

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. The City of Moreno Valley is the Lead Agency for the project and is responsible for implementation of the MMRP. Table 1 of 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. This report also describes existing Plans, Programs, or Policies (PPPs) that apply to the project in Table 2.

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 Measure | Action and Timing | Responsible for Ensuring Compliance / Verification | Date Completed and Initials |
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| BIOLOGICAL RESOURCES | | | |
| MM BIO-1: Payment of SKR Fees. Prior to the issuance of a grading permit, the project applicant shall pay all relevant Stephen’s kangaroo rat mitigation fees. | Prior to the issuance of grading permits. | City of Moreno Valley Community Development Department | |
| MM BIO-2: Preconstruction Burrowing Owl Surveys. Pursuant to the MSHCP Objective 6, for burrowing owl, a preconstruction burrowing owl survey shall be conducted prior to issuance of a grading permit to verify the presence/absence of the owl on the Project site. Within thirty days of the onset of construction activities, a qualified biologist shall survey within 500 feet of the Project site for the presence of any active owl burrows. Any active burrow found during survey efforts shall be mapped on the construction plans. If no active burrows are found, no further mitigation would be required. Results of the surveys shall be provided to the City of Moreno Valley. If nesting activity is present at an active burrow, the active site shall be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code. Nesting activity for burrowing owl in the region normally occurs between March and August. To protect the active burrow, the following restrictions to construction activities shall be required until the burrow is no longer active as determined by a qualified biologist: (1) clearing limits shall be established within a 500-foot buffer around any active burrow, unless otherwise determined by a qualified biologist, and (2) access and surveying shall be restricted within 300 feet of any active burrow, unless otherwise determined by a qualified biologist. Any encroachment into the buffer area around the active burrow shall only be allowed if the biologist determines that the proposed activity will not disturb the nest occupants. Construction can proceed when the qualified biologist has determined that fledglings have left the nest. If an active burrow is observed during the non-nesting season, the nest site shall be monitored by a qualified biologist, and when the raptor is away from the nest, the biologist will either actively or passively relocate the | Submittal of pre-activity field survey results report. Prior to construction. | City of Moreno Valley Community Development Department | |

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| <p>burrowing owl based on direction from the WRC RCA. The biologist shall then remove the burrow so the burrowing owl cannot return to the burrow. Therefore, based on the described construction activities and implementation of mitigation measures as identified, impacts to BUOW would not be significant.</p> | | | |
| <p>MM BIO-3: Preconstruction Raptor Surveys. Seven days prior to the onset of construction activities during the raptor nesting season (February 1 to June 30), a qualified biologist shall survey within 500 feet of the project impact area for the presence of any active raptor nests (common or special status). Any nest found during survey efforts shall be mapped on the construction plans. If no active nests are found, no further mitigation would be required. Results of the surveys shall be provided to the CDFW. If nesting activity is present at any raptor nest site, the active site shall be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code. To protect any nest site, the following restrictions to construction activities are required until nests are no longer active as determined by a qualified biologist: (1) clearing limits shall be established within a 500-foot buffer around any occupied nest, unless otherwise determined by a qualified biologist, and (2) access and surveying shall be restricted within 300 feet of any occupied nest, unless otherwise determined by a qualified biologist. Any encroachment into the buffer area around the known nest shall only be allowed if the biologist determines that the proposed activity will not disturb the nest occupants. Construction can proceed when the qualified biologist has determined that fledglings have left the nest. If an active nest is observed during the non-nesting season, the nest site shall be monitored by a qualified biologist, and when the raptor is away from the nest, the biologist will flush any raptor to open space areas. A qualified biologist, or construction personnel under the direction of the qualified biologist, shall then remove the nest site so raptors cannot return to a nest.</p> | <p>Submittal of pre-activity field survey results report (if construction is conducted between Feb. and June). Prior to Demolition or Grading Permit.</p> | <p>City of Moreno Valley Community Development Department</p> | |

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| <p>MM BIO-4: Preconstruction Nesting Bird Surveys. If construction is to occur during the MBTA nesting cycle (February 1-September 15) than a nesting bird survey should be conducted by a qualified biologist. Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) may be considered take and is potentially punishable by fines or imprisonment. Active bird nests should be mapped utilizing a hand-held global positioning system (GPS) and a 300' buffer will be flagged around the nest (500' buffer for raptor nests). Construction should not be permitted within the buffer areas while the nest continues to be active (eggs, chicks, etc.).</p> | <p>Submittal of pre-activity field survey results report (if construction is conducted between Feb. and Sept.). Prior to Demolition or Grading Permit.</p> | | |
| CULTURAL RESOURCES | | | |
| <p>MM CR-1: Archaeological Monitoring. Prior to the issuance of a grading permit, the Developer 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) including the Pechanga Band of Indians, the contractor, and the City, shall develop a Cultural Resource Monitoring Plan (CRMP) as defined in Mitigation Measure CR-2. The Project archeologist shall attend the pre-grading meeting with the City, the construction manager and any contractors and will 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.</p> | <p>Confirmation of professional archaeologist retention/ongoing/monitoring/submittal of Report of Findings. Prior to Grading Permit and during subsurface excavation.</p> | <p>City of Moreno Valley Community Development Department</p> | |

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| <p>MM CR-2: 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 Assembly Bill (AB) 52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting Tribe is defined as a Tribe that 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 in Cal Pub Res Code Section 21080.3.2(b)(1) of AB 52. Details in the Plan 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. The pre-grading meeting and Cultural Resources Worker Sensitivity Training details; e. The protocols and stipulations that the contractor, City, Consulting Tribe (s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation. f. The type of recordation needed for inadvertent finds and the stipulations of recordation of sacred items. g. Contact information of relevant individuals for the Project; | <p>Confirmation of professional archaeologist retention/ongoing/monitoring/submittal of Report of Findings. Prior to Grading Permit and during subsurface excavation.</p> | <p>City of Moreno Valley Community Development Department</p> | |
| <p>MM CR-3: The City shall verify that the following note is included on the Grading Plan: "If any suspected archaeological resources are discovered 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."</p> | <p>Confirmation of professional archaeologist retention/ongoing/monitoring/submittal of Report of Findings. Prior to Grading Permit and</p> | <p>City of Moreno Valley Community Development Department</p> | |

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| | during subsurface excavation. | | |
| <p>MM CR-4: Inadvertent Finds. If potential historic or cultural resources are uncovered during excavation or construction activities at the project site that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to Project approval, all ground disturbing activities in the affected area within 100 feet of the uncovered resource must cease immediately and a qualified person meeting the Secretary of the Interior's standards (36 CFR 61), Tribal Representatives, and all site monitors per the Mitigation Measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional archeologist and Tribal Monitors, if needed. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all Consulting Native American Tribes as defined in Mitigation Measure CR-1 before any further work commences in the affected area. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archeologist, in consultation with the Tribe, and shall be submitted to the City for their review and approval prior to implementation of the said plan.</p> | Confirmation of professional archaeologist retention/ongoing/monitoring/submittal of Report of Findings. Prior to Grading Permit and during subsurface excavation. | City of Moreno Valley Community Development Department | |
| <p>MM CR-5: Archeology Report - Phase III and IV. Prior to final inspection, the developer/permit holder shall prompt the Project Archeologist to submit two (2) copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the</p> | Submittal of two (2) copies of the Phase III and IV Data Recovery | City of Moreno Valley Community Development Department | |

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| <p>Community Development Department's requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).</p> | <p>Reports (if required). Prior to Final Inspection.</p> | | |
| <p>MM CR-6: Human Remains. If human remains are discovered, no further disturbance shall occur in the affected area until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 24 hours of the published finding to be given a reasonable opportunity to identify the "most likely descendant". The "most likely descendant" shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).</p> | <p>Ongoing during subsurface excavation.</p> | <p>City of Moreno Valley Community Development Department</p> | |
| PALEONTOLOGICAL | | | |
| <p>MM PAL-1: Paleontological Resources. A paleontologist selected from the roll of qualified paleontologists maintained by the City shall be retained to provide spot-check monitoring services for the project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall require paleontological spot-check monitoring of excavation that exceeds depths of 5 feet. The PRIMP</p> | <p>Confirmation of professional paleontologist retention/ongoing/monitoring/submittal of Paleontological Resources Impact Mitigation Plan (PRIMP).</p> | <p>City of Moreno Valley Community Development Department</p> | |

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| <p>shall state that the project paleontologist shall re-evaluate the necessity for paleontological monitoring after 50 percent or greater of the excavations deeper than 5 feet have been completed.</p> <p>In the event that paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered.</p> <p>Criteria for discard of specific fossil specimens will be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage and treatment shall be done at the applicant’s expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.</p> | <p>Prior to Grading Permit and during subsurface excavation.</p> | | |

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| TRIBAL | | | |
| <p>TCR-1: Native American Monitoring. Prior to the issuance of a grading permit, the Developer shall secure agreements with the Pechanga Band of Luiseño Indians for tribal monitoring. The City 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 Project Archaeologist, City, the construction manager and any contractors and will conduct the Tribal Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance.</p> | <p>Secure Tribal Monitoring Agreements. Prior to Grading Permit.</p> | <p>Qualified Professional Archeologist/ City of Moreno Valley Community Development Department</p> | |
| <p>TCR-2: Cultural Resource Disposition. In the event that Native American cultural resources are discovered 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: <ul style="list-style-type: none"> i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources. ii. Onsite reburial of the discovered items as detailed in the treatment plan required pursuant to Mitigation Measure CR-2. 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 | <p>Submit a CRMP prepared by Professional Archaeologist in consultation with Tribe. Prior to Grading Permit.</p> | <p>City of Moreno Valley Community Development Department</p> | |

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| <p>recordation have been completed. No recordation of sacred items is permitted without the written consent of all Consulting Native American Tribal Governments as defined in Mitigation Measure TCR-1 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>TCR-3: Non-Disclosure of Reburial Locations. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r)., 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> | <p>Reburial locations shall not be publicly disclosed. Pre- and post-project.</p> | <p>City of Moreno Valley Community Development Department</p> | |

TABLE 2: EXISTING PLANS, PROGRAMS, OR POLICIES

| PPP | Action and Timing | Responsible for Ensuring Compliance / Verification | Date Completed and Initials |
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| 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> | Compliance with Rule 402. Construction. | City of Moreno Valley Community Development Department | |
| <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. • The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less. | Compliance with Rule 403. Construction. | City of Moreno Valley Community Development Department | |
| <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</p> | Compliance with Rule 1113. Construction. | City of Moreno Valley Community Development Department | |

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| <p>“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> | | | |
| BIOLOGICAL RESOURCES | | | |
| <p>PPP BIO-1: MSHCP Development Impact Fees. Prior to issuance of a grading or building permit, the project applicant will be required to pay relevant City of Moreno Valley mitigation fees to the City.</p> | <p>Pay MSHCP fee. Prior to Grading Permit.</p> | <p>City of Moreno Valley Community Development Department</p> | |
| GEOLOGY | | | |
| <p>PPP GEO-1: California Building Code. The Project is required to comply with the California Building Code as included in the City’s Municipal Code Chapter 8.20 to preclude significant adverse effects associated with seismic hazards. California Building Code related and geologist and/or civil engineer specifications for the Project are required to be incorporated into grading plans and specifications as a condition of Project approval.</p> | <p>Comply with California Building Cod. Prior to Grading Permit.</p> | <p>City of Moreno Valley Community Development Department</p> | |
| GREENHOUSE GAS EMISSIONS | | | |
| <p>PPP GHG-1: CalGreen Compliance. The project is required to comply with the CalGreen Building Code as included in the City’s Municipal Code to ensure efficient use of energy. CalGreen specifications are required to be incorporated into building plans as a condition of building permit approval.</p> | <p>Comply with CalGreen efficient energy specifications. Prior to building permit.</p> | <p>City of Moreno Valley Community Development Department</p> | |
| PUBLIC SERVICES | | | |
| <p>PPP PS-1: The project will be required to pay applicable development fees levied by the Moreno Valley Unified School District pursuant to the School Facilities Act (Senate Bill [SB] 50, Stats. 1998, c.827) to offset any effects on school facilities resulting from new development.</p> | <p>Pay SB 50 school fees. Prior to building permits.</p> | <p>City of Moreno Valley Community Development Department</p> | |

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| <p>PPP PS-2: Park Fees. As a condition of the approval of a residential development, the project shall pay applicable park related fees and/or dedicate parkland pursuant to Municipal Code Section 3.38.080 and Chapter 3.40.</p> | <p>Pay applicable park fees. Prior to building permits.</p> | <p>City of Moreno Valley Community Development Department</p> | |
| WATER QUALITY | | | |
| <p>PPP WQ-1: Stormwater Pollution Prevention Plan. Prior to grading permit issuance, the project developer shall have a Stormwater Pollution Prevention Plan (SWPPP) prepared by a Qualified SWPPP Developer (QSD) in accordance with the City's Municipal Code Chapter 8.10 and the Santa Ana Regional Water Quality Control Board National Pollution Discharge Elimination System (NPDES) Storm Water Permit Order No. R4-2012-0175 (MS4 Permit). The SWPPP shall incorporate all necessary Best Management Practices (BMPs) and other NPDES regulations to limit the potential of erosion and 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 the City of Moreno Valley staff or its designee to confirm compliance.</p> | <p>Review and approval of SWPPP. Prior to Grading Permit.</p> | <p>City of Moreno Valley Community Development Department</p> | |
| <p>PPP WQ-2: Water Quality Management Plan, Prior to grading permit issuance, the project applicant shall have a Water Quality Management Plan (WQMP) approved by the City for implementation. The project shall comply with the City's Municipal Chapter 8.10 and the Municipal Separate Storm Sewer System (MS4) permit requirements in effect for the Regional Water Quality Control Board (RWQCB) at the time of grading permit to control discharges of sediments and other pollutants during operations of the project.</p> | <p>Review and approval of WQMP. Prior to Grading Permit.</p> | <p>City of Moreno Valley Community Development Department</p> | |