

**Mitigation Monitoring and Reporting Program
Initial Study/Mitigated Negative Declaration
Terrible's Convenience Store and Fueling Station**

Prepared by:



San Bernardino County, Land Use Services Department

385 N. Arrowhead Avenue, 1st Floor
San Bernardino, California 92415-0182
Contact: Delanie Garlick, Contract Planner

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1 Introduction

The California Environmental Quality Act (CEQA) requires that a public agency adopting a Mitigated Negative Declaration (MND) take affirmative steps to determine that approved mitigation measures are implemented after project approval. The lead or responsible agency must adopt a reporting and monitoring program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the MND during project implementation (California Public Resources Code, Section 21081.6(a)(1)).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by San Bernardino County (County) to ensure compliance with adopted mitigation measures identified in the MND for the proposed Minor Use Permit (MUP) when construction begins. The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would reduce impacts to below a level of significance for greenhouse gas emissions, biological resources, cultural resources, and tribal cultural resources.

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource area as stated in the Initial Study. Table 1 identifies the mitigation monitoring and reporting requirements, list of mitigation measures, party responsible for implementing mitigation measures, timing for implementation of mitigation measures, agency responsible for monitoring of implementation, and date of completion. With the MND and related documents, this MMRP will be kept on file at the following location:

San Bernardino County
385 N. Arrowhead Avenue, First Floor
San Bernardino, California 92415

2 Mitigation Monitoring and Reporting Program Table

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
Biological				
<p>BIO-1: Pre-construction surveys for burrowing owls, desert tortoise, nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted prior to the commencement of Project related ground disturbance.</p> <p><u>Nesting Bird Survey:</u> Nesting bird nesting season generally extends from February 1 through September 15 in southern California and specifically, March 15 through August 31 for migratory passerine birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) prior to Project-related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage, and expected types, intensity, and duration of the disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.</p>	Prior to Land Disturbance	Project applicant	San Bernardino County	

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<p>BIO-2: Per the San Bernardino County Development Code <i>Section 88.01.060 Desert Native Plant Protection</i> the removal of any Eastern Joshua trees would be required to comply with <i>Section 88.01.050 Native Tree or Plant Removal Permits</i>. Applicant shall obtain a Tree or Plant Removal Permit prior to the removal of any Eastern Joshua trees from the Project Site.</p>	<p>Prior to Land Disturbance</p>	<p>Project applicant</p>	<p>San Bernardino County</p>	
<p>Cultural Resources</p>				
<p>CUL-1: If cultural/historical/archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall cease and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service [NPS] 1983) shall be contacted immediately to evaluate the find(s). If the discovery proves to be significant under CEQA, additional work such as data recovery excavation may be warranted and will be reported to the County.</p>	<p>During Grading</p>	<p>Project applicant and their construction contractor</p>	<p>San Bernardino County</p>	
<p>CUL-2: Should human remains and/or cremations be encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present (suggested 100-ft radius area around the remains and project personnel will be excluded from the area and no photographs will be permitted), and the County of San Bernardino Coroner will be notified. The County of San Bernardino and the Project Proponent shall also be called and informed of the discovery. The coroner will determine if the bones are historic/archaeological or a modern legal case. The coroner will immediately contact the Native</p>	<p>During Construction</p>	<p>Project applicant and their construction contractor</p>	<p>San Bernardino County</p>	

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<p>American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section 5097.98.</p> <p>All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless of if the remains are modern or archaeological.</p>				
Greenhouse Gas Emissions				
<p>GHG-1: The Proposed Project proponent shall demonstrate the ability to accrue 100 points using the County of San Bernardino Greenhouse Gas Emissions Development Review Process Screening Tables for commercial development (Table 2) to show consistency with the Regional Greenhouse Gas Reduction Plan (e.g., installation of an enhanced cool roof, thermal storage, solar photovoltaic panels, water-efficient appliances).</p>	Prior to Building Permit Issuance	Project applicant	San Bernardino County / Applicant	
Tribal Cultural Resources				
<p>TCR-1: Appropriate consulting Tribe(s) shall be contacted, as detailed in CUL-1, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input within 48 hours with regards to significance and treatment. Should the find be</p>	Prior to Grading	Project applicant and their construction contractor	San Bernardino County/Applicant	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>deemed significant, as defined by CEQA (as amended, 2018), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with consulting Tribe(s), and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents consulting Tribe(s) for the remainder of the project, should Tribe(s) elect to place a monitor on-site at the Tribe's cost.</p>				
<p>TCR-2: If human remains or funerary objects are encountered during any activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to CUL-2 and State Health and Safety Code §7050.5 and that code shall be enforced for the duration of the project.</p>	<p>During grading / construction</p>	<p>Project applicant and their construction contractor</p>	<p>San Bernardino County/Applicant</p>	