

# MITIGATION MONITORING & REPORTING PROGRAM

## Commission Determination No. 64

### Introduction

The Mitigation Monitoring & Reporting Program (MMRP) is a CEQA-required component of the Mitigated Negative Declaration (MND) process for the project. The results of the environmental analyses, including proposed mitigation measures, are documented in the Final MND. CEQA requires that agencies adopting MNDs take affirmative steps to determine that approved mitigation measures are implemented subsequent to project approval. As part of the CEQA environmental review procedures, Public Resources Code (PRC) Section 21081.6 requires a public agency to adopt a monitoring and reporting program to ensure efficacy and enforceability of any mitigation measures applied to a proposed project. The lead agency must adopt an MMRP for mitigation measures incorporated into the project or proposed as conditions of approval. The MMRP must be designed to ensure compliance during project implementation. As stated in PRC Section 21081.6(a)(1):

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. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

The following list is the proposed MMRP for the project. This MMRP lists each of the mitigation measures proposed in the Final MND, specifies the agency responsible for implementation of the mitigation measure, and specifies the time period (or phase of project implementation) for the mitigation measure.

### Biological Resources

To mitigate the potential impacts identified in Section IV of the Environmental Checklist, the following mitigation measures shall be implemented:

**Mitigation Measure Bio-1:** High level of diligence is required to ensure the effectiveness of the SBKR proof fencing. On an on-going basis, for as long as the commercial landscape maintenance facility is operating on the site, the integrity of the entire fence line shall be checked quarterly to ensure that no breaches of the chain link fence or buried SBKR-proof fencing has occurred. Even a small opening or sagging wire can be climbed by SBKR. Written documentation shall be provided to the City of Redlands Planning Division each quarter verifying that no breaches have occurred and the both fences are intact. Accompanying photographs shall be submitted with each quarterly report (email reports are acceptable if detail and visual documentation is adequate). The City may require monthly reports in its sole discretion. If a breach is discovered, it shall be repaired within 48 hours. The City shall be notified within 24 hours of both the discovery of the breach and repair of the fence.

Photographs shall be taken that document the extent of the breach and the subsequent repair. The written report shall be submitted to the City's Planning Division within 48 hours of the repair. Failure to comply with Mitigation Measures Bio-1, as determined by the City's Planning staff, shall require that a certified SBKR biologist conduct a habitat assessment of the site to determine if the failure has resulted in access to and recolonization of the site SBKR. Once the biologist can verify that there are not visually signs (e.g., burrows, tail drags, dusting baths) of kangaroo rat, monthly monitoring shall resume as defined in Mitigation Measures Bio-1. Quarterly (or monthly, if required) monitoring shall continue until the start of site construction or the use of the site, including but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in land disturbance.

**Mitigation Measure Bio-2:** Current site conditions shall be maintained at all times in order to ensure that site will not become suitable for SBKR. The site shall be maintained free of vegetation, non-native and native, and the soils shall be re-compacted following each grading event or clearing of vegetation. This is needed to ensure soil characteristic remain unsuitable for SBKR burrowing. Photographs of soil condition, as well as documentation of weed abatement activities, disking of the property, and compacting of the soil shall also be provided in the quarterly report required under Mitigation Bio-1. The City may require monthly reports from the applicant in its sole discretion. Failure to comply with Mitigation Measures Bio-2, as determined by the City's Planning staff, shall require that a certified SBKR biologist conduct a habitat assessment of the site to determine if the failure has resulted in access to and recolonization of the site SBKR. Once the biologist can verify that there are not visually signs (e.g., burrows, tail drags, dusting baths) of kangaroo rat, monthly monitoring shall resume as defined in Mitigation Measures Bio-2. Quarterly (or monthly, if required) monitoring shall continue until the start of site construction or the use of the site, including but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in land disturbance.

**Mitigation Measure Bio-3:** Prior to construction or the use of the site, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in land disturbance, a certified SBKR biologist shall conduct a habitat assessment of the site to determine if the site has been maintained free of vegetation, that the soils remain heavily compacted soils and burrow free, and that the SBKR-proof fence system is still intact and fully functioning to prevent SBKR from entering the site. If the SBKR biologist can verify that the site conditions (free of vegetation, heavily compacted soils, and that the site is still isolated by the SBKR-proof fence) have been properly maintained and that there is no evidence of SBKR or other rodent use of the site, then a final written report will document that the pending development of the site will not impact SBKR and a federal Incidental Take Permit from USFWS will not be required. Development can proceed.

*To be monitored by the Planning Division during all phases of construction.*

## **Hydrology & Water Quality**

To mitigate the potential impacts identified in Section IX of the Environmental Checklist, the following mitigation measures shall be implemented:

**Mitigation Measure HYDROL-1:** If during construction it is determined that more than one acre will be disturbed for any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than one acre, the site owner will file for a General Construction Permit, also known as a Storm Water Pollution Prevention Plan (SWPPP), with the State of California.

To be verified by the Municipal Utilities & Engineering Department prior to issuance of grading permits, and monitored by the Building & Safety Division and Municipal Utilities & Engineering Department during grading and construction activities.

### **Tribal Cultural Resources**

To mitigate the potential impacts identified in Section XVIII of the Environmental Checklist, the following mitigation measures shall be implemented:

**TCR-1:** If human remains are encountered during grading and other construction excavation, work in the immediate vicinity (60 feet radius) shall cease and the County Coroner shall be contacted pursuant to California Health & Safety Code Section 7050.5. California Health & Safety Code Sections 7050.5 through 7055: As required by state law, the requirements and procedures set forth in Public Resources Code Section 5097.98 would be implemented, including notification of the County Coroner, notification of the Native American Heritage Commission and coordination with the individual identified by the Native American Heritage Commission to be the “most likely descendant.”

**TCR-2:** In the event that Native American cultural resources are discovered during project development/construction, all work in the immediate vicinity (60 feet radius) of the find shall cease and a qualified archaeologist meeting Secretary of the Interior’s Standards shall be hired to assess the find. Work on the overall project may continue during this assessment period.

- a. If significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared by the archaeologist, in coordination with consulting tribes, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor representing each consulting tribe to be present for the remainder of the project, should any consulting tribe elect to place a monitor on-site.
- b. If requested by the consulting Native American Tribe(s), the developer or the project archaeologist shall, in good faith, communicate and coordinate resolution efforts on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc.).

To be verified and enforced by the Planning Division during construction activities.

*End of MMRP*