APPENDIX E

Mitigation Monitoring and Reporting Program

1 MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Topaz Residential Project (project) based on the findings of the Initial Study/Mitigation Negative Declaration (IS/MND) prepared for the project.

1.1 STATUTORY REQUIREMENTS

When a Lead Agency makes findings on significant environmental effects identified in an Mitigated Negative Declaration (MND), the agency must also adopt a "reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment" (Public Resources Code [PRC] Section 21081.6(a) and California Environmental Quality Act [CEQA] Guidelines Sections 15091(d) and 15097). The Mitigation Monitoring and Reporting Program (MMRP) is implemented to ensure that the mitigation measures and project revisions identified in the IS/MND are implemented. Therefore, the MMRP must include all changes in the project either adopted by the project proponent or made conditions of approval by the Lead or Responsible Agency.

1.2 ADMINISTRATION OF THE MITIGATION MONITORING AND REPORTING PROGRAM

The City of Hesperia (City) is the Lead Agency responsible for the adoption of the MMRP. The San Luis Concrete Corp. (Applicant), is responsible for implementation of the MMRP, in coordination with the City and other identified entities. According to State CEQA Guidelines Section 15097(a), a public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation. The City may delegate responsibility for verifying and documenting compliance with the MMRP to the Applicant as coordinator of the project and its construction, and the Applicant will be responsible for compliance. However, until mitigation measures have been completed, the City, as the Lead Agency, remains responsible for ensuring that the implementation of the measures occurs in accordance with the program.

1.3 MITIGATION MEASURES

The MMRP table below is structured to enable quick reference to mitigation measures and the associated monitoring program based on the environmental resource. The numbering of mitigation measures correlates with numbering of measures found in the corresponding environmental analysis provided in the project's IS/MND. The table also describes the timing for mitigation measure implementation (e.g.., when the measure shall be implemented) and the responsible parties—such as the Construction Contractor, Applicant, and/or City of Hesperia—that are responsible for ensuring implementation of all aspects of each measure.

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Parties
BIO-1	**Project Biological Monitor.** At the time of application for grading permits, the project applicant shall retain a qualified biological monitor(s) and include the monitor's credentials with grading permit application materials submitted to the City. Biological monitoring shall be performed during initial laydown and ground disturbance of any new portion of the project area, including grubbing and grading, during project construction activities. The biological monitor(s) shall have sufficient education and field experience to understand resident wildlife species biology; have experience conducting botanical and wildlife surveys in desert ecosystems. To avoid and minimize effects on biological resources, the biological monitor(s) shall be responsible for the following: a. Be present during initial laydown and ground disturbance of any new portion of the project area, including grubbing and grading, that take place in suitable habitat for desert tortoise, burrowing owl, badger, Crotch's bumble bee, coast horned lizard, rare plants or other protected species to prevent or minimize harm or injury to these species. b. Activities of the biological monitor(s) include, but are not limited to, ensuring compliance with all avoidance and minimization measures; halting construction activity in the area if a special-status species is found; and verifying that disturbance areas are marked with staking or flagging and that construction activities stay within the staked/flagged limits. c. If desert tortoise, burrowing owl, American badger, or other protected species are found within a work area, the biological monitor(s) shall halt work in the vicinity; if impacts to a special-status species cannot be avoided, the biological monitor(s) will immediately notify the relevant agency(ies), who shall determine measures to be taken to ensure that the individual is not harmed. This may result in the need for the project applicant to apply for an incidental take permit (ITP). d. Inspect the study area for any special-status wildlife species and active bird nests. e. In the event of the discovery of a non-listed, special-status ground-dwelling animal, recover and relocate the animal to adjacent suitable habitat at least 200 feet from the limits of construction activities.	Retain a City-approved project biologist to ensure compliance with biological resource mitigation measures	Prior to issuance of grading permits	**Implementation:** Applicant **Verification:** City of Hesperia

	f. At the end of each work day, inspect all potential wildlife pitfalls (e.g., trenches, bores, other excavations) for wildlife and remove wildlife as necessary. If the potential pitfalls will not be immediately backfilled following inspection, the biological monitor(s) will ensure that the construction crew slopes the ends of the excavation (3:1 slope), provides wildlife escape ramps, or completely and securely covers the excavation to prevent wildlife entry. Handling of special-status species will be conducted only if the biologist and project have all required authorizations from the California Department of Fish and Wildlife (CDFW) and/or the U.S. Fish and Wildlife Service (USFWS). g. Inspect the site to ensure trash and food-related waste is placed in closed-lid containers and that workers do not feed wildlife. Ensure that pets are not allowed on site prior to or during construction to minimize disturbances to wildlife. Also inspect the work area each day to ensure that no microtrash (e.g., bolts, screws, etc.) is left behind.			
BIO-2	**Worker Environmental Awareness Program.** Prior to the onset of construction activities, the project biological monitor shall provide Worker Environmental Awareness Program (WEAP) training. Any employee responsible for the construction, operation, and/or maintenance of the project shall attend the WEAP. The WEAP will be developed by a qualified biologist and all training materials shall be submitted to the City with a copy of the names of all staff who attended prior to the onset of construction activities. The WEAP shall include the following content: a. The program will include information on the life history of sensitive biological resources that may occur within the project area, including western Joshua tree and other listed or special-status species that could be present on-site. b. The program will discuss each species' legal protection status, the definitions of take under the California Endangered Species Act (CESA) and the federal Endangered Species Act (FESA), measures the project operator is implementing to protect the species, reporting requirements, specific measures that each worker will employ to avoid take of wildlife species, and penalties for violation of the CESA and the FESA. c. An acknowledgement form signed by each worker indicating that environmental training has been completed will be kept on record. d. A sticker will be placed on worker hard hats upon the worker's successful environmental training completion. Construction workers will not be permitted to operate vehicles or equipment within the construction areas unless	Retain a City-approved project biologist to ensure compliance with biological resource mitigation measures	Prior to issuance of grading permits	**Implementation:** Applicant **Verification:** City of Hesperia

	they have attended the training and are wearing hard hats with the required sticker. e. The WEAP will identify a point of contact if a listed or special-status species is observed on the project site.			
BIO-3	**Western Joshua Tree Monitoring.** The biological monitor(s) shall be responsible for the following: a. All western Joshua tree avoidance buffer(s) shall be established before the start of any activity. These buffers shall be established specifically for the Joshua trees located outside of the project site but within the study area buffer. The biological monitor(s) shall be present at the initial tailboard meeting to discuss any biological issues with the crew, and as needed, for monitoring. b. Ground and vegetation disturbance within 50 feet of a western Joshua tree shall be avoided if possible, and minimized where it cannot be avoided.	Retain a City-approved project biologist to ensure compliance with biological resource mitigation measures	Prior to issuance of grading permits	**Implementation:** Applicant and Construction Contractor **Verification:** City of Hesperia
BIO-4	**Western Joshua Tree Avoidance, Minimization, and Mitigation.** If ground disturbance within 50 feet of western Joshua trees cannot be avoided, then the project applicant shall consult with the California Department of Fish and Wildlife (CDFW) and, if recommended, apply for an Western Joshua Tree Conservation Act (WJTCA) permit. The project applicant shall pay the required compensatory mitigation fee and implement all avoidance, minimization, and reporting requirements in the permit.	Monitor compliance with measures including setback distances. If necessary, prepare a WJTCA permit.	Prior to issuance of grading permits	**Implementation:** Applicant and Construction Contractor **Verification:** CDFW
BIO-5	**Designated Work Areas.** All project work activities shall be limited to designated work areas. To the greatest extent possible, crews shall confine work areas to previously disturbed areas. The project applicant shall clearly delineate the boundaries of the project area with fencing, stakes, or flagging, as necessary, to remain in place throughout the duration of project construction activities.	Retain a City-approved project biologist to ensure compliance with biological resource mitigation measures	Prior to issuance of grading permits	**Implementation:** Construction Contractor **Verification:** City of Hesperia
BIO-6	**Vehicles and Staging.** Throughout all project construction activities, vehicles shall be staged or stored at least 50 feet from any western Joshua trees, unless take of that tree is authorized by the California Department of Fish and Wildlife (CDFW).	Monitor compliance with measures including setback distances. If necessary, prepare a WJTCA permit.	Prior to issuance of grading permits	**Implementation:** Construction Contractor **Verification:** CDFW
BIO-7	**Hazardous Waste.** The permittee will immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. The permittee will exclude the storage and handling of hazardous materials from the project area and will properly contain and dispose of any unused or leftover hazardous products off-site.	Monitor compliance with Construction General Best Practices.	During construction activities on the project site	**Implementation:** Construction Contractor **Verification:** City of Hesperia
BIO-8	**Dust Control.** Control of dust will be implemented during construction activities. The primary mechanism for dust control will be the use of water trucks with a spray bar and hose(s). Proactive	Monitor compliance with Construction General Best Practices.	During construction activities on the project site	**Implementation:** Applicant and Construction Contractor

	controls will be instituted to reduce the amount of dust generated during site activities, including enforcement of low speed limits (below 15 mph) for vehicular traffic, decontamination of trucks leaving the remediation work areas, and a 5-foot height limit for temporarily stockpiled material.			**Verification:** City of Hesperia
BIO-9	**Refuse Removal.** Upon completion of each project component, all remaining materials and equipment will be removed from the site.	Monitor compliance with Construction General Best Practices.	During construction activities on the project site	**Implementation:** Construction Contractor **Verification:** City of Hesperia
BIO-10	**Invasive Plants.** To prevent the spread of invasive plants that have the potential to outcompete native plant species, all vehicles and any ground- or vegetation-disturbing equipment and tools will be cleaned free of mud, soil, and plant material before entering the project site for the first time, and any time after driving off pavement outside the project site. Cleaning can be through car washes, compressed air, pressure washes, brushes, or similar equipment.	Prevent spread of invasive plant species to ensure compliance with biological resource mitigation measures	Prior to issuance of grading permits, during construction	**Implementation:** Construction Contractor **Verification:** City of Hesperia
BIO-11	**Beaver Dam Breadroot Avoidance, Minimization, and Mitigation.** Prior to any vegetation removal or ground-disturbing activities, focused surveys shall be conducted during the blooming period (April and May) or during other periods when beaver dam breadroot is identifiable to determine whether beaver dam breadroot is present within the proposed areas of disturbance of the project. Surveys shall be conducted in accordance with the California Department of Fish and Wildlife's (CDFW's) Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). Surveys shall be conducted by a qualified botanist experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. If no beaver dam breadroot is found on the project site during an appropriately timed survey, no additional mitigation measures are necessary. If beaver dam breadroot is found on the project site, the following measures shall be implemented: a. A qualified botanist shall evaluate the feasibility of avoiding direct impacts to beaver dam breadroot and all impacts to beaver dam breadroot shall be avoided to the greatest extent feasible. In addition to avoiding direct impacts to beaver dam breadroot, potential indirect impacts during project construction and project operation shall be minimized to the maximum extent feasible through means including, but not limited to, the installation of protective fencing and environmentally sensitive area signage. Additionally, the Worker Environmental Awareness Program (WEAP) shall address beaver dam breadroot, in	Retain a City-approved project biologist to ensure compliance with biological resource mitigation measures	Prior to issuance of grading permits	**Implementation:** Applicant **Verification:** City of Hesperia

addition to other sensitive resources in and near the project site.

b. If beaver dam breadroot is found on-site and cannot be avoided, the project applicant shall consult with the California Department of Fish and Wildlife (CDFW) to mitigate the loss of the plant(s) through purchase of mitigation credits from a CDFW-approved bank and/or land acquisition and conservation at a mitigation ratio determined by CDFW after project analysis. Through consultation with CDFW, the project applicant shall determine feasible impact minimization and mitigation measures for this special-status species and implement mitigation measures to reduce impacts to less than significant, which may include, but are not limited to, one or more of the following mitigation strategies:

    1. Habitat restoration to mitigate for unavoidable temporary construction impacts to habitat supporting special-status plants on-site.
    2. In conjunction with academic institutions and/or regional native plant nurseries, and following consultation with CDFW, a propagation program may be developed for the salvage and transfer of special-status plant populations known to succeed after transplantation, from the project site before the initiation of construction activities. Propagation methods for the salvaged plant population must be developed on a case-by-case basis and must include the involvement of local conservation easements/preserves/open space, where applicable). The propagation of individual plant species must be performed at the correct time of year and successfully completed before project construction activities eliminate or disturb the plants and habitats of concern.
    3. Efforts may be made to salvage portions of the habitat or plant populations that could be lost as a result of implementation of the proposed project. In addition to salvaging special-status plants, such as beaver dam breadroot plants themselves, salvage efforts shall include soil and seedbanks surrounding impacted plants, if doing so will not contribute to the spread of invasive or noxious plant species.
    4. Appropriate off-site conservation opportunities may be identified and, if feasible, protected in perpetuity through conservation easements and/or purchase of mitigation bank credits from a CDFW-approved bank at a mitigation ratio

	determined by CDFW. The habitat value of off-site conservation areas shall be enhanced where feasible through means such as reducing grazing intensity and restricting off-highway vehicle access. The acreage of off-site habitat conserved shall meet or exceed a 1:1 ratio of impacted rare plant habitat on the project site and the final required mitigation ratio will be determined by CDFW during consultation based on factors such as the quality and area of habitat being impacted. If beaver dam breadroot is found on-site and the above-stated off-site mitigation measures are implemented, the project applicant shall design and implement a monitoring program to evaluate compliance with and the effectiveness of these mitigation measures. The monitoring program shall be conducted by a qualified botanist, and shall take place periodically during project construction, and annually, following the completion of construction, for 5 years. The project applicant shall bear the financial responsibility for mitigation measure monitoring and reporting for the entirety of the 5-year reporting period. If the monitoring program identifies mitigation measure noncompliance or ineffectiveness, the project applicant shall fund and implement remedial measures. The project applicant shall ensure that sufficient funding exists to complete all reasonably foreseeable remedial actions prior to the commencement of project construction. Annual monitoring reports shall be submitted to CDFW.			
BIO-12	**Desert Tortoise Avoidance, Minimization, and Mitigation.** Focused surveys for desert tortoise shall be conducted prior to vegetation clearance and ground-disturbing activities. These surveys shall be conducted when tortoises are most active (April–May or September–October) by qualified biologists in accordance with U.S. Fish and Wildlife Service's (USFWS's) *Desert Tortoise (Mojave Population) Field Manual* (USFWS 2009). If desert tortoise is not detected during the preconstruction surveys, then construction may commence without any further actions. If desert tortoise is detected during the preconstruction surveys, and if it is determined that impacts to desert tortoise cannot be avoided and may result in incidental take of the species, the following mitigation measures shall be implemented, at a minimum: a. Consultation with the California Department of Fish and Wildlife (CDFW) and USFWS shall occur and an incidental take permit (ITP) shall be secured from USFWS and CDFW if take of desert tortoise habitat (as defined by the federal Endangered Species Act) cannot be avoided. An ITP would ensure that any impacted habitat is offset with mitigation habitat at a ratio to be determined in consultation with USFWS and CDFW. If required, all permit conditions would be as followed.	Retain a City-approved project biologist to ensure compliance with biological resource mitigation measures	Prior to issuance of grading permits	**Implementation:** Applicant **Verification:** USFWS

b. Prior to the onset of construction activities, the project proponent should provide a Worker Environmental Awareness Program (WEAP) training, as described under Mitigation Measure BIO-2. The WEAP shall be developed by a qualified biologist and shall include information on the life history of desert tortoise and protocol for if the species is observed on the project site.

c. The project applicant shall retain a qualified biologist with demonstrated expertise with desert tortoise to monitor all construction activities and assist the project applicant in the implementation of the monitoring program. The biologist shall be approved by USFWS and CDFW prior to the commencement of project activities. The biologist shall be present during all activities immediately adjacent to or within habitat that supports desert tortoise.

d. The project applicant shall coordinate with USFWS and CDFW to determine whether desert tortoise fencing is needed. If required, the work areas would be fenced in a manner that prevents equipment and vehicles from straying from the designated work area into adjacent habitat. The qualified approved biologist shall assist in determining the boundaries of the area to be fenced in consultation with USFWS and CDFW. All workers shall be advised that equipment and vehicles must remain within the fenced work areas. Installation of the fencing and any necessary surveys shall be directed and/or conducted by the approved biologist in concurrence with USFWS and CDFW, as applicable.

e. A qualified biologist shall be on-site to survey for tortoises prior to vegetation clearance and grubbing of the project site fence line during fence installation to ensure that desert tortoises and active burrows are not impacted. Limited vegetation clearing activity, such as removal of individual Joshua trees for translocation shall be permitted prior to the installation of the fencing, provided that a qualified biologist conducts a survey for tortoises and their burrows immediately in front of each motor vehicle and site(s) of vegetation clearance. In the event that tortoises or active burrows are discovered, all work shall be immediately halted within a 500-foot radius of the tortoise or burrow.

f. If desert tortoises are found within an area that has been fenced to exclude the species, activities will cease within 500 feet of the tortoise(s). If permitted by USFWS and CDFW, the approved biologist may move the desert tortoise(s). If desert tortoises are found in a construction area where fencing was deemed unnecessary, work will cease until the approved biologist moves the individual(s) or the tortoise(s) leave on their own.

	g. If an injured or dead tortoise is encountered during construction, or if any desert tortoise is injured or killed, all construction activities within 500 feet of the vicinity shall be halted and the approved biologist immediately contacted. The biologist shall have the responsibility for contacting the USFWS and the CDFW. h. The approved biologist shall remain on-site until all vegetation is cleared and, at a minimum, conduct site and fence inspections on a regular (monthly) schedule throughout construction in order to ensure that the project is in compliance with the mitigation measures. i. The approved biologist shall remain on-call throughout construction in the event a tortoise occurs on the site during construction. j. Employees and contractors shall be required to look under vehicles and equipment for the presence of wildlife prior to moving vehicles and equipment. If present, the animal shall be left to move on its own or until it is removed by the approved biologist. No listed species shall be handled without concurrence from USFWS and/or CDFW, as applicable. If an ITP is required, a Habitat Mitigation and Monitoring Plan shall be prepared that outlines all of the compensatory mitigation required for the project; the plan may cover multiple species. The plan should identify the compensatory mitigation lands and the conservation actions proposed to ensure that they are managed to ensure the continued existence of all species covered by the plan. The plan shall include the funding assurances for long-term management of the mitigation lands. The plan shall be submitted to USFWS and/or CDFW, as applicable, as well as the City of Hesperia prior to initiation of project construction activities.			
BIO-13	**Coast Horned Lizard Protection Measures.** To avoid potential impacts to coast horned lizard, a qualified biologist will conduct a preconstruction clearance survey on the day that construction activities—including vehicular access and grading activities—begin within the project site where suitable habitat is present. The preconstruction survey shall be conducted by a qualified biologist familiar with coast horned lizard and survey methods, and with appropriate permits to relocate horned lizards out of harm's way. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If coast horned lizards are found to be present in the proposed work areas during the preconstruction survey, the following steps shall be taken: a. See BIO-1 (f.)	Retain a City-approved project biologist to ensure compliance with biological resource mitigation measures	Prior to issuance of grading permits	**Implementation:** Applicant **Verification:** City of Hesperia

BIO-14	**Crotch's Bumble Bee Avoidance, Minimization, and Mitigation**. At the time of application for building permits, the project applicant shall prepare and submit a Preconstruction Survey Plan identifying the timing and methodology of surveys to be conducted for Crotch's bumble bee to the City of Hesperia and the California Department of Fish and Wildlife (CDFW) for review. Preconstruction surveys for Crotch's bumble bee shall be conducted by a qualified biologist prior to vegetation clearance and ground-disturbing activities in accordance with CDFW's *Survey Considerations for CESA Candidate Bumble Bee Species* (CDFW 2023). Preconstruction surveys shall occur no less than 15 days prior to the initiation of ground-disturbing activities scheduled to occur during the following lifecycle periods: • Queen flight seasons, when queens emerge in the spring searching for nest sites (February–March); • Gyne flight season, when gynes mate and search for overwintering habitat (September–October); and • The colony active period when nests are detectable (April–August). The Preconstruction Survey Plan shall provide justification for timing and method of survey design (e.g., elevation, climatic conditions, previous year's precipitation, average ambient temperature, species Colony Active Period and Queen/Gyne Flight Season, etc.). It shall also include the identification protocol(s) for Colony Active Period surveys. If photographs will be used as vouchers, the Preconstruction Survey Plan must identify the person(s) who will provide positive identification. a. If Crotch's bumble bee nests are detected on-site, then the establishment of a 50-foot avoidance buffer will be implemented under the discretion of a biological monitor. b. If it is determined that impacts to Crotch's bumble bee cannot be avoided and the project may result in incidental take of the species, then the project applicant shall be required to complete consultation with CDFW, and may be required to apply for an incidental take permit (ITP) pursuant to CESA to continue work within the buffer until senescence. Additional mitigation measures may be required as part of the ITP process. An incidental take permit would ensure that any impacted habitat or nests is offset with mitigation habitat at a ratio to be determined in consultation with CDFW.	Retain a City-approved project biologist to ensure compliance with biological resource mitigation measures	Prior to issuance of grading permits	**Implementation:** Applicant **Verification:** City of Hesperia
BIO-15	**American Badger Protection Measures.** To avoid direct impacts to American badger, preconstruction surveys shall be conducted for this species no more than 30 days prior to the start of construction activities. Surveys shall be conducted as described below: a. Biological monitors shall perform preconstruction surveys for badger dens in the project disturbance area, including a 20-foot buffer beyond the disturbed area, utility corridors,			

	and access roads. If dens are detected, each den shall be classified as inactive, potentially active, or definitely active. b. Inactive dens that would be directly impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by badgers. c. Potentially and definitely active dens that would be directly impacted by construction activities shall be monitored by the biological monitor for 3 consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. d. If no tracks are observed in the tracking medium or no photos of the target species are captured after 3 consecutive nights, the den shall be excavated and backfilled by hand. e. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the badger from continued use. After verification that the den is unoccupied it shall then be excavated and backfilled by hand to ensure that no badgers are trapped in the den. f. If an active natal den is detected on the site, the California Department of Fish and Wildlife (CDFW) shall be contacted within 24 hours to determine the appropriate course of action to minimize the potential for harm or mortality. The course of action would depend on the age of the cubs, location of the den on the site (e.g., is the den in a central area or in a perimeter location), status of the perimeter site fence (completed or not), and the pending construction activities proposed near the den. A 500-foot no-disturbance buffer shall be maintained around active natal dens.			
BIO-16	**Burrowing Owl Avoidance, Minimization, and Mitigation.** No more than 14 days prior to the start of ground disturbance, a preconstruction survey for burrowing owls in conformance with the California Department of Fish and Wildlife (CDFW) *Staff Report on Burrowing Owl Mitigation* (CDFW 2012) shall be completed within suitable habitat at every work area and within a 150-m buffer zone of each work area. Work areas shall be resurveyed following periods of inactivity of 2 weeks or more. The project applicant/owner shall submit the results of the preconstruction survey to the City of Hesperia and CDFW. If occupied burrows are identified on-site or within the 150-meter buffer, the following measures shall be implemented: a. No disturbance shall occur within 160 feet (50 m) of occupied burrows during the non-breeding season (September 1–January 31) or within 650 feet (200 m) during the breeding season (February 1–August 31);	Retain a City-approved project biologist to ensure compliance with biological resource mitigation measures	Prior to issuance of grading permits	**Implementation:** Applicant **Verification:** City of Hesperia

	b. Occupied burrows shall not be disturbed during the nesting season (February 1–August 31); c. Unless otherwise authorized by CDFW, a 650-foot buffer within which no activity shall be maintained between project activities and nesting burrowing owls during the nesting season. This protected area shall remain in effect until August 31 or at CDFW's discretion and, based on monitoring evidence, until the young owls are foraging independently. If it is determined that impacts to burrowing owl cannot be avoided and may result in incidental take of the species, the biological monitor(s) shall immediately halt work. The project applicant shall be required to complete consultation with CDFW to apply for an ITP pursuant to CESA. Additional mitigation measures may be required as part of the ITP process.			
BIO-17	**Nesting Bird Surveys and Nest Avoidance.** If site preparation, grading or construction activities are proposed during the typical nesting bird season (February 1¬–September 15), within 1 week prior to ground-disturbing activities, a nesting bird survey shall be conducted by a qualified biologist to determine presence/absence of nesting birds. Surveys shall cover all areas potentially affected by the project via direct impacts (e.g., nest destruction) or indirect impacts (e.g., noise, vibration, odors, movement of workers or equipment, etc.). If absence of nesting birds is verified, construction activities may begin upon submittal of a survey report to the City of Hesperia Planning Department. If nesting activities are detected, the following measures shall be implemented: a. **Buffer Establishment.** If an active bird nest is observed during preconstruction surveys or during construction, a minimum no-disturbance buffer of 250 feet around active nests of non-listed passerine bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors shall be implemented using high visibility markers or fencing. These buffers shall remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. b. **Variance of Buffer Distances.** Variance from the no-disturbance buffers described above may be allowable when there is a compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. Any variance from the no-disturbance buffers shall be advised and supported by a qualified biologist and CDFW shall be notified in advance of implementing a variance. c. **Nest Monitoring.** If nest buffers are reduced, the biologist shall monitor any construction activities that take place within 250 feet of non-listed passerine bird species nests, and 500 feet of non-listed raptor nests. If nesting birds	Retain a City-approved project biologist to ensure compliance with biological resource mitigation measures	Prior to issuance of grading permits	**Implementation:** Applicant **Verification:** City of Hesperia

	show any signs of disturbance, including changes in behavior, significantly reducing frequency of nests visits, or refusal to visit the nest, the biologist will stop work and increase the nest buffer. If appropriate on a case-by-case basis, as determined by the qualified biologist, nest monitoring may be reduced to weekly spot-check monitoring, at a minimum, if the biologist determines that the nesting birds have shown no signs of disturbance from construction activities and a continuation of the same types of construction activities are unlikely to disturb the nesting birds. d. **Nest Removal.** Nests, eggs, or young of birds covered by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code shall not be moved or disturbed until a qualified biologist has determined that the nest has become inactive or young have fledged and become independent of the nest. e. **Reporting.** A qualified biologist shall document all active nests and submit a letter report to the City of Hesperia Planning Department documenting project compliance with the MBTA, California Fish and Game Code, and applicable project mitigation measures.			
BIO-18	**Dead or Injured Special-status Wildlife.** If any dead or injured special-status wildlife are discovered at the proposed project during construction, the project applicant shall stop work in the immediate vicinity. The project applicant will notify the City, the on-call biologist, and the appropriate resource agency (USFWS and/or CDFW) before construction shall be allowed to resume.	Retain a City-approved project biologist to ensure compliance with biological resource mitigation measures	Prior to issuance of grading permits	**Implementation:** Applicant **Verification:** City of Hesperia
CR-1	**Retain a Qualified Archaeologist.** At the time of application for grading or construction permits, whichever occurs first, the project applicant shall submit evidence of retaining a qualified archaeologist for the development and implementation of the worker environmental awareness training to be conducted for all construction personnel as described under Mitigation Measure CR-2, below.	Retain a qualified archaeologist	Prior to issuance of grading or construction permits	**Implementation:** Applicant **Verification:** City of Hesperia
CR-2	**Worker Environmental Awareness Training.** Prior to initial ground-disturbing activities, the project archaeologist shall conduct a brief construction worker awareness training for all construction personnel. This training shall include, but not be limited to, the following information: a. Review the types of archaeological artifacts that may be uncovered; b. Provide examples of common archaeological artifacts to examine; c. Review what makes an archaeological resource significant to archaeologists and local Native Americans; d. Review reporting requirements, relevant environmental laws, and penalties;	Retain a qualified archaeologist to create a Worker Environmental Awareness Program	Prior to commencement of construction	**Implementation:** Applicant **Verification:** City of Hesperia

	e. Describe procedures that would be followed in the event of a new discovery; f. Best management practices; g. Responsibilities of project personnel; and h. Who to contact in the event of an inadvertent discovery, inclusive of local Native American tribes. The name and qualifications of the archaeologist who provided the training and a list of all construction personnel who completed the training shall be provided to the City prior to initiation of construction activities.			
CR-3	**Inadvertent Discovery of Archaeological Resources Protocol.** If cultural resources are encountered during subsurface earthwork activities, all ground-disturbing activities within a 60-foot radius of the find shall cease, the City shall be notified immediately, and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work shall not continue until the project archaeologist assesses the find and determines the need for further study. If the find includes Native American-affiliated materials, a local Native American tribal representative will be contacted to work in conjunction with the project archaeologist to determine the need for further study. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment. A standard inadvertent discovery clause shall be included in every grading and construction contract to inform contractors of this requirement. Any previously unidentified resources found during construction shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archaeologist. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan, in conjunction with locally affiliated Native American representative(s) as necessary, that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analysis, prepare a comprehensive report, file it with the South Central Coastal Information Center and the City of Hesperia Planning Department, and provide for the permanent curation of the recovered materials. In addition, if significant pre-contact cultural resources, as defined by CEQA, are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment,	Immediately cease work in the vicinity of an archaeological resource find and retain a qualified archaeologist to assess the find.	During ground-disturbing activities	**Implementation:** Applicant **Verification:** City of Hesperia

	as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.			
CR-4	**Discovery of Human Remains Protocol.** In the event that human remains are exposed during earth-disturbing activities associated with the project, an immediate halt work order shall be issued, and the City of Hesperia shall be notified. California Health and Safety Code Section 7050.5 requires that no further disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to California Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner shall notify the Native American Heritage Commission within 24 hours. These requirements shall be printed on all relevant sheets of building and grading plans.	Immediately cease work in the vicinity the area suspected to overlie adjacent human remains and retain a qualified archaeologist to assess the find.	During ground-disturbing activities	**Implementation:** Applicant **Verification:** City of Hesperia
TCR-1	**Discovery of cultural resources.** The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) shall be contacted if any pre-contact cultural resources are discovered during project implementation, and provided information regarding the nature of the find, to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA, a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.	Contact YSMN if any pre-contact cultural resources are discovered	Prior to commencement of construction	**Implementation:** Applicant **Verification:** City of Hesperia
TCR-2	**Archaeological/cultural documents created as a part of the project.** All archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the City for dissemination to YSMN. The City shall, in good faith, consult with YSMN throughout the life of the project.	Document and submit records and reports to the City and YSMN if pre-contact cultural resources are discovered	Prior to commencement of construction	**Implementation:** Applicant **Verification:** City of Hesperia

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