

MITIGATION MONITORING AND REPORTING PROGRAM

The Final Initial Study-Mitigated Negative Declaration identifies the mitigation measures that will be implemented to reduce the impacts associated with the Keil 54 – Tentative Tract Map No. 20142 Project. The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in Section 21081.6 of the Public Resources Code:

... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting a mitigated negative declaration.

The mitigation monitoring table lists those mitigation measures included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The City of Highland as the lead agency will be primarily responsible for monitoring and reporting the implementation of the mitigation measures.

Mitigation Monitoring and Reporting Program

TTM-018-001 & ENV-018-014

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Air Quality						
AQ-1	Site Preparation PM₁₀ Reduction. Contractor will be conditioned to apply water to soils being actively disturbed during site preparation occurring within 25 meters of the nearest residence such that the moisture content reaches 15%. Water shall be applied using an active sprinkler system or water truck. The moisture content will be verified using a lab sample or moisture probe. Further, the construction window must be limited to four hours per day when working within 25 meters of residences. During site preparation, equipment use must be limited to no more than two bulldozers and two tractors.	On-site construction manager and City of Highland Engineering Division	Verification of implementation in the field during site preparation.	As needed during grading.		
Biological Resources						
BIO-1	Nesting Bird Surveys and Avoidance. Pursuant to the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat should be conducted outside the avian nesting season. The nesting season generally extends from February 1 through August 31 but can vary slightly from year to year based upon seasonal weather conditions. If ground disturbance and vegetation removal cannot occur outside of the nesting season, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any 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	On-site construction manager & City of Highland Planning Division	Perform survey not more than 14 days in advance of construction.	Not more than 14 days in advance of ground disturbing activities. Applicant to provide a report of other evidence of completion to the City of Highland Planning Division.		

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	survey, construction activities should stay outside of a 300-foot buffer around the active nest. For raptors and special-status species, this buffer will be expanded to 500 feet. It is recommended that a biological monitor 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, normal construction activities can occur.					
Cultural Resources						
CUL-1	Due to the heightened cultural sensitivity of the proposed project area, the project shall require an archaeological monitor with at least 3 years of regional experience in archaeology and a Tribal monitor representing San Manuel Band to be present for all ground-disturbing activities that occurs 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 and Tribal monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. The Applicant shall provide compensation (hourly wages, mileage, etc.) for all archaeological and San Manuel Band Tribal monitors	On-site construction manager & City of Highland Planning Division	Verification of implementation in the field during grading and construction.	Prior to site disturbance and grading.		

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	and the services these individuals provide as part of the monitoring effort for the Project. A Monitoring and Treatment Plan (MTP) shall be drafted by the archaeologist and reviewed/approved by SMBMI and the Lead Agency prior to project implementation.					
CUL-2	<p>A Monitoring and Treatment Plan (MTP) shall be drafted by the archaeologist and reviewed/approved by SMBMI and the Lead Agency prior to project implementation. If a cultural resource, prehistoric/historic/protohistoric, is discovered within the project area, ground disturbing activities shall be suspended 60 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The treatment plan shall be reflective of the project’s mitigation measures and be implemented to protect the identified resources from damage and destruction.</p> <p>The treatment plan shall contain a research design to evaluate the resource(s) for significance under CEQA criteria. This research design will acknowledge the necessity of gathering information from the SMBMI Cultural Resources Department, to include historical information, ethnographic information, culturally-appropriate treatment, etc., about the resource(s) and also acknowledge the necessity of providing gathered historical information regarding the resource(s) to the SMBMI Cultural Resources Department for Tribe’s use during analysis of the resource(s) as a Tribal Cultural Resource (TCR).</p> <p>Avoidance and preservation in place shall be the preferred treatment for <u>all</u> resources. Should the</p>	City of Highland Planning Division	Conditions of approval City of Highland Planning Division.	Prior to issuance of grading permit.		

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<p>resource(s) not be a candidate for avoidance or preservation in place, the treatment plan shall include a resource-specific mitigation plan. Should the mitigation plan include archaeological data recovery, the aforementioned research design will include a recovery plan that details fieldwork and sampling procedures appropriate to ascertain the boundaries, nature, and content of the resource in accordance with current, professional archaeological best practices exhausts the research potential of the resource in accordance with current professional archaeology standards. Additionally, should the mitigation plan include archaeological data recovery and the removal of cultural resources (artifacts, ecofacts, features, etc.) from their original provenience, there shall be a section within the plan regarding resource processing, analysis, curation, and reporting protocols and obligations.</p> <p>Should the mitigation plan include archaeological data recovery, artifacts shall then be reburied, on site, in a location that will be protected from future disturbance. A fully executed reburial agreement shall be developed with SMBMI. This agreement shall include measures and provisions to protect the future reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, deed riders, etc.). Reburial shall occur after, but not to exceed sixty (60) days after, all ground-disturbing activities associated with the Project have been completed.</p> <p>Should it occur that avoidance, preservation in place,</p>						

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	<p>or on-site reburial are not an option for some or all artifacts, SMBMI requests that the landowner relinquish all ownership and rights to this material and consult with the Tribes to identify an American Association of Museums (AAM)-accredited facility within San Bernardino 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 appropriate 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. The Applicant shall provide the resource(s) to the aforementioned, identified curation facility within sixty (60) days of project completion.</p> <p>All draft plans and reports regarding discovery, treatment, significance, disposition, monitoring, etc. shall be submitted to the Lead Agency and the SMBMI Cultural Resources Department for review and approval. All final reports are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI Cultural Resources Department.</p>					
CUL-3	<p>Prior to the commencement of construction activities, the project proponent shall provide for a qualified paleontologist to provide construction personnel with orientation and awareness training on potential paleontological resources. Such training shall include</p>	City of Highland Planning Division	Verification of implementation in the field during grading and construction.	As needed during grading and construction.		

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	familiarization with the stop-work restrictions, noticing, and handling procedures, and ultimate disposition of ratifications. An information package shall be provided for construction personnel not present at the initial preconstruction briefing. The operator shall provide the City of Highland Planning Division with verification of the employees completing the orientation.					
CUL-4	If paleontological resources are discovered, the contractor shall stop all earth-moving activities within and around the immediate discovery area and the project proponent shall retain a qualified paleontologist to evaluate the significance of the finding and appropriate course of action. The person who made the discovery shall contact the City of Highland Planning Division so that they may coordinate an appropriate plan of action. If the find is determined by paleontologists to require further treatment, the area of discovery will be protected from disturbance while qualified paleontologists and appropriate officials, in consultation with a recognized museum repository (e.g., the San Diego Natural History Museum or the University of California Museum of Paleontology), determine an appropriate treatment plan.	On-site construction manager & City of Highland Planning Division	Verification of implementation in the field during grading and construction.	As needed during grading and construction.		
CUL-5	Should any human remains be encountered during project implementation, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The Lead Agency and the landowner shall immediately contact the San Bernardino County Coroner and the SMBMI Cultural Resources Department. If the Coroner recognizes the	On-site construction manager & City of Highland Planning Division	Verification of implementation in the field during grading and construction.	As needed during grading and construction.		

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<p>human remains to be those of a Native American or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of receiving notification from the landowner or the NAHC, as required by California Public Resources Code § 5097.98. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity", as that term is used in the applicable statutes, and the MLD shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects.</p> <p>Reburial of human remains and/or funerary objects shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects, as well as ceremonial and cultural items (artifacts) on or near, the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The landowner should accommodate on-site reburial in a location mutually agreed upon by</p>					

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<p>the Parties.</p> <p>The term "human remains" encompasses more than human bones because some local Tribes' traditions periodically necessitated the ceremonial burning of human remains and funerary objects. Funerary objects are those artifacts associated with any human remains or funerary rites. These items, and other funerary remnants and their ashes, are to be treated in the same manner as human bone fragments or bones that remain intact.</p> <p>It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, affected parties, and Lead Agencies will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).</p>						
Geology/Soils						
GEO-1	A geotechnical/fault assessment study is required prior to the submittal of any application for development of habitable structures. The study will determine if a fault is located on the project site and will define the building standards required for construction of the residential units on the proposed site.	City Building Department	Verification of document preparation.	Prior to issuance of grading permit.		
Hazards/Hazardous Materials						
HAZ-1	Prior to issuance of a grading permit, a qualified contractor shall test on-site soils for contamination by	City Planning	Verification of	Prior to issuance of		

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	agricultural chemicals (Dieldrin and DDE). If present in concentrations above California Office of Environmental Health Hazard Assessment Soil-Screening Levels for residential, these materials shall be removed and transported to an appropriate landfill by a licensed contractor. This measure shall be implemented to the satisfaction of the Planning and Engineering Divisions including written documentation indicating no contaminated soils are present, or review and approval of documentation of disposal of contaminated soils if contaminated soils are encountered in conformance with all applicable regulations.	Division	document preparation.	grading permit.		
Tribal Cultural Resources						
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TCR-2	<p>A Monitoring and Treatment Plan (MTP) shall be drafted by the archaeologist and reviewed/approved by SMBMI and the Lead Agency prior to project implementation. If a cultural resource, prehistoric/historic/protohistoric, is discovered within the project area, ground disturbing activities shall be suspended 60 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The treatment plan shall be reflective of the project’s mitigation measures and be implemented to protect the identified resources from damage and destruction.</p> <p>The treatment plan shall contain a research design to evaluate the resource(s) for significance under CEQA criteria. This research design will acknowledge the necessity of gathering information from the SMBMI Cultural Resources Department, to include historical information, ethnographic information, culturally-appropriate treatment, etc., about the resource(s) and also acknowledge the necessity of providing gathered historical information regarding the resource(s) to the SMBMI Cultural Resources Department for Tribe’s use during analysis of the resource(s) as a Tribal Cultural Resource (TCR).</p>	City of Highland Planning Division	Conditions of approval.	Prior to issuance of grading permit.		

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<p>completed.</p> <p>Should it occur that avoidance, preservation in place, or on-site reburial are not an option for some or all artifacts, SMBMI requests that the landowner relinquish all ownership and rights to this material and consult with the Tribes to identify an American Association of Museums (AAM)-accredited facility within San Bernardino 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 appropriate 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. The Applicant shall provide the resource(s) to the aforementioned, identified curation facility within sixty (60) days of project completion.</p> <p>All draft plans and reports regarding discovery, treatment, significance, disposition, monitoring, etc. shall be submitted to the Lead Agency and the SMBMI Cultural Resources Department for review and approval. All final reports are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI Cultural Resources Department.</p>						