

MITIGATION MONITORING AND REPORTING PROGRAM
Tentative Tract Map No. 20484
Northwest Corner of Hook Blvd. and Cobalt Rd.

CASE NO. PLAN22-00011

This document constitutes the Mitigation Monitoring and Reporting Program (MMRP) for the Mitigated Negative Declaration (MND) for the above-referenced project. Section 15097 states that an MMRP must be adopted by the lead agency "when a public agency has made the findings required under paragraph (1) of subdivision (a) of Section 15091 (of the CEQA Guidelines) relative to an EIR or adopted a mitigated negative declaration in conjunction with approving a project. In order to ensure that the mitigation measures and project revisions identified in the EIR, or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions that it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects."

This MMRP is designed to ensure that the measures identified in the MND are fully implemented. The MMRP describes the actions that must take place as a part of each measure, the timing of these actions, the entity responsible for implementation, and the agency responsible for enforcing each action.

Mitigation Measures (MM)	Responsible Party	Timing of Compliance	Signature and Date of Compliance
Biological Resources			
<p>MM BIO-1. Western Joshua Tree Mitigation. If any western Joshua trees (WJT) are to be relocated, removed, or otherwise taken, the Project Proponent shall obtain an incidental take permit (ITP) from the California Department of Fish and Wildlife (CDFW) under CDFW under §2081 of the California Endangered Species Act (CESA), prior to the relocation, removal, or take. (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of western Joshua tree, a Candidate for Threatened CESA-listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). Permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate project-related impacts of the taking of CESA-listed species. CDFW recommends permanent protection through either the purchase of conservation or mitigation bank credits or the establishment of a conservation easement, development of a long-term management plan, and securing funding sufficient to implement management plan tasks in perpetuity. These tasks should be completed, or financial security must be provided before starting any Project activities. To execute an ITP, CDFW requires documentation of CEQA compliance. CDFW requires the CEQA document have a State Clearing House number, show proof of filing fees, and proof the document has been circulated.</p>	<p>Project Developer Project Biologist</p>	<p>Prior to project grading and construction activities</p>	
<p>MM BIO-2. Burrowing Owl Pre-Construction Surveys. Pre-construction surveys for Burrowing Owls on the Project site and in the surrounding area shall be conducted by a qualified biologist no more than 14 days prior to initiation of Project ground-disturbing activities in accordance with guidelines identified by the California Department of Fish and Wildlife (CDFW) 2012 Staff Report on Burrowing Owl Mitigation (Department of Fish and Game Code, March 2012). If Project activities are delayed for more than 30-days (including the restarting of activities after project/ground disturbing delays of 30-days or more), additional surveys will be required, including but not limited to a take avoidance survey within 24 hours of ground disturbance. If burrowing owls are observed on the Project site during the Pre-construction survey the California Department of Fish and Wildlife shall be immediately notified, and Mitigation Measure BIO-3 shall be required. If burrowing owl(s) are not observed onsite during any pre-construction surveys, a letter shall be prepared by the qualified biologist documenting the results of the survey. The letter shall be submitted to CDFW prior to issuance of any grading permits, and no further action is required.</p>	<p>Project Developer Project Biologist</p>	<p>Prior to project grading and construction activities</p>	

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<p>MM BIO-3. Burrowing Owl Mitigation if Detected On-site. If burrowing owls are observed on the project site during any preconstruction survey as per MM BIO-2, the California Department of Fish and Wildlife (CDFW) shall be immediately notified, and the applicant shall conduct an impact assessment in accordance with the 2012 Staff Report on Burrowing Owl Mitigation prior to commencing Project activities to determine appropriate mitigation and any areas occupied by burrowing owls shall be avoided. No ground-disturbing activities shall be permitted within 500 meters of an occupied burrow. A smaller buffer may be established if the qualified biologist determines that a reduced buffer would not adversely affect the burrowing owl(s).</p> <p>If burrowing owls cannot be avoided by the Project, then a qualified biologist shall prepare and submit a passive relocation program to CDFW for review/approval prior to the commencement of Project activities in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 Staff Report on Burrowing Owl Mitigation and mitigation shall be required as described below (see g) to reduce impacts to less than significant, including the following steps as approved by the California Department of Fish and Wildlife and in accordance with the updated CDFW Staff Report on Burrowing Owl Mitigation (2012) shall be implemented if burrowing owl are present onsite:</p> <p>a) Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the California Department of Fish and Game verifies through non-invasive methods 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.</p> <p>b) A burrowing owl survey shall be conducted on all portion of the site between September and January to determine the location of active (non-breeding) burrows.</p> <p>c) If the Project cannot avoid burrowing owl, qualified biologists shall exclude all owls from active burrows using one-way doors during the non-breeding season (September 1– January 31) or during the breeding season (February 1– August 31), only after a qualified biologist has determined there are no nesting owls and/or juvenile owls are no longer dependent on the burrows. Concurrently, all inactive burrows and other sources of secondary refuge for burrowing owls shall be collapsed and removed from the site.</p> <p>d) Following a 48-hour observation period and 48-hours after installation of one-way doors, all vacated burrows shall be collapsed.</p> <p>e) A qualified biologist shall conduct a post-exclusion survey confirming the absence of borrowing owls on the site. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared</p>	<p>Project Developer Project Biologist</p>	<p>Prior to project grading and construction activities</p>	

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<p>by the qualified biologist documenting the results of the passive relocation and provided to CDFW. Should newly occupied burrows be discovered on the site the exclusion shall be repeated as outlined in the CDFW-approved passive relocation program.</p> <p>f) A final clearance survey confirming the absence of active burrowing owls burrows shall be conducted within three days of initiating Project activities.</p> <p>g) Compensatory mitigation lands for permanent impacts to nesting, occupied, and satellite burrows and burrowing owl habitat shall be provided by the applicant/developer at a minimum ratio of 2:1 and permanent conservation and management of burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owl impacts are replaced consistent with the Staff Report on Burrowing Owl Mitigation including its Appendix A within designated adjacent conserved lands identified through coordination with CDFW. A qualified biologist shall confirm the natural or artificial burrows on the conservation lands are suitable for use by the owls. Monitoring and management of the replacement burrow site(s) shall be conducted, and a reporting plan shall be prepared for CDFW review and approval. The objective shall be to manage the replacement burrow sites for the benefit of burrowing owls (e.g., minimizing weed cover), with the specific goal of maintaining the functionality of the burrows for a minimum of 2 years. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, Project activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW prior to the start of Project activities.</p>			

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<p>MM BIO-4. Pre-Construction Desert Tortoise Surveys. No more than 30 calendar days prior to start of Project Activities a qualified biologist shall conduct pre-construction presence/absence surveys for desert tortoise. Pre-construction surveys shall be completed using perpendicular survey routes within the Project site and 50-foot buffer zone. Pre-construction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project Activities cannot start until 2 negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Should desert tortoise presence be confirmed during the survey, all desert tortoises encountered during clearance surveys and subsequent monitoring efforts will be permanently removed from the Project site and translocated to an off-site recipient site. The Project Proponent shall prepare a site-specific Desert Tortoise Translocation Plan that will provide details on the proposed recipient site, desert tortoise clearance surveys and relocation, definitions for Authorized Biologists and qualified desert tortoise biologists, exclusion fencing guidelines, protocols for managing desert tortoise found during active versus inactive seasons, protocols for incidental tortoise death or injury, and will be consistent with project permits and current USFWS guidelines. The Plan will also include a requirement for communication and coordination with the Bureau of Land Management (BLM) regarding the desert tortoise recipient site. Prior to construction, the Plan will be subject to the approval of the CDFW and the USFWS. Impacts shall be offset through acquisition of compensatory land within suitable and occupied desert tortoise habitat and/or monetary contributions to other recovery efforts in the West Mojave habitat mitigated for at a ratio of 1:1. Final mitigation acreage are subject to the approval of the State and federal wildlife agencies.</p>	<p>Project Developer Project Biologist</p>	<p>Prior to project grading and construction activities</p>	
<p>MM BIO-5. Compensatory Mitigation for Jurisdictional Waters. Prior to the issuance of a grading permit or any earth-disturbing activities within the jurisdictional waters identified in the Jurisdictional Delineation for the <i>Southeast Corner of Hook Blvd. and Cobalt Road, Victorville, San Bernadino County, California</i>, prepared by L&L Environmental dated March 1, 2022, the Project Proponent shall obtain any required regulatory permits required by California Department of Fish & Wildlife (CDFW), US Army Corps and a Section 401 Water Quality Certification from the RWQCB for temporary and/or permanent impacts to the jurisdictional area that are regulated by the USACE, CDFW, and the RWQCB. Impacts shall be mitigated to achieve a "no net loss" or as modified by the regulatory agencies through the permitting process.</p>	<p>Project Developer Project Biologist</p>	<p>Prior to project grading and construction activities</p>	

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<p>MM BIO-6. Nesting Bird Survey. All Project activities on-site shall be conducted outside of nesting season {January 15 to August 31} to the maximum extent feasible. During the nesting bird season, a qualified biologist shall conduct pre-project nesting bird surveys, implement nest buffers, and conduct monitoring at all active nests within the work area and surrounding 300-foot buffer. Nesting bird surveys shall be conducted by a qualified biologist within 300 feet of all work areas, no more than 3 days prior to commencement of project activities. If active nests containing eggs or young are found, a qualified biologist shall establish an appropriate nest buffer. Nest buffers are species-specific and range from 15 to 100 feet for passerines and 50 to 300 feet for raptors, depending on the planned activity's level of disturbance, site conditions, and the observed bird behavior. Established buffers shall remain until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests shall be monitored until the biologist has determined the young have fledged or the project is finished. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.</p>	<p>Project Developer Project Archaeologist</p>	<p>Prior to project grading and construction activities</p>	
Cultural Resources Measures			
<p>MM CUL-1 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 workday to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A 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 (formerly known as the San Manuel Band of Mission Indians) Cultural Resources Department (YSMN I) and the Morongo Band of Mission Indians (MBMI) 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.</p>	<p>Project Archaeologist</p>	<p>Prior to the initiation of ground-disturbing activities</p>	
Geology and Soils Measures			
<p>MM GEO-1. Inadvertent Discovery of Paleontological Resources. If paleontological resources are encountered during implementation of the Project,</p>	<p>Project Developer Project Paleontologist</p>	<p>During ground-disturbing activities</p>	

Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance
ground-disturbing activities will be temporarily redirected from the vicinity of the find. A qualified paleontologist (the "Project Paleontologist") shall be retained by the developer to make an evaluation of the find. If the resource is significant, Mitigation Measure GEO-2 shall apply.			
MM GEO-2. Paleontological Treatment Plan. If a significant paleontological resource(s) is discovered on the property, in consultation with the Project proponent and the City, the qualified paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.	Project Developer Project Paleontologist	During ground-disturbing activities	
Greenhouse Gas Measures			
MM GHG-1 – Updated Screening Table. Prior to the recordation of the final map, the applicant/developer shall complete a revised Greenhouse Gas Emissions Screening Table in accordance with the City's adopted version of the San Bernardino County Regional Greenhouse Gas Reduction Plan 2021, while achieving the minimum number of points necessary to comply with the City of Victorville Greenhouse Gas reductions goals.	Project Developer City Engineer	Prior to the recordation of the final map	
MM GHG-2 – Compliance Verification. To the extent feasible, the City of Victorville Planning Department shall verify the incorporation of the identified Screening Table Measures within the Project building plans/site designs and/or verify compliance with an updated version of the City's Greenhouse Gas Screening Table prior to the issuance of building permit(s).	Planning Department	Prior to the issuance of a building permit	
Hydrology and Water Quality Measures			
MM WTR-1 – NPDES Permit. Prior to issuance of a grading permit the applicant shall obtain coverage under the statewide general NPDES permit for control of construction and post-construction related storm water in accordance with the requirements of the Small MS4 General Permit. In addition, the applicant shall: <ul style="list-style-type: none"> • Prepare a project specific Storm Water Pollution Prevention Plan (SWPPP) as required in the NPDES permit and shall identify site-specific erosion and sediment control best management practices that will be implemented; • The SWPPP shall be applicable to all areas of the project site including construction areas, access roads to and through the site, and staging and stockpile areas; • Temporary best management practices for all components of the project must be implemented until such time as permanent post-construction best 	Project Developer City Engineer	Prior to the issuance of a grading permit	

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<p>management practices are in place and functioning; and</p> <ul style="list-style-type: none"> All excess sediment excavated as part of the Project that is not used onsite should be stockpiled in a location such that it will not be transported by wind or water into a surface water. An adequate combination of sediment and erosion control BMPs must be implemented and maintained to temporarily stabilize all stockpiled sediment until such time that it is reused and/or permanently stabilized. 			
<p>MM WTR – 2 – Spill Prevention and Response Plan. The applicant/developer shall prepare and implement a comprehensive Spill Prevention and Response Plan for the Project, subject to review and approval by the City Planner and City Engineer (or their designee) prior to the issuance of any associated building or grading permit. This plan should outline the site-specific monitoring requirements and list the best management practices necessary to prevent hazardous material spills or to contain and cleanup a hazardous material spill, should one occur.</p>	<p>Project Developer City Planner City Engineer</p>	<p>Prior to the issuance of a building or grading permit.</p>	
Noise Measures			
<p>MM NOI-1. Construction Noise Mitigation. Prior to the issuance of a grading permit, the following notes shall be included on grading plans and building plans. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Victorville staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.</p> <ul style="list-style-type: none"> a) Haul truck deliveries shall be limited daytime hours of 6:00 a.m. to 6:00 p.m. b) Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. c) All stationary construction equipment shall be placed in such a manner so that emitted noise is directed away from any sensitive receptors adjacent to the Project site. d) Construction equipment staging areas shall be located the greatest distance between the staging area and the nearest sensitive receptors." 	<p>Project Developer City Engineer</p>	<p>Prior to the issuance of a grading permit</p>	
Tribal Cultural Resources Measures			

Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance
<p>MM TCR-1- Tribal Monitoring. Due to the heightened cultural sensitivity of the proposed project area, Tribal monitors representing the YSMN and the MBMI 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 Tribal monitors shall be present each workday to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist, as detailed within CUL-1, and submitted to the Lead Agency for dissemination to the YSMN and MBMI Cultural Resources Departments (Once all parties review and agree to 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.</p>	<p>Project Developer Planning Department</p>	<p>Prior to the issuance of a permit that allows ground disturbance</p>	
<p>TMM CR-2-Treatment of Cultural Resources. If a pre-contact cultural resource is discovered during archaeological presence/absence testing, the discovery shall be properly recorded and then reburied in situ. A research design shall be developed by the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the YSMN and MBMI Cultural Resources Departments the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), avoidance (or other appropriate treatment) of the discovered resource, and the potential need for construction monitoring during project implementation. Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitors representing the Tribes, unless otherwise decided by YSMN or MBMI. All plans for analysis shall be reviewed and approved by the applicant, YSMN, MBMI prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of YSMN and MBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by , YSMN,MBMI, the landowner, and the Lead Agency, and all finds shall be</p>	<p>Project Developer Planning Department</p>	<p>During ground-disturbing activities</p>	

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<p>reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, YSMN, and MBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner, YSMN, and MBMI outlining the determined reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, etc.).</p> <p>Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with YSMN and MBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.</p> <p>All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency, YSMN, and MBMI for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, YSMN and MBMI.</p>			
<p>MM TCR-3 Inadvertent Discoveries of Human Remains/Funerary Objects. In the event that any human remains are discovered within the project area, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The on-site lead/foreman shall then immediately who shall notify YSMN, MBMI, the applicant/developer, and the Lead Agency. The Lead Agency and the applicant/developer shall then immediately contact the County Coroner regarding the discovery. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with</p>	Project Developer Planning Department	Prior to the issuance of a building permit	

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<p>appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code § 5097.98.</p> <p>Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.</p> <p>It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).</p>			
Utilities and Service Systems			
<p>MM BIO-1 through MM BIO-6, MM CUL-1, MM GEO-1, MM GEO-2, and MM TCR -1 through MM TCR-3 described above are required.</p>	Per applicable mitigation measures	Per applicable mitigation measures	