

6 MITIGATION MONITORING AND REPORTING PROGRAM

6.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which a 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 for the Car Pros Kia Dealership (project). The City of Moreno Valley is the Lead Agency for the project and is responsible for implementation of the MMRP. This MMRP identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures.

6.2 MITIGATION MONITORING AND REPORTING PROGRAM

The mitigation monitoring and reporting program has been prepared in compliance with Public Resource Code Section 21081.6. It describes the requirements and procedures to be followed by the City to ensure that all mitigation measures adopted as part of the proposed Project would be carried out as described in the IS/MND. This MMRP for the project will be active through all phases of the project, including design, construction, and operation.

Table 1 identifies project specific mitigation measures required by the City to mitigate or avoid significant adverse impacts associated with the implementation of the project, the timing of implementation, and the responsible party or parties for monitoring compliance. This 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.

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TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure Number	Measure	Timing	Responsibility for Oversight of Compliance/ Verification	Completion
BIO-1	<p>Pre-construction Burrowing Owl Survey. Preconstruction burrowing owl (BUOW) surveys shall be complete a maximum of 30 days prior to the start of construction. A total of 4 focused BUOW preconstruction surveys shall be conducted on separate days, preferably during the BUOW breeding season (March 1 through August 31) (not including the initial habitat assessment and burrow survey). The survey area shall include the project site and the 150-meter survey area surrounding the project site pursuant to the Western Riverside County Regional Conservation Authority Burrowing Owl Survey Instructions for the Plan Area (2006).</p> <p>If burrowing owls are observed during take avoidance surveys or incidentally during construction, the City of Moreno Valley Planning Division shall be notified, and avoidance measures implemented during the breeding season (March 1 through August 31). If burrowing owls are present during the non-breeding season (September 1 through February 28), burrowing owl exclusion measures may be implemented in accordance with the MSHCP.</p>	Prior to ground disturbing activities; Prior to the issuance of a grading permit.	Planning Department	
BIO-2	<p>Nesting Birds Survey. To the extent feasible, the project shall conduct vegetation removal outside of the nesting bird season (generally between February 15 and August 31). If vegetation removal is required during the nesting bird season, a nesting bird survey should be conducted for areas within 100-feet of the vegetation removal. Surveys shall be conducted by a qualified biologist(s) within three days of vegetation removal. If active nests are observed, a qualified biologist shall determine appropriate minimum disturbance buffers or other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active.</p>	Within three days of vegetation removal during nesting bird season (Feb.15 and Aug. 31)	Planning Department	
CR-1	<p>Prior to the issuance of a grading permit, the Developer shall retain a professional archaeologist meeting Secretary of Interior's Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A</p>	Prior to the issuance of a grading permit.	Planning Department	

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	<p>stating that the archaeologist has been retained to provide on-call services in the event archaeological resources are discovered. 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), the contractor, and the City, shall develop a Cultural Resources Management Plan (CRMP) in consultation pursuant to the definition in 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 (Soboba Band of Luiseno Indians and Rincon Band of Luiseno Indians). Details in the Plan shall include:</p> <ul style="list-style-type: none"> a. Project grading and development scheduling; b. The Project archeologist and the Consulting Tribes(s) as defined in CR-1 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 Training will include a brief review of the cultural sensitivity of the Project and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. All new construction personnel that will conduct earthwork or grading activities that begin work on the Project following the initial Training must take the Cultural Sensitivity Training prior to beginning work and the 			

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	<p>Project archaeologist and Consulting Tribe(s) shall make themselves available to provide training on an as-needed basis;</p> <p>c. 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.</p>			
CR-2	<p>Prior to the issuance of a grading permit, the Applicant shall secure agreements with the Soboba Band of Luiseno Indians for tribal monitoring. The Applicant is also required to provide a minimum of 30 days advance notice to the tribes of all mass grading and trenching 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. If the Native American Tribal Representatives suspect that an archaeological resource may have been unearthed, the Project Archaeologist or the Tribal Representatives shall immediately redirect grading operations in a 100-foot radius around the find to allow identification and evaluation of the suspected resource. In consultation with the Native American Tribal Representatives, the Project Archaeologist shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section 21083.2.</p>	<p>Prior to the issuance of a grading permit.</p>	<p>Planning Department</p>	
CR-3	<p>In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:</p> <p>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:</p> <p>i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving</p>	<p>Prior to the issuance of a grading permit; Ongoing during rough grading and trenching.</p>	<p>Planning Department</p>	

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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 CR-1. 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 as defined in CR-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>			
CR-4	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."	Prior to issuance of grading permit; Note on plans.	Planning Department	
CR-5	If potential historic or cultural resources are uncovered during excavation or construction activities at the project site, work in the affected area 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. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration, and implemented as	Prior to issuance of grading permit; Note on plans.	Planning Department	

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	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 CR-1 before any further work commences in the affected area.			
CR-6	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).	Prior to issuance of grading permit; Note on plans.	Planning Department	
GEO-1	Paleontological Resources. Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City of Moreno Valley Building and Safety Division, or designee, from a paleontologist selected from the roll of qualified paleontologists maintained by Riverside County, stating that the paleontologist has been retained to provide 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 for the review and approval by the City. 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 monitoring of excavation that exceeds depths of four feet. The PRIMP shall state that the project paleontologist may re-evaluate the necessity for paleontological monitoring after 50 percent or greater of the excavations deeper than four feet have been completed.	Prior to issuance of grading permit.	Planning Department	

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	<p>In the event that paleontological resources are encountered, ground-disturbing activity within 100 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>			