

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 Hardt and Brier Business Park 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 Measures	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
AESTHETICS			
<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>Submission of electrical plans prior to plan check approval.</p>	<p>Department of Building and Safety.</p>	
AIR QUALITY			
<p>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.</p>	<p>In construction plans and specifications. During Project operation. Prior to grading and building permits.</p>	<p>Department of Building and Safety.</p>	
<p>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:</p> <ul style="list-style-type: none"> • 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. • 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. 	<p>In construction plans and specifications. Prior to building permits.</p>	<p>Department of Building and Safety.</p>	

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<p>The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less.</p>			
<p>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 “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>	<p>Compliance with Rule 1113.</p>	<p>Department of Building and Safety and SCAQMD.</p>	
BIOLOGICAL RESOURCES			
<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>Conduct take avoidance surveys for nesting birds if vegetation removal occurs during nesting bird season. Submittal of pre-activity nesting bird field survey results report (during Feb 1 – Aug 31). Three days prior to initiating vegetation removal/clearing.</p>	<p>Qualified biologist and City of San Bernardino Planning Division.</p>	
<p>Mitigation Measure BIO-2: Nesting Bird Buffer. If nesting birds are encountered, a qualified biologist must establish an avoidance buffer zone around the nest (buffer zones vary according to species involved and shall be determined by the qualified biologist). No activities that would adversely affect the nest shall occur within the buffer zone until the qualified biologist</p>	<p>Establish an avoidance buffer zone around nests, if identified through Mitigation Measure BIO-1. Prior to and during construction activities.</p>	<p>Qualified biologist and City of San Bernardino Planning Division</p>	

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has determined the nest is no longer active and the young are no longer dependent on the nest.			
CULTURAL RESOURCES			
<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>In construction plans and specifications. During construction activities. Compliance with State Health and Safety Code Section 7050.5 and 5097.98. Notify NAHC and MLD.</p>	<p>County Coroner and City of San Bernardino Planning Division</p>	
GEOLOGY AND SOILS			
<p>PPP WQ-1: SWPPP. 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>In construction plans and specifications. Prior to grading and building permits.</p>	<p>City of San Bernardino Planning Division</p>	
<p>PPP WQ-2: WQMP. 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</p>	<p>In construction plans and specifications. Prior to grading and building permits.</p>	<p>City of San Bernardino Planning Division</p>	

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(RWQCB) at the time of grading permit to control discharges of sediments and other pollutants during operations of the Project.			
HYDROLOGY AND WATER QUALITY			
PPP WQ-1: SWPPP. As described above.	As described above.	As described above.	
PPP WQ-2: WQMP. As described above.	As described above.	As described above.	
HAZARDS AND HAZARDOUS MATERIALS			
Mitigation Measure HAZ-1: Disposal of Illegally Dumped Materials. The Project applicant is responsible for ensuring the proper disposal of any and all illegally dumped materials currently on the Project site, in compliance with the City of San Bernardino Municipal Code Chapter 8.24. Proper disposal of all illegally dumped materials onsite must be completed before any construction activities begin. Signs or fences shall be installed onsite to assist in preventing future onsite dumping of potentially hazardous materials prior to construction.	Disposal of all illegally dumped materials currently on the Project site. Prior to start of construction activities.	City of San Bernardino Planning Division	
TRIBAL CULTURAL RESOURCES			
<p>Mitigation Measure TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.</p> <p>A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p> <p>B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing</p>	In construction plans and specifications. Retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. Prior to the commencement of any ground-disturbing activity or the issuance of any permit necessary to	City of San Bernardino Planning Division and Native American Monitor.	

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<p>activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. 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 Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.</p> <p>D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.</p>	<p>commence a ground-disturbing activity.</p> <p>On-site tribal monitoring during ground-disturbing activities.</p>		
<p>Mitigation Measure TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial). Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.</p>	<p>In construction plans and specifications. Upon discovery of any TCRs halt construction activities until resources are assessed and retained by Kizh Nation.</p>	<p>Qualified Professional Archeologist/ City of San Bernardino Planning Division.</p>	
<p>Mitigation Measure TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects</p>	<p>In construction plans and specifications. Upon discovery of human</p>	<p>Qualified Professional Archeologist/ City of San</p>	

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<p>A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.</p> <p>B. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.</p> <p>C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>D. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.</p> <p>E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>	<p>remains during construction activities, follow Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5.</p>	<p>Bernardino Planning Division.</p>	
<p>PPP CUL-1: Human Remains. As described above.</p>	<p>As described above.</p>	<p>As described above.</p>	
TRIBAL CULTURAL RESOURCES			
<p>PPP WQ-1: WQMP. As described above.</p>	<p>As described above.</p>	<p>As described above.</p>	