



CITY OF MORENO VALLEY

MITIGATION MONITORING AND REPORTING PROGRAM MORENO VALLEY 2 DRACAEA MULTI-FAMILY HOUSING



MORENO VALLEY 2 DRACAEA MULTI-FAMILY HOUSING (PEN 20-0057)

January 27, 2021

Lead Agency
CITY OF MORENO VALLEY
14177 Frederick Street
Moreno Valley, CA 92552

Prepared By
TTG ENVIRONMENTAL & ASSOCIATES
Teresa Wilkinson
8885 Rio San Diego Drive #237
San Diego, CA 92108

Mitigation Monitoring and Reporting Program for the Moreno Valley 2 Dracaea Multi-Family Housing Project

Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
Biological Resources					
Bio-1	All project sites containing suitable Burrowing Owl habitat or burrows, whether or not Burrowing Owls were found, require pre-construction surveys for the Burrowing Owl 30-days before ground-disturbing activities occur. Therefore, a pre-construction survey Burrowing Owl shall be conducted over the subject property 30-days prior to ground-disturbing activities.	30 days prior to ground-disturbing activities.	The Applicant shall be responsible for implementation of this measure. The Applicant shall be responsible for ensuring compliance.		
Bio-2	Avian Breeding Season Avoidance or Pre-construction Nesting Bird Survey Vegetation removal shall occur outside of the avian breeding season (February 1 to September 1) unless a qualified biologist has first surveyed the area of disturbance to determine the presence or absence of nesting bird species. For passerines and small raptors, surveys shall be conducted within a 250-foot radius of the work area. For large raptors, surveys shall be conducted within a 500-foot radius of the work area. If such nesting birds are not found, then project-related activities may proceed during the avian breeding season. However, if such nesting birds are found, then the avian biologist will need to decide whether the construction activities can proceed without harm to the nest or if a buffer or construction monitoring will be necessary to protect the active nest. The results of the nesting bird survey shall be detailed in a short report provided to the City of Moreno Valley for their concurrence.	Pre-construction nesting bird survey shall be conducted no more than five days prior to the beginning of project-related activities.	The Applicant shall be responsible for implementation of these measures. The Applicant shall be responsible for ensuring compliance.		
Bio-3	Stephen's Kangaroo Rat Fee. The property is located within the Stephen's Kangaroo Rate (SKR) HCP Fee Area.	The mitigation fee of \$500 per gross acre needs to be paid upon issuance of a grading permit, a certificate of occupancy, or upon final inspection, whichever comes first.	The Applicant shall be responsible for implementation of these measures. The Applicant shall be responsible for ensuring compliance.		

Mitigation Monitoring and Reporting Program for the Moreno Valley 2 Dracaea Multi-Family Housing Project

Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
Bio-4	Planting of Large Landscape Trees to Replace Heritage Trees to be Removed. To mitigate for the loss of eleven heritage trees on-site as a result of the proposed residential project, sixteen large landscape trees are proposed to be planted in their place. The large landscape trees will either be Chinese Elms (<i>Ulmus parvifolia</i>) or Golden Raintrees (<i>Koelreuteria paniculata</i>), or another suitable tree species anticipated to grow to be larger than 15 feet tall and become heritage trees themselves. If replacement landscape tree species must be selected, then those tree species must also be anticipated to grow to be larger than 15 feet tall to ensure that the heritage trees lost will be replaced.	Prior to issuance of the grading permit.	The Applicant shall be responsible for implementation of these measures. The Applicant shall be responsible for ensuring compliance.		

Cultural Resources

CR-1	If subsurface deposits believed to be cultural or human in origin are discovered during construction, then all work must halt within a 50-foot radius of the discovery. A qualified archaeological monitor or Principal Investigator, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained and afforded a reasonable amount of time to evaluate the significance of the find. Work cannot continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either (1) not cultural in origin; or (2) not potentially significant or eligible for listing on the CRHR. If a potentially eligible resource is encountered, then the archaeologist, lead agency, and project proponent shall arrange for either (1) total avoidance of the resource, if possible; or (2) test excavations to evaluate eligibility and, if eligible, total data recovery as mitigation. The determination shall be formally documented in writing and submitted to the lead agency as verification that the	During initial grubbing, site grading, excavation or disturbance of the ground surface.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance. The lead agency will verify that the provisions in CEQA for managing unanticipated discoveries have been met.		
-------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

Mitigation Monitoring and Reporting Program for the Moreno Valley 2 Dracaea Multi-Family Housing Project

Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
	provisions in CEQA for managing unanticipated discoveries have been met.				
CR-2	In the event that evidence of human remains is discovered, construction activities within 50 feet of the discovery will be halted or diverted, and the requirements above will be implemented. Depending on the occurrence, a larger radius may be necessary and will be required at the discretion of the on-site archaeologist. In addition, the provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. When human remains are discovered, state law requires that the discovery be reported to the County Coroner (Section 7050.5 of the Health and Safety Code) and that reasonable protection measures be taken during construction to protect the discovery from disturbance (AB 2641). If the Coroner determines the remains are Native American, the Coroner notifies the Native American Heritage Commission, which then designates a Native American Most Likely Descendant (MLD) for the project (Section 5097.98 of the Public Resources Code). The MLD may not be the same person as the tribal monitor. The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or	During initial grubbing, site grading, excavation or disturbance of the ground surface.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance in coordination with the County Coroner and Native American Heritage Commission.		

Mitigation Monitoring and Reporting Program for the Moreno Valley 2 Dracaea Multi-Family Housing Project

Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
	recording a document with the county in which the property is located (AB 2641).				
Paleontological Resources					
Paleo-1	If construction-related excavations, trenching, or other forms of ground disturbance are required 4 feet or more below the surface, a paleontological monitor shall be present on the project site during ground-disturbing activities. The paleontological monitor shall be equipped to salvage fossils as 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.	During ground-disturbing activities.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance in coordination with the Project paleontological monitor.		
Paleo-2	If unanticipated paleontological resources are encountered during ground-disturbing activities: <ul style="list-style-type: none"> • All work within 50 feet shall halt, until the discovery can be evaluated by a qualified paleontologist. • The monitor shall determine whether the findings are significant and whether additional work, including recovery and preservation of the find, is warranted. 	During ground-disturbing activities.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance with input from the Project paleontological monitor.		
Tribal Cultural Resources					
TCR-1	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 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	Prior to issuance of the grading permit.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance with input from the City and in consultation with the Consulting Tribe(s).		

Mitigation Monitoring and Reporting Program for the Moreno Valley 2 Dracaea Multi-Family Housing Project

Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
	<p>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> <p>a) Project grading and development scheduling;</p> <p>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 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>				

Mitigation Monitoring and Reporting Program for the Moreno Valley 2 Dracaea Multi-Family Housing Project

Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
TCR-2	<p>Prior to the issuance of a grading permit, the Developer shall secure agreements with the following tribes: Soboba Band of Luiseno Indians, Pechanga Band of Luiseno Indians, and the Agua Caliente Band of Cahuilla 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 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 issuance of a grading permit. Advance notice to the Tribes shall occur 30 days in advance of all mass grading and trenching activities.</p>	<p>The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance with input from the Native American Tribal representative and Project Archaeologist.</p>		

Mitigation Monitoring and Reporting Program for the Moreno Valley 2 Dracaea Multi-Family Housing Project

Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
TCR-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> <ul style="list-style-type: none"> • 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: • 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. • On-site 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. 	During ground-disturbing activities.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance with input from the Native American Tribal representative and Project Archaeologist.		
TCR-4	<p>The City shall verify that the following note is included on the Grading Plan:</p> <p>“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</p>	Prior to issuance of the grading plan.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance.		

Mitigation Monitoring and Reporting Program for the Moreno Valley 2 Dracaea Multi-Family Housing Project

Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
	Representatives to the site to assess the significance of the find.”				
TCR-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 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.	During initial grubbing, site grading, excavation or disturbance of the ground surface.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance.		
TCR-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).	During initial grubbing, site grading, excavation or disturbance of the ground surface.	The Applicant shall be responsible for the implementation of these measures. The Applicant shall be responsible for ensuring compliance with input from the County Coroner and Native American Heritage Commission.		