

Mitigation Monitoring and Reporting Program
PLAN23-00023 – Cactus North Industrial 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 PLAN23-00023 – Cactus North Industrial Development: The Project proposes to construct and operate a 173,990 square foot floor area within an 8.48-acre (368,543 square foot) vacant property. The corresponding Assessor Parcel Numbers (APN) are 3128-571-07 and -08.

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.

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Mitigation Measures	Responsible Party	Timing of Compliance	Signature and Date of Compliance
AIR QUALITY MEASURES			
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	

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BIOLOGICAL RESOURCE MEASURES			
BIO Mitigation #1. Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). In order to protect migratory bird species, a nesting bird clearance survey should be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season. If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.	Project Developer Qualified Biologist	Prior to Project Grading or Construction Activities	

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BIO Mitigation #2. A pre-construction burrowing owl clearance survey is recommended to be conducted in accordance with the CDFWs 2012 Staff Report on Burrowing Owl Mitigation to ensure that burrowing owl remains absent from the project site. If burrowing owls are found onsite during the pre-construction clearance survey, a burrowing owl relocation plan will need to be prepared and approval by CDFW prior to the commencement of any ground disturbing activities. The burrowing owl relocation plan shall outline recommended methods proposed to relocate the burrowing owls from the project site and provide measures that will be implemented for the maintenance, monitoring, and reporting of the relocated burrowing owls to increase chances of survivorship and better ensure compliance with CDFW guidelines.	Project Developer Qualified Biologist	Prior to Project Grading or Construction Activities	
BIO Mitigation #3 A pre-construction clearance survey shall be conducted thirty (30) days prior to ground disturbing areas in undeveloped areas to confirm the absence of desert tortoise within the boundaries of the survey area. All burrows, if present, will be thoroughly inspected for the presence of desert tortoise or evidence of recent use using non-intrusive methods (i.e., mirror, digital camera). Burrow characteristics including class, shape, orientation, size, and evidence of deterioration will be recorded on field data sheets. Although not anticipated, if desert tortoise are found onsite during the pre-construction clearance survey, coordination will need to occur with the USFWS and CDFW to determine if avoidance and minimization measures can be implemented to avoid any direct or indirect impacts to desert tortoise, or if “Take” permits will need to be obtained prepared and approved by the USFWS and CDFW.	Project Developer Qualified Biologist	Prior to Project Grading or Construction Activities	
BIO Mitigation #4 If any other sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the “take” of any sensitive species and can approve the implementation of any applicable mitigation measures.	Project Developer	Prior to Project Grading or Construction Activities	

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CULTURAL RESOURCE MEASURES			
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. A paleontological monitor shall be present during ground disturbing activities below five (5) feet in depth within the Project. The monitor shall work under the direct supervision of a qualified paleontologist (B.S./B.A. in geology, or related discipline with an emphasis in paleontology and demonstrated competence in paleontological research, fieldwork, reporting, and curation). - The qualified paleontologist shall be on-site at the pre-construction meeting to discuss monitoring protocols. - The paleontological monitor shall be present part-time during ground disturbance below 5 feet in depth within the Project, including but not limited to grading, trenching, utilities, and off-site easements. If, after excavation begins, the qualified paleontologist determines that the sediments is likely to produce fossil resources, monitoring efforts shall be increased. - The monitor shall be empowered to temporarily halt or redirect grading efforts if paleontological resources are discovered. - In the event of a paleontological discovery the monitor shall flag the area and notify the construction crew immediately. No further disturbance in the flagged area shall occur until the qualified paleontologist has cleared the area. - In consultation with the qualified paleontologist, the monitor shall quickly assess the nature and significance of the find. If the specimen is not significant it shall be quickly mapped, documented, removed, and the area cleared. - If the discovery is significant the qualified paleontologist shall notify the client and City immediately. - In consultation with the Client and City the qualified paleontologist shall develop a plan of mitigation which would likely include part-time monitoring, salvage excavation, scientific removal of the find, removal of sediment from around the	Project Developer	During to Project Grading or Construction Activities	

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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.			
CUL Mitigation #3. If previously unidentified cultural and/or paleontological materials are unearthed later construction, work shall be halted in that area until a qualified archaeologist/paleontologist can assess the significance of the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur in the area 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 would notify the NAHC, which would determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or their authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.	Project Developer	During to Project Grading or Construction Activities	
CUL Mitigation #4. 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 Qualified Archaeologist/ Paleontologist	Prior to Project Grading or Construction Activities	

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GEOLOGY & SOILS MEASURES			
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	
NOISE MEASURES			
NOI Mitigation #1. <i>The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.</i>	Project Developer	During to Project Grading or Construction Activities	

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TRIBAL CULTURAL RESOURCE MEASURES			
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TRI Mitigation #2. A paleontological monitor shall be present during ground disturbing activities below five (5) feet in depth within the Project. The monitor shall work under the direct supervision of a qualified paleontologist (B.S./B.A. in geology, or related discipline with an emphasis in paleontology and demonstrated competence in paleontological research, fieldwork, reporting, and curation). - The qualified paleontologist shall be on-site at the pre-construction meeting to discuss monitoring protocols. - The paleontological monitor shall be present part-time during ground disturbance below 5 feet in depth within the Project, including but not limited to grading, trenching, utilities, and off-site easements. If, after excavation begins, the qualified paleontologist determines that the sediments is likely to produce fossil resources, monitoring efforts shall be increased. - The monitor shall be empowered to temporarily halt or redirect grading efforts if paleontological resources are discovered. - In the event of a paleontological discovery the monitor shall flag the area and notify the construction crew immediately. No further disturbance in the flagged area shall occur until the qualified paleontologist has cleared the area. - In consultation with the qualified paleontologist, the monitor shall quickly assess the nature and significance of the find. If the specimen is not significant it shall be quickly mapped, documented, removed, and the area cleared. - If the discovery is significant the qualified paleontologist shall notify the CLIENT and CITY immediately. - In consultation with the CLIENT and CITY the qualified paleontologist shall develop a plan of mitigation which will likely include part-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.	Project Developer Qualified Archaeologist/ Paleontologist	Prior to Project Grading or Construction Activities	

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