

FINAL MITIGATION MONITORING REPORTING PROGRAM

Project: Waalew Road Truck and Trailer Facility

Applicant: Weka, Inc.

Lead Agency: Town of Apple Valley

Date: August 2025~~September 2026~~

Mitigation Measure	Responsibility for Implementation	Timing	Responsible for Ensuring Compliance/ Verification	Date Completed and Initials
Biological Resources				
MM BIO-1: Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities. If Project-related activities do not begin within 14-days of preconstruction survey, an additional survey will be required. This additional survey shall be no more than 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). Preconstruction surveys shall be performed by a qualified biologist retained by the Project applicant following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities.	Qualified Biologist hired by Applicant	No less than 14 days prior to the start of Project-related activities; within 24 hours prior to ground disturbance if additional survey is required	Town of Apple Valley -Planning Division	
MM BIO-2: <u>To avoid impacts to nesting birds (common, migratory, and special status) regardless of the time of year during the nesting season, a qualified Avian Biologist retained by the Project applicant will conduct pre-construction Nesting Bird Surveys (NBS) within 3 days prior to Project-related disturbance within the entire Project site and a 300-foot buffer around the Project site at the appropriate time of day/night, during appropriate weather conditions to identify any active nests. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows and cavities. If no active nests are found, no further action will be required. If a nest is</u>	Qualified Avian Biologist hired by Applicant	Within 3 days prior to ground related disturbance, if ground disturbance to occur during nesting season of February 1 through September 15	Town of Apple Valley -Planning Division	

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<u>suspected, but not confirmed, the qualified avian biologist shall establish a disturbance-free buffer until additional surveys can be completed prior to the commencement of ground disturbing Project activities. If an active nest is found, the qualified avian biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage, and expected types, intensity, and duration of the disturbance. If a nest is observed, but thought to be inactive, the qualified avian biologist shall monitor the nest for one hour (four hours for raptors) prior to approaching the nest to determine status. The qualified avian biologist shall not risk failure of the nest to determine the exact location or status and shall make every effort to limit the nest to potential predation as a result of the survey/monitoring efforts (e.g., limit number of surveyors, limit time spent at/near the nest, scan the site for potential nest predators before approaching, immediately depart nest area if indicators of stress or agitation are displayed). The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird. The qualified avian biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate. The nests and buffer zones shall be field-checked daily by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive. Nesting bird nesting season generally extends from February 1 through September 15 in southern California and specifically, March 15 through August 31 for migratory passerine birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist retained by the Project applicant will conduct pre-construction Nesting Bird Surveys (NBS) within 3 days prior to Project-related disturbance to nestable vegetation to identify any active nests.</u>				

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If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage, and expected types, intensity, and duration of the disturbance. The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.				
Cultural Resources				
MM CUL-1: In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired by the Project applicant to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.	Project Applicant/ Contractor, Qualified Archaeologist hired by Applicant	Upon discovery of cultural resources	Town of Apple Valley -Planning Division	
MM CUL-2: If significant pre-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.	Project Applicant/ Contractor, Qualified Archaeologist hired by Applicant	Upon discovery of pre-contact cultural resources	Town of Apple Valley -Planning Division	

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Geology & Soils				
MM GEO-1: If paleontological resources are discovered during earth disturbance activities, the discovery shall be cordoned off with a 100-foot radius buffer so as to protect the discovery from further potential damage, and a County-qualified paleontologist contracted by the Project Applicant or Contractor shall be consulted to assess the discovery. If the discovery is determined to be significant by the paleontologist, a Paleontological Resource Impact Monitoring Program (PRIMP) shall be prepared by the paleontologist and implemented, which will include notification of appropriate personnel involved and monitoring of earth disturbance activities. Monitoring of mass grading and excavation activities in areas identified as likely to contain paleontological resources shall be performed by a qualified paleontologist or paleontological monitor. Monitoring will be conducted at the discretion of the qualified paleontologist in areas of grading or excavation in undisturbed sedimentary deposits.	Project Applicant/ Contractor; Qualified Paleontologist hired by Applicant	Upon discovery of paleontological resources		
Tribal Cultural Resources				
MM TCR-1: The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) shall be contacted, as detailed in CUL-1, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be	Project Applicant/ Contractor; Qualified Archaeologist hired by Applicant	Upon discovery of pre-contact cultural resources	Town of Apple Valley -Planning Division	

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present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.				
MM TCR-2: Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.	Project Applicant; Qualified Archaeologist hired by Applicant; Lead Agency	Upon completion of archaeological/cultural documents	Town of Apple Valley -Planning Division	
MM TCR-3: <u>Native American Treatment Agreement. Prior to the issuance of grading permits, the applicant shall enter into a Tribal Monitoring Agreement with the Morongo Band of Mission Indians for the project. The Tribal Monitor(s) 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(s) shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources and/or tribal cultural resources.</u>	<u>Project Applicant; Tribal Monitor</u>	<u>Prior to issuance of grading permits; during ground-disturbing activities</u>	<u>Town of Apple Valley</u> <u>-Planning Division</u>	
MM TCR-4: <u>Retention of Archaeologist. Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the issuance of grading permits, the Applicant shall retain a qualified archaeologist who meets the U.S. Secretary of the Interior Standards (SOI). The archaeologist shall be present during all ground-disturbing activities to identify any known or suspected archaeological</u>	<u>Project Applicant; Qualified Archaeologist hired by Applicant</u>	<u>Prior to ground-disturbing activities; during ground-disturbing activities</u>	<u>Town of Apple Valley</u> <u>-Planning Division</u>	

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<u>and/or cultural resources. The archaeologist will conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session will focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.</u>				
<u>MM TCR-5:</u> Cultural Resource Management Plan. Prior to any ground-disturbing activities 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 at minimum, shall include the following: (1) the approved Mitigation Measures (MM)/Conditions of Approval (COA), (2) procedures for each MM/COA, (3) the contact information for all pertinent parties, (4) parties' responsibilities, and (5) an overview of the project schedule.	<u>Qualified Archaeologist hired by Applicant</u>	<u>Prior to ground-disturbing activities</u>	<u>Town of Apple Valley</u> <u>-Planning Division</u>	
<u>MM TCR-6:</u> Pre-Grade Meeting. The retained qualified archeologist and Consulting Tribe[s] representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.	<u>Qualified Archaeologist hired by Applicant;</u> <u>Consulting Tribes;</u> <u>Contractors</u>	<u>Prior to grading activities</u>	<u>Town of Apple Valley</u> <u>-Planning Division</u>	
<u>MM TCR-7:</u> On-site Monitoring. During all ground-disturbing activities the qualified archaeologist and the Tribal Monitor(s) shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in	<u>Qualified Archaeologist hired by Applicant; Tribal</u>	<u>During ground-disturbing activities</u>	<u>Town of Apple Valley</u> <u>-Planning Division</u>	

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<u>California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Tribal Monitor(s), shall be responsible for determining the duration and frequency of monitoring.</u>	<u>Monitors</u>			
MM TCR-8: <u>Inadvertent Discovery of Cultural Resources. In the event that previously unidentified cultural resources are discovered /unearthed during construction, the qualified archaeologist and the Tribal Monitor(s) shall have the authority to temporarily divert and/or temporarily halt ground-disturbance activities in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored ground-disturbing activity can proceed.</u> <u>If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find(s), so that it/they can be evaluated by the qualified archaeologist and Tribal Monitor[s]. The archaeologist shall notify the Lead Agency and Consulting Tribe[s] of said discovery. The qualified archaeologist, in consultation with the Lead Agency, the Consulting Tribe[s], and the Tribal monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the qualified archaeologist in consultation with the Tribe[s] and the Tribal monitor[s] and be submitted to the Lead Agency for review and approval.</u>	<u>Qualified Archaeologist hired by Applicant; Tribal Monitors</u>	<u>Upon discovery of cultural resources</u>	<u>Town of Apple Valley -Planning Division</u>	

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<u>Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference:</u> <u>A. Full avoidance.</u> <u>B. If avoidance is not feasible, Preservation in place.</u> <u>If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction.</u> <u>C. If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (36 CFR 79).</u> <u>Unless otherwise agreed upon by all parties, all removed items from the Project shall be temporarily curated on-site in a secure and locked location (i.e., Conex box, a lockable office or drawer with restricted access to it, etc.). A periodic inventory must be maintained and provided to Consulting Tribe[s].</u>				
<u>MM TCR-9: Inadvertent Discovery of Human Remains. The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the Consulting Tribes[s].</u> <u>A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of</u>	<u>Contractors;</u> <u>Project Applicant;</u> <u>Qualified Archaeologist hired by Applicant; Tribal Monitors</u>	<u>Upon discovery of human remains</u>	<u>Town of Apple Valley</u> <u>-Planning Division</u>	

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<u>any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected by the establishment of an ESA with a marked boundary. Project personnel/observers will be restricted from entry into the ESA. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.</u> <u>B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.</u> <u>C. The NAHC shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98</u> <u>D. If the Morongo Band of Mission Indians has been named the MLD or Co-MLD, the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's MLD, the landowner, and the City Planning Department.</u>				

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<u>MM TCR-10: FINAL REPORT: The final report[s] created as a part of the project (CRMP/AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe[s] for review and comment. After approval of all parties, the final reports are to be submitted to the appropriate Information Center (IC), and the Consulting Tribe[s].</u>	<u>Qualified Archaeologist hired by Applicant</u>	<u>Upon completion of final reports</u>	<u>Town of Apple Valley -Planning Division</u>	