

MITIGATION MONITORING REPORTING PROGRAM

Project: Foothill and Macy Route 66 Residential Development

Applicant: Route 66 Truck Terminal, LLC.

Lead Agency: City of San Bernardino

Date: January 2025

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date /Initials
Section 3: Air Quality					
AQ-1: The Applicant shall implement at a minimum a 35-day architectural coating phase as coating over a shorter period would increase daily emissions.					
Section 4: Biological Resources					
<p>BIO-1: In order to avoid violation of the federal Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code, site-preparation activities (ground disturbance, construction activities, staging equipment, and/or removal of trees and vegetation) for the Project shall be avoided, to the greatest extent possible, during the nesting season of potentially occurring native and migratory bird species. Nesting bird nesting season generally extends from February 1 through September 15 in southern California and specifically, March 15 through August 31 for migratory passerine birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) prior to Project-related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage, and expected types, intensity, and duration of the</p>	<p>City of San Bernardino, City Planner or designee</p>	<p>Pre-construction if construction during nesting season</p>	<p>No more than three (3) days prior to construction, ground disturbance or vegetation removal during the nesting bird season (February through August)</p>	<p>On-site inspection, submittal of survey report.</p>	

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disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.					
Section 5: Cultural Resources					
CR-1: 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.	Archaeological Monitor	During construction	Throughout construction	On-site inspection	
CR-2: During review of final site plans, the City shall determine whether impacts will occur within the right-of-way of Foothill Blvd/US Route 66. If necessary, City will consult with the State Office of Historic Preservation. to determine avoidance or mitigation of impacts within the roadway right-of-way.	Archaeological Monitor	During construction	Upon archaeological discovery	On-site inspection, separate submittal (Reports/Studies/ Plans)	
CR-3: Should human remains and/or cremations be encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present (no less than 100-ft radius area around the remains and project personnel will be excluded from the area and no photographs will be permitted), and the County of San Bernardino Coroner will be notified. The County of San Bernardino and the Project Proponent shall also be informed of the discovery. The Coroner will determine if the bones are historic/archaeological or a modern legal case.	Contractor/ Archaeologist	Upon archaeological discovery	Discussion with the City	Discussion with the City and Review by Native American consultant	

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<p>The Coroner will immediately contact the Native American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section §5097.98.</p> <p>All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code § 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless if the remains are modern or archaeological.</p> <p>If the remains are determined to be human, the Coroner will determine their origin: Native American; archaeological but non-Native American; or forensic. If determined to be of Native American origin, the Coroner will contact/notify the Native American Heritage Commission and the Most Likely Descendant (MLD) will be identified. In consultation between the MLD, Lead Agency, and property owner, the disposition of the remains will be determined. Any costs incurred would be the responsibility of the property owner. If the human remains are archaeological (non-Native American), the archaeological consultant will manage the removal, analysis, and reporting. The remains will be reinterred off-site and any costs incurred would be the responsibility of the property owner. If the remains are determined to be of forensic value, the Coroner will arrange for the removal and analysis. The City will assume responsibility of the remains</p>					

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and the property owner will not be responsible for any related costs.					
Section 7: Geology and Soils					
GEO-1: During construction, the Project Proponent shall ensure the recommendations contained in the Final Geotechnical/Soils report are incorporated into design plans and ensure that the contractor and subcontractor comply with the recommendations. A pre-grading meeting between the grading contractor and geotechnical engineer shall occur prior to construction at the site, to discuss the grading procedures to be implemented and other requirements described in the Geotechnical Report. The City Engineer shall approve the Final Geotechnical Report and shall inspect the work to ensure compliance.	City Engineer	Prior to issuance of grading permits	Throughout construction	On-site inspection	
GEO-2: Paleontological monitoring by a qualified paleontologist contracted by the Applicant shall be implemented during any mass grading and excavation activities starting at five feet below the surface. Monitoring shall be conducted full-time in areas of grading or excavation in undisturbed eolian deposits. If resources are discovered, the qualified paleontologist in consultation with the Applicant and the City, shall develop a plan of mitigation which may include full-time monitoring, salvage excavation, scientific removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation of the find in a local qualified repository, and preparation of a report summarizing the find.	Applicant/ Qualified Paleontologist	Prior to issuance of grading permits	Throughout construction	On-site inspection	

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Section 13: Noise					
NOI-1: A six-foot-high concrete wall with no holes or cracks shall be constructed along the property line of homes adjacent to Foothill Boulevard.	City of San Bernardino, City Planner or designee	Prior to Construction	Prior to Certificate of Occupancy	Plan check, on-site inspection	
NOI-2: Windows and sliding glass doors on building facades facing Foothill Boulevard shall have an STC rating of at least 30.	City of San Bernardino, City Planner or designee	Prior to Construction	Prior to Certificate of Occupancy	Plan check, on-site inspection	
Section 18: Tribal Cultural Resources					
TCR-1: A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. C. The monitor will complete daily monitoring logs that will provide descriptions of the	Qualified Archaeologist hired by Applicant	During construction	Upon archaeological discovery	On-site inspection	

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<p>relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.</p> <p>D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.</p> <p>E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered</p>					

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TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.					
<p>TCR-2:</p> <p>A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.</p> <p>B. If Native American human remains and/or grave goods discovered or recognized on the Project Site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.</p> <p>C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>D. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains</p>	Archaeological Monitor	During construction	Throughout construction	On-site inspection	

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<p>and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)</p> <p>E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.</p> <p>F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>					
<p>TCR-3:</p> <p>A. As the Most Likely Descendant (“MLD”), the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.</p> <p>B. If the discovery of human remains includes four or more burials, the discovery location</p>	Archaeological Monitor	During construction	Throughout construction	On-site inspection	

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<p>shall be treated as a cemetery and a separate treatment plan shall be created.</p> <p>C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.</p> <p>D. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.</p> <p>E. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful</p>					

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<p>reburial of the human remains and/or ceremonial objects.</p> <p>F. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</p> <p>G. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.</p>					
<p>TCR-4: The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) shall be contacted of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide</p>	<p>Archaeological Monitor</p>	<p>During construction</p>	<p>Throughout construction</p>	<p>On-site inspection</p>	

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<p>Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources 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>TCR-5: 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>	Archaeological Monitor	During construction	Throughout construction	On-site inspection	
<p>TCR-6: If human remains or funerary objects are encountered during any activities associated with the Proposed Project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code 7050.5 and that code enforced for the duration of the project.</p>	Archaeological Monitor	During construction	Throughout construction	On-site inspection	