

Mitigation Monitoring and Reporting Program

Introduction

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Mitigated Negative Declaration 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 5705 Industrial Parkway Warehouse Project (Project). The City of San Bernardino 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 Project. The table identifies mitigation measures required by the City to mitigate or avoid significant 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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TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
BIOLOGICAL RESOURCES			
<p>Mitigation Measure BIO-1: Nesting Bird Survey. Vegetation removal should occur outside of the nesting bird season (generally between February 1 and September 15). If vegetation removal is required during the nesting bird season, the applicant must conduct take avoidance surveys for nesting birds prior to initiating vegetation removal/clearing. Surveys will be conducted by a qualified biologist(s) within three days of vegetation removal. If active nests are observed, a qualified biologist will determine appropriate minimum disturbance buffers and other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active. At a minimum, construction activities will stay outside of a 300-foot buffer around the active nests. For raptor species, the buffer is to be expanded to 500 feet. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and City of San Bernardino Planning Division verify that the nests are no longer occupied, and the juvenile birds can survive independently from the nests. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities may occur.</p>	<p>Submittal of pre-activity field survey results report. Prior to demolition and grading permits.</p>	<p>City of San Bernardino Planning Division</p>	
CULTURAL RESOURCES			
<p>Mitigation Measure CUL-1: Inadvertent Discoveries. Prior to the issuance of any permits for ground-disturbing activities that cause excavation of soils (including as grading, excavation, and trenching), the City of San Bernardino shall ensure that all Project grading and construction plans include specifications stating that in the event that potential cultural or archaeological resources are discovered during excavation, grading, or construction activities, work shall cease within 60 feet of the find until a qualified archaeologist from the City or County List of Qualified Archaeologists has evaluated the find to determine whether the find constitutes a “unique archaeological resource,” as defined in Section 21083.2(g) of the California Public Resources Code. Work on the other portions of the Project outside of the buffered area may continue during this</p>	<p>Confirmation of professional archaeologist retention/ongoing/monitoring/submittal of Report of Findings. Prior to demolition and grading permits and during subsurface excavation.</p>	<p>City of San Bernardino Planning Division / Qualified Archaeologist</p>	

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<p>assessment period. Any resources identified shall be treated in accordance with California Public Resources Code Section 21083.2(g).</p> <p>Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within Mitigation Measure 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>If significant pre-contact and/or historic-era cultural resources, as defined by CEQA, are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the construction of the Project and implement the Plan accordingly.</p>			
GEOLOGY AND SOILS			
<p>Mitigation Measure PAL-1: Inadvertent Paleontological Discoveries. Prior to issuance of a grading permit, the City of San Bernardino Building Department shall verify that all Project grading and construction plans and specifications state that in the event that potential paleontological resources are discovered during excavation, grading, or construction activities, work shall cease within 50 feet of the find until a qualified paleontologist (i.e., a practicing paleontologist that is recognized in the paleontological community and is proficient in vertebrate paleontology) from the City or County List of Qualified Paleontologists has evaluated the find in accordance with federal and state regulations. Construction personnel shall not collect or move any paleontological materials and associated materials. If any fossil remains are discovered, the paleontologist shall make a recommendation if monitoring shall be required for the continuance of earth moving activities.</p>	<p>Grading/Construction plans must specify procedure for inadvertent paleo resource discovery. Prior to grading permit.</p>	<p>City of San Bernardino Building Department</p>	
<p>Mitigation Measure PAL-2: Paleontological Resource Impact Mitigation Program. If paleontological resources of any sort are discovered during grading and earthmoving activities, a paleontologist must be retained to develop a Paleontological Resource Impact Mitigation Program (PRIMP)</p>	<p>A paleontologist must be retained to develop a Paleontological Resource Impact Mitigation</p>	<p>City of San Bernardino Building Department</p>	

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<p>consistent with the provisions of CEQA and those of the guidelines of the Society of Vertebrate Paleontology (2010). Implementation of the paleontological PRIMP would mitigate any adverse impacts (loss or destruction) to potential nonrenewable paleontological resources, if present, to a level below significant.</p>	<p>Program (PRIMP). Upon inadvertent discovery of paleontological resources during construction.</p>		
NOISE			
<p>Mitigation Measure NOI-1: Construction Vibration Damage. Due to the close proximity to surrounding structures, the City of San Bernardino (City) Director of Community Development, or designee, shall verify prior to issuance of demolition or grading permits, that the approved plans require that the construction contractor shall implement the following specifications during project construction activities to ensure that damage does not occur at surrounding structures:</p> <ul style="list-style-type: none"> • The use of heavy equipment shall be prohibited within 15 feet of existing structures. If heavy equipment is necessary within 15 of existing structure the following actions shall be implemented: <ul style="list-style-type: none"> ○ Identify structures that could be affected by ground-borne vibration and would be located within 15 feet of where heavy construction equipment would be used. This task shall be conducted by a qualified structural engineer as approved by the City’s Director of Community Development or designee. ○ Develop a vibration monitoring and construction contingency plan for approval by the City’s Director of Community Development, or designee, to identify structures where monitoring would be conducted; set up a vibration monitoring schedule; define structure-specific vibration limits; and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies would be identified for when vibration levels approached the limits. ○ At a minimum, monitor vibration during initial demolition activities. Monitoring results may indicate the need for more 	<p>Verify plans require construction contractor to implement construction specifications.</p> <p>Prior to issuance of demolition or grading permits</p>	<p>City of San Bernardino (City) Director of Community Development, or designee</p>	

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<p>intensive measurements if vibration levels approach the 0.2 PPV (in/sec) threshold.</p> <ul style="list-style-type: none"> ○ When vibration levels approach the 0.2 PPV (in/sec) limit, suspend construction and implement contingencies as identified in the approved vibration monitoring and construction contingency plan to either lower vibration levels or secure the affected structures. 			
TRIBAL CULTURAL RESOURCES			
<p>Mitigation Measure TCR-1: Yuhaaviatam of San Manuel Nation. The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CUL-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>Tribe contact. Upon cultural resource discovery.</p> <p>Development of a CRMP.</p> <p>The find is deemed significant.</p>	<p>City of San Bernardino Planning Division</p>	
<p>Mitigation Measure TCR-2: Dissemination to YSMN. Any and all archaeological/cultural documents created as a part of construction 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>	<p>Submit project cultural documents to applicant, City and tribe. Following preparation.</p>	<p>Qualified Professional Archeologist/ City of San Bernardino Planning Division</p>	

PPP	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
AESTHETICS			
PPP AES-1: Outdoor Lighting. All outdoor luminaires installed shall be appropriately located and adequately shielded and directed such that no direct light falls outside the parcel of origin, or onto the public right-of-way. In addition, outdoor luminaires shall not blink, flash, or rotate and shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Municipal Code Section 19.20.030.	Shielding building lighting fixtures. Prior to building permit.	City of San Bernardino Planning Division	
AIR QUALITY			
PPP AQ-1: Rule 402. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The Project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.	Compliance with Rule 402. Construction.	City of San Bernardino Planning Division	
PPP AQ-2: Rule 403. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following: <ul style="list-style-type: none"> • All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. • The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day. • The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less. 	Compliance with Rule 403. Construction.	City of San Bernardino Planning Division	
PPP AQ-3: Rule 1113. The Project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only	Compliance with Rule 1113. Construction.	City of San Bernardino Planning Division	

<p>"Low-Volatile Organic Compounds" paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.</p>			
BIOLOGICAL RESOURCES			
<p>PPP BIO-1: Tree Removal Permit. San Bernardino Municipal Code Chapter 15.34 requires that in the event more than five trees are removed within a 36-month period, a tree removal permit must first be issued by the Community Development Department. Unless there is a pre-approved tree replacement plan, each tree that is removed, and is determined to be of significant value by the Community Development Director, shall be replaced with a 36-inch box tree.</p>	<p>Application and approval of tree removal permit. If during construction 5 or more trees are removed within a 36-month period.</p>	<p>City of San Bernardino Planning Division</p>	
CULTURAL RESOURCES			
<p>PPP CUL-1: Human Remains. Should human remains or funerary objects be discovered during project construction, the project would be required to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance may occur in the vicinity of the body (within a 100-foot buffer of the find) until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine the identity of and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD must complete the inspection within 48 hours of being granted access to the site.</p>	<p>Stop disturbance activities within 100-foot buffer area of identified human or funerary remains; contact MLD. Within 48 hours of inadvertent discovery of identified human or funerary remains.</p>	<p>City of San Bernardino Planning Division; County Coroner.</p>	
HYDROLOGY & WATER QUALITY			
<p>PPP WQ-1: Prior to grading permit issuance, the project developer shall have a Stormwater Pollution Prevention Plan (SWPPP) prepared by a QSD (Qualified SWPPP Developer) pursuant to the Municipal Code Chapter 13.54. The SWPPP shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to comply with the National Pollutant Discharge Elimination System (NPDES) requirements to limit the potential of polluted runoff during construction activities. Project contractors shall be required to ensure compliance with the SWPPP and permit periodic inspection of the</p>	<p>Review and approval of SWPPP. Prior to grading permit.</p>	<p>City of San Bernardino Planning Division</p>	

<p>construction site by City of San Bernardino staff or its designee to confirm compliance.</p>			
<p>PPP WQ-2: Water Quality Management Plan. Prior to grading permit issuance, the Project developer shall have a Water Quality Management Plan (WQMP) approved by the City for implementation. The Project shall comply with the City's Municipal Code Section 13.54 and the Municipal Separate Storm Sewer System (MS4) permit requirements in effect for the Regional Water Quality Control Board (RWQCB) at the time of grading permit to control discharges of sediments and other pollutants during operations of the Project.</p>	<p>Review and approval of WQMP. Prior to grading permit.</p>	<p>City of San Bernardino Planning Division</p>	