

Mitigation Monitoring and Reporting Program

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). This mitigation monitoring and reporting program (MMRP) is intended to track and ensure compliance with adopted mitigation measures during the project implementation phase. For each mitigation measure recommended in the Initial Study – Mitigated Negative Declaration (IS-MND) for the Rialto Foothill Apartments Project, specifications are made herein that identify the action required, the monitoring that must occur, and the agency or department responsible for oversight.

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
Biological Resources							
BIO-1: Burrowing Owl Pre-construction Clearance Survey							
A qualified wildlife biologist shall conduct a pre-construction survey of proposed impact areas to confirm presence/absence of burrowing owl (BUOW) individuals no more than 14 days prior to construction. The survey methodology will be consistent with the methods outlined in the California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (2012). If no active breeding or wintering owls are identified, no further mitigation is required.	Qualified biologist conducts burrowing owl survey	Within 30 days prior to start of construction	Once prior to construction	City of Rialto Community Development Department – Planning Division			
If BUOW is detected onsite, the following mitigation measures shall be implemented in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012):	Qualified biologist prepares reports for burrowing owl survey that indicate:	Within 30 days prior to start of construction	Once prior to construction	City of Rialto Community Development Department – Planning Division			
<ul style="list-style-type: none"> A qualified wildlife biologist shall be onsite during initial ground-disturbing activities in potential BUOW habitat identified throughout the habitat assessment. No ground-disturbing activities shall be permitted within a buffer no less than 200 meters (656 feet) from an active burrow, depending on the level of disturbance, unless the qualified biologist determines a reduced buffer would not adversely affect the burrowing owl(s). Occupied burrows shall not be disturbed during the nesting season (February 1 to August 31). During the nonbreeding (winter) season (September 1 to January 31), ground-disturbing work can proceed near active burrows as long as the work occurs no closer than 50 meters (165 feet) from the 	<ul style="list-style-type: none"> Presence or absence of burrowing owls, suitable habitat, and burrows If present, include map of project site with clearly marked buffer zones <p>If burrows cannot be avoided, include plan for passive relocation</p>						

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	<p>burrow, depending on whether the level of disturbance is low, and if the active burrow is not directly affected by the project activity. A smaller buffer may be established in consultation with CDFW. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be excluded from winter burrows according to recommendations made in the Staff Report on Burrowing Owl Mitigation (2012).</p> <ul style="list-style-type: none"> ▪ Burrowing Owls should not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed based on the recommendations made in the CDFW Staff Report on Burrowing Owl Mitigation (2012). Additionally, if burrowing owls are found on site, a qualified biologist shall prepare and submit a passive relocation program in accordance with Appendix E of the CDFW's Staff Report on Burrowing Owl Mitigation for CDFW review and approval prior to the commencement of disturbance activities onsite. ▪ Burrowing Owls shall not be excluded from burrows until a Burrowing Owl Exclusion Plan is developed based on the recommendations made in Appendix E of CDFW's Staff Report on Burrowing Owl Mitigation. ▪ Prior to passive relocation, compensatory mitigation at a ratio of 1:1 for lost breeding and/or wintering habitat shall be implemented on- or off-site, including permanent conservation and management of burrowing owl habitat through the recordation of a conservation easement, 						

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<p>funding of a non-wasting endowment, and implementation of a Mitigation Land Management Plan based on the CDFW's Staff Report on Burrowing Owl Mitigation and CDFW guidance. Mitigation lands shall be identified through coordination with CDFW and on, adjacent, or proximate to the impact site where possible and where habitat is suitable to support BUOW.</p> <p>When a qualified biologist determines that BUOW are no longer occupying the Project site and passive relocation is complete, construction activities may begin. A final letter shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW.</p>							
BIO-2: Pre-construction Nesting Bird Surveys							
<p>Migratory or other common nesting birds, while not designated as special-status species, are protected by CFGC Sections 3503 and 3503.5 and the federal MBTA and may nest in ornamental trees, grass, bare ground, burrows/cavities, man-made structures and shrubs on site. Construction of the project thus has the potential to directly (by destroying a nest) or indirectly (construction noise, dust, and other human disturbances that may cause a nest to fail) impact nesting birds protected under the CFGC and MBTA. The following measure is recommended to maintain compliance with the CFGC Section 3503 and 3503.5 and the MBTA with respect to nesting birds:</p> <ul style="list-style-type: none"> If project activities take place during the bird nesting season (generally February 1 through August 31, but variable based on seasonal and annual climatic conditions), 	<p>Nesting bird survey completed by qualified biologist three days prior to project activities to determine the presence/absence, location, and status of any active nests on site and within 100 feet of the site.</p> <p>If evidence of nesting birds is found, qualified biologist shall determine and mark a construction buffer to prevent and reduce disturbance.</p>	<p>Within three days prior to start of construction</p>	<p>Once prior to start of construction, with weekly monitoring if nesting bird activities observed on-site</p>	<p>City of Rialto Community Development Department – Planning Division</p>			

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<p>nesting bird surveys shall be performed by a qualified biologist within three days prior to project activities to determine the presence/absence, location, and status of any active nests on site and within 100 feet of the site.</p> <ul style="list-style-type: none"> If nesting birds are found on site, a construction buffer of appropriate size (as determined by the qualified biologist) shall be implemented around the active nests and demarcated with fencing or flagging. If ground/burrow nesting birds are identified, demarcation materials that will not provide perching habitat for predatory bird species shall be used. Nests shall be monitored at a minimum of once per week by the qualified biologist until it has been determined that the nest is no longer being used by either the young or adults. No ground disturbance shall occur within this buffer until the qualified biologist confirms that the breeding/nesting is complete, and all the young have fledged and can survive independently of the nest. If project activities must occur within the buffer, they shall be conducted at a distance that will prevent project-related disturbances, as determined by the qualified biologist. If no nesting birds are observed during pre-construction surveys, no further actions would be necessary. 							
Cultural Resources							
CR-1: Unanticipated Discovery of Cultural Resources							
In the event cultural resources are encountered during ground-disturbing activities, work in the immediate area must halt and an archaeologist meeting the Secretary of the Interior's	Halt work and hire an archaeologist meeting the Secretary of Interior's Professional Qualifications Standards for archaeology, if cultural resources	During construction ground-disturbing activities	Ongoing during construction ground-	City of Rialto Community Development Department			

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Professional Qualifications Standards for archaeology (National Park Service 1983) must be contacted immediately to evaluate the find. If the discovery proves to be eligible for listing in the NRHP or CRHR, additional work such as data recovery excavation and/or Native American consultation to treat the find may be warranted to mitigate any significant impacts to cultural resources.	are encountered to evaluate find, development a resource treatment plan, and complete archaeological testing to develop significance eligibility		disturbing activities	– Planning Division			
	Qualified Archaeologist complete data recovery, Native American consultation, and continue monitoring if significant discovery is determined	During construction ground-disturbing activities	As needed during construction	City of Rialto Community Development Department – Planning Division			
Transportation							
TR-1: Site Access Accommodation							
The following improvements are necessary to accommodate site access. 1. Driveway 1 & Foothill Boulevard: A stop sign shall be installed on the southbound approach and construct a southbound right turn lane. Driveway 1 shall be designed to restrict access to right-in/right-out only. 2. Driveway 2 & Foothill Boulevard: A stop sign shall be installed on the southbound approach and construct a shared left-through-right turn lane. Driveway 2 shall align with an existing driveway on the south side of Foothill Boulevard and shall allow for full access.	Submit site access plans to City of Rialto Department of Public Works (Engineering Division) for review and approval	Prior to issuance of grading permits	Once prior to construction	City of Rialto Public Works Department – Engineering Division			
TR-2: Foothill Boulevard Modification							
Foothill Boulevard is an east-west oriented roadway located along the southern boundary of the project site. Foothill Boulevard shall be constructed to its ultimate half-width as a Modified Major Arterial I (120-foot right-of-way) from the western boundary of the project site to the eastern boundary of the project site, consistent with the City's standards.	Submit site access plans to City of Rialto Department of Public Works (Engineering Division) for review and approval	Prior to issuance of grading permits	Once prior to construction	City of Rialto Public Works Department – Engineering Division			

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Tribal Cultural Resources							
TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities							
A. The project applicant/lead agency shall retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation (the “Kizh” or the “Tribe”) - the direct lineal descendants of the project location. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project, at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.	Retain Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation	Prior to start of ground disturbing activities	Once prior to construction	City of Rialto Community Development Department – Planning Division			
	Complete tailgate worker training about potential TCRs and mitigation measures	Prior to start of ground disturbing activities	Once prior to construction	City of Rialto Community Development Department – Planning Division			
	Native American monitor must complete daily monitoring logs	For duration of ground disturbing activities	Daily during construction activities	City of Rialto Community Development Department – Planning Division			
B. A copy of the executed monitoring agreement shall be provided to the lead agency prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.							
C. The project applicant/developer shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.							
D. The project applicant/developer shall hold at least one (1) pre-construction							

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<p>sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe will inform and educate the project's construction and managerial crew and staff members (including any project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project's compliance with the TCR mitigation measures.</p> <p>E. The monitor shall complete daily monitoring logs that will provide descriptions of the relevant ground disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request.</p> <p>F. Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the</p>							

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Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs.							
TCR-2: Unanticipated Discovery of Tribal Cultural Resources, Human Remains, and/or Grave Goods							
A. Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a Kizh monitor and/or Kizh archaeologist will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered TCR unless and until the Tribe has completed its assessment/evaluation/recovery of the discovered TCR and surveyed the surrounding area.	Native American monitor will evaluate any discovered cultural or tribal cultural resources, human remains, and/or grave goods.	For duration of ground disturbing activities if resources, human remains, and/or grave good are discovered	During construction activities if resources, human remains, and/or grave good are discovered	City of Rialto Community Development Department – Planning Division			
B. The Tribe shall recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes.	Any discoveries of human remains will immediately be reported to the County Coroner.	For duration of ground disturbing activities if resources, human remains, and/or grave good are discovered	During construction activities if resources, human remains, and/or grave good are discovered	City of Rialto Community Development Department – Planning Division			

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C. If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall immediately cease. Native American "human remains" are defined to include "an inhumation or cremation, and in any state of decomposition or skeletal completeness." (Pub. Res. Code § 5097.98 (d)(1).) Funerary objects, referred to as "associated grave goods," shall be treated in the same manner and with the same dignity and respect as human remains. (Pub. Res. Code § 5097.98 (a), d)(1) and (2).)							
D. Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health & Safety Code § 7050.5(c); 14 Cal. Code Regs. § 15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on site and in any other area where the presence of human remains and/or grave goods are suspected to be present, shall immediately halt and remain halted until the coroner has determined the nature of the remains. (14 Cal. Code Regs. § 15064.5(e).) If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.							
E. Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave							

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goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Tribal monitor and/or archaeologist deems necessary). (14 Cal. Code Regs. § 15064.5(f).)							
F. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods.							
G. Any historic archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.							
H. Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance.							
TCR-3: Procedures for Burials, Funerary Remains, and Grave Goods							
A. As the Most Likely Descendant (“MLD”), the Koo-nas-gna Burial Policy shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or	If human remains and/or grave goods are discovered during ground disturbing activities, identify burial site on-site and make good faith effort to preserve in place.	For duration of ground disturbing activities if resources, human remains, and/or grave good are discovered	During construction activities if resources, human remains,	City of Rialto Community Development Department – Planning Division			

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the deceased, and the ceremonial burning of human remains.			and/or grave good are discovered				
B. If the discovery of human remains includes four (4) or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.	If human remains and/or grave goods are discovered during ground disturbing activities, Qualified Archaeologist shall document all data and provide a report in agreement with Native American monitor and Tribe.	Upon completion of ground disturbing activities	During and after construction activities if resources, human remains, and/or grave goods are discovered	City of Rialto Community Development Department – Planning Division			
C. The prepared soil and cremation soils shall be treated in the same manner as bone fragments that remain intact. Associated “grave goods” (aka, burial goods or funerary objects) are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations will either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials.							
D. In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.							
E. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or							

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	landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation shall be agreed upon by the Tribe and the landowner, and shall be protected in perpetuity.						
F.	Each occurrence of human remains and associated grave goods shall be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items will be retained and shall be reburied within six months of recovery.						
G.	The Tribe shall work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.						

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