b> Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) 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><b>f.</b> Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>					
<p><b>MM TCR-5.</b> Procedures for Burials and Funerary Remains:</p> <p><b>a.</b> As the Most Likely Descendant (“MLD”), the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the</p>	Confirm implementation of mitigation measure.	In the event of unanticipated discovery of human burials and/or funerary remains.	County of San Bernardino		

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<p>preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.</p> <p><b>b.</b> If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.</p> <p><b>c.</b> The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated 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; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.</p> <p><b>d.</b> In the case where discovered human remains cannot be fully documented and recovered 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 recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.</p> <p><b>e.</b> 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.</p> <p><b>f.</b> Each occurrence of human remains and associated funerary objects</p>					



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<p>will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</p> <p><b>g.</b> 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>					