

Mitigation Monitoring and Reporting Program Nisqualli Road Trailer Lot Expansion Project

State Clearinghouse No. 2023070350

Prepared for:

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CEQA Requirements

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document that includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a Mitigation Monitoring and Reporting Program (MMRP) for the changes to the project that it has adopted or made a condition of project approval in order to mitigate or avoid significant environmental impacts. The appropriate reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code §21081.6).

The City of Victorville will coordinate the monitoring of the mitigation measures and regulatory requirements with each applicable City department or division, while various City departments/divisions would be responsible for monitoring and verifying compliance of specific mitigation measures and regulatory requirements. Monitoring will include: 1) verification that each mitigation measure and regulatory requirement has been implemented; 2) recordation of the actions taken to implement each mitigation measure and regulatory requirement; and 3) retention of records in the project file.

Project Objectives

The underlying purpose and goal of the Nisqualli Road Trailer Lot Expansion Project is to develop an underutilized property with a fenced and paved truck trailer and/or vehicle parking facility to supplement parking for the surrounding uses and serve as ancillary trailer or vehicle parking for the existing Church & Dwight warehouse and in proximity to the State highway system to improve the City's economic competitiveness. The Project would achieve its underlying purpose and goal through the following objectives:

- A. To improve an existing dirt lot, currently used for truck trailer storage, with an improved fenced and paved parking facility to help meet the needs for ancillary parking of the existing Church & Dwight Co. Inc warehouse;
- B. To further alleviate truck traffic along Nisqualli Road and Enterprise Way and parking along Enterprise Way;
- C. To improve the water quality through the installation of an on-site detention basin.

Overview of the Project

The proposed Project involves a discretionary application for a Site Plan (PLAN23-00011). The proposed Site Plan (PLAN23-00011) specifies a development plan for the Project site that provides for construction and operation of a fenced and paved truck trailer and/or vehicle parking facility consisting of 198 truck trailer parking stalls. The proposed truck trailer parking facility is intended to serve as ancillary truck trailer parking for the existing Church & Dwight warehouse located immediately south of the Project site. No structures would be located on the Project site as part of the Project. However, it should be noted that an 8-foot by 15-foot guard shack may be located at the southwestern corner of the proposed parking lot. The proposed Project would provide one driveway gated with a 7-foot-tall tubular steel gate connecting to Enterprise Way. This driveway would primarily serve as an exit.

Access to the Project site would be provided through existing driveways associated with the existing Church & Dwight warehouse. Specifically, limestone trucks would continue to enter the Church & Dwight site via the existing driveway along Enterprise Way and other truck/trailer traffic would continue to enter the Church & Dwight site via the existing driveway along Nisqualli Road to access the proposed trailer parking facility. The existing sidewalk along Enterprise Way would be retained. Refer to EIR Section 3.0, *Project Description*, for a detailed description of the proposed Project.

Mitigation Monitoring and Reporting Plan

This MMRP delegates responsibilities for monitoring the implementation of the Nisqualli Road Trailer Lot Expansion Project mitigation measures and applicable regulatory requirements and allows responsible City entities flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure or regulatory requirement. The timing for monitoring and reporting is described in the monitoring and reporting summary table, below. Adequate monitoring requires demonstration of monitoring procedures and implementation of mitigation measures and regulatory requirements.

In order to enhance the effectiveness of the monitoring program, the City will utilize existing systems where appropriate. These inspectors are familiar with a broad range of regulatory issues and will provide first line oversight for much of the monitoring program during construction activities.

Program Changes

If minor changes are required to this MMRP, they will be made in accordance with the California Environmental Quality Act (CEQA) and would be permitted after further review by the City. Such changes could include reassignment of monitoring and reporting responsibilities and/or minor modifications to mitigation measures that achieve the same or better end results. No change will be permitted unless the Mitigation Monitoring and Reporting Program continues to satisfy the requirements of Public Resources Code §21081.6.

Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
4.2 Biological Resources					
Summary of Impacts					
<p>Threshold a: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p>	<p>MM 4.2-1 Impacts to Burrowing Owl: Prior to issuance of grading permits or any other permits allowing for the removal of vegetation on site, the City shall condition a qualified biologist to conduct two pre-construction presence/absence surveys for burrowing owls, one no less than 14 days prior to site disturbance, and one within 24 hours of site disturbance activities. If burrowing owls are detected on site, the owls will be relocated/excluded from the site outside of the breeding season following accepted protocols, and subject to the approval of CDFW. If burrowing owls are not detected during the pre-disturbance surveys, then no additional action is required. If burrowing owls are detected within or adjacent to the proposed disturbance area, then the owls shall be passively relocated from the site to adjacent areas of suitable habitat. A qualified biologist shall prepare a Burrowing Owl Relocation and Protection Plan that shall document the relocation procedures. The Plan shall be submitted to CDFW for review and approval prior to relocating burrowing owls. Passive relocation shall be performed outside of the breeding season (October 1 to January 31), unless a qualified biologist verifies through non-invasive methods that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Prior to performing the relocation, the biologist shall ensure that the adjacent relocation area contains suitable burrows at a 2:1 ratio over the number of occupied burrows to be impacted. If the relocation site does not contain enough natural burrows, then artificial burrows shall be created. Until burrowing owls can be excluded from the impact area, the occupied burrows shall be avoided with adequate buffers as recommended by the biologist. During the breeding season, the avoidance buffer may be as high as</p>	<p>Project Applicant</p>	<p>City of Victorville Planning Department</p>	<p>Prior to grading permit issuance</p>	<p>Less-than-Significant Impact</p>

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	500 meters depending on the type of disturbance occurring adjacent to the occupied habitat.				
<p>Threshold d: Would the Project have substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>	<p>MM 4.2-2 Impacts to Nesting Birds: Prior to the issuance of grading permits or other permits allowing for ground-disturbing activities or the removal of vegetation on site, the City of Victorville Department of Engineering shall ensure that the following note is included on the grading plans. Project contractors shall be required to ensure compliance with this note and permit periodic inspection of the construction site by City of Victorville staff or its designee to confirm compliance. This note also shall be specified in bid documents issued to prospective construction contractors.</p> <p><i>Vegetation clearing shall be conducted outside of the bird nesting season (February 1 through September 15) to the extent feasible. If avoidance of the nesting season is not feasible, a nesting bird survey shall be conducted by a qualified biologist within no more than 72 hours of such scheduled disturbance, to determine the presence of nests or nesting birds. If active nests are identified, the biologist shall establish appropriate buffers around the vegetation (typically 500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers shall be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The biologist shall review and verify compliance with these nesting boundaries and shall verify the nesting effort has finished. Work may resume within the buffer area when no other active nests are found. Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to City of Victorville for mitigation monitoring compliance record keeping. If vegetation removal is not completed within 72 hours of a negative</i></p>	Project Applicant	City of Victorville Department of Engineering	Prior to the issuance of grading permits or other permits allowing for ground-disturbing activities or the removal of vegetation on site	Less-than-Significant Impact

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	<i>survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds.</i>				
4.3 Cultural Resources					
Summary of Impacts					
<p>Threshold b: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?</p>	<p>MM 4.3-1 In the event previously undiscovered archaeological resources are inadvertently discovered during ground disturbing activities, all construction work in the immediate vicinity of the discovery shall stop, and a qualified archaeologist shall determine if further mitigation measures are warranted.</p>	Project Applicant; Qualified Archaeologist	City of Victorville; Qualified Archaeologist	Prior to the issuance of a grading permit; Prior to final grading inspection	Less than Significant Impact
	<p>MM 4.3-2 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, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within Mitigation Measure MM 4.11-1, 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>	Project Applicant; Qualified Archaeologist	City of Victorville; Qualified Archaeologist	During Project activities	
	<p>MM 4.3-3 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 archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within MM 4.11-1. The Monitoring and Treatment Plan shall include methodology for the handling and curation of artifacts and be submitted to the City of Victorville for review and approval. The archaeologist shall monitor the remainder of the Project site.</p>	Project Archaeologist	YSMN	During Project activities	

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
4.5 Geology and Soils					
<p><u>Threshold f.</u> Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</p>	<p>MM 4.5-1 Prior to the approval of the Project’s grading permits, a Paleontological Resource Impact Mitigation Project (PRIMP) shall be implemented, which describes monitoring and fossil collection procedures.</p> <ul style="list-style-type: none"> a. Monitoring of mass grading and excavation activities shall be performed by a qualified paleontologist or paleontological monitor. Full-time monitoring for paleontological resources from the surface will be conducted in areas where grading, excavation, or drilling activities occur in alluvium of the ancestral Mojave River to mitigate any adverse impacts (loss or destruction) to potential nonrenewable paleontological resources. b. Paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediment that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor must be empowered to temporarily halt or divert equipment to allow for the removal of abundant or large specimens in a timely manner. The monitor shall notify the project paleontologist, who will then notify the concerned parties of the discovery. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if they are present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. c. Preparation of recovered specimens to a point of identification and permanent preservation will be conducted, including screen-washing sediments to recover small vertebrates and invertebrates if indicated by the results of test sampling. Preparation of any individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils. 	Project Applicant	City of Victorville	Prior to initiation of any grading, drilling, and/or excavation activities	Less than Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>d. All fossils must be deposited in an accredited institution (university or museum) that maintains collections of paleontological materials. The San Bernardino County Museum in Redlands, California, is the preferred institution by the County of San Bernardino. All costs of the paleontological monitoring and mitigation program, including any one-time charges by the receiving institution, are the responsibility of the developer.</p> <p>e. Preparation of a final monitoring and mitigation report of findings and significance will be completed, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). A letter documenting receipt and acceptance of all fossil collections by the receiving institution must be included in the final report. The report, when submitted to and accepted by the appropriate lead agency (e.g., the City of Victorville), will signify satisfactory completion of the project program to mitigate impacts to any nonrenewable paleontological resources.</p>				
4.7 Hazards and Hazardous Materials					
<p>Threshold a: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</p>	<p>MM 4.7-1 The Project Contractor shall adhere to the protocols and performance standards stipulated in the SMP (<i>Technical Appendix I2</i>). Contractors working at the site follow all applicable Cal/OSHA regulations for construction safety. A Completion Report shall be prepared at the conclusion of grading activities. The report shall document field monitoring activities and visual observations made during grading/excavations, as well as soil sampling locations and results. The report shall include a description of the location of impacted soil encountered, actions taken to characterize and mitigate impacts, confirmation soil sampling results, and disposition of any excavated soil. In addition, the report shall include a description of encountered subsurface structures and steps to remove and close such structures. The report shall be</p>	Project Contractor	City of Victorville	At the conclusion of grading activities	Less than Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	reviewed and approved by the City of Victorville Planning Department, prior to issuance of building permits.				
4.12 Tribal Cultural Resources					
<p><u>Threshold a:</u> Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <p>1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</p> <p>2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?</p>	<p>MM 4.3-1 shall apply</p>	Project Applicant; Project Archaeologist	City of Victorville; Qualified Archaeologist	Prior to the issuance of a grading permit; Prior to final grading inspection	Less than Significant Impact
	<p>MM 4.11-1 The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in Mitigation Measure MM 4.3-2, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, to provide Tribal input regarding 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>	Project Archaeologist	YSMN	During Project activities	
	<p>MM 4.11-2 Any and all archaeological/cultural documents created as a 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>	Project Archaeologist	City of Victorville	During the life of the Project	