

Mitigation Monitoring and Reporting Program

Pursuant to Section 21081.6 of the Public Resources Code and the *California Environmental Quality Act (CEQA) Guidelines* Section 15097, public agencies are required to adopt a monitoring or reporting program (referred to as a Mitigation Monitoring and Reporting Program [MMRP]) to ensure that the mitigation measures identified in the CEQA document are implemented. For the Stockpile 3 Project at San Timoteo Sanitary Landfill (Project), adopted mitigation measures shall be implemented as specified below in Table 1, the MMRP.

This MMRP for the proposed Project will help ensure that mitigation measures identified in the Initial Study/Mitigated Negative Declaration for the Project will be implemented. The San Bernardino County Department of Public Works Solid Waste Management Division (SWMD) shall be responsible for administering the MMRP and ensuring that all parties comply with its provisions. The SWMD may delegate monitoring activities to staff, consultants, or contractors. The SWMD also will ensure that any necessary monitoring is documented through periodic reports and that deficiencies are promptly corrected. The SWMD or its designated environmental monitor, will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to rectify problems.

Responsibilities of the Parties

Responsibility for implementing adopted mitigation measures, and for reporting on the implementation of these measures, rests with the SWMD. The SWMD will have primary responsibility for ensuring that the measures are implemented and may use its monitoring authority by evaluating written reports and plans, and also by active field evaluation of activities at the project site to ensure compliance with the requirements of adopted measures.

Documentation and Reporting

This summarizes the SWMD's documentation and reporting requirements during construction and maintenance as outlined in the MMRP (Table 1). In addition to any specific one-time submittals required in the MMRP, the SWMD shall produce compliance reports during the maintenance period, as required by regulatory agencies that demonstrate compliance with the applicable mitigation measures; and shall also maintain documentation of compliance with the mitigation measures.

Table 1. Mitigation Monitoring and Reporting Program

MM #	Mitigation Measure and District Responsibilities	Timing	Agency Responsibilities
Biological Resources			
BIO-1	<p><u>Mitigation Measure</u> Vegetation removal activities should be conducted outside of the nesting bird season (typically March 1 through August 31 for passerine (songbirds) and January 1 through September 15 for raptors). If vegetation removal activities must occur during the nesting season, a nesting bird survey shall be completed by a qualified biologist within three days prior to the start of any ground disturbing activities to determine if any nesting birds occur within the project site. If nesting birds are not found within the project site, no further actions will be required. If nesting birds are observed, a buffer zone between construction activities and the nesting bird shall be established by a qualified biologist. The buffer zone shall be determined by the type of nesting bird. A typical buffer zone will be 250 feet for nesting passerine birds (songbirds) and 500 feet for nesting raptors. Due to the steep terrain and potential physical limitations for conducting nesting bird surveys, vegetation removal may best be conducted outside the nesting bird season.</p> <p><u>SWMD Responsibilities</u> The SWMD will ensure that the Project biologist completes pre-construction nesting bird surveys for all planned activities. If planned activities are during the nesting season and nesting birds are present, the SWMD will ensure that Project activities are either postponed or that the Project biologist will monitor activities in the vicinity of the nests and will establish a buffer as needed to avoid direct impacts to nesting birds.</p>	Prior to and During construction	San Bernardino County Department of Public Works Solid Waste Management Division shall ensure compliance with this mitigation measure.
BIO-2	<p><u>Mitigation Measure</u> Prior to ground disturbance, significant permanent direct impacts to Waters of the State shall be mitigated at a 1:1 ratio or as otherwise determined in applicable resource agency permits. Mitigation shall include preservation, creation, enhancement, and/or rehabilitation or restoration of jurisdictional waters or as otherwise determined in applicable resource agency permits. Mitigation may be completed through use of an agency-approved in lieu fee program, a mitigation bank, or applicant-proposed.</p> <p><u>SWMD Responsibilities</u> The SWMD will obtain resources agency permits prior to start of construction and will ensure that all required measures from those permits are implemented.</p>	Prior to construction	San Bernardino County Department of Public Works Solid Waste Management Division shall ensure compliance with this mitigation measure.
Cultural Resources			
CR-1	<p><u>Mitigation Measure</u> Inadvertent Discovery of Archaeological Resources During Construction – During Project-level construction, should surface or subsurface archaeological resources be discovered, all activity within 60 feet of a “find” shall stop and a qualified archaeologist meeting the Secretary of Interior Standards for archaeology shall hired contacted to assess the significance of the find according to CEQA Guidelines Section 15064.5. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1 (see Section 18), regarding any pre-contact and/or historic-era 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. The archaeologist and YSMN shall be afforded the necessary time to assess the find. If any find is determined to be significant, the archaeologist shall develop a Monitoring and Treatment Plan (Plan), in consultation with the County and YSMN (see CR-2 below). Construction activities may continue outside the buffer zone on other areas of the Project site during evaluation and treatment of the resource. Public agencies must, when feasible, avoid damaging effects to any tribal cultural resource. Pub. Res. Code § 21084.3 (a). If the lead agency determines that a Project may cause a substantial adverse change to a tribal cultural resource, mitigation measures should be identified through consultation with YSMN and provided in the Plan. Under CEQA Guidelines Section 15126.4(b)(3), preservation in place is the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Methods of avoidance may include, but shall not be limited to, (i) Project</p>	During construction	San Bernardino County Department of Public Works Solid Waste Management Division shall ensure compliance with this mitigation measure.

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	<p>re-route or re-design, (ii) Project cancellation, or (iii) identification of protection measures such as capping or fencing. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures, such as data recovery or other appropriate measures, in consultation with the implementing agency and YSMN. If an archaeological site does not qualify as an historical resource but meets the criteria for a unique archaeological resource as defined in Section 21083.2, then the site shall be treated in accordance with the provisions of Section 21083.2.</p> <p><u>SWMD Responsibilities</u> The SWMD will ensure that any inadvertent discovery of archeological resources are assessed by a qualified archeologist and that YSMN will be contact regarding any pre-contact and/or historic era finds. The SWMD in consultation with YSMN will then oversee preparation and implementation of a Monitoring and Treatment Plan.</p>		
CR-2	<p><u>Mitigation Measure</u> If significant pre-contact and/or historic-era 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 (Plan), the drafts of which shall be provided to the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) for review and comment, as detailed within Mitigation Measure TCR-1. The archaeologist shall monitor the remainder of the Project and implement the Plan accordingly. The Plan will include monitoring protocols and other appropriate mitigation.</p> <p><u>SWMD Responsibilities</u> As with Mitigation Measure CR-1, the SWMD will ensure that any inadvertent discovery of archeological resources are assessed by a qualified archeologist and that YSMN will be contact regarding any pre-contact and/or historic era finds. The SWMD in consultation with YSMN will then oversee preparation and implementation of a Monitoring and Treatment Plan.</p>	During construction	San Bernardino County Department of Public Works Solid Waste Management Division shall ensure compliance with this mitigation measure.
CR-3	<p><u>Mitigation Measure</u> If human remains or funerary items defined by Health and Safety Code, Section 7050.5, are inadvertently discovered, all work in the vicinity of the find would cease within a 100-foot buffer of the find, and the San Bernardino County Coroner would be contacted immediately. Any discovery of human remains would be treated in accordance with Section 5097.98 of the PRC and Section 7050.5 of the Health and Safety Code.</p> <p><u>SWMD Responsibilities</u> The SWMD will ensure that if human remains are unearthed during construction, all work within the immediate area must cease immediately, nothing is to be disturbed, and the area must be secured. The SWMD will ensure that the San Bernardino County Coroner's Office is contacted in the event of human remains being unearthed during construction.</p>	During construction	San Bernardino County Department of Public Works Solid Waste Management Division shall ensure compliance with this mitigation measure.
Geology and Soils			
GEO-1	<p><u>Mitigation Measure</u> If any paleontological resources are unearthed during grading or excavation, the County shall halt all activity in the vicinity of the discovery and contact the Earth Sciences Division of the San Bernardino County Museum (Museum) to investigate. The County shall avoid the discovery area until the Museum staff indicates it is acceptable to reenter. Recommendations of the Museum regarding collection and curation shall be implemented.</p> <p><u>SWMD Responsibilities</u> The SWMD will ensure that if paleontological resources are unearthed during construction, work will stop in the vicinity and the San Bernardino County Museum is contacted. The SWMD will implement recommendations provided by the Museum.</p>	During construction	San Bernardino County Department of Public Works Solid Waste Management Division shall ensure compliance with this mitigation measure.

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MM #	Mitigation Measure and District Responsibilities	Timing	Agency Responsibilities
Hydrology and Water Quality			
HWQ-1	<p><u>Mitigation Measure</u> Prior to Project implementation, a project-specific erosion control plan will be prepared that will identify Best Management Practices (BMPs) to be implemented during construction to prevent introduction of pollutants that may cause a degradation of surface water.</p> <p><u>SWMD Responsibilities</u> The District will prepare a project-specific erosion plan and follow BMPs throughout construction to minimize water quality impacts downstream.</p>	Prior to and During construction	San Bernardino County Department of Public Works Solid Waste Management Division shall ensure compliance with this mitigation measure.
Tribal Cultural Resources			
TCR-1	<p><u>Mitigation Measure</u> The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in Mitigation Measure CR-1, of any pre-contact and/or historic-era cultural resources discovered during Project implementation and be provided information regarding the nature of the find, 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 Resource 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 present that represents YSMN for the remainder of the Project, should YSMN elect to place a monitor on-site.</p> <p><u>SWMD Responsibilities</u> The District will ensure that if previously unidentified tribal cultural resources are discovered during construction activities, ground disturbing work within 100 feet of the find shall be halted and directed away from the discovery until a tribal representative authorized by the consulting tribes and a professional cultural resources specialist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology assesses the significance of the resource. The District will also ensure that if human remains or funerary objects are encountered during construction activities, ground-disturbing work within 100 feet of the find shall be halted, and the County Coroner shall be contacted.</p>	During construction	San Bernardino County Department of Public Works Solid Waste Management Division shall ensure compliance with this mitigation measure.
TCR-2	<p><u>Mitigation Measure</u> 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 YSMN. The SWMD shall, in good faith, consult with YSMN throughout the life of the Project.</p> <p><u>SWMD Responsibilities</u> The SWMD shall provide any and all archeological/cultural documents created as part of this Project to YSMN.</p>	During construction	San Bernardino County Department of Public Works Solid Waste Management Division shall ensure compliance with this mitigation measure.