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# 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 Industrial Parkway 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>BIOLOGICAL RESOURCES</b>			
<p>MM 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>			
<p>MM CUL-1: Archaeological Monitoring. Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City Planning Division, or designee, from a qualified professional archeologist meeting the Secretary of Interior’s Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A stating that qualified archeologists have been retained and will be present at pre-grade meetings and for all initial ground disturbing activities, up to five feet in depth. Prior to the start of construction, a cultural resources management plan (CRMP) shall be prepared by the Project archaeologist, the drafts of which shall be provided to SMBMI for review and comment. The CRMP shall implement at least the following measures:</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</p>	

<b>Mitigation Measure</b>	<b>Action and Timing</b>	<b>Responsible for Ensuring Compliance / Verification</b>	<b>Date Completed and Initials</b>
<p>The frequency of inspections shall depend upon the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The consulting archaeologist shall have the authority to modify the monitoring program if the potential for cultural resources appears to be less than anticipated. Isolates and clearly non-significant deposits shall be minimally documented in the field so the monitored grading can proceed.</p> <p>In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within 60 feet of the area of discovery shall cease and the City shall be immediately notified. The archeologist shall be contacted to flag the area in the field and shall determine if the archaeological deposits meet the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique archaeological resource (Public Resources Code 21083.2(g)). Additionally, San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and Gabrieleno Band of Mission Indians – Kizh Nation (GBMI-KN) shall be contacted, as detailed within 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>If the find is considered a “resource” the archaeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the City. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C). If unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage, and treatment shall be required at the developer/applicant’s expense.</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</p>	<p>Review and approval of oil Management Plan. Prior to grading permit.</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>
<p>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 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.</li> <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</li> </ul>			

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<p>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.</p> <ul style="list-style-type: none"> <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: The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, 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, 2015), a CRMP shall be created by the archaeologist, in coordination with SMBMI and GBMI-KN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.</p>	<p>Tribe contact. Upon cultural resource discovery.</p> <p>Development of a CRMP.</p> <p>The find is deemed significant.</p>	<p>City of San Bernardino Planning Division</p>	
<p>MM TCR-2: 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 SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.</p>	<p>Submit project cultural documents to applicant and City. Following preparation.</p>	<p>Qualified Professional Archeologist/ City of San Bernardino Planning Division</p>	
<p>MM TCR-3: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities</p> <ul style="list-style-type: none"> <li>The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh</li> </ul>	<p>Retain a Native American Monitor. Prior to the commencement of any "ground-disturbing activity".</p>	<p>City of San Bernardino Planning Division</p>	

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<p>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.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The monitor will complete daily monitoring logs that will provide descriptions of the 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 GBMI-KN. 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 GBMI-KN.</li> <li>• 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.</li> <li>• 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. Recover and retention of</li> </ul>			

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<p>any discovered TCRs will be conducted in the form and/or manner that the GBMI-KN and SMBMI Tribes deem appropriate.</p>			
<p>MM TCR-4: Unanticipated Discovery of Human Remains and Associated Funerary Objects</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</li> <li>• Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh Nation or SMBMI determines 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 or SMBMI monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)</li> <li>• 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.</li> </ul>	<p>Treatment of human remains and/or associated funerary objects. Upon unanticipated discovery of human and/or funerary remains.</p>	<p>City of San Bernardino Planning Division</p>	



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<ul style="list-style-type: none"> <li>Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</li> </ul>			
<p>TCR-5: Procedures for Burials and Funerary Remains:</p> <ul style="list-style-type: none"> <li>As the Most Likely Descendant (“MLD”), the Koo-nas-gna Burial Policy shall be implemented. To the GBMI-KN, 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.</li> <li>If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.</li> <li>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.</li> <li>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 GBMI-KN 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.</li> <li>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 reburial of the human remains and/or ceremonial objects.</li> <li>Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects,</li> </ul>	<p>Burial of human and/or funerary remains. Upon unanticipated discovery of human and/or funerary remains.</p>	<p>City of San Bernardino Planning Division</p>	

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<p>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 GBMI-KN and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</p> <ul style="list-style-type: none"> <li>The GBMI-KN 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 GBMI-KN, 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 GBMI-KN. If any data recovery is performed, once complete, a final report shall be submitted to the GBMI-KN and the NAHC. The GBMI-KN does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.</li> </ul>			

Plans, Programs, or Policies (PPPs)	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<b>AESTHETICS</b>			
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.	Shielding building lighting fixtures. Construction.	City of San Bernardino Planning Division	
<b>AIR QUALITY</b>			
PPP AQ-1: 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.	Compliance with Rule 402. Construction.	City of San Bernardino Planning Division	
PPP AQ-2: 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: <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>	Compliance with Rule 403. Construction.	City of San Bernardino Planning Division	
PPP AQ-3: Rule 1113. The Project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only	Compliance with Rule 1113. Construction.	City of San Bernardino Planning Division	

<p>“Low-Volatile Organic Compounds” paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.</p>			
<b>BIOLOGICAL RESOURCES</b>			
<p>PPP BIO-1: Tree Removal Permit. San Bernardino Municipal Code Chapter 15.34 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. 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>	
<b>CULTURAL RESOURCES</b>			
<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 being granted access to the site.</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>	
<b>WATER QUALITY</b>			
<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</p>	<p>Review and approval of SWPPP. Prior to grading permit.</p>	<p>City of San Bernardino Planning Division</p>	

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construction site by City of San Bernardino staff or its designee to confirm compliance.			
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