

*The Courtyards at Cottonwood Family Apartments, Moreno Valley, CA*  
**MITIGATION MONITORING REPORTING PROGRAM (MMRP)**

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<b>IV. BIOLOGICAL RESOURCES</b>				
<ul style="list-style-type: none"> <li>• <b>BIO-1:</b> Vegetation clearing, and ground disturbance shall be prohibited during the migratory bird nesting season (February 1 through September 15), unless a migratory bird nesting survey is completed in accordance with the following requirements:</li> <li>• A migratory bird nesting survey of the Project's impact footprint, including suitable habitat within a 500-foot radius, shall be conducted by a qualified biologist within three (3) days prior to initiating vegetation clearing or ground disturbance.</li> <li>• A copy of the migratory nesting bird survey results report shall be provided to the City of Moreno Valley. If the survey identifies the presence of active nests, then the qualified biologist shall provide the City with a copy of maps showing the location of all nests and an appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones, if required, shall be subject to review and approval by the City and shall be no less than a 100-foot radius around the nest for non-raptors and no more than a 500-foot radius around the nest for raptors. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no</li> </ul>	Project Applicant	Prepare and submit for review and approval a Migratory Nesting Bird Survey Report	City of Moreno Valley Planning Division	Prior to any site grading activities or permit issuance

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<p>vegetation clearing or ground disturbance shall commence until the qualified biologist and the City verify that the nests are no longer occupied and juvenile birds can survive independently from the nests.</p>				
<p><b>BIO-2:</b> Within 30 days prior to grading, a qualified biologist shall conduct a survey of suitable habitat on site and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the City of Moreno Valley prior to the issuance of a grading permit and subject to the following provisions:</p> <p>a) In the event that the pre-construction survey identifies no burrowing owls on the property, a grading permit may be issued without restriction.</p> <p>b) In the event that the pre-construction survey identifies the presence of at least one individual but less than three (3) mating pairs of burrowing owls, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall passively or actively relocate any burrowing owls. Passive</p>	<p>Project Applicant</p>	<p>Submit a pre-construction survey that determines the presence of the burrowing owl for review and approval</p>	<p>City of Moreno Valley Planning Division</p>	<p>Prior to any site grading activities or permit issuance</p>

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<p>relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow California Department of Fish and Wildlife (CDFW) relocation protocol and shall only occur between September 15 and February 1. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall confirm in writing that the species has fledged the site or been relocated prior to the issuance of a grading permit.</p> <p>c) In the event that the pre-construction survey identifies the presence of three (3) or more mating pairs of burrowing owls, the requirements of MSHCP Species-Specific Conservation Objectives 5 for the burrowing owl shall be followed. Objective 5 states that if the site (including adjacent areas) supports three (3) or more pairs of burrowing owls and supports greater than 35 acres of suitable habitat, at least 90</p>				

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<p>percent of the area with long-term conservation value and burrowing owl pairs will be conserved onsite until it is demonstrated that Objectives 1-4 have been met. A grading permit shall be issued, either:</p> <ul style="list-style-type: none"> <li>a. Upon approval and implementation of a property-specific Determination of Biologically Superior Preservation (DBESP) report for the burrowing owl by the CDFW; or</li> <li>b. A determination by the biologist that the site is part of an area supporting less than 35 acres of suitable Habitat, and upon passive or active relocation of the species following accepted CDFW protocols. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow CDFW relocation protocol and</li> </ul>				

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<p>shall only occur between September 15 and February 1. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall confirm in writing that the species has fledged the site or been relocated prior to the issuance of a grading permit.</p>				
<p><b>BIO-3:</b> Prior to Grading Permit issuance, the Project Applicant shall demonstrate, to the satisfaction of the Moreno Valley Planning Department that the project complies with the following:</p> <p><b>Tree Removal</b> - Trees shall not be removed from the site during the avian nesting season from February 1 through August 31. If ground disturbance and vegetation removal cannot occur outside of the nesting season, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a 300-foot buffer around the active nest. For raptors and special-status species, this buffer will be expanded to 500 feet. It is recommended that a</p>	Project Applicant	Submit tree removal survey for review and approval	City of Moreno Valley Planning Division	Prior to grading permit issuance

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<p>biological monitor be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities can occur.</p>				
<p><b>V. CULTURAL RESOURCES</b></p>				
<p><b>CUL-1:</b> Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a qualified paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.</p>	Project Applicant	Hire a qualified paleontologist	City of Moreno Valley Planning Division	Prior to any grading activities or permit issuance
<p><b>CUL-2:</b> The paleontological monitor shall conduct full-time monitoring during grading and excavation operations in undisturbed, very old alluvial fan sediments at or below four (4) feet below ground surface and shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontological monitor shall be empowered to temporarily halt or divert equipment to allow of removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified paleontological personnel to have a low potential to contain or yield fossil resources.</p>	Project Applicant	Site monitor by qualified paleontologist during grading activities	City of Moreno Valley Planning Division	During site grading activities

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<p><b>CUL-3:</b> Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage, such as the Western Science Museum in Hemet, California, is required for significant discoveries. The paleontologist must have a written repository agreement in hand prior to initiation of mitigation activities.</p>	Project Applicant	Monitor during grading	City of Moreno Valley Planning Division	During grading activities
<p><b>CUL-4:</b> A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Moreno Valley prior to building final.</p>	Project Applicant	Submit final report prior to building final	City of Moreno Valley Planning	Prior to Final Building sign off
<b>XII. Noise</b>				
<p><b>NOI-1:</b> Prior to issuance of a grading permit, the developer shall prepare a Construction Noise Control Plan (CNCP) and submit it to the City for review and approval. The plan shall include but will not be limited to the following:</p> <ul style="list-style-type: none"> <li>o During all project site excavation and grading, contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers'</li> </ul>	Project Applicant	Site Monitor during construction	City of Moreno Valley Planning Division	During Building Construction

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<p>standards.</p> <ul style="list-style-type: none"> <li>o The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</li> <li>o The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</li> <li>o A temporary construction barrier with a minimum height of 8 feet shall be placed along the project's property line during project grading and construction.</li> <li>o During all project site construction, the construction contractor shall limit all construction-related activities, including maintenance of construction equipment and the staging of haul trucks, to between the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 4:00 p.m. on Saturday. No construction is permitted on Sundays and government code holidays.</li> <li>o Prior to issuance of a grading or building permit, the developer shall prepare a haul route and staging plan for any trucks hauling earth or construction materials to or from the project site to where material will be disposed (i.e. export). The plan shall be reviewed and approved by the City</li> </ul>				



Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<p>before a grading permit is issued by the City. To the extent feasible, haul routes and truck staging areas shall not pass sensitive land uses or residential dwellings not on a direct driving route to the closest freeway.</p>				
<p><b>NOI-2:</b> Prior to issuance of a grading or building permit, the developer shall prepare a haul route and staging plan for any trucks hauling earth or construction materials to or from the project site to where material will be disposed (i.e. export). The plan shall be reviewed and approved by the City before a grading permit is issued by the City. To the extent feasible, haul routes and truck staging areas shall not pass sensitive land uses or residential dwellings not on a direct driving route to the closest freeway.</p> <p>Haul truck and other construction-related trucks traveling to and from the project site shall be restricted to the same hours specified for the operation of construction equipment. To the extent feasible, construction haul routes shall not pass directly by sensitive land uses or residential dwellings.</p>	Project Applicant	Site Monitor during construction	City of Moreno Valley Planning Division	During Building Construction
<b>XVII. Tribal Cultural Resources</b>				
<p><b>TR-1:</b> Prior to the issuance of a grading permit, the Developer shall retain a professional archaeologist to conduct monitoring of all mass grading and trenching activities. The Project Archaeologist shall have the authority</p>	Project Applicant	Submit a Cultural Resources Monitoring Agreement	City of Moreno Valley Planning Division	Prior to any grading activities or permit issuance

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<p>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 AB52 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 AB52 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 AB52. Details in the Plan shall include:</p> <ul style="list-style-type: none"> <li>a. Project grading and development scheduling;</li> <li>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</li> </ul>				

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<p>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 Project archaeologist and Consulting Tribe(s) shall make themselves available to provide the 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>				
<p><b>TR-2:</b> Prior to the issuance of a grading permit, the Developer shall secure agreements with the Pechanga Band of Luiseño Indians and Soboba Band of Luiseño Indians for tribal monitoring. The Developer 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</p>	<p>Project Applicant</p>	<p>Proof that appropriate Native American representative(s), Project Archaeologist and the Tribal representative(s) shall be allowed to monitor and</p>	<p>City of Moreno Valley Planning Division</p>	<p>Prior to grading activities or permit issuance</p>

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<p>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>have received a minimum of 30-days advance notice of all mass grading and trenching activities.</p>		
<p><b>TR-3:</b> 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 them in the place they were found with no development affecting the integrity of the resources.</p>	<p>Project Applicant</p>	<p>Monitor during grading activities</p>	<p>City of Moreno Valley Planning Division</p>	<p>Prior to any grading activities or permit issuance</p>

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<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.</p>				
<p><b>TR-4:</b> The City shall verify that the following note is included on the Grading Plan:</p> <p style="padding-left: 40px;">“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>	Project Applicant	Verify required condition is noted on the grading plans	City of Moreno Valley Planning Division	Prior to any grading activities or permit issuance
<p><b>TR-5:</b> 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</p>	Project Applicant	Verify required condition is noted on the grading plans	City of Moreno Valley Planning Division	Prior to any grading activities or permit issuance

Mitigation Measure	Responsible Agency or Party	Action Required	Monitoring Agency or Party	Timing
<p>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 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.</p>				
<p><b>TR-6:</b> 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>	Project Applicant	Site monitor during grading activities	City of Moreno Valley Planning Division	During Grading activities