

## 4 Mitigation Monitoring and Reporting Program

California Public Resources Code (PRC) Section 21081.6 requires that, upon certification of an EIR, “the public agency shall adopt a reporting or monitoring program for the changes made to the Project or conditions of Project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during Project implementation.” (PRC Section 21000–21177.)

This Mitigation Monitoring and Reporting Program was developed in compliance with Section 21081.6 of the PRC and Section 15097 of the CEQA Guidelines (14 CCR 15000–15387 and Appendices A–L), and includes the following information:

- List of mitigation measures
- Timing for implementation of the mitigation measures
- Party responsible for implementing or monitoring the mitigation measures
- Date of completion of monitoring

The Town of Apple Valley must adopt this Mitigation Monitoring and Reporting Program, or an equally effective program, if it approves the proposed Project with the mitigation measures that were adopted or made conditions of Project approval.

### Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
<b>Mitigation Measures</b>				
<b>Air Quality</b>				
<p><b>MM-AQ-1 Construction Requirements.</b></p> <ul style="list-style-type: none"> <li>• Architectural and industrial maintenance coatings (e.g., paints) applied to the Project site shall have volatile organic compound levels of less than 10 grams per liter.</li> <li>• The Project’s construction manager shall maintain and keep current construction logs detailing the following:                             <ul style="list-style-type: none"> <li>○ An inventory of construction equipment, maintenance records, and datasheets, including design specifications and emission control tier classifications;</li> <li>○ Verification that construction equipment operators have been advised of idling time limits and photographic evidence that signage with idling time limits have been posted around the construction site; and</li> <li>○ Evidence that construction contractors have been provided with transit and ridesharing information for construction workers.</li> </ul> </li> </ul> <p>The construction logs shall be kept on the construction site at all times and shall be made available to local, regional, or state officials (e.g., officials from the Town of Apple Valley, MDAQMD, or CARB) by request or when conducting an inspection at the Project site.</p> <ul style="list-style-type: none"> <li>• In addition, the Project’s construction manager or its designee shall provide to all Project construction employees the fact sheet entitled “Preventing Work-Related Coccidioidomycosis (Valley Fever)” by the California Department of Public Health and ensure all employees are aware of the potential risks the site poses. The</li> </ul>	<p>Prior to construction</p>	<p>Town of Apple Valley</p>		

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<p>Project construction manager or its designee shall schedule mandatory training for all Project construction employees providing information on the occupational responsibilities and requirements contained in these measures to reduce potential exposure to <i>Coccidioides</i> spores.</p> <p>The training for Project construction employees shall include all the following topics:</p> <ul style="list-style-type: none"> <li>○ What Valley Fever is and how it is contracted.</li> <li>○ High-risk areas and types of work and environmental conditions during which the risk of contracting Valley Fever is highest.</li> <li>○ Personal risk factors that may create a higher risk for some individuals.</li> <li>○ Personal and environmental exposure prevention methods.</li> <li>○ Importance of early detection, diagnosis, and treatment.</li> <li>○ Recognizing common signs and symptoms of Valley Fever.</li> <li>○ Importance of reporting symptoms to the employer and seeking medical attention.</li> <li>○ Common treatment and prognosis for Valley Fever.</li> </ul>				
<p><b>MM-AQ-2 Zero-Emission or Near-Zero-Emission Equipment.</b> The following measure shall be implemented during all ongoing business operations and shall be included as part of contractual lease agreement language to ensure that tenants and operators of the Project are informed of the following operational responsibility:</p>	<p>During Project operation</p>	<p>Town of Apple Valley/Building Manager</p>		

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<ul style="list-style-type: none"> <li>All equipment and appliances operating on the Project site shall be zero-emission or near-zero-emission equipment. This requirement shall apply to indoor and outdoor equipment such as forklifts, handheld landscaping equipment, yard equipment, and office appliances. The building manager or their designee shall be responsible for enforcing these requirements.</li> </ul>				
<p><b>MM-AQ-3. Restriction on Cold and/or Refrigerated Space.</b> Operations involving cold or refrigerated storage shall be prohibited unless additional environmental review, including a health risk assessment, is conducted and certified pursuant to the California Environmental Quality Act.</p>	Prior to tenant occupancy	Town of Apple Valley		
<b>Biological Resources</b>				
<p><b>MM BIO-1: Conservation of Western Joshua Trees.</b> Mitigation for direct impacts to 4 western Joshua trees that are 5 meters or greater in height, 201 trees 1 meter or greater but less than 5 meters in height, and 78 trees less than 1 meter in height will be fulfilled through a payment of the elected fees as described in Section 1927.3 of the Western Joshua Tree Conservation Act, or through obtaining an Incidental Take Permit pursuant to California Fish and Game Code Section 2081. In conformance with the reduced fee schedule of the Western Joshua Tree Conservation Act, mitigation will consist of payment of \$1,000 for each western Joshua tree 5 meters or greater in height, \$200 for each western Joshua tree 1 meter or greater but less than 5 meters in height, and \$150 for each western Joshua tree less than 1 meter in height.</p>	Prior to issuance of grading permits	Town of Apple Valley		
<p><b>MM BIO-2: Relocation of Desert Native Plants.</b> Prior to the issuance of grading permits, the Project Applicant shall submit an application and applicable fee paid to the Town of Apple Valley for removal or relocation of protected native desert plants under Town of Apple Valley Municipal Code Chapter 9.76, as required, and shall schedule a pre-construction site inspection with the appropriate authority. In addition, a plot plan shall be approved by the appropriate Town of Apple Valley Review Authority</p>	Prior to issuance of grading permits and during ground clearing activities	Town of Apple Valley (County Certified Plant Expert, Planning Commission, or Town Council)		

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<p>(County Certified Plant Expert, Planning Commission, or Town Council) indicating exactly which trees or plants are authorized to be removed.</p> <p>The application shall include certification from a qualified western Joshua tree and native desert plant expert(s) to determine that proposed removal or relocation of protected native desert plants are appropriate, supportive of a healthy environment, and in compliance with the Town of Apple Valley Municipal Code. Protected plants subject to Town of Apple Valley Municipal Code Chapter 9.76 may be relocated on site or within an area designated for the species.</p> <p>The application shall include a detailed plan for removal of all protected plants on the Project site. The plan shall be prepared by a qualified western Joshua tree and native desert plant expert(s). The plan shall include the following measures:</p> <ul style="list-style-type: none"> <li>• Salvaged plants shall be transplanted expeditiously to either their final on-site location or to an approved off-site area. If the plants cannot be expeditiously taken to their permanent relocation area at the time of excavation, they may be transplanted in a temporary area (stockpiled) prior to being moved to their permanent relocation site(s).</li> <li>• Western Joshua trees shall be marked on their north-facing side prior to excavation. Transplanted western Joshua trees shall be planted in the same orientation as they currently occur on the Project site, with the marking on the north side of the trees facing north at the relocation site(s).</li> <li>• Transplanted plants shall be watered prior to and at the time of transplantation. The schedule of watering shall be determined by the qualified tree expert and desert native plant expert(s) to maintain plant health. Watering of the transplanted plants shall continue under the guidance of a qualified tree expert and desert native plant expert(s) until it has been determined that the transplants have become established in the permanent relocation site(s) and no longer</li> </ul>				

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require supplemental watering.				
<p><b>MM BIO-3: Designated Biologist Authority.</b> The designated biologist shall have authority to immediately stop any activity that does not comply with the biological resources mitigation measures and/or to order any reasonable measure to avoid the unauthorized take of an individual western Joshua tree or special-status wildlife species.</p>	During site disturbance/grading/construction	Town of Apple Valley/Biologist		
<p><b>MM BIO-4: Compliance Monitoring.</b> The designated biologist shall be on site daily when impacts occur. The designated biologist shall conduct compliance inspections to minimize incidental take of western Joshua trees and impacts to other sensitive biological resources; including Mohave ground squirrel, if present; prevent unlawful take of western Joshua trees; and ensure that signs, stakes, and fencing are intact, and that impacts are only occurring outside the permitted impact footprint. Weekly written observation and inspection records that summarize oversight activities and compliance inspections and monitoring activities required by the Incidental Take Permit shall be prepared.</p> <p>Species Connectivity Database Observation Reporting. During all Project ground disturbing activities, the Qualified Biologist shall report any collision-related mortalities of special status-species that may occur within adjacent roadways (I-15 Frontage Road, Falchion Road, Norco Road and Apple Valley Road in the immediate project vicinity) of the Project site to the California Roadkill Observation System. In addition, the qualified Biologist shall report any identifiable recently sprouted native and nonnative plant species that occur within the Project area during Project activities to the CalFlora Plant Observation database.</p>	During site disturbance/grading/construction	Town of Apple Valley/ construction contractor		
<p><b>MM BIO-5: Education Program.</b> An education program (Worker Environmental Awareness Program [WEAP]) for all persons employed or otherwise working in the Project area shall be administered before performing impacts. The WEAP shall consist of a presentation from the designated biologist that includes a discussion of the biology and status of western Joshua trees, burrowing owls, and loggerhead shrikes, and</p>	During site disturbance/grading/construction	Town of Apple Valley		

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<p>other biological resources mitigation measures described in the California Environmental Quality Act document. The training shall also discuss the invasive plant species currently present within the Project area as well as those that may pose a threat to or have the potential to invade the Project area through implementation of ground disturbing activities. The discussion shall describe the potential long-lasting effects of introduced invasive species that may encroach on native plant species and continue to spread following the construction of the Project and beginning of industrial work. Interpretation for non-English-speaking workers shall be provided, and the same instruction shall be provided to all new workers before they are authorized to perform work in the Project area. Upon completion of the WEAP, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees who will be conducting work in the Project area.</p>				
<p><b>MM BIO-6: Construction Monitoring Notebook.</b> The designated biologist shall maintain a construction-monitoring notebook on site throughout the construction period that shall include a copy of the biological resources mitigation measures with attachments and a list of signatures of all personnel who have successfully completed the education program. The permittee shall ensure that a copy of the construction monitoring notebook is available for review at the Project site upon request by the Town.</p>	<p>During site disturbance/grading/construction</p>	<p>Town of Apple Valley/Biologist</p>		
<p><b>MM BIO-7: Delineation of Property Boundaries.</b> Before beginning activities that would cause impacts, the contractor shall, in consultation with the designated biologist, clearly delineate the boundaries with fencing, stakes, or flags, consistent with the grading plan, within which Project impacts will take place. All impacts outside the fenced, staked, or flagged areas shall be avoided, and all fencing, stakes, and flags shall be maintained until the completion of impacts in that area.</p>	<p>Prior to construction or any ground disturbance</p>	<p>Town of Apple Valley/Biologist</p>		

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<p><b>MM BIO-8: Hazardous Waste.</b> The applicant shall immediately stop work and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and cleanup 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.</p>	<p>During site disturbance/grading/construction</p>	<p>Town of Apple Valley/ construction contractor</p>		
<p><b>MM BIO-9: Herbicides.</b> The applicant shall limit herbicide use for invasive plant species and shall use herbicides only if it has been determined that hand or mechanical efforts are infeasible. To prevent drift, the permittee shall apply herbicides only when wind speeds are less than 7 miles per hour. All herbicide application shall be performed by a licensed applicator and in accordance with all applicable federal, state, and local laws and regulations.</p>	<p>During site disturbance/grading/construction</p>	<p>Town of Apple Valley</p>		
<p><b>MM BIO-10: Pre-construction Clearance Surveys for Mojave Desert Tortoise and Avoidance.</b> One pre-construction clearance survey in accordance with current U.S. Fish and Wildlife Service (USFWS) protocol shall be conducted to reevaluate locations of potential Mojave desert tortoise burrows within the Project limits so take of Mojave desert tortoise can be avoided. The pre-construction clearance survey shall be conducted on the Project site at any time following construction of a desert tortoise-proof fence encompassing the Project site that would ensure that tortoises cannot enter the Project after clearance surveys are completed. If no Mojave desert tortoises are found during the surveys, no further mitigation would be required; however, desert tortoise-proof fence encompassing the Project site shall remain in place until Project construction is completed and shall be monitored by a qualified biologist in compliance with current USFWS protocol.</p> <p>Should Mojave desert tortoise be located during the clearance survey, all methods used for handling desert tortoises during the clearance surveys must be in accordance with the USFWS Desert Tortoise Field Manual or Project-specific guidance contained in a habitat conservation plan or Incidental Take Permit. No take of Mojave desert tortoise shall occur</p>	<p>Within 14 to 21 days prior to the start of construction activities; after construction of exclusionary fencing.</p>	<p>Town of Apple Valley/Biologist</p>		

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<p>without authorization in the form of an Incidental Take Permit pursuant to California Fish and Game Code Section 2081 and a habitat conservation plan. The Project Applicant shall adhere to measures and conditions set forth within the Incidental Take Permit. Anyone who handles desert tortoises during clearance activities must have the appropriate authorizations from USFWS. The area cleared and number of Mojave desert tortoises found within that area shall be reported to the local USFWS and appropriate state wildlife agency. Notification shall be made in accordance with the conditions of the habitat conservation plan or Incidental Take Permit.</p> <p>Should Mojave desert tortoise be located during the clearance survey, the Project would result in the loss of 165.4 acres of suitable habitat for Mojave desert tortoise. Mitigation for direct impacts to 165.4 acres shall be fulfilled through conservation of suitable Mojave desert tortoise habitat through the purchase of credits at a minimum of 1:1 in-kind habitat replacement of equal or better functions and values to those impacted by the Project, for a total of 165.4 acres or as otherwise determined through coordination with USFWS and/or the California Department of Fish and Wildlife.</p>				
<p><b>MM-BIO-11: Pre-construction Surveys for Burrowing Owl and Avoidance.</b></p> <p><b>MM-BIO-11.1 Focused Non-Breeding Season Surveys.</b> Focused non-breeding season surveys for burrowing owl shall be conducted in accordance with protocols established in the California Department of Fish and Wildlife (CDFW; then California Department of Fish and Game) 2012 Staff Report or the most recent guidance. As outlined in the 2012 Staff Report, non-breeding season surveys will occur from September 1 to January 31. If burrowing owl are not detected, a pre-construction survey shall be completed, as described in 11.2. If burrowing owls are detected during these surveys, avoidance and preparation of a</p>	<p><b>First Survey</b> within 14 days prior to site disturbance/grading</p> <p><b>Second Survey</b> within 24 hours prior to the start of site disturbance/grading</p>	<p>Town of Apple Valley/Biologist</p>		

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<p>Burrowing Owl Plan will occur as outlined in MM-BIO-11.3 and MM-BIO-11.4.</p> <p><b>MM-BIO-11.2 Pre-Construction Survey.</b> One pre-construction burrowing owl survey shall be completed no more than 14 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site and off-site improvement areas shall be resurveyed. Surveys for burrowing owl shall be conducted in accordance with protocols established in the 2012 (or most recent version) Staff Report on Burrowing Owl Mitigation. Evidence of owl activity may include presence of owls themselves, burrows, and owl sign at burrow entrances such as pellets, whitewash or other “ornamentation,” feathers, prey remains, etc. If it is evident that the burrows are actively being used by burrowing owl, avoidance and preparation of a Burrowing Owl Plan will occur as outlined in MM-BIO-11.3 and MM-BIO-11.4.</p> <p><b>MM-BIO-11.3 Avoidance.</b> The Project proponent shall clearly delineate no-disturbance buffers of 250 feet radius around all occupied burrows within the Project site and approximately 400 feet of the Project site, where legally accessible, with posted signs demarcating the avoidance area and by using stakes, flags, and/or rope or cord to minimize the disturbance of burrowing owl habitat. The Project proponent shall delineate occupied burrows with different materials than those used to delineate the Project site. No Project activities shall be allowed to encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated. The Project proponent</p>				

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<p>shall remove and properly dispose of all materials used for delineation immediately upon completion of the Project.</p> <p><b>MM-BIO-11.4 Burrowing Owl Plan.</b> If burrowing owls are detected on the Project site, the Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval at least 30 days prior to initiation of ground-disturbing activities. If burrowing owls are detected after ground-disturbing activities have been initiated, a Burrowing Owl Plan shall be submitted to CDFW for review and approval within two weeks of detection. Project activities shall not occur within 400 feet of an active burrow until CDFW approves the Burrowing Owl Plan. The Burrowing Owl Plan shall include but is not limited to 1) impact assessment that details the number and location of occupied burrow sites, and acres of burrowing owl habitat with a qualitative description of the habitat vegetation characteristics that will be impacted; 2) details on avoidance actions and monitoring such as proposed buffers, visual barriers and other actions; 3) site monitoring; and 4) minimization and compensatory mitigation actions that will be implemented.</p> <p>Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method, may be a potentially significant impact under CEQA, and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the loss of occupied burrow(s) and habitat consistent with the “Mitigation Impacts” section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of ground disturbing activities, as outlined in MM-BIO-11.5 below. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is</p>				

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<p>available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW review and approval.</p> <p><b>MM-BIO-11.5 Compensatory Mitigation.</b> No take of burrowing owl shall occur without prior authorization in the form of an Incidental Take Permit (ITP) pursuant to California Fish and Game Code Section 2081. The Project Applicant shall adhere to measures and conditions set forth within the ITP. Anyone who handles burrowing owl during clearance activities must have the appropriate authorizations from CDFW. Notification shall be made in accordance with the conditions of the ITP. Should burrowing owl be located during the non-breeding season or clearance survey, the Project would result in the loss of 165.4 acres of suitable habitat for burrowing owl. Mitigation for direct impacts to 165.4 acres shall be fulfilled through conservation of suitable burrowing owl habitat through the purchase of credits at a minimum of 1:1 in-kind habitat replacement of equal or better functions and values to those impacted by the Project, for a total of 165.4 acres.</p> <p><b>MM-BIO-11.6 Burrowing Owls Observed During Construction.</b> If burrowing owls are observed within the Project site during Project implementation and construction, the Project proponent shall notify CDFW immediately in writing.</p>				
<p><b>MM-BIO-12: Pre-construction Nesting Bird Surveys and Avoidance.</b> Special-status bird species that have a moderate potential to occur within the Project include burrowing owl, LeConte’s thrasher, and loggerhead shrike. The Project also contains trees, shrubs, and other vegetation that provide opportunities for other non-sensitive birds and raptors to nest on site. Construction activities shall avoid the migratory bird nesting season</p>	<p>Within 72 hours prior to site disturbance/grading and construction</p>	<p>Town of Apple Valley/Biologist</p>		

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<p>(typically February 1 through August 31) to reduce any potential significant impact to birds that may be nesting in the survey area. Regardless of the time of year, a pre-construction avian nesting clearance survey of the Project site and within 500 feet of all impact areas must be conducted to determine the presence/absence of protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513. If an active bird nest is found within the Project area or within 500 feet of the Project area, the nest shall be flagged and mapped on the construction plans, along with an appropriate buffer established around the nest, which shall be determined by the biologist based on the species' sensitivity to disturbance. The nest area and buffers shall be monitored daily by the qualified biologist and avoided until the qualified biologist has determined that the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site construction monitoring shall be conducted when construction occurs in close proximity to an active nest buffer. The buffer shall remain in place until is determined by the qualified biologist that the nestlings have fledged and the nest is no longer active. If an active nest is encountered during the Project construction, construction shall stop immediately until a qualified biologist can determine (1) that status of the nest, and (2) when work can proceed without risking violation to state or federal laws.</p>				
<p><b>MM-BIO-13: Trash and Debris.</b> The following avoidance and minimization measures shall be implemented during Project construction:</p> <ul style="list-style-type: none"> <li>Fully covered trash receptacles that are animal-proof shall be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles shall be removed at least once a week from the Project site.</li> </ul>	<p>Prior to, during, and after construction/grading</p>	<p>Town of Apple Valley/Lahontan RWQCB/CDFW</p>		

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<ul style="list-style-type: none"> <li>Construction work areas shall be kept clean of debris, such as cable, trash, and construction materials. All construction/contractor personnel shall collect all litter, vehicle fluids, and food waste from the Project site on a daily basis.</li> </ul>				
<p><b>MM-BIO-14. Invasive Plant Management.</b> To reduce the spread of invasive plant species, landscape plants within 200 feet of native vegetation communities shall not be on the most recent version of the California Invasive Plant Council’s Inventory of Invasive Plants (<a href="http://www.cal-ipc.org/ip/inventory/index.php">http://www.cal-ipc.org/ip/inventory/index.php</a>). Post-construction, the Project Applicant shall continually remove invasive plant species on site by hand or mechanical methods, as feasible.</p>	During operation	Town of Apple Valley/Building Manager		
<p><b>MM-BIO-15. Lighting.</b> Lighting for construction activities and operations within 50 feet of the outside edge of the impact footprint containing habitat for special-status wildlife shall be directed away from natural areas.</p>	During construction	Town of Apple Valley		
<p><b>MM-BIO-16. Aquatic Resources Mitigation.</b> The Project site and off-site improvements area support aquatic resources that are considered jurisdictional under the Regional Water Quality Control Board (RWQCB) and the California Department of Fish and Wildlife (CDFW). Prior to construction activity, the Applicant shall coordinate with the Lahontan RWQCB (Region 6) to ensure conformance with the requirements of the Porter–Cologne Water Quality Control Act (waste discharge requirement). Prior to activity within CDFW jurisdictional streambed or associated riparian habitat, the Applicant shall coordinate with CDFW (Inland Deserts Region 6) relative to conformance to the Lake and Streambed Alteration permit requirements.</p> <p>The Project shall mitigate to ensure no-net-loss of waters at a minimum of 1:1 with purchase of credits (1.61 acres RWQCB/CDFW jurisdiction and 0.25 acres CDFW only jurisdiction) for impacts to aquatic resources as part of an overall strategy to ensure no net loss. Mitigation shall be completed through use of a mitigation bank (e.g., West Mojave Mitigation</p>	Prior to, during, and after construction	Town of Apple Valley		

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<p>Bank, Wildlands) or other applicant-sponsored mitigation. Final mitigation ratios and credits shall be determined in consultation with RWQCB and/or CDFW based on agency evaluation of current resource functions and values and through each agency’s respective permitting process.</p> <p>Should Applicant-sponsored mitigation be implemented, a Habitat Mitigation and Monitoring Plan (HMMP) shall be prepared in accordance with State Water Resources Control Board guidelines and approved by the agencies in accordance with the proposed program permits. The HMMP shall include a conceptual planting plan including planting zones, grading, and irrigation, as applicable; a conceptual planting plant palette; a long-term maintenance and monitoring plan; annual reporting requirements; and proposed success criteria. Any Applicant-sponsored mitigation shall be conserved and managed in perpetuity.</p> <p>Best management practices shall be implemented to avoid any indirect impacts on jurisdictional waters, including the following:</p> <ul style="list-style-type: none"> <li>• Vehicles and equipment shall not be operated in ponded or flowing water except as described in permits.</li> <li>• Water containing mud, silt, or other pollutants from grading or other activities shall not be allowed to enter jurisdictional waters or be placed in locations that may be subjected to high storm flows.</li> <li>• Spoil sites shall not be located within 30 feet from the boundaries of jurisdictional waters or in locations that may be subject to high storm flows, where spoils might be washed back into drainages.</li> <li>• Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources resulting from Project-related activities shall be prevented from contaminating the soil and/or entering avoided jurisdictional waters.</li> </ul> <p>No equipment maintenance shall be performed within 100 feet of jurisdictional waters, including wetlands and riparian areas, where</p>				

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petroleum products or other pollutants from the equipment may enter these areas. Fueling of equipment shall not occur on the Project site.				
<b>Cultural, Tribal Cultural, and Paleontological Resources</b>				
<p><b>MM-CUL-1: Workers Environmental Awareness Program (WEAP) Training.</b> All construction personnel and monitors who are not trained archaeologists shall be briefed regarding unanticipated discoveries prior to the start of any ground disturbing activities. A basic presentation shall be prepared and presented by a qualified archaeologist and retained tribal monitor to inform all personnel working on the Project about the archaeological sensitivity of the area. The purpose of the WEAP training is to provide specific details on the kinds of archaeological materials that may be identified during construction of the Project and explain the importance of and legal basis for the protection of significant archaeological resources. Each worker shall also learn the proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the on-call archaeologist and if appropriate, Tribal representative. The requirement for mandatory training and attendance by all construction personnel shall be stated on all construction plans.</p>	Prior to ground disturbing activities	Town of Apple Valley/ Archaeologist		
<p><b>MM-CUL-2: On-Call Archaeological Construction Monitoring.</b> In consideration of the general sensitivity of the Project site for cultural resources, a qualified archaeologist shall be retained prior to ground disturbing activities. A qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards, shall oversee and adjust monitoring efforts as needed (increase, decrease, or discontinue monitoring frequency) based on the observed potential for construction activities to encounter cultural deposits. The archaeologist shall be responsible for maintaining monitoring logs. Following the completion of construction, the qualified archaeologist shall provide an archaeological</p>	Prior to grading permits and following the completion of construction if any resources are identified	Town of Apple Valley/ Archaeologist		

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<p>monitoring report to the lead agency and the SCCIC with the results of the cultural monitoring program.</p> <p>The project Archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. This Plan shall be written in consultation with the consulting Tribe[s] and shall include approved Mitigation Measures (MM) and Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the project schedule.</p> <p>Additionally, the applicant shall enter into a Tribal Monitoring Services Agreement with the Morongo Band of Mission Indians (MBMI) for the Project. The Tribal Monitor shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground disturbing activities in the immediate vicinity of a suspected find to allow time for the Project archaeologist and Tribal Monitor to identify, evaluate and determine the potential for recovery of cultural resources.</p>				
<p><b>MM-CUL-3: Inadvertent Discovery of Archaeological Resources.</b> In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the Project, all construction work occurring within 60 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Depending upon the significance</p>	<p>During construction/grading and following the completion of construction if any resources are identified</p>	<p>Town of Apple Valley/ Archaeologist</p>		

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<p>of the find under the California Environmental Quality Act (14 CCR 15064.5(f); California PRC Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery, may be warranted. If the discovery is Native American in nature, consultation with and/or monitoring by a Tribal representative may be necessary.</p>				
<p><b>MM-CUL-4. Paleontological Resources Impact Mitigation Program and Paleontological Monitoring.</b> Prior to commencement of any grading activity on site, the Project Proponent or Applicant shall retain a qualified paleontologist per the Society of Vertebrate Paleontology (SVP) 2010 guidelines to prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the Project. The PRIMP shall be approved by the Town prior to commencement of any grading activity. The PRIMP shall be consistent with the SVP 2010 guidelines and outline requirements for preconstruction meeting attendance and worker environmental awareness training; where paleontological monitoring is required within the Project site based on construction plans and/or geotechnical reports; and procedures for adequate paleontological monitoring and discoveries treatment, including paleontological methods (including sediment sampling for microinvertebrate and microvertebrate fossils), reporting, and collections management. The PRIMP shall also include a statement that any fossil lab or curation costs (if necessary due to fossil recovery) are the responsibility of the Project Proponent or Applicant.</p> <p>In addition, a qualified paleontological monitor shall be on site during initial rough grading and other significant ground-disturbing activities (including augering) in areas underlain by geological units with high paleontological resource sensitivity or potential (e.g., Pleistocene alluvium and below a depth of 5 feet below the ground surface in areas underlain by Holocene alluvial fan deposits). No paleontological monitoring is necessary during ground disturbance within artificial fill/disturbed</p>	<p>Prior to any site grading</p>	<p>Town of Apple Valley/Paleontologist</p>		

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<p>sediments or in areas underlain by plutonic igneous rocks (e.g., granodiorite). In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor will allow grading to recommence in the area of the find.</p> <p>Upon completion of ground-disturbing activity (and curation of fossils, if necessary), the Project paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall include a discussion of the location, duration, and methods of the monitoring, stratigraphic sections, and any recovered fossils, as well as the scientific significance of those fossils and where fossils were curated.</p>				
<p><b>MM-TCR-1:</b> In the event that cultural resources are discovered during Project activities, all work shall follow protocols outlined under MM-CUL-3. Additionally, the consulting Tribe(s) shall be contacted regarding any pre-contact and/or historic-era resources of a Native American origin and be provided information after the qualified archaeologist, as defined within MM-CUL-2, makes their initial assessment of the nature of the discovery. Should the discovery be deemed significant, as defined by CEQA (as amended, 2015), and avoidance cannot be ensured, a cultural resources monitoring and treatment plan shall be created by the qualified archaeologist, in coordination with the consulting Tribe(s), and all subsequent discoveries shall be subject to this plan. This plan shall be approved by the Town. This plan shall allow for a monitor to be present representing the consulting Tribe(s) for the remainder of the Project, should the consulting Tribe(s) elect to place a monitor on site.</p>	<p>During ground disturbance, grading, and/or construction</p>	<p>Town of Apple Valley</p>		
<p><b>MM-TCR-2: Discovery of Human Remains.</b> If human remains or funerary objects are encountered during any ground disturbing activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease, and the discoveries shall be treated in</p>	<p>During ground disturbance, grading, and/or construction</p>	<p>Town of Apple Valley</p>		

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<p>accordance with state and local regulations, including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5(e). No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].</p>				
<p><b>MM-TCR-3:</b> Any and all archaeological/cultural documents created as a part of the Project shall be supplied to the Applicant and Lead Agency for dissemination to the consulting Tribe(s). However, access to confidential records from the California Historical Research Information System (CHRIS) (i.e., (isolate records, site records, survey reports, testing reports, etc.) are restricted from disclosure under federal and state laws; thus, researchers must meet access requirements to obtain this data. Access to confidential CHRIS data shall follow the CHRIS THPO Tribal Access Policy (OHP 2019) or have personnel on staff that meet the CHRIS authorized user’s requirements (OHP 2016; OHP 2023). Data security/confidentiality of all CHRIS data provided/acquired shall follow the requirements as outlined in the THPO-Tribal Access Policy (OHP 2019). Notwithstanding, non-confidential CHRIS data can be provided for planning purposes and includes a checklist (Summary Records Search) or narrative letter (Extended Records Search) stating whether there are known resources in the study area and offering a recommendation as to sensitivity for recorded and unrecorded cultural resources (OHP 2023). Access to CHRIS information is subject to review and approval of the appropriate Information Center in consultation with the State Historic Preservation Officer<sup>1</sup> (SHPO) (OHP 2016).</p> <p>The Lead Agency and/or Applicant shall, in good faith, consult with the consulting Tribe(s) throughout the life of the Project.</p>	<p>Prior to ground disturbance consistent with MM TCR-1</p>	<p>Town of Apple Valley</p>		

<sup>1</sup> Pursuant to federal and state law, the California State Historical Resources Commission (SHRC) directs the State Historic Preservation Officer (SHPO) to maintain an inventory of historical resources in California. The SHPO meets this responsibility via the California Historical Resources Information System (CHRIS), which is administered by the Office of Historic Preservation (OHP) under SHPO authority (OHP 2016).

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<b>Greenhouse Gas Emissions</b>				
<p><b>MM-GHG-1.</b> The Project Applicant shall implement the following measure in order to reduce operational energy source greenhouse gas (GHG) emissions to the extent feasible:</p> <ul style="list-style-type: none"> <li>• Design the Project to meet, at minimum, U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Silver certification or otherwise design the Project to reach equivalent reductions in GHG emissions. Prior to the issue of building permits, documentation demonstrating that the Project has been designed to achieve, at minimum, LEED Silver certification or has otherwise been designed to result in equivalent GHG emission reductions will be submitted to the Town’s Planning Department. Design features that will be implemented to achieve, at minimum, LEED Silver certification include the following:                             <ul style="list-style-type: none"> <li>▪ Install Energy Star-rated heating, cooling, lighting, and appliances. All light bulbs shall be CFL or LED.</li> <li>▪ The Project electrical infrastructure shall be designed to accommodate the required number of electric vehicle charging stations, the anticipated number charging stations for electric cargo handling equipment, and the potential installation of additional automobile and truck electric vehicle charging stations per Title 24, Part 11 (California Green Building Standards (CALGreen)).</li> <li>▪ Electrical conduit shall be installed in specified Project locations (e.g., parking areas, at or near dock doors) at the time of building construction to satisfy CALGreen standards. The Project’s electrical rooms shall be of sufficient size to accommodate the upsizing of electrical equipment to accommodate potential future electrical loads.</li> <li>▪ Prior to issuance of a Certificate of Occupancy from the Town of Apple Valley, level 2 (or faster) electric vehicle charging stations shall be installed on-site for employees for the percentage of</li> </ul> </li> </ul>	<p>Prior to the issuance of building permits</p>	<p>Town of Apple Valley</p>		

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<p>employee parking spaces in accordance with Title 24, Part 11 (CALGreen) requirements in effect at the time of building permit issuance plus additional charging stations equal to 5% of the total employee parking spaces in the building permit, whichever is greater. By January 1, 2030, Level 2 (or faster) electric vehicle charging stations shall be installed for 25% of the employee parking spaces required.</p> <ul style="list-style-type: none"> <li>▪ Structures shall be equipped with outdoor electric outlets in the front and rear of the structures to facilitate use of electrical lawn and garden equipment.</li> <li>▪ Provide information on energy efficiency, energy-efficient lighting and lighting control systems, energy management, and existing energy incentive programs to future tenants of the Project.</li> </ul> <ul style="list-style-type: none"> <li>• The Project shall comply with the mandatory solar requirements outlined in Title 24. In addition, future tenants of the Project shall be required to subscribe to the Apple Valley Choice Energy 100% Renewable Energy Plan, which is 100% renewable and 100% carbon-free, for the duration of occupancy as part of the entitlement agreement. At each lease or change of building ownership, the new lessee or owner shall also be automatically enrolled in the Apple Valley Choice Energy 100% Renewable Energy Plan.</li> <li>• Prior to tenant occupancy, the Project Applicant or successor in interest shall provide documentation to the Town of Apple Valley demonstrating that occupants/tenants of the Project site have been provided informational documentation regarding energy efficiency, energy-efficient lighting and lighting control systems, energy management, cleaning products that are water-based or containing low quantities of volatile organic compounds, electric or alternatively fueled sweepers with HEPA filters, on-site meal options such as food trucks, and existing energy incentive programs to future tenants of the Project.</li> </ul>				

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<ul style="list-style-type: none"> <li>• Provision of Information Regarding Programs to Reduce Emissions from Trucks. Prior to tenant occupancy, the Project Applicant or successor in interest shall provide documentation to the Town of Apple Valley demonstrating that occupants/tenants of the Project site have been provided informational documentation regarding:                             <ul style="list-style-type: none"> <li>▪ Funding opportunities that provide incentives for using cleaner-than-required engines and equipment, such as the Carl Moyer Program and Voucher Incentive Program.</li> <li>▪ The U.S. EPA SmartWay Program, which assists freight shippers, carriers, logistics companies, and other stakeholder partner with the U.S. EPA to measure, benchmark, and improve logistics operations and reduce air pollutant emissions from the transport of cargo.</li> </ul> </li> <li>• The following measures shall be implemented to reduce air pollutant emissions from idling:                             <ul style="list-style-type: none"> <li>▪ Signage. Legible, durable, weather-proof signs shall be placed at truck access gates, loading docks, and truck parking areas that identify the Project’s three-minute idling restriction. At a minimum, each sign shall include: (1) instructions for truck drivers to shut off engines when not in use; (2) instructions for drivers of diesel trucks to restrict idling to no more than 3 minutes once the vehicle is stopped, the transmission is set to “neutral” or “park,” and the parking brake is engaged; (3) telephone numbers of the building facilities manager and CARB to report violations; and (4) that penalties apply for violations. Prior to the issuance of an occupancy permit, the Town of Apple Valley shall conduct a site inspection to ensure that the signs are in place.</li> </ul> </li> </ul>				

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<ul style="list-style-type: none"> <li>▪ Efficient Load Management. The facility operator(s) shall be required to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.</li> <li>▪ Anti-Idling Training. Tenants and operators on the Project site shall ensure that site enforcement staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies, for example, by requiring attendance at CARB-approved courses (such as the free, one-day Course #512).</li> <li>• The following measure shall be implemented during all ongoing business operations and shall be included as part of contractual lease agreement language to ensure that tenants and operators of the Project are informed of the following operational responsibility:             <ul style="list-style-type: none"> <li>▪ Upon commencement of operations, the tenant/operator of the Project shall be required to restrict truck idling on site to a maximum of 3 minutes, subject to exceptions defined by the CARB’s commercial vehicle idling requirements. The building manager or their designee shall be responsible for enforcing this requirement.</li> <li>▪ For occupants with more than 250 employees, a Transportation Demand Management (TDM) program to reduce employee commute vehicle emissions shall be established, subject to review and approval by the Town of Apple Valley. The TDM plan shall apply to Project tenants through tenant leases. The TDM plan shall discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking. Examples of trip reduction measures may include, but are not limited to transit passes, car-sharing programs, and ride sharing programs.</li> </ul> </li> </ul>				

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<p><b>MM-GHG-2.</b> To reduce water demands and associated energy use, subsequent development proposals within the Project site would be required to implement a Water Conservation Strategy and demonstrate a minimum 20% reduction in indoor and outdoor water usage when compared to baseline water demand (total expected water demand without implementation of the Water Conservation Strategy). The Town shall approve the Water Conservation Strategy prior to the issuance of building permits for the Project. Included in the Water Conservation Strategy, the Project Applicant shall provide building plans that include the following water conservation measures:</p> <ul style="list-style-type: none"> <li>• Install low-water use appliances and fixtures</li> <li>• Restrict the use of water for cleaning outdoor surfaces and prohibit systems that apply water to non-vegetated surfaces</li> <li>• Implement water-sensitive urban design practices in new construction</li> <li>• Install rainwater collection systems where feasible</li> <li>• Consider the use of artificial turf where feasible</li> <li>• The Project’s landscape plan shall emphasize drought-tolerant plants and use water-efficient irrigation techniques.</li> <li>• All fixtures installed in restrooms and employee break areas shall be U.S. Environmental Protection Agency (EPA) WaterSense certified or equivalent.</li> </ul>	<p>Prior to the issuance of first occupancy permit</p>	<p>Town of Apple Valley</p>		

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