

**TOWN OF APPLE VALLEY  
MONITORING PROGRAM FOR CEQA COMPLIANCE**

<b>DATE:</b>	November 28, 2016	<b>ASSESSORS PARCEL NO.:</b>	046-323-107, -108, -110, -160; 046-323-126, -127, -128; 046- 323-142 and -143
<b>CASE NO.:</b>	Site Plan Review 2015-001	<b>PROJECT LOCATION:</b> Southwest corner of Navajo Road and Lafayette Street	
<b>EA/EIR NO:</b>	XX	<b>APPROVAL DATE:</b> In Process	
<b>APPLICANT:</b>	AVDC Inc.		

**THE FOLLOWING REPRESENTS THE CITY'S MITIGATION MONITORING PROGRAM IN CONNECTION WITH THE MITIGATED NEGATIVE  
DECLARATION FOR THE ABOVE CASE NUMBER**

SUMMARY MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	COMPLIANCE CHECKED BY	DATE
II. AIR QUALITY					

<p>II-1. Grading and development permits shall be reviewed and conditioned to require the provision of all reasonably available methods and technologies to assure the minimal emissions of pollutants from the development (see Table III-27 below), including proper vehicle maintenance and site watering schedules (see detailed list below under Developer's Air Quality Management Resources). The Town Planning and Building Divisions shall review grading plans to ensure compliance with the mitigation measures set forth in the project's environmental documentation and as otherwise conditioned by the Town.</p>	<p>Planning Division</p>	<p>Prior to ground disturbance</p>	<p>Approved air quality management plan.</p>		
<p>II-2. The Town shall coordinate with the project developers to encourage the phasing and staging of development to assure the lowest construction-related pollutant emission levels practical. As part of the Town's grading permit process, the applicant shall concurrently submit a dust control plan as required by MDAQMD in compliance with Rule 403. Mitigation measures to be implemented through this plan include, but are not limited to, the use of water trucks and temporary irrigation systems, post-grading soil stabilization, phased roadway paving, as well as other measures which will effectively limit fugitive dust emissions resulting from construction or other site disturbance (see Table III-27 below).</p>	<p>Planning Division</p>	<p>Prior to ground disturbance</p>	<p>Approved dust control plan.</p>		
<p>II-3. As future demand warrants, developers shall work with the Town to promote and support the development of bus routes/public transit that serve those residing at and employed by the project.</p>					

	Planning Division	Annual review of transit routes	Throughout the life of the project.		
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SUMMARY MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	COMPLIANCE CHECKED BY	DATE
IV. BIOLOGICAL RESOURCES					

<p>IV.1 Prior to initiation of any earth moving or construction activities on the project site, the project proponent shall conduct environmental awareness training for construction staff, including a presentation by a qualified biologist on desert tortoise, project-specific protective measures, and instructions for actions that must be taken if a tortoise is encountered during construction. These measures include:</p> <ol style="list-style-type: none"> <li>1. Prior to initiation of work, all project personnel will attend a WEAP and sign agreement to comply with the measures. Refresher daily at morning tailgate meeting.</li> <li>2. Sweep of work site(s), staging areas, and access routes will be done daily by biological monitor prior to any work being conducted.</li> <li>3. If a desert tortoise, kit foxes and/or burrowing owls are found on site, work will immediately cease until the animal has left the area (it must be at least 250 feet away). Listed species may not be handled by anyone.</li> <li>4. Do not disturb any burrows encountered. Notify biologist.</li> <li>5. Notify biologist of any other animals or birds nest encountered on site. <i>Special status animals encountered</i> will be relocated as needed, if possible <i>and as allowed under existing regulations</i>.</li> <li>6. Keep equipment and vehicles on cleared and approved routes and areas. Watch for and avoid animals, especially tortoises, kit foxes and burrowing owls when driving.</li> <li>7. Vehicles that have been parked on site should be checked underneath for tortoises/ animals before starting engine or moving.</li> <li>8. All fueling and maintenance of vehicles and other equipment and staging areas shall occur along the road only. A spill kit should be available during the work.</li> <li>9. All food and trash debris will be disposed of in closed containers and removed from the project area at the end of each workday.</li> <li>10. Desert tortoises can only be handled by authorized biologists. Trained individuals must follow the guidelines outlined in the Desert Tortoise Field Manual (USFWS 2010), chapters 6 and 7. No one is authorized to handle or move any desert tortoise.</li> </ol>	<p>Planning Division</p>	<p>The project proponent shall provide course materials and an attendance sign in sheet for construction staff environmental awareness training to the Town prior to the initiation of any construction activity on the site.</p>	<p>Report by biologist.</p>		
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| <p>11. Immediately prior to the start of any ground-disturbing activities and prior to the installation of any desert tortoise exclusion fencing, clearance surveys for the desert tortoise will be conducted by the authorized biologist, as appropriate. The entire project area will be surveyed for desert tortoise and their burrows by an authorized biologist or approved desert tortoise monitor before the start of any ground-disturbing activities following the 2010 field survey protocol (USFWS 2010) or more current approved protocol. If burrows are found, they will be examined by an authorized biologist to determine if desert tortoises are present. If a tortoise is present and the burrow cannot be avoided, it will be relocated in accordance with USFWS protocol (USFWS 2010). If the authorized biologist determines clearance surveys are not needed, clearance surveys would not be required. If desert tortoises are found at a project site where the authorized biologist had previously concluded they were unlikely to occur, the USFWS and CDFW will be contacted to determine if the implementation of additional protective measures would be appropriate.</p> <p>12. The area of disturbance will be confined to the smallest practical area, considering topography, placement of facilities, location of burrows, public health and safety, and other limiting factors. This measure includes temporary haul roads, staging/storage areas, or access roads. Work area boundaries will be clearly and distinctly delineated with flagging or other marking to minimize surface disturbance associated with vehicle movement. Special habitat features, such as desert tortoise burrows, will be identified and marked as environmentally sensitive areas by the authorized biologist, if they are to be avoided and will be discussed and identified during the worker education program. To the extent possible, previously disturbed areas within the project site will be used for equipment storage, office trailer locations, and vehicle parking. The development of all temporary access and work roads associated with construction will be minimized and constructed without blading where feasible. Project-related vehicle traffic will be restricted to established roads, construction areas, staging/storage areas, and parking areas. The authorized biologist or approved desert</p> |  |  |  |  |  |
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<p>tortoise monitor will ensure that blading is conducted only where necessary.</p> <p>13. Permanent or temporary exclusion fencing may be used to prevent entry by desert tortoises into a work site. Exclusion fencing will be installed following USFWS guidelines (2005) or more current protocol. The authorized biologist will ensure that desert tortoises cannot pass under, over, or around the fence. Authorized biologists or desert tortoise monitors will not be required to be present at the site at all times; however, they will be present during the installation of the exclusion fence. However, the authorized biologist must periodically check the fenced area to search for breaks in the fence and to ensure no desert tortoises have breached the fence. Preconstruction surveys for tortoise and tortoise sign will be performed within all proposed construction areas prior to the fence being installed. In addition, prior to ground disturbing activities beginning in a previously undisturbed or unfenced area, preconstruction surveys will be performed.</p> <p>14. Upon locating a dead or injured tortoise within a project site, the authorized biologist will immediately notify USFAWS within 24 hours of the observation via telephone. Written notification must be made to the appropriate Fish and Wildlife field office within 5 days of the finding. The information provided must include the date and time of the finding or incident (if known), location of the carcass or injured animal, a photograph, cause of death or injury, if known, and other pertinent information (i.e., size, sex, recommendations to avoid future injury or mortality).</p> <p>15. Injured desert tortoises will be transported to a veterinarian for treatment at the expense of the applicant. Only the authorized biologist or an approved desert tortoise biological monitor will be allowed to handle an injured tortoise. If an injured animal recovers, the appropriate Fish and Wildlife field office will be contacted for final disposition of the animal.</p> <p>16. If working outside of a desert tortoise-proof fenced area, auger holes or other excavations will be covered following inspection at the end of each workday to prevent desert tortoises from becoming trapped.</p> <p>17. Construction vehicles will be cleaned of all mud, dirt, and debris from other sites prior to entering the project area. The purpose of this measure is to minimize the spread of</p>					
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<p>weedy plant species that may degrade desert tortoise habitat.</p> <p>18. Except on maintained public roads designated for higher speeds or within a desert tortoise-proof fenced area, driving speed will not exceed 20 miles per hour through potential desert tortoise habitat on both paved and unpaved roads.</p> <p>19. Any fuel or other hazardous materials spills will be promptly cleaned up; any leaks from equipment will be stopped and repaired immediately. Vehicle and equipment fluids that are no longer useful will be transported to an appropriate off-site disposal location. Fuel and lubricant storage and dispensing locations will be constructed to fully contain spilled materials until disposal can occur. Hazardous waste, including used motor oil waste and coolant, will be stored and transferred in a manner consistent with applicable regulations and guidelines.</p> <p>20. Upon completion of construction, all refuse, including, but not limited to equipment parts, wrapping material, cable, wire, strapping, twine, buckets, metal or plastic containers, and boxes will be removed from the site and disposed of properly.</p> <p>21. No firearms or pets, including dogs, will be allowed within the work area. Firearms carried by authorized security and law enforcement personnel and working dogs under the control of a handler will be exempt from this protective measure.</p> <p>22. To preclude attracting predators, such as the common raven (<i>Corvus corax</i>) and coyotes (<i>Canis latrans</i>), food-related trash items will be removed daily from the work site and disposed of at an approved refuse disposal site. Workers are prohibited from feeding all wildlife.</p> <p>23. Boring locations will not be established within 35 feet of an active desert tortoise burrow. If an active burrow is found within 35 feet after the boring location is established, the boring location will be moved until it is at least 35 feet from the active burrow.</p> <p>24. An authorized biologist will be onsite during all drilling activities.</p> <p>25. Desert tortoise exclusion fence construction will follow the guidelines in Chapter 8 of the Desert Tortoise Field Manual (USWFS 2010).</p>					
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26. Desert tortoise-proof fencing will not cross washes. When washes and culverts are encountered, the desert tortoise-proof fence will follow the wash to the roadway and either tie into the existing bridge or cross over the top of a culvert.
27. During fence inspections and repairs, if any desert tortoises are observed, workers are to notify the authorized biologist because only authorized biologists and approved biological monitors are permitted to handle tortoise. All desert tortoises encountered within the roadway side of the fence will be relocated across the fence to safety in accordance with USFs protocol (USFWS 2010). Any such incident will be reported in the annual report.
28. On a case by case basis, individual active burrows may be fenced if the authorized biologist determines this protective measure is necessary to prohibit desert tortoises from repeatedly entering work areas. Fencing around individual burrows will be removed when adjacent construction is complete.
29. When gates are installed within the fence line, desert tortoise-proof fencing will be installed along the gate bottom beginning at least 2 feet above the fence bottom and extending towards the ground leaving less than a 1-inch gap (USFWS 2010).

Any and all recommendations included in the study shall be implemented by the Town and/or the developer.

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<p>IV.2A pre-construction survey shall be completed by a qualified biologist not more than 3 days of initiation of any earth moving activity on site. The pre-construction survey shall include an intensive site survey for desert tortoise, Mojave Ground Squirrel, kit fox, burrowing owl and migratory birds. Should any affected species be identified, the biologist shall include recommendations for avoidance in his/her report, and could include:</p> <ol style="list-style-type: none"> <li>1. The avian breeding season is generally defined as February 1 through September 15 for most nesting birds. If project activities cannot be avoided between <i>February</i> 1 and 15 September, a qualified biological monitor (biologist) shall survey the entirety of the project site, and within a 500 foot buffer surrounding the project site for both diurnal and nocturnal nesting birds, prior to commencement of project activities (including soil disturbance and/or vegetation removal). Surveys shall be conducted by the biologist at an appropriate time of day, no less than thirty days prior to commencement of project activities.</li> <li>2. If an active nest is found prior to commencement of project activities, the biologist will monitor it for a minimum of one hour and note behaviors such as incubation times and duration, time away from nest, feeding schedule, flushing, etc. This will establish baseline behavior prior to construction, which can be compared to behavior after construction commences. Monitoring will consist of quietly approaching and observing the nest at a distance where the nesting bird will not be disturbed by the biologist's presence.</li> <li>3. If no nesting birds are detected, project activities may begin.</li> <li>4. If an active nest is located during nesting bird surveys, a 300-foot minimum avoidance buffer will be implemented around it. For raptors, a 500-foot minimum avoidance buffer should be established. For burrowing owls, buffers be established according to guidelines included in the March 7, 2012 DFG <i>Staff Report on Burrowing Owl Mitigation</i> if located between February 1 and August 31. Those buffers are shown in Table 1 below.</li> </ol>	<p>Planning Division</p>	<p>Within 3 days of initiation of grading</p>	<p>Report by biologist</p>		
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5. Any breeding habitat/ nest site detected shall be fenced and/or flagged in all directions as an Environmentally Sensitive Area (ESA) as directed by the biologist. The nest site area shall not be disturbed until the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, and the young will no longer be impacted by the project. Buffer areas may be increased if active nests of any endangered, threatened, or CDFW species of special concern not already discussed are detected.
6. Buffers may be reduced at the discretion of the biological monitor. A reduction may be warranted based upon factors such as the life history of individual species; the species' and/or individual bird's sensitivity to noise, vibration, and general disturbance; ambient levels of human activity, current site conditions that may shield the nest from disturbance, such as screening vegetation or topography; and the exact nature of project activities that will be conducted in the vicinity of the nest. Additional mitigation measures may need to be implemented if nest buffers are reduced. This additional mitigation could include measures such as sound barriers and increased monitoring.
7. The following measures will minimize the likelihood that active nests will be abandoned or fail due to project activities. Once construction has commenced, nest surveys and/or monitoring will be conducted weekly at a minimum during the nesting season unless it is determined that less frequent site visits would be satisfactory. If the buffer of an active nest overlaps the project site, the biologist will monitor the nest daily and will be present on site at all times while work is occurring in order to ensure that construction activities occur outside the delineated buffer, that any installed fencing/flagging is maintained at the buffer boundaries, and to observe for any potential indication of stress of the nesting birds. In other words, to ensure that the nesting birds are exhibiting normal behaviors as compared to behaviors observed by the nesting birds prior to commencement of construction. These behaviors depend on the stage of the nest (i.e. building, egg incubation, nestling age, etc.), and include incubation, feeding, fecal sac removal, foraging, etc.
8. After commencement of construction the biologist will have the authority to halt construction activities if it appears that

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<p>those activities are causing stress to nesting birds. Such direction shall be taken through the project foreman on site. Determination of "stress" will be based on the results of nest monitoring prior to any construction. Stress would be defined by behaviors such as increased flushing frequency, less nest visits, etc.</p> <p>9. If a nesting bird or burrowing owl is encountered, the biologist will document the species and location on a survey form. Location will be determined utilizing a global positioning device. The location of active nests and attempted nests will be recorded. Nesting bird behaviors will be recorded, which will also track the nest and its outcome. Monitoring memo reports will be prepared for each day of monitoring activity.</p> <p>10. Biological Monitors shall conduct the pre-construction surveys for desert kit fox and American badger no more than 30 days prior to initiation of construction activities, including pre-construction site mobilization. Surveys shall also address the potential presence of active dens within 100 feet of the project boundary (including utility corridors and access roads). If dens are detected, each den shall be classified as inactive, potentially active, or definitely active den and a report shall be submitted to the Department for review prior to collapsing the burrows.</p> <p>Any and all recommendations included in the study shall be implemented by the Town and/or the developer.</p>					
<p>IV.3 Following completion of the pre-construction survey, a CDFW compliant desert tortoise exclusion fence shall be provided in addition to chain link construction fencing.</p>	<p>Planning Division</p>	<p>Prior to initiation of ground disturbing activity</p>	<p>Site inspection of completed fence and report by biologist.</p>		
<p>IV.4 Following completion of the exclusion fence, a survey for animal burrows shall be completed. If identified, animal burrows shall be carefully excavated to assure they are not occupied by desert tortoise. Should the species be found on the site, it shall be trans-located to native habitat by a qualified biologist, according to strict CDFW protocol.</p>	<p>Planning Division</p>	<p>Prior to initiation of ground disturbing activity</p>	<p>Report by biologist.</p>		

IV.5A trash management plan shall be developed and implemented during construction on the project site that provides for closed raven-proof containers for trash and food.	Building Division	During construction	Filing of management plan and site inspections.		
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SUMMARY MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	COMPLIANCE CHECKED BY	DATE
<b>V. CULTURAL RESOURCES</b>					
V.1 A qualified archaeological monitor and a Native American monitor shall be on site during all ground disturbing activities. The monitor shall be empowered to stop or redirect earth moving activities, if a resource is identified. Should a resource be identified, the monitor shall make recommendations regarding the measures needed to protect the resource. When the monitor determines that there are no resources, or the potential for resources is low, monitoring activities will be suspended. Within 30 days of completion of monitoring, the monitor shall prepare, and deliver to the Town, a report of his/her findings.	Planning & Building Divisions	Prior to initiation of ground disturbing activity.	The project proponent shall provide the Town with agreement(s) with qualified monitors. The Town shall assure that the monitors are on site during earth moving activities.		
V.2 A qualified paleontological monitor shall be on site for any and all excavations that reach more than 3 feet below ground. The monitor shall be empowered to stop or redirect earth moving activities, if a resource is identified. Should a resource be identified, the monitor shall make recommendations regarding the measures needed to protect the resource. Any and all recommendations included in the study shall be implemented by the Town and/or the developer. When the monitor determines that there are no resources, or the potential for resources is low, monitoring activities will be suspended. Within 30 days of completion of monitoring, the monitor shall prepare, and deliver to the Town, a report of his/her findings.	Planning & Building Divisions	Prior to initiation of ground disturbing activity.	The project proponent shall provide the Town with an agreement with a qualified monitor. The Town shall assure that the monitor is on site during earth moving activities.		

SUMMARY MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	COMPLIANCE CHECKED BY	DATE
<b>VII. HAZARDS &amp; HAZARDOUS MATERIALS</b>					
VII.1 The bombing target area, and the area within 300 feet of the bombing target within the site, including off-site improvement areas, shall be cleared by a qualified technical team, and all ordnance or ordnance scrap removed to a depth acceptable to the technical team.	Planning & Building Divisions	During ground disturbing activity.	The project proponent shall provide the Town with an agreement with a qualified ordnance disposal team.		
VII.2 All ground disturbing activities within 300 feet of the existing bombing target area shall be monitored by a two-man team qualified to detect and dispose of ordnance and ordnance scrap.	Planning & Building Divisions	During ground disturbing activity.	The project proponent shall provide the Town with an agreement with a qualified ordnance disposal team.		
VII.3 Ordnance uncovered during clearing and ground disturbing activities shall be collected, handled and disposed of consistent with accepted professional standards by the qualified technical team.	Planning & Building Divisions	During ground disturbing activity.	The project proponent shall provide the Town with an agreement with a qualified ordnance disposal team.		
VII.4 Any fill placed within 300 feet of the target area shall be a minimum of 2 feet in depth.	Planning & Building Divisions	During ground disturbing activity.	The project proponent shall provide the Town with an agreement with a qualified ordnance disposal team.		

<p>VII.5 A Site Management Plan shall be prepared prior to the issuance of a certificate of occupancy for any structure on the site. The Site Management Plan shall include all required techniques to be used for any future grading or other site disturbance within 300 feet of the bomb target area, which could include:</p> <ol style="list-style-type: none"> <li>1. During intrusive grading, full time construction support using a two-man technician crew (unexploded ordnance [UXO] Technician I and Technician II) should be performed to identify any ordnance related scrap or munitions or explosives of concern (MEC) items.</li> <li>2. Where little or no filling is proposed, required techniques will consist of the area being cleared with a two-man UXO technician crew using excavation, stockpiling, and sifting to remove the ordnance-related scrap metal. A depth of 2 feet is recommended for this operation. The cleared soil will then be returned to this area.</li> <li>3. For deeper cut areas such as the roadway and storm transfer ditch, required techniques will consist of excavation and sifting to a depth of 3 feet.</li> <li>4. For areas where fill is required and no intrusive grading into the subgrade is needed, no excavation or sifting will be required as long as the area has been surface cleared (inspection by UXO crew) and a minimum of two feet of fill is emplaced.</li> </ol>	<p>Planning &amp; Building Divisions</p>	<p>Prior to issuance of Certificate of Occupancy.</p>	<p>Approved Site Management Plan.</p>		
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SUMMARY MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	COMPLIANCE CHECKED BY	DATE
<b>XII. NOISE</b>					
All fixed and mobile construction equipment to be properly muffled.	Public Works Department	During grading.	Site inspections.		
All stationary equipment to emit noise away from sensitive receptors and be located as far as possible from sensitive receptors.	Public Works Department	During construction.	Site inspections.		
Equipment to be shut down and not left to idle.	Building Department	During construction.	Site inspections.		
Portable stationary equipment to be shielded, and directed away from sensitive receptors.	Building Department	During construction.	Site inspections.		
Car Wash hours to be limited to 1 AM to 10 PM.	Code Compliance	Operations.	Site inspections.		