

4.0 MITIGATION MONITORING PROGRAM

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4.1 INTRODUCTION

To ensure that the mitigation measures contained in this EIR are properly implemented, a mitigation monitoring program has been developed pursuant to state law. This Mitigation Monitoring Program (MMP) identifies measures incorporated in the Project which reduce its potential environmental effects; the entities responsible for implementation and monitoring of mitigation measures; and timing for implementation of mitigation measures. As described in *CEQA Guidelines* §15097, this MMP employs both reporting on, and monitoring of, Project mitigation measures.

The objectives of the MMP are to:

- Assign responsibility for, and further proper implementation of mitigation measures;
- Assign responsibility for, and provide for monitoring and reporting of compliance with mitigation measures;
- Provide the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs.

Mitigation monitoring and reporting procedures incorporated in the Project are presented in the following Section 4.2. Specific mitigation measures incorporated in the Project, mitigation timing, and implementation and reporting/monitoring responsibilities are presented within this Section in Table 4.2-1.

4.2 MITIGATION MONITORING AND REPORTING

Mitigation Monitoring and Responsibilities

As the Lead Agency, the City of Moreno Valley is responsible for ensuring full compliance with the mitigation measures adopted for the Project. The City shall monitor and report on all mitigation activities. Mitigation measures shall be implemented at different stages of development throughout the Project area. In this regard, the responsibilities for implementation have been assigned to the Lead and Responsible Agencies, Applicant or successor(s) in interest, Contractors, On-Site Monitors, or combinations thereof.

If during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City shall then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, shall then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.

Table 4.2-1: Mitigation Monitoring Program

General Note: To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Section / MM No.	Mitigation Measure	Mitigation Timing/Remarks	Implementation Entity	Monitoring/ Reporting Entity	Date of Completion/ Initials
4.7 Biological Resources					
4.7.1	<p>4.7.1 To avoid impacts to nesting birds and to comply with the federal Migratory Bird Treaty Act of 1918 (MBTA):</p> <p>If possible, all vegetation removal activities shall be scheduled from August 1 to February 15, which is outside the nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly.</p> <p>If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist 72 hours prior to clearing. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the qualified biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the biologist shall be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.</p>	Prior to site disturbing activities.	Applicant or successor(s) in interest; construction contractor(s); Project Biologist.	City of Moreno Valley; Project Biologist.	Prior to issuance of grading permits and throughout site disturbing activities.
4.7.2	Within 30 days prior to disturbance at the project site, a pre-construction survey shall be conducted for burrowing owl (<i>Athene cunicularia</i>). If owls are present, they shall be relocated following accepted protocols to comply with the MSHCP.	Prior to site disturbing activities.	Applicant or successor(s) in interest; construction contractor(s); Project Biologist.	City of Moreno Valley; Project Biologist.	Prior to issuance of grading permits and throughout site disturbing activities.
4.7.3	All temporary work areas, including stockpiles, shall be located outside any sensitive biological resources	Throughout site disturbing activities.	Applicant or successor(s) in interest; construction contractor(s); Project Biologist.	City of Moreno Valley; Project Biologist.	Throughout site disturbing activities.

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4.7.4	<i>The limits of the work shall be flagged prior to start of work.</i>	Prior to site disturbing activities.	Applicant or successor(s) in interest; construction contractor(s); Project Biologist.	City of Moreno Valley; Project Biologist.	Prior to issuance of grading permits and throughout site disturbing activities.
4.8 Cultural Resources					
4.8.1	<p><i>Prior to the issuance of the first grading permit, the Applicant shall provide a letter to the City of Moreno Valley Planning Department, or designee, from a qualified professional archaeologist stating that they have been retained to provide on-call services in the event archaeological or historical resources are encountered.</i></p> <p><i>In the event that field personnel encounter buried cultural materials, work in the immediate vicinity of the find should cease and the qualified archaeologist shall be contacted to assess the significance of the find. The qualified archaeologist would have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist finds that any cultural resources present meet eligibility requirements for listing on the California Register or the National Register, plans for the evaluation and treatment, evaluation of the find shall be developed.</i></p>	Prior to issuance of grading permits.	Applicant or successor(s) in interest; construction contractor(s); Project Archaeologist.	City of Moreno Valley; Project Archaeologist.	Prior to issuance of grading permits and throughout site disturbing activities.
4.8.2	<p><i>Prior to the issuance of the first grading permit, the Applicant shall provide a letter to the City of Moreno Valley Planning Department, or designee, from a qualified professional paleontologist (Project Paleontological Monitor) stating that the Project Paleontological Monitor has been retained to provide on-call services in the event paleontological resources are encountered.</i></p> <p><i>Should resources be discovered, the Project Paleontological Monitor shall develop an acceptable monitoring and fossil remains treatment plan (Paleontological Management Treatment Plan - PMTP) for construction-related activities that could disturb potential unique paleontological resources within the Project area. Minimum provisions of the PMTP are outlined below:</i></p>	Prior to issuance of grading permits.	Applicant or successor(s) in interest; construction contractor(s); Project Paleontological Monitor.	City of Moreno Valley; Project Paleontological Monitor.	Prior to issuance of grading permits and throughout site disturbing activities.

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	<ul style="list-style-type: none"> Paleontological monitoring shall be conducted during all grading and trenching operations. Monitoring shall be conducted intermittently during initial cuts until early Holocene or Late Pleistocene period deposits (if any) are encountered. Once (if) early Holocene or Late Pleistocene period deposits are identified, paleontological monitoring shall be conducted on a full-time basis. The Project Paleontological Monitor shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediment that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor shall be empowered to temporarily halt or divert equipment to allow for the removal of abundant or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if they are present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. Recovered specimens shall be prepared to a point of identification and permanent preservation, including screen-washing sediments to recover small invertebrates and vertebrates if indicated by the results of test sampling. All recovered fossils shall be deposited in an accredited institution (university or museum) that maintains collections of paleontological materials. All costs of the paleontological monitoring and mitigation program, including any one-time charges by the receiving institution, shall be the responsibility of the developer(s). Within 60 days of completion of grading, excavation and ground-disturbing activities at the site, the Project Paleontological Monitor shall prepare a Final Mitigation and Monitoring Report (Final Report). The Final Report shall identify findings and significance of findings, including lists of all fossils recovered and necessary maps and graphics to accurately record their original 				

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	location(s). A letter documenting receipt and acceptance of all fossil collections by the receiving institution shall be included in the Final Report. The Final Report, when submitted to and accepted by the Lead Agency (City of Moreno Valley), shall signify satisfactory completion of mitigation of potential impacts to paleontological resources.				
4.8.3	Archaeological Monitoring. Prior to the issuance of a grading permit, the Project Applicant shall retain a professional archaeologist to conduct monitoring of all ground-disturbing activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist, in consultation with the Consulting Tribe(s) ¹ including the Pechanga Band of Indians and the Morongo Band of Indians, the contractor, and the City, shall develop a CRMP as defined at Mitigation Measure 4.8.5. The Project archeologist shall attend the pre-grading meeting with the City, the construction manager, and any contractors and shall conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The archaeological monitor shall have the authority to temporarily halt and redirect earth-moving activities in the affected area in the event that suspected archaeological resources are unearthed.	Prior to issuance of grading permits.	Applicant or successor(s) in interest; construction contractor(s); City of Perris; Project Archaeologist; Native American Monitor.	City of Perris; Project Archaeologist; Native American Monitor.	Prior to issuance of grading permits and throughout site disturbing activities.
4.8.4	Native American Monitoring. Prior to the issuance of a grading permit, the Project Applicant shall secure agreements with the Pechanga Band of Indians and the Morongo Band of Mission Indians for tribal monitoring. The Project Applicant is also required to provide a minimum of 30 days advance notice to the Tribes of all ground-disturbing activities. The Native American Tribal Representatives shall have the authority to temporarily halt and redirect earth-moving activities in the affected area in the event that suspected archaeological resources are unearthed. The Native American Monitor(s) shall attend the pre-grading meeting with the	Prior to issuance of grading permits.	Applicant or successor(s) in interest; construction contractor(s); City of Moreno Valley; Project Archaeologist; Native American Monitor.	City of Moreno Valley; Project Archaeologist; Native American Monitor.	Prior to issuance of grading permits and throughout site disturbing activities.

¹ A Consulting Tribe is defined as a Tribe that has initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB 52 consultation process, and has completed AB 52 consultation with the City as provided for at Cal Pub Res Code Section 21080.3.2(b)(1) of AB 52.

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	Project Archaeologist, City, the construction manager, and any contractors and shall conduct the Tribal Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance.				
4.8.5	<p>Cultural Resource Monitoring Plan (CRMP). The Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a CRMP in consultation pursuant to the definition in AB52 to address the details, timing, and responsibility of all archaeological and cultural monitoring activities that shall occur on the Project site. The CRMP shall include:</p> <ul style="list-style-type: none"> a) Project description and location; b) Project grading and development scheduling; c) Roles and responsibilities of individuals on the Project; d) Pre-grading meeting and Cultural Resources Worker Sensitivity Training details; e) Protocols and stipulations that the contractor, City, Consulting Tribe (s) and Project archaeologist shall follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits subject to a cultural resources evaluation; f) The type of recordation needed for inadvertent finds and the stipulations of recordation of sacred items; and g) Contact information of relevant individuals for the Project. 	Prior to issuance of grading permits.	<p>Applicant or successor(s) in interest; construction contractor(s);</p> <p>City of Moreno Valley; Project Archaeologist; Native American Monitor.</p>	City of Moreno Valley; Project Archaeologist; Native American Monitor.	Prior to issuance of grading permits and throughout site disturbing activities.
4.8.6	<p>Cultural Resource Disposition. In the event that Native American cultural resources are encountered during the course of ground-disturbing activities (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:</p> <ul style="list-style-type: none"> a. One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Moreno Valley Planning Department: i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving 	Throughout site disturbing activities.	<p>Applicant or successor(s) in interest; construction contractor(s);</p> <p>City of Moreno Valley; Project Archaeologist; Native American Monitor.</p>	City of Moreno Valley; Project Archaeologist; Native American Monitor.	Throughout site disturbing activities.

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	<p>them in the place they were found with no development affecting the integrity of the resources.</p> <p>ii. Onsite reburial of the discovered items as detailed in the treatment plan required pursuant to Mitigation Measure 4.8.6. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of all Consulting Native American Tribal Governments. The location for the future reburial area shall be identified on a confidential exhibit on file with the City, and concurred to by the Consulting Native American Tribal Governments prior to certification of the environmental document.</p> <p>Additionally, the City shall verify that the following note is included on all Grading Plans:</p> <p>"If any suspected archaeological resources are encountered during ground-disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the Project Archaeologist and the Tribal Representatives to the site to assess the significance of the find."⁴</p>				
4.8.7	<p>Inadvertent Finds. If previously unevaluated potential cultural resources are encountered during Project excavation or construction activities, all ground-disturbing activities within 100 feet of the encountered resource (the find) shall cease immediately. A qualified person meeting the Secretary of the Interior's standards (Code of Federal Regulations, Title 36, Section 61), Tribal Representatives, and all site monitors per these mitigation measures shall consult with the City to evaluate the find, and appropriate measures to avoid, minimize, or mitigate potential negative effects to the find shall be implemented. Further ground disturbance shall not resume within the area of the find (the buffer area) until an agreement has been reached by all parties as to the appropriate measures to be</p>	Throughout site disturbing activities.	<p>Applicant or successor(s) in interest; construction contractor(s);</p> <p>City of Moreno Valley; Project Archaeologist; Native American Monitor.</p>	City of Moreno Valley; Project Archaeologist; Native American Monitor.	Throughout site disturbing activities.