

Mitigation Monitoring and Reporting Program

PLAN23-00003 – 5555 Armargosa LLC., Warehouse Development

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 PLAN23-00003 – 5555 Armargosa LLC., Warehouse Development: The Project proposes to construct and operate a 392,857 square foot warehouse building within an 18.05-acre (786,742 square foot) vacant property. The corresponding Assessor Parcel Numbers (APN) are 3128-581-05 and -06.

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.

Mitigation Monitoring and Reporting Program

PLAN23-00003 – 5555 Armargosa LLC., Warehouse Development

Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance
<i>AIR QUALITY MEASURES</i>			
AIR Mitigation #1. 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 Project Grading or Construction Activities	
AIR Mitigation #2. The Applicant shall ensure that signage, compliant with Rule 403 Attachment B, is erected at each project site entrance not later than the commencement of construction.	Project Developer	Prior to Project Grading or Construction Activities	
AIR Mitigation #3. 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	During to Project Grading or Construction Activities	
AIR Mitigation #4. 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 fugitive dust. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.	Project Developer	Prior to Project Grading or Construction Activities	
AIR Mitigation #5. 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	During to Project Grading or Construction Activities	

Mitigation Monitoring and Reporting Program

PLAN23-00003 – 5555 Armargosa LLC., Warehouse Development

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<i>BIOLOGICAL RESOURCE MEASURES</i>			
BIO Mitigation #1. Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted prior to the commencement of Project-related ground disturbance. a. 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. b. 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.	Project Developer Qualified Biologist	Prior to Project Grading or Construction Activities	
BIO Mitigation #2. A Protected Plant Plan shall be developed and shall identify methods, locations, and criteria for transplanting those trees that would be removed during Project construction. a. As required by the San Bernardino County Development Code, Joshua trees proposed for removal shall be transplanted or stockpiled for future transplanting wherever possible.	Project Developer	Prior to Project Grading or Construction Activities	

Mitigation Monitoring and Reporting Program

PLAN23-00003 – 5555 Armargosa LLC., Warehouse Development

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<p>BIO Mitigation #3 Prior to construction, the project proponent is required to obtain an Incidental Take Permit (ITP) through CDFW for the take of 2 Joshua trees. 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:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(4) CDFW may require the permittee to relocate one or more of 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 or 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>	Project Developer	Prior to Project Grading or Construction Activities	

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<i>CULTURAL RESOURCE MEASURES</i>			
CUL Mitigation #1. 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	Prior to Project Grading or Construction Activities	
CUL Mitigation #2. 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	During to Project Grading or Construction Activities	
CUL Mitigation #3. 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 building final.	Project Developer	During to Project Grading or Construction Activities	

Mitigation Monitoring and Reporting Program

PLAN23-00003 – 5555 Armargosa LLC., Warehouse Development

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<p>CUL Mitigation #4. Prior to the initiation of ground-disturbing activities, field personnel should be alerted to the possibility of buried prehistoric or historic cultural deposits and paleontological resources. In the event that field personnel encounter buried cultural materials and/or paleontological resources, work in the immediate vicinity of the find should cease and a qualified archaeologist/paleontologists must be retrained to assess the significance of the find. The qualified archaeologist/paleontologist shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist/paleontologist finds that any cultural resources present meet eligibility requirements for listing on the California register or the national register of historic places (national register), plans for the treatments, evaluation, and mitigation of impacts to the find will need to be developed. Prehistoric or historic cultural materials that may be encountered during ground-disturbing activities include:</p> <ul style="list-style-type: none"> • Historic-period artifacts such as glass bottles and fragments, cans, nails, ceramic and pottery fragments, and other metal objects; • Historic-period structural or building foundations, walkways, cisterns, pipes, privies, and other structural elements; • Pre-historic flaked-stone artifacts and debitage (waste material), consisting of obsidian, basalt, and/or cryptocrystalline silicates; • Dark, greasy soil that may be associated with charcoal, ash, bone, shell, flaked stone, ground stone and fire affected rocks; and Human remains. 	Project Developer Qualified Archaeologist/ Paleontologist	Prior to Project Grading or Construction Activities	

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<i>GEOLOGY & SOILS MEASURES</i>			
GEO Mitigation #1. 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.	Project Developer	Prior to Project Grading or Construction Activities	
GEO Mitigation #2. The Applicant shall 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 management practices are in place and functioning; and 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.	Project Developer	Prior to Project Grading or Construction Activities	
GEO Mitigation #3. 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.	Project Developer	Prior to Project Grading or Construction Activities	
<i>TRANSPORTATION MEASURES</i>			
TRA Mitigation #1. <i>Highway 395 / Mojave Drive:</i> Add exclusive westbound right turn lane; Convert the current shared through-right-turn lane to a through lane only; provide right turn overlap phasing for the westbound and northbound right turns; optimize signal timing.	Project Developer	During to Project Grading or Construction Activities	
TRA Mitigation #2. <i>Mojave Drive / Mesa Linda Avenue:</i> Install traffic signal control with protected left turn phasing on all approaches (To be established by Mojave 68 Project, which has been conditioned to install the traffic signal.)	Project Developer	During to Project Grading or Construction Activities	

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PLAN23-00003 – 5555 Armargosa LLC., Warehouse Development

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<p>TRA Mitigation #3. The projects contribution in the Near-Term is anticipated to be 21.0% and in the Mid-Term is anticipated to be 5.8% of the cost of the improvements to Highway 395 at Mojave Drive. In the event that the Mojave 68 Project is delayed, the project contribution in the Near-Term is anticipated to be 29.7% and in the Mid-Term is anticipated to be 8.1% of the cost of the improvements to Mojave Drive at Mesa Linda Avenue.</p>	Project Developer	During to Project Grading or Construction Activities	
TRIBAL CULTURAL RESOURCE MEASURES			
<p>TRI Mitigation #1. 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.</p>	Project Developer Qualified Archaeologist/ Paleontologist	Prior to Project Grading or Construction Activities	
<p>TRI Mitigation #2. 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.</p>	Project Developer Qualified Archaeologist/ Paleontologist	Prior to Project Grading or Construction Activities	
<p>TRI Mitigation #3. 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.</p>	Project Developer	During to Project Grading or Construction Activities	

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