

Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: _____

Project Title: Olive Grove Residential Tentative Tract Map (TTM 20728)

Lead Agency: City of Rialto

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Project Location: Rialto
City

San Bernardino County
County

Project Description (Proposed actions, location, and/or consequences).

The proposed project involves the subdivision of approximately 4.15 acres of land into twenty-nine (29) single-family residential lots and six (6) lettered lots for private streets, open space, landscaping, and amenities, and the development of a private residential neighborhood consisting of twenty-nine (29) single-family residences, fencing/walls, paving, lighting, landscaping, and drainage improvements. In conjunction with the project, the applicant proposes to change the General Plan land use designation of the site from Residential 6 to Residential 12 and change the zoning designation of the site from Single-Family Residential (R-1A) to Multi-Family Residential (R-3).

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

See Attached Mitigation Monitoring and Reporting Program.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

N/A

Provide a list of the responsible or trustee agencies for the project.

Santa Ana Regional Water Quality Control Board

**Mitigation Monitoring and Reporting Program
Initial Study/Mitigated Negative Declaration
Olive Grove Residential Tentative Tract Map
(20728)**

Prepared by:



City of Rialto, Planning Division
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1 Introduction

The California Environmental Quality Act (CEQA) requires that a public agency adopting a Mitigated Negative Declaration (MND) take affirmative steps to determine that approved mitigation measures are implemented after project approval. The lead or responsible agency must adopt a reporting and monitoring program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the MND during project implementation (California Public Resources Code, Section 21081.6(a)(1)).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the City of Rialto (City) to ensure compliance with adopted mitigation measures identified in the MND for the proposed Tentative Tract Map when construction begins. The City, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would reduce impacts to below a level of significance for air quality, biological, cultural resources, geology/soils, and tribal cultural resources.

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource for each project component. Table 1 identifies the mitigation monitoring and reporting requirements, list of mitigation measures, party responsible for implementing mitigation measures, timing for implementation of mitigation measures, agency responsible for monitoring of implementation, and date of completion. With the MND and related documents, this MMRP will be kept on file at the following location:

City of Rialto
150 South Palm Avenue
Rialto, California 92376

Mitigation Monitoring and Reporting Program Table

Table 1 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
Biological Resources				
BIO-1: Nesting Bird Survey: 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 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.	Prior to Land Disturbance	Project applicant	City of Rialto	
Cultural Resources				
CUL-1: In the event of an archaeological discovery, either historic or prehistoric, the archaeological monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to, digging, trenching, excavating, or	During Grading	Project applicant and their construction contractor	City of Rialto	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources. If the discovered resource is associated with the prehistoric Native American occupation of this area, a Native American representative from a local tribe should be contacted to review and participate in the evolution of the discovered resource. The qualified archaeologist shall notify the City of the discovery, and subsequently the property owner shall be notified of the discovery. If the resource is significant, the qualified archaeologist shall submit an Archaeological Data Recovery Program (ADRP) to the lead agency to review and approve. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. If the resource is not significant, the archaeologist shall submit a letter to the City indicating that artifacts will be collected, curated, and documented in the final monitoring report.				
CUL-2: 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 City of Rialto 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. 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	During grading / construction	Project applicant and their construction contractor	City of Rialto	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
California Public Resources Code Section § 5097.98. 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. Therefore, with the implementation of Mitigation Measure CUL-2, the Proposed Project would be anticipated to result in a less than significant impact.				
Geology and Soils				
PAL-1: In the event fossil specimens are unearthed, the Project Proponent shall have a paleontological consultant assess the specimens and report to the City of Rialto. If the consultant and City concur, a paleontological monitoring program shall be implemented for the remainder of earth moving activities.	During grading / construction	Project applicant and their construction contractor	City of Rialto	
Noise				
NOI-1: Surround the concrete saws, generator sets, and other similar equipment with 8-foot-high solid barriers that can be made of 1-inch plywood or sound blankets during use. The goal is to achieve at least 5 dB of reduction in the noise level. The barrier must reach to the ground and be without any holes or cracks.	During grading / construction	Project applicant	City of Rialto / Applicant	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
NOI-2: With the operation of heavy machinery such as excavators, graders, rubber-tired dozers, tractors, loaders, backhoes, and cranes, a muffler that reduces operational noise levels by at least 5 dB would be required.	During grading / construction	Project applicant and their construction contractor	City of Rialto	
NOI-3: The use of vibratory equipment such as vibratory rollers, or other similar vibratory equipment, will not be used within 23 feet of structures to the south of the Project Site.	During grading / construction	Project applicant and their construction contractor	City of Rialto	
Tribal Cultural Resources				
Morongo Band of Mission Indians (MBMI)				
TCR-1 (MBMI): Native American Treatment Agreement. Prior to the issuance of grading permits, the applicant shall enter into a Tribal Monitoring Agreement with the Morongo Band of Mission Indians for the project. The Tribal Monitor(s) shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor(s) shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources and/or tribal cultural resources.	Prior to grading	Project applicant and their construction contractor	City of Rialto / Applicant	
TCR-2 (MBMI): Retention of Archaeologist. Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the	During grading / construction	Project applicant and their construction contractor	City of Rialto / Applicant	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
issuance of grading permits, the Applicant shall retain a qualified archaeologist who meets the U.S. Secretary of the Interior Standards (SOI). The archaeologist shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The archaeologist will conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session will focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.				
TCR-3 (MBMI): Cultural Resource Management Plan. Prior to any ground-disturbing activities the project archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. This Plan shall be written in consultation with the Consulting Tribe[s] and at minimum, shall include the following: (1) the approved Mitigation Measures (MM)/Conditions of Approval (COA), (2) procedures for each MM/COA, (3) the contact information for all pertinent parties, (4) parties' responsibilities, and (5) an overview of the project schedule.	Prior to grading	Project applicant and their construction contractor	City of Rialto / Applicant	
TCR-4 (MBMI): Pre-Grade Meeting. The retained qualified archeologist and Consulting Tribe[s] representative shall attend the pre-grade meeting	Prior to grading	Project applicant and their construction contractor	City of Rialto / Applicant	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
with the grading contractors to explain and coordinate the requirements of the monitoring plan.				
TCR-5 (MBMI): On-site Monitoring. During all ground-disturbing activities the qualified archaeologist and the Tribal Monitor(s) shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Tribal Monitor(s), shall be responsible for determining the duration and frequency of monitoring.	During grading / construction	Project applicant and their construction contractor	City of Rialto / Applicant	
TCR-6 (MBMI): Inadvertent Discovery of Cultural Resources. In the event that previously unidentified cultural resources are discovered /unearthed during construction, the qualified archaeologist and the Tribal Monitor(s) shall have the authority to temporarily divert and/or temporarily halt ground-disturbance activities in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored ground-disturbing activity can proceed. If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier	During grading / construction	Project applicant and their construction contractor	City of Rialto / Applicant	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
constructed. All work shall be diverted away from the vicinity of the find(s), so that it/they can be evaluated by the qualified archaeologist and Tribal Monitor[s]. The archaeologist shall notify the Lead Agency and Consulting Tribe[s] of said discovery. The qualified archaeologist, in consultation with the Lead Agency, the Consulting Tribe[s], and the Tribal monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the qualified archaeologist in consultation with the Tribe[s] and the Tribal monitor[s] and be submitted to the Lead Agency for review and approval. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference: A. Full avoidance. B. If avoidance is not feasible, Preservation in place. If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction. C. If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (36 CFR 79). Unless otherwise agreed upon by all parties, all removed items from the Project shall be temporarily curated on-site in a secure and locked location (i.e., Conex box, a lockable office or				

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drawer with restricted access to it, etc.). A periodic inventory must be maintained and provided to Consulting Tribe[s].				
TCR-7 (MBMI): Inadvertent Discovery of Human Remains. The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. <i>No photographs are to be taken except by the coroner, with written approval by the Consulting Tribe[s].</i> A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected by the establishment of an ESA with a marked boundary. Project personnel/observers will be restricted from entry into the ESA. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98. B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the	During grading / construction	Project applicant and their construction contractor	City of Rialto / Applicant	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
Native American Heritage Commission (NAHC) within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5. C. The NAHC shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98 D. If the Morongo Band of Mission Indians has been named the MLD or Co-MLD, the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's MLD, the landowner, and the City Planning Department.				
TCR-8 (MBMI): FINAL REPORT. The final report[s] created as a part of the project (CRMP/AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe[s] for review and comment. After approval of all parties, the final reports are to be submitted to the appropriate Information Center (IC), and the Consulting Tribe[s].	Post grading/construction	Project applicant and their construction contractor	City of Rialto / Applicant	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<i>Yuhaaviatam of San Manuel Nation (YSMN)</i>				
TCR-9 (YSMN): Monitoring and Treatment Plan. A Monitoring and Treatment Plan that is reflective of the project mitigation (“Cultural Resources” and “Tribal Cultural Resources”) shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN, also known as San Manuel Band of Mission Indians). Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.	Prior to Permit Issuance	Project applicant; Qualified Archaeologist	City of Rialto / Applicant	
TCR-10 (YSMN): Archaeological Monitoring. Due to the heightened cultural sensitivity of the proposed project area, an archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of archaeological monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage.	During grading / construction	Project applicant; Qualified Archaeologist	City of Rialto / Applicant	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
TCR-11 (YSMN): Worker Environmental Awareness Program. Prior to project initiation, a qualified archaeologist should be retained to conduct a Worker's Environmental Awareness Program (WEAP) training on archaeological sensitivity for all construction personnel prior to the commencement of any ground-disturbing activities. The training should be conducted by an archaeologist who meets or exceeds the Secretary of Interior's Professional Qualification Standards for archaeology. Tribal representatives from the Consulting Tribes, such as Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN, also known as San Manuel Band of Mission Indians) will be allowed to attend and/or participate in the WEAP training should they elect to and will be given ten days' notice prior to the training. Archaeological sensitivity training should include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.	Prior to grading	Project applicant; Qualified Archaeologist	City of Rialto / Applicant	
TCR-12 (YSMN): Tribal Monitoring. Due to the heightened cultural sensitivity of the proposed project area, at the discretion of the consulting tribe(s), Tribal monitor(s) authorized to represent YSMN shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls,	During grading / construction	Project applicant; Qualified Archaeologist; Tribal Monitor(s)	City of Rialto / Applicant	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
seat walls, fountains, etc.], and archaeological work). At the discretion of the consulting tribes, a sufficient number of Tribal monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist, as detailed within TCR-9, and submitted to the Lead Agency for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN). Once all parties review and agree to the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.				
TCR-13 (YSMN): Treatment of Cultural Resources During Project Implementation. If a pre-contact cultural resource is discovered during project implementation, ground-disturbing activities shall be suspended 60 feet around the resource(s), and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The Project Archaeologist shall develop a research design that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from YSMN, the Archaeologist, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the resource's	During grading / construction	Project applicant; Qualified Archaeologist	City of Rialto / Applicant	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
archaeological significance, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by YSMN. All plans for analysis shall be reviewed and approved by the applicant and YSMN prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of YSMN that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by YSMN, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and YSMN. All reburials are subject to a reburial agreement that shall be developed between the landowner and YSMN outlining the determined reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts. Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with YSMN to identify an American Association of				

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Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriately qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees. All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and YSMN for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and YSMN.				
TCR-14 (YSMN): Inadvertent Discoveries of Human Remains. If human remains are encountered during any activities associated with the 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.	During grading / construction	Project applicant and their construction contractor	City of Rialto / Applicant	