

# Mitigation Monitoring and Reporting Program

## Introduction

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Mitigated Negative Declaration has been certified which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "...reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented for the 9<sup>th</sup> Street and Tippecanoe Avenue Warehouse Project (Project). The City of San Bernardino is the Lead Agency for the project and is responsible for implementation of the MMRP. This report describes the MMRP for the Project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

## Mitigation Monitoring and Reporting Program

The MMRP for the Project will be active through all phases of the Project, including design, construction, and operation. The attached table identifies the mitigation program required to be implemented by the City for the Project. The table identifies mitigation measures required by the City to mitigate or avoid significant impacts associated with the implementation of the Project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual Plan, Program, Policies; and mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

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**TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<b>AIR QUALITY</b>			
<p>Mitigation Measure AQ-1: Tier 2 Equipment with Level 3 Filters. Prior to issuance of construction or demolition permits, the City of San Bernardino Public Works Department shall ensure that Project construction plans and specifications state that all off-road diesel-powered construction equipment of 50 horsepower or more used for the Project meets the California Air Resources Board Tier 2 emissions standards with Level 3 diesel particulate filters or equivalent.</p>	<p>Use of Tier 2 Equipment with Level 3 diesel filters. Construction.</p>	<p>City of San Bernardino Planning Division</p>	
<b>BIOLOGICAL RESOURCES</b>			
<p>Mitigation Measure BIO-1: Nesting Bird Survey. Vegetation removal should occur outside of the nesting bird season (generally between February 1 and September 15). If vegetation removal is required during the nesting bird season, the applicant must conduct take avoidance surveys for nesting birds prior to initiating vegetation removal/clearing. Surveys will be conducted by a qualified biologist(s) within three days of vegetation removal. If active nests are observed, a qualified biologist will determine appropriate minimum disturbance buffers and other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active. At a minimum, construction activities will stay outside of a 300-foot buffer around the active nests. For raptor species, the buffer is to be expanded to 500 feet. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and City of San Bernardino Planning Division verify that the nests are no longer occupied, and the juvenile birds can survive independently from the nests. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities may occur.</p>	<p>Submittal of pre-activity field survey results report. Prior to demolition and grading permits.</p>	<p>City of San Bernardino Planning Division</p>	
<b>CULTURAL RESOURCES</b>			

<b>Mitigation Measure</b>	<b>Action and Timing</b>	<b>Responsible for Ensuring Compliance / Verification</b>	<b>Date Completed and Initials</b>
<p>MM CUL-1: Inadvertent Discoveries. Prior to the issuance of any permits for ground-disturbing activities that cause excavation of soils (including as grading, excavation, and trenching), the City of San Bernardino shall ensure that all Project grading and construction plans shall include specifications of the Cultural Resources Management Plan (CRMP) (MM CUL-2), including that in the event that potential archaeological resources are discovered during excavation, grading, or construction activities, work shall cease within 60 feet (100 feet if identified as human remains or funerary objects, see PPP CUL-1) of the find until a qualified archaeologist from the City or County List of Qualified Archaeologists as designated by the CRMP has evaluated the find to determine whether the find constitutes a “unique archaeological resource,” as defined in Section 21083.2(g) of the California Public Resources Code.</p> <p>Any resources identified shall be treated in accordance with California Public Resources Code Section 21083.2(g). If the discovered resource(s) appears Native American in origin, a Native American Monitor shall be contacted to evaluate any potential tribal cultural resource(s) and shall have the opportunity to consult on appropriate treatment and curation of these resources.</p> <p>Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within MM TCR-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>	<p>Confirmation of professional archaeologist retention/ongoing/monitoring/submittal of Report of Findings. Prior to demolition and grading permits and during subsurface excavation.</p>	<p>City of San Bernardino Planning Division / Qualified Archaeologist</p>	
<p>MM CUL-2: Cultural Resources Monitoring Plan. The Project archaeologist, in consultation with consulting tribes, the Developer, and the City, shall develop and implement a Cultural Resources Monitoring Plan (CRMP) to address the details, timing, and responsibility of all archaeological and cultural activities that will occur on the Project site. Details in the plan shall include:</p> <ul style="list-style-type: none"> <li>a. Archaeological monitoring: Prior to the issuance of any permits for ground-disturbing activities and the first grading permit, the developer/applicant shall provide a letter to the City of San Bernardino Planning Division, or designee, from a qualified professional archeologist meeting the Secretary of</li> </ul>	<p>Archaeologist shall be retained and develop and implement a Cultural Resources Monitoring Plan (CRMP). Prior to grading permit; during initial clearing and ground disturbing activity.</p>	<p>City of San Bernardino Planning Division / Qualified Archaeologist</p>	

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<p>Interior's Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A stating that a qualified archeologist(s) has been retained and will be present for the initial clearing of the property and then periodically during ground-disturbing activities as determined by the Project archaeologist.</p> <ul style="list-style-type: none"> <li>b. Project grading and development scheduling;</li> <li>c. The development of an archaeological monitoring schedule, and in the event any pre-contact and/or historic-era cultural resources are discovered, the archaeologist will coordinate with the developer/applicant and designated Native American Tribal Monitor from the consulting tribe during grading, excavation, and ground-disturbing activities on the site, including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all project archaeologists (see MM TCR-1);</li> <li>d. The protocols and stipulations that the Applicant, tribes, and project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits, or nonrenewable paleontological resources that shall be subject to a cultural resources evaluation (provisions of MM CUL-1 shall be incorporated);</li> <li>e. Treatment and final disposition of any cultural and paleontological resources, sacred sites, and human remains if discovered on the project site;</li> <li>f. The Yuhaaviatam of San Manuel Nation Cultural Resources Department shall be contacted immediately of any pre-contact and/or historic-era cultural resources discovered during Project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended,</li> </ul>			

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<p>2015), a Treatment and Disposition Plan shall be created by the archaeologist, in coordination with Yuhaaviatam of San Manuel Nation (as specified within MM TCR-2), and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents Yuhaaviatam of San Manuel Nation for the remainder of the Project, should Yuhaaviatam of San Manuel Nation elect to place a monitor on-site; and</p> <p>g. The requirements (including scheduling and timing) of a preconstruction Cultural Sensitivity Training.</p> <p>Following construction prior to issuance of a building permit, the archaeologist shall submit a draft monitoring report describing the results, analysis, and conclusions of all phases of the archaeological monitoring program.</p>			
<b>GEOLOGY AND SOILS</b>			
<p>MM PAL-1: Inadvertent Paleontological Discoveries. Prior to issuance of a grading permit, the City of San Bernardino Building Department shall verify that all Project grading and construction plans and specifications state that in the event that potential paleontological resources are discovered during excavation, grading, or construction activities, work shall cease within 50 feet of the find until a qualified paleontologist (i.e., a practicing paleontologist that is recognized in the paleontological community and is proficient in vertebrate paleontology) from the City or County List of Qualified Paleontologists has evaluated the find in accordance with federal and state regulations. Construction personnel shall not collect or move any paleontological materials and associated materials. If any fossil remains are discovered, the paleontologist shall make a recommendation if monitoring shall be required for the continuance of earth moving activities.</p>	<p>Grading/Construction plans must specify procedure for inadvertent paleo resource discovery. Prior to grading permit.</p>	<p>City of San Bernardino Building Department</p>	
<p>MM PAL-2: Paleontological Resource Impact Mitigation Program. If paleontological resources of any sort are discovered during grading and earthmoving activities, a paleontologist must be retained to develop a Paleontological Resource Impact Mitigation Program (PRIMP) consistent with the provisions of CEQA and those of the guidelines of the Society of Vertebrate</p>	<p>A paleontologist must be retained to develop a Paleontological Resource Impact Mitigation Program (PRIMP). Upon</p>	<p>City of San Bernardino Building Department</p>	

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<p>Paleontology (2010). Implementation of the paleontological PRIMP would mitigate any adverse impacts (loss or destruction) to potential nonrenewable paleontological resources, if present, to a level below significant.</p>	<p>inadvertent discovery of paleontological resources during construction.</p>		
<b>HAZARDS AND HAZARDOUS MATERIALS</b>			
<p>MM HAZ-1: Soil Management Plan. Prior to issuance of a grading permit, the Project applicant shall demonstrate to the City of San Bernardino that a qualified environmental consultant has been retained and has prepared a Soil Management Plan (SMP) that details procedures and protocols for onsite management of soils containing potentially hazardous materials. The SMP shall be implemented during grading activities onsite to ensure that soils containing residual levels of hydrocarbons, volatile organic compounds, and tetrachloroethylene, are properly identified, monitored, and managed onsite, and include the following:</p> <ul style="list-style-type: none"> <li>• A certified hazardous waste hauler shall remove all potentially hazardous soils. In addition, sampling of soil shall be conducted during excavation to ensure that all petroleum hydrocarbon and arsenic impacted soils are removed, and that Environmental Screening Levels (ESLs) for non-residential uses are not exceeded. Excavated materials shall be transported per California Hazardous Waste Regulations to a landfill permitted by the State to accept hazardous materials.</li> <li>• Any subsurface materials exposed during construction activities that appear suspect of contamination, either from visual staining or suspect odors, shall require immediate cessation of excavation activities. Soils suspected of contamination shall be tested for potential contamination. If contamination is found to be present per the Department of Toxic Substances Control Screening Levels for industrial/commercial land use (DTSC-SLi) and the EPA Regional Screening Levels for industrial/commercial land use (EPA-RSLi), it shall be transported and disposed of per state regulations to an appropriately permitted landfill.</li> <li>• The SMP shall include a Health and Safety Plan (HSP) addresses potential safety and health hazards and includes the requirements and</li> </ul>	<p>Review and approval of Soil Management Plan. Prior to grading permit.</p>	<p>City of San Bernardino Planning Division</p>	

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>procedures for employee protection; each contractor will be required to have their own HSP tailored to their particular trade that addresses the general Project safety requirements. The HSP shall also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.</p> <ul style="list-style-type: none"> <li>The SMP shall be prepared and executed in accordance with South Coast Air Quality Management District (SCAQMD) Rule 1166, Volatile Organic Compound Emissions from Decontamination of Soil. The SMP shall require the timely testing and sampling of soils so that contaminated soils can be separated from inert soils for proper disposal. The SMP shall specify the testing parameters and sampling frequency. Anticipated testing includes total petroleum hydrocarbons (TPH), volatile organic compounds (VOCs), and semi-volatile organic compounds (SVOCs). During excavation, Rule 1166 requires that soils identified as contaminated shall be sprayed with water or another approved vapor suppressant, or covered with sheeting during periods of inactivity of greater than an hour, to prevent contaminated soils from becoming airborne. Under Rule 1166, contaminated soils shall be transported from the Project site by a licensed transporter and disposed of at a licensed storage/treatment facility to prevent contaminated soils from becoming airborne or otherwise released into the environment.</li> <li>All SMP measures shall be printed on the construction documents, contracts, and Project plans prior to issuance of grading permits.</li> </ul>			
<b>TRIBAL</b>			
<p>MM TCR-1: Yuhaaviatam of San Manuel Nation Monitoring. The Yuhaaviatam of San Manuel Nation Cultural Resources Department shall be contacted and a Treatment and Disposition Plan shall be created by the archaeologist in coordination with Yuhaaviatam of San Manuel Nation (as specified within MM CUL-2).</p>	<p>Tribe contact. Upon cultural resource discovery. Development of a CRMP. The find is deemed significant.</p>	<p>City of San Bernardino Planning Division</p>	



<b>Mitigation Measure</b>	<b>Action and Timing</b>	<b>Responsible for Ensuring Compliance / Verification</b>	<b>Date Completed and Initials</b>
MM TCR-2: Recording of Inadvertent Discoveries. 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 Yuhaaviatam of San Manuel Nation. The Lead Agency and/or applicant shall, in good faith, consult with Yuhaaviatam of San Manuel Nation throughout the life of the Project.	Submit project cultural documents to applicant. City and tribe. Following preparation.	Qualified Professional Archeologist/ City of San Bernardino Planning Division	

PPP	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<b>AESTHETICS</b>			
<p>PPP AES-1: Outdoor Lighting. All outdoor luminaires installed shall be appropriately located and adequately shielded and directed such that no direct light falls outside the parcel of origin, or onto the public right-of-way. In addition, outdoor luminaires shall not blink, flash, or rotate and shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Municipal Code Section 19.20.030.</p>	<p>Shielding building lighting fixtures. Prior to building permit.</p>	<p>City of San Bernardino Planning Division</p>	
<b>AIR QUALITY</b>			
<p>PPP AQ-1: Rule 403. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:</p> <ul style="list-style-type: none"> <li>• All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.</li> <li>• The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day.</li> <li>• The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less.</li> </ul>	<p>Compliance with Rule 403. Construction.</p>	<p>City of San Bernardino Planning Division</p>	
<p>PPP AQ-2: Rule 402. The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The Project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.</p>	<p>Compliance with Rule 402. Construction.</p>	<p>City of San Bernardino Planning Division</p>	
<b>BIOLOGICAL RESOURCES</b>			

<p>PPP BIO-1: Tree Removal Permit. San Bernardino Municipal Code Chapter 15.34 and San Bernardino Development Code 19.28.100 requires that in the event more than five trees are removed within a 36-month period, a tree removal permit must first be issued by the Community Development Department. The owner of the property or his agent shall file a written application with the Planning Official prior to the destruction or removal of the trees. The Planning Official shall cause an inspection to be made of the property within ten (10) working days to determine whether the trees can be removed. If it is determined that the trees can be removed without detriment to the environment and welfare of the community, then the Planning Official shall issue the permit. Unless there is a pre-approved tree replacement plan, each tree that is removed, and is determined to be of significant value by the Community Development Director, shall be replaced with a 36-inch box tree.</p>	<p>Application and approval of tree removal permit. If during construction 5 or more trees are removed within a 36-month period.</p>	<p>City of San Bernardino Planning Division</p>	
<p><b>CULTURAL RESOURCES</b></p>			
<p>PPP CUL-1: Human Remains. Should human remains or funerary objects be discovered during project construction, the project would be required to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance may occur in the vicinity of the body (within a 100-foot buffer of the find) until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine the identity of and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD must complete the inspection within 48 hours of notification by the NAHC.</p>	<p>Stop disturbance activities within 100-foot buffer area of identified human or funerary remains; contact MLD. Within 48 hours of inadvertent discovery of identified human or funerary remains.</p>	<p>City of San Bernardino Planning Division; County Coroner.</p>	
<p><b>ENERGY</b></p>			
<p>PPP E-1. Title 24. As required by Municipal Code, Chapter 15.04 Building Codes, prior to issuance of a building permit, the Project Applicant shall submit plans showing that the Project would be in compliance with incumbent Title 24 requirements.</p>	<p>Compliance with Title 24 requirements. Prior to building permit.</p>	<p>City of San Bernardino Planning Division</p>	
<p><b>WATER QUALITY</b></p>			

<p>PPP WQ-1: Prior to grading permit issuance, the project developer shall have a Stormwater Pollution Prevention Plan (SWPPP) prepared by a QSD (Qualified SWPPP Developer) pursuant to the Municipal Code Chapter 13.54. The SWPPP shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to comply with the National Pollutant Discharge Elimination System (NPDES) requirements to limit the potential of polluted runoff during construction activities. Project contractors shall be required to ensure compliance with the SWPPP and permit periodic inspection of the construction site by City of San Bernardino staff or its designee to confirm compliance.</p>	<p>Review and approval of SWPPP. Prior to grading permit.</p>	<p>City of San Bernardino Planning Division</p>	
<p>PPP WQ-2: Water Quality Management Plan. Prior to grading permit issuance, the Project developer shall have a Water Quality Management Plan (WQMP) approved by the City for implementation. The Project shall comply with the City's Municipal Code Section 13.54 and the Municipal Separate Storm Sewer System (MS4) permit requirements in effect for the Regional Water Quality Control Board (RWQCB) at the time of grading permit to control discharges of sediments and other pollutants during operations of the Project.</p>	<p>Review and approval of WQMP. Prior to grading permit.</p>	<p>City of San Bernardino Planning Division</p>	