

**Mitigation Monitoring and Reporting Project
Initial Study/Mitigation Negative Declaration
Joshua Tree Mercury Dry Camp Site PROJ-2023-00023 MMRP**

Prepared by:



**Conty of San Bernardino, Land Use Services Department 385 N.
Arrowhead Avenue, 1st Floor San Bernardino, California 92415-0182
Contact: Luis Rodriguez Jr.**

March 2025

Introduction

The California Environmental Quality Act (CEQA) requires that a public agency adopting a Mitigated Negative Declaration (MND) take affirmative steps to determine that approved mitigation measures are implemented after project approval. The lead or responsible agency must adopt a reporting and monitoring program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the MND during project implementation (California Public Resources Code, Section 21081.6(a)(1)).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the County of San Bernardino (County) to ensure compliance with adopted mitigation measures identified in the MND for the proposed Joshua Tree Mercury Dry Camp Site when construction begins. The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would reduce impacts to below a level of significance for Biological Resources, Cultural Resources, Geology & Soils, and Tribal Cultural Resources.

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource for each project component. Table 1 identifies the mitigation monitoring and reporting requirements, list of mitigation measures, party responsible for implementing mitigation measures, timing for implementation of mitigation measures, agency responsible for monitoring of implementation, and date of completion. With the MND and related documents, this MMRP will be kept on file at the following location:

County of San Bernardino
385 N. Arrowhead Avenue, First Floor
San Bernardino, California 92415

Table 1: Mitigation Monitoring Reporting Program				
Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
Biological Resources				
BIO-1: Two (2) Joshua trees were found on site during the focused Western Joshua Tree census survey performed in 2024. Any impacts to the Joshua tree or within forty (40) <u>fifty (50)</u> feet of the Western Joshua Tree shall require compliance with the Western Joshua Tree Conservation Act (WJTCA), which was passed in July 2023 to conserve Western Joshua Tree and its habitat while supporting the state's renewable energy and housing priorities. The WJTCA authorizes CDFW to: • Permit the trimming and removal of hazardous or dead Western Joshua Trees. • Permit the incidental take of Western Joshua Trees under CESA provided the permittee meets certain conditions. The Project shall avoid impacts to the Western Joshua Trees on site through avoiding construction within forty (40) <u>fifty (50)</u> of the trees onsite. If it becomes necessary for construction to occur within forty (40) <u>fifty (50)</u> of the trees onsite (i.e. impact the trees per the WJTCA), any proposed impacts to the Joshua trees on site shall require prior authorization from CDFW	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor consultant	San Bernardino County	

Joshua Tree Mercury Dry Camp Site PROJ-2023-00023 MMRP

Table 1: Mitigation Monitoring Reporting Program

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
pursuant to the WJCTA. Removal of onsite Joshua trees or century plants shall be required to comply with Section 88.01 of the San Bernardino Development Code, which requires the issuance of a permit prior to the removal of regulated trees and plants. <u>As WJT is a candidate under CESA, removal or any take is currently permitted through CDFW.</u>				
BIO – 2: No more than 14 calendar days prior to start of Project activities, a qualified biologist shall conduct pre-construction surveys for desert tortoise as described in the USFWS Desert Tortoise (Mojave Population) Field Manual (USFWS 2009 or most recent version). Pre-construction surveys shall be completed using linear survey transects 10-meters apart within the Project area and 500- foot buffer zone. Should desert tortoise presence be confirmed during the survey, the qualified biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance measures. The project will ensure no impacts to desert tortoise by avoiding any direct and indirect take as defined by the California and Federal Endangered Species acts.	Prior to ground disturbance activities	Project Applicant, Lead Biologist	San Bernardino County	
<u>BIO-3: Desert Kit Fox. No more than fourteen (14) days and no less than three (3) days prior to the beginning of surface</u>	Prior to any activity on-site, during	Project Applicant	San Bernardino County	

Joshua Tree Mercury Dry Camp Site PROJ-2023-00023 MMRP

Table 1: Mitigation Monitoring Reporting Program

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<u>disturbance, the Designated Biologist shall conduct a pre-Project 10-meter transect survey (or reduced based on topography and vegetation), to attain 100% visual coverage within the Project area and a minimum of 200-meter buffer to determine the presence or absence of desert kit fox individuals, dens, and sign. Permittee shall provide the results of the survey to CDFW prior to start of Project activities.</u> <u>If potential dens are located, they shall be monitored by the Designated Biologist. Trail camera may be used to assist with observation but shall not be the sole basis upon which the status is determined. Permittee shall provide a determined if active dens can be avoided and buffered from Project activities to prevent take or disturbance with the survey results.</u> <u>Should active dens be present within the Project area that cannot be avoided with an adequate buffer, the Permittee shall reschedule Project activities or submit a monitoring and relocation plan for CDFW's review and approval. No disturbance or relocation of active dens may take place when juveniles may be present and dependent on parental care.</u> <u>Permittee shall block off inactive dens within the buffer zone with rocks and sticks to discourage use during Project activities and remove when construction is complete.</u>	construction activities			

Joshua Tree Mercury Dry Camp Site PROJ-2023-00023 MMRP

Table 1: Mitigation Monitoring Reporting Program				
Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
The Designated Biologist shall periodically check the inactive burrows remain blocked and are not reoccupied.				
BIO-4: <u>Crotch's Bumble Bee Habitat Assessment. Prior to vegetation removal and/or grading, a Designated Biologist shall conduct a habitat assessment to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee.</u> <u>If habitat for Crotch's bumble bee is present, a Designated Biologist shall conduct focused surveys prior to vegetation removal and/or grading for the presence/absence of Crotch's bumble bee. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee. Surveys shall be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1, by an approved Designated Biologist familiar with Crotch's bumble bee behavior and life history. Surveys shall be conducted within the Project site and areas adjacent to the Project site where suitable habitat exists. Survey results including negative findings shall be submitted to CDFW at least 30 days prior to Project-related vegetation removal and/or ground-</u>	Prior to any activity on-site, during construction activities	Project Applicant	San Bernardino County	

Joshua Tree Mercury Dry Camp Site PROJ-2023-00023 MMRP

Table 1: Mitigation Monitoring Reporting Program

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
disturbing activities. If the species is identified on site, Project Proponent shall fully avoid the species absent take authorization. If the Project may result in take of Crotch's bumble bee through either nest destruction or destruction of potential nests hidden in bunch grasses or other nesting habitat, or if complete avoidance of Crotch's bumble bee cannot be achieved, Project activities shall be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.				
<u>BIO-5: Nesting Birds. All Project related activities shall be conducted outside of the typical nesting bird season (January 15 to August 31) to the maximum extent feasible. Regardless of the time of year, a qualified avian biologist shall conduct pre-construction nesting bird surveys at the appropriate time of day/night, during appropriate weather conditions no more than 3 days prior to the initiation of ground disturbing activities. The survey shall focus on all suitable nesting areas such as but not limited to: trees, shrubs, bare ground, burrows, cavities, and structures. If a nest is suspected, but not confirmed, the qualified avian biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be confirmed based on observations. If a nest is</u>	Prior to any activity on-site, during construction activities	Project Applicant	San Bernardino County	

Joshua Tree Mercury Dry Camp Site PROJ-2023-00023 MMRP

Table 1: Mitigation Monitoring Reporting Program

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
observed, but thought to be inactive, the qualified avian biologist shall monitor the nest for at least 1 hour. When an active nest is confirmed, the qualified avian biologist shall immediately establish a conservative buffer surrounding the nest based on their best professional judgement and experience. The buffer shall be delineated to ensure that its location is known by all persons working within the vicinity but shall not be marked in such a manner that it attracts predators. The qualified avian biologist shall monitor the nest to determine the efficacy of the buffer and shall adjust the buffer accordingly if it is determined to have an adverse reaction. The qualified avian biologist shall monitor the nest daily until activities are no longer within 300 feet of the nest, or the fledglings become independent of their nest, or the nest has failed. Documentation of surveys and findings should be submitted to the CDFW within 10 days of the last survey. If special status species such as but not limited to:, burrowing owl, Cooper's hawk, golden eagle, LeConte's thrasher, loggerhead shrike, northern harrier, prairie falcon, Swainson's hawk, are found within or adjacent to the Project area then ground disturbing activities shall immediately halt and the Project proponent shall contact CDFW Region 6 Inland Deserts Region.				

Joshua Tree Mercury Dry Camp Site PROJ-2023-00023 MMRP

Table 1: Mitigation Monitoring Reporting Program				
Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
BIO-3: It is recommended that vegetation removal be conducted outside of the nesting season for migratory birds to avoid direct impacts: • If vegetation removal occurs during the migratory bird nesting season, between February 1 and September 15, pre-construction nesting bird surveys shall be performed within three days prior to vegetation removal. If active nests are found during nesting bird surveys, they shall be flagged. A 250-foot buffer shall be fenced around songbird nests and a 500-foot buffer shall be fenced around raptor nests.				
Cultural Resources				
CR-1: Tribal Monitoring Services Agreement Prior to the issuance of grading permits, 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	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor/consultant	San Bernardino County	

Joshua Tree Mercury Dry Camp Site PROJ-2023-00023 MMRP

Table 1: Mitigation Monitoring Reporting Program

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
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 to allow identification, evaluation, and potential recovery of cultural resources.				
CR-2: 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 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.	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor/consultant	San Bernardino County	

Joshua Tree Mercury Dry Camp Site PROJ-2023-00023 MMRP

Table 1: Mitigation Monitoring Reporting Program

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
CR-3: 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 shall include the following: approved Mitigation Measures (MM)/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.	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor/consultant	San Bernardino County	
CR-4: 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.	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor/consultant	San Bernardino County	
CR-5: On-site Monitoring During all ground-disturbing activities the Qualified Archaeologist and the Tribal Monitor 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 California Public Resources Code Section 21074. Archaeological and Tribal Monitoring	During Project implementation	Project Applicant	San Bernardino County	

Joshua Tree Mercury Dry Camp Site PROJ-2023-00023 MMRP

Table 1: Mitigation Monitoring Reporting Program

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
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, shall be responsible for determining the duration and frequency of monitoring.				
CR-6: Inadvertent Discovery of Cultural Resources In the event that previously unidentified cultural resources are unearthed during construction, the Qualified Archaeologist and the Tribal Monitor shall have the authority to temporarily divert and/or temporarily halt ground-disturbance operations in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly nonsignificant deposits shall be minimally documented in the field and collected so the monitored grading can proceed. 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, so that the find 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	Any response to exposed resources shall occur during construction. Any reports documenting management and findings for accidentally exposed resources shall be completed within one year of the discovery.	Project applicant and their construction contractor	County of San Bernardino, County Coroner	

Joshua Tree Mercury Dry Camp Site PROJ-2023-00023 MMRP

Table 1: Mitigation Monitoring Reporting Program

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
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. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference: A. Full avoidance. B. If avoidance is not feasible, Preservation in place. C. 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. 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 (CFR 79.1)				
CR-7: 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 Tribe[s]:	Any response to exposed resources shall occur during construction. Any reports documenting management and	Project applicant and their construction contractor	County of San Bernardino, County Coroner	

Joshua Tree Mercury Dry Camp Site PROJ-2023-00023 MMRP

Table 1: Mitigation Monitoring Reporting Program

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
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 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; project personnel/observers will be restricted. 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. 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 within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5. C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be	findings for accidentally exposed resources shall be completed within one year of the discovery.			

Joshua Tree Mercury Dry Camp Site PROJ-2023-00023 MMRP

Table 1: Mitigation Monitoring Reporting Program

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
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. D. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (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 Most Likely Descendant (MLD), the landowner, and the City Planning Department.				
CR-8: FINAL REPORT: The final report[s] created as a part of the project (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	Prior to Certificate of Occupancy	Project Applicant, San Bernardino County	San Bernardino County	

Joshua Tree Mercury Dry Camp Site PROJ-2023-00023 MMRP

Table 1: Mitigation Monitoring Reporting Program

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
final reports are to be submitted to the appropriate Information Center, and the Consulting Tribe[s].				
Geology and Soils				
GEO-1: In the event that paleontological resources (fossil remains) are exposed during construction activities for the proposed project, all construction work occurring within 50 feet of the find shall immediately stop until a qualified paleontologist, as defined by the Society of Vertebrate Paleontology's 2010 guidelines, can assess the nature and importance of the find. Depending on the significance of the find, the paleontologist may record the find and allow work to continue or recommend salvage and recovery of the resource. All recommendations will be made in accordance with the Society of Vertebrate Paleontology's 2010 guidelines and shall be subject to review and approval by the County of San Bernardino. Work in the area of the find may only resume upon approval of a qualified paleontologist.	Throughout construction. This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	Project applicant and their construction contractor	County of San Bernardino and Project Applicant/Contractor	
Tribal Cultural Resources				
TCR-1: Appropriate consulting Tribe(s) shall be contacted, 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 within 48 hours with regards to significance and treatment. Should the find be deemed significant, as	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor/consultant	San Bernardino County	

Joshua Tree Mercury Dry Camp Site PROJ-2023-00023 MMRP

Table 1: Mitigation Monitoring Reporting Program

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
defined by CEQA (as amended, 2018), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with consulting Tribe(s), and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents consulting Tribe(s) for the remainder of the project, should Tribe(s) elect to place a monitor on-site at the Tribe's cost. As necessary, and in accordance with Project-Specific consultations conducted with the NAHC and various Tribal entities in association with AB52, SB18, and/or any other legal guidelines relating to Native American consultations may change to reflect Project-Specific needs and requirements.				
TCR-2: If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100- foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to MM GEO-1 and State Health and Safety Code §7050.5 and that code shall be enforced for the duration of the project.	Throughout construction. This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	Project applicant and their construction contractor	County of San Bernardino and Project Applicant/Contractor	
TCR-3: Only the NAHC Designated MLD Tribal representative shall make all future decisions	Throughout construction. This	Project applicant and their construction contractor	County of San Bernardino and	

Joshua Tree Mercury Dry Camp Site PROJ-2023-00023 MMRP

Table 1: Mitigation Monitoring Reporting Program

Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
regarding the treatment of human remains of Native American origin within the response times outlined below. The MLD shall determine the disposition and treatment of Native American human remains and any associated grave goods following Native American Graves Protection and Repatriation Act (NAGPRA) protocols, and what constitutes "appropriate dignity" as that term is used in the applicable statutes and in the Tribe's customs and traditions. The MLD or his/her designee shall complete an inspection and provide written recommendations to the DPW and the landowner (if different than the DPW) within forty-eight (48) hours of being granted access to the site. If the descendant does not make recommendations within 48 hours, the landowner shall re-inter the remains in a secure area of the property where there will be no further disturbance. Should the landowner not accept the descendant's recommendations, either the owner or the MLD may request mediation by NAHC. According to the California Health and Safety Code, six (6) or more human burials at one (1) location constitute a cemetery (Section 8100), and willful disturbance of human remains in a cemetery is a felony (Section 7052).	measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.		Project Applicant/Contractor	
TCR-4: Any and all archaeological/cultural documents as related to documented tribal cultural resources created as a part of the project (isolate records, site records, survey	During Project implementation	Project Applicant, San Bernardino County	San Bernardino County	

Joshua Tree Mercury Dry Camp Site PROJ-2023-00023 MMRP

Table 1: Mitigation Monitoring Reporting Program				
Mitigation Measures	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
reports, testing reports, etc.) shall be disseminated to appropriate consulting Tribe(s) in the form of an un-redacted report (containing DPR forms). The Lead Agency and/or applicant shall, in good faith, consult with the appropriate Tribe(s) until construction completion of the project and completion of any measures imposed to protect resources.				