

**MITIGATION MONITORING AND REPORTING PROGRAM FOR  
INDEPENDENT STATION (GREEN TREE BLVD. & HESPERIA ROAD)  
CASE NO. PLAN24-00008**

**A.1 STATUTORY REQUIREMENTS**

The purpose of this program is to identify the changes to the project, which the Lead Agency has adopted or made a condition of a project approval, in order to mitigate or avoid significant effects on the environment. The City of Victorville is the Lead Agency that must adopt the mitigation monitoring and reporting program. Section 21069 of the California Environmental Quality Act (CEQA) statute defines Responsible Agency as a public agency, other than the Lead Agency, which has the responsibility for carrying out or approving a project.

CEQA statutes and Guidelines provide direction for clarifying and managing the complex relationships between a Lead Agency and other agencies with respect to implementing and monitoring mitigation measures. In accordance with CEQA Guidelines Section 15091(d) “when making the findings required in subdivision (a)(1) of CEQA, the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.” Furthermore, Section 15097.d states “each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise.” This discretion will be exercised by implementing agencies at the time they undertake any of the individual improvement projects identified in the Draft IS/MND.

The following mitigation measures have been identified for Case No. PLAN24-00008: The development of a fueling station, carwash, and convenience store on property located at the southwest corner of Green Tree Boulevard and Hesperia Road (Independent Station).

A completed and signed checklist for each measure indicates that a measure has been implemented, and fulfills the City’s monitoring requirements with respect to Public Resources Code Section 21081.6.

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Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance
<i>Aesthetic Measures</i>			
1. <b>(AES-1)</b> All light fixtures (including portable fixtures) shall be oriented downward and away from sensitive receptors in conformance with Municipal Code Section 16-3.10.060. Lighting shall consist of the minimal wattage necessary to provide safety at the construction site. A construction lighting plan shall be submitted to the City of Victorville Development Department for review concurrent with Grading Permit application.	Project Developer	During all grading and construction activities	
<i>Air Quality Measures</i>			
2. <b>(AIR-1)</b> The Applicant shall prepare and submit to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that will be implemented at the project.	Project Developer	Prior to and during project grading and construction activities	
3. <b>(AIR-2)</b> The Applicant shall ensure that signage, compliant with Rule 403 Attachment, is erected at each project site entrance not later than the commencement of construction.	Project Developer	Prior to and during project grading and construction activities	
4. <b>(AIR-3)</b> The Applicant shall ensure the use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.	Project Developer	Prior to and during project grading and construction activities	
5. <b>(AIR-4)</b> All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.	Project Developer	Prior to and during project grading and construction activities	
6. <b>(AIR-5)</b> All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related track out onto paved surfaces and clean any project-related track out within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.	Project Developer	Prior to and during project grading and construction activities	

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<i>Biological Measures</i>			
<p>7. <b>(BIO-1)</b> Regardless of the time of year, a pre-construction survey shall be performed to verify absence of nesting birds. A qualified biologist shall conduct the pre-activity survey within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, no more than three (3) days prior to the initiation of project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified biologist shall make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If nesting bird activity is present, a no disturbance buffer zone shall be established by the qualified biologist to be marked on the ground around each nest. The buffer shall be a minimum of 500 feet for raptors and 300 feet for songbirds, unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species. The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Active nest(s) and an established buffer distance(s) shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. If there is no nesting activity, then no further action is needed for this measure. Appropriate survey methods and timeframes shall be established, to ensure that chances of detecting the target species are maximized. In the event that listed species, such as the desert tortoise, are encountered, authorization from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.</p>	<p>Project Developer  Project Biologist</p>	<p>Prior to project grading and construction activities</p>	
<p>8. <b>(BIO-2)</b> Focused plant surveys for all special status plant species that have the potential to occur on the site. If focused plant surveys are considered, surveys should be performed during the blooming season (April - June) to determine the potential environmental effects of the proposed projects on special status plants and sensitive natural communities following recommended protocols by the Department of Fish and Wildlife.</p>	<p>Project Developer  Project Biologist</p>	<p>Prior to project grading and construction activities</p>	

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<i>Biological Measures (Continued)</i>			
<p>9. <b>(BIO-3)</b> Prior to construction, the project proponent is required to obtain an Incidental Take Permit (ITP) through CDFW for the take of any Joshua tree. Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree. In lieu of completing the mitigation on its own, the permittee may elect to pay mitigation fees. (4) CDFW may require the permittee to relocate the western Joshua trees. The City of Victorville falls within an area of the WJTCA which qualifies for reduced Mitigation Fees for impacts to western Joshua trees (Fish and Wildlife Code, Section 1927). The reduced Mitigation Fees are as follows [Fish and Wildlife Code, Section 1927.3 (d)]: 1. Trees 5 meters or greater in height - \$1,000; 2. Trees 1 meter or greater but less than 5 meters in height - \$200; 3. Trees less than 1 meter in height - \$150. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. It is recommended that specific Joshua tree mitigation measures or determination of in-lieu fees be addressed through consultation with CDFW.</p>	<p>Project Developer Project Biologist</p>	<p>Prior to project grading and construction activities</p>	

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<i>Cultural Resource Measures</i>			
10. <b>(CUL-1)</b> Monitoring and Treatment Plan Monitoring and Treatment Plan that is reflective of the project mitigation (“Cultural Resources” and “Tribal Cultural Resources”) shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN, also known as San Manuel Band of Mission Indians). Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment 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.	Project Developer  Project Construction Superintendent  Project Archaeologist	Prior to project grading and construction activities	
11. <b>(CUL-2)</b> (Archaeological Monitoring). Due to the heightened cultural sensitivity of the proposed project area, an archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of archaeological monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage.	Project Developer  Project Construction Superintendent  Project Archaeologist	During all phases of project construction	
<i>Geology and Soils Measures</i>			
12. <b>(GEO-1)</b> Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Victorville that a qualified archaeologist/paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.	Project Developer  Project Construction Superintendent  Project Archaeologist	Prior to project grading and construction activities	

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<i>Geology and Soils Measures (Continued)</i>			
13. <b>(GEO-2)</b> The archaeologist/paleontologist monitor shall conduct full-time monitoring during grading and excavation operations in undisturbed, very old alluvial fan sediments at or below four (4) feet below ground surface and shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The archaeologist/paleontologist monitor shall be empowered to temporarily halt or divert equipment to allow for the removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified archaeologist/paleontologist personnel to have a low potential to contain or yield fossil resources.	Project Developer  Project Construction Superintendent  Project Archaeologist	During all phases of project construction	
<i>Noise Recourses</i>			
14. <b>(NOI-1)</b> The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.	Project Developer  Project Construction Superintendent	During all phases of project construction	
15. <b>(NOI-2)</b> Loitering in the parking areas with attendant loud noise (radios, car noise, etc.) will not be permitted.	Project Developer  Project Construction Superintendent	During all phases of project construction	
16. <b>(NOI-3)</b> Construction vehicles will be prohibited from travelling on local streets in the residential areas. All construction vehicles must travel on either Green Tree Boulevard or Hesperia Road to access the site.	Project Developer  Project Construction Superintendent	During all phases of project construction	

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Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance
<i>Transportation Recourses</i>			
17. <b>(TRA-1)</b> Green Tree Boulevard at Hesperia Road · Opening Year 2024: Adjust signal timing to provide longer left-turn phases for all left-turns to accommodate demand. · Future Year 2034: Adjust signal timing to provide longer left-turn phases for all left-turns to accommodate demand. With the identified mitigation applied, both study intersections operate at an acceptable LOS for all identified scenarios.	Project Developer  Project Construction Superintendent City of Victorville	During all phases of project construction	
18. <b>(TRA-2)</b> Green Tree Boulevard at Ridgecrest Boulevard · Future Year 2034: Add dedicated eastbound right-turn lane and implement right-turn overlap phasing for the same approach. With the identified mitigation applied, both study intersections operate at an acceptable LOS for all identified scenarios.	Project Developer  Project Construction Superintendent  City of Victorville	During all phases of project construction	
<i>Tribal Cultural Recourses</i>			
19. <b>(TCR-1)</b> Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Victorville that a qualified archaeologist/paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.	Project Developer  Project Construction Superintendent  Project Archaeologist	Prior to project grading and construction activities	
20. <b>(TCR-2)</b> The archaeologist/paleontologist monitor shall conduct full-time monitoring during grading and excavation operations in undisturbed, very old alluvial fan sediments at or below four (4) feet below ground surface and shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The archaeologist/paleontologist monitor shall be empowered to temporarily halt or divert equipment to allow of removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified archaeologist/paleontologist personnel to have a low potential to contain or yield fossil resources.	Project Developer  Project Construction Superintendent  Project Archaeologist	During all phases of project construction	

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<i>Tribal Cultural Recourses (Continued)</i>			
21. <b>(TCR-3)</b> Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage, such as the San Bernardino County Museum in San Bernardino, California, is required for significant discoveries. The archaeologist/paleontologist must have a written repository agreement in hand prior to initiation of mitigation activities.	Project Developer Project Construction Superintendent Project Archaeologist	During all phases of project construction	
22. <b>(TCR-4)</b> A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Victorville prior to final building.	Project Developer Project Construction Superintendent Project Archaeologist	During all phases of project construction	