

PLANNING COMMISSION

ATTACHMENT E

Mitigated Negative Declaration
& Mitigation Monitoring and Reporting Program

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT
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MITIGATED NEGATIVE DECLARATION

Preparation Date: May, 01 2025

Name or Title of Project: Tentative Tract Map Case No. PLAN23-00030 (TTM 20576).

Location: The proposed project is located at the northwest corner of Mesa Street and Topaz Road (Assessor's Parcel Numbers [APN] 3136-441-01, 02, 04, and 05).

Entity or Person Undertaking Project: Rodeo Credit Enterprises (Applicant)

Description of Project: A Tentative Tract Map with a Mitigated Negative Declaration to allow for the development of 242- single-family residential lots on four vacant parcels designated as R-1 (Single-Family Residential) zoning and totaling approximately 70 acres.

Statement of Findings: The City of Victorville Planning Commission has reviewed the Initial Study for this proposed project and has found that there are no adverse environmental impacts to either the man-made or physical environmental setting if the following mitigation measures are implemented in conformance with the Mitigation Monitoring Policy and does hereby direct staff to file a Notice of Determination, pursuant to the California Environmental Quality Act (CEQA).

A copy of the Initial Study and other applicable documents used to support the proposed Negative Declaration is available for review at the City of Victorville Planning Division.

Table 1. Mitigation Monitoring and Reporting Program

| Mitigation Number | Mitigation Measure | Implementation | | Monitoring | | Verification of Compliance | | |
|-------------------|--|--|---|---|---|----------------------------|------|---------|
| | | Responsibility | Timing | Responsibility | Timing | Initials | Date | Remarks |
| MM-BIO-1 | <p><i>Western Joshua Tree Fee Payment.</i> Mitigation for direct impacts and indirect impacts to western Joshua trees will be fulfilled through a payment of fees as described in Section 1927.3 of the WJTCA. California Department of Fish and Wildlife (CDFW) determines the final fee. Alternatively, if a CESA incidental take permit (ITP) is obtained, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by the Section 2081 Incidental Take Permit.</p> <p>Prior to the fee payment, WJTCA also requires submittal of a WTJCA Incidental Take Permit application, accompanied by a census of western Joshua trees within the Project site and a 50-foot buffer (census area). At minimum, the census requires parallel survey transects throughout the Census Area, photographs of each tree, and tree measurements per CDFW protocol.</p> <p>Prior to the issuance of grading permits, the project applicant shall also submit an application and applicable fee paid to the County of San Bernardino for removal or relocation of protected western Joshua tree under California Desert Native Plants Act (CDNPA), as determined by designated County personnel. However, removal, trimming, encroachment upon, or relocation of western Joshue tree shall now occur without an incidental take permit from CDFW.</p> <p>The project must also receive written consent from the City of Victorville’s Director of Parks and Recreation prior to the removal or relocation of western Joshua trees in accordance with City of Victorville Code of Ordinances, Chapter 13.33, Preservation and Removal of Joshua Trees.</p> | Project Applicant | Prior to initiation of all ground disturbing activities | City of Victorville; County of San Bernardino; CDFW | Prior to the removal or relocation of western Joshua trees | | | |
| MM-BIO-2 | <p><i>Designated Biologist Authority.</i> 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.</p> | Project Applicant | During pre-construction and construction | Designated Biologist | Prior to any activity that does not comply with the mitigation measures or prior to the unauthorized take of western Joshua trees | | | |
| MM-BIO-3 | <p><i>Compliance Monitoring.</i> The designated biologist shall be on site daily during vegetation clearance and initial ground-breaking activities. The designated biologist shall conduct a pre-construction sweep of the project site prior to disturbance activities. The biologist shall also conduct compliance inspections to minimize incidental take of western Joshua trees and impacts to other sensitive biological resources; prevent unlawful take of western Joshua trees; ensure that signs, stakes, and fencing are intact; and ensure that impacts are only occurring within the direct impact footprint. Written observation and inspection records that summarize oversight activities, compliance inspections, and monitoring activities required by the Incidental Take Permit shall be prepared.</p> | Designated Biologist | During pre-construction, vegetation clearance, and initial ground-breaking activities | Designated Biologist | Review and approval of construction documents; Compliance inspections during construction, and written observation and inspection records | | | |
| MM-BIO-4 | <p><i>Demarcation of Disturbance Limits.</i> 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 the impacts will take place. All impacts outside the fenced, staked, or flagged areas shall be avoided, and</p> | Construction Contractor(s); Designated Biologist | Prior to construction activities | Construction Contractor(s); Designated Biologist | Review and approval of Grading Plan; Completion of pre-construction boundary delineation | | | |

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| | all fencing, stakes, and flags shall be maintained until the completion of impacts in that area. | | | | | | | |
| MM-BIO-5 | <i>Pre-Construction Special-Status Reptile Survey.</i> A pre-construction survey for coast horned lizard shall be conducted no more than 7 days prior to the initiation of initial vegetation removal or initial grading activities. If coast horned lizard is observed on the project site, a qualified biologist shall capture and relocate the species to suitable habitat outside of the impact footprint prior to the onset of ground disturbing activities. Any special-status reptiles requiring relocated with be documented in compliance monitoring records. | Project Applicant | No more than 7 days prior to the start of initial vegetation removal or grading activities | Designated Biologist | Review and approval of pre-construction survey; Construction monitoring and records | | | |
| MM-BIO-6 | <i>Pre-Construction Burrowing Owl Surveys.</i> Breeding season 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. If burrowing owls are detected, the Project proponent shall fully avoid impacts to burrowing owl. If impacts to burrowing owl are unavoidable, the Project proponent shall obtain a CESA ITP. Compensatory mitigation for permanent loss of owl habitat shall be provided following the guidance in CDFW’s Staff Report on Burrowing Owl Mitigation and as determined by CDFW through a CESA ITP. Should burrowing owl be located during the pre-construction survey, the project would result in the loss of at least 65.55 acres of occupied habitat for burrowing owl, and impacts shall be authorized and fully mitigated, as determined by CDFW, through a CESA ITP. Mitigation for direct impacts to occupied habitat shall be fulfilled through conservation of suitable burrowing owl habitat through the purchase of credits (if available) or perpetual management and conservation of acquired in-kind habitat of equal or better functions and values to those impacted by the project. | Project Applicant; Qualified Avian Biologist | Prior to initiation of all ground disturbing activities | CDFW; Qualified Avian Biologist | Review and approval of pre-construction survey; Review and approval of Burrowing Owl Relocation Plan, if necessary; | | | |
| MM-BIO-7 | <i>Nesting Bird Avoidance.</i> Prior to vegetation removal or initial ground disturbance an avian nesting survey of the project site and within 500 feet of all impact areas must be conducted to determine the presence/absence of 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 the biologist does not find any active nests within or adjacent to the impact areas, the vegetation clearing/construction work shall be allowed to proceed. If an active bird nest is found (i.e., nests that support eggs, nestlings, or juveniles), the nest shall be flagged and mapped on the construction plans along with an appropriate buffer established around the nest, which will be determined by the qualified wildlife biologist based on the species’ sensitivity to disturbance. The nest area shall be avoided until the nest is vacated and the juveniles have fledged, as confirmed by the qualified wildlife biologist. The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site construction monitoring shall | Project Applicant; Construction Contractor(s); Qualified Avian Biologist | Prior to initiation of all ground disturbing activities | Construction Contractor(s); Qualified Avian Biologist | Review and approval of construction plans; Construction monitoring | | | |

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| | also be conducted when construction occurs in close proximity to an active nest buffer. No project activities may encroach into established buffers without the consent of a qualified monitoring biologist who has experience with monitoring nesting birds and who determined that encroachment will not cause an adverse effect to nesting birds. The buffer shall remain in place until it is determined the nestlings have fledged and the nest is no longer considered active, as confirmed by the qualified wildlife biologist. | | | | | | | |
| MM-BIO-8 | <i>Hazardous Waste.</i> The applicant shall immediately stop work and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up 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. | Project Applicant | During project construction | Project Applicant; Construction Contractor(s) | Repair and clean up of any fuel or hazardous waste leaks or spills at the time of occurrence | | | |
| MM-BIO-9 | <i>Herbicides.</i> 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. | Project Applicant | During project construction | Construction Contractor(s); Licensed Herbicide Applicator | Upon herbicide use | | | |
| MM-BIO-10 | <i>Trash and Debris.</i> The following avoidance and minimization measures shall be implemented during project construction. (1) Fully covered trash receptacles that are animal-proof will 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 will be removed at least once a week from the project site. (2) 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. | Construction Contractor(s) | During project construction | Construction Contractor(s) | During project construction | | | |
| MM-BIO-11 | <i>Lighting.</i> Lighting for construction activities and post-construction operations within 50 feet of the outside edge of the impact footprint containing habitat for special-status wildlife will be shielded and directed downward. | Construction Contractor(s) | During project construction and operations | Construction Contractor(s) | During project construction and operations | | | |
| MM-BIO-12 | <i>Invasive Plant Management.</i> In order 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 Cal-IPC California Invasive Plant Inventory (http://www.cal-ipc.org/ip/inventory/index.php). Post-construction, the applicant shall continually remove invasive plant species on site by hand or mechanical methods, as feasible. | Project Applicant | During project operations | Project Applicant | During project operations | | | |
| MM-CUL-1 | <i>Workers Environmental Awareness Program (WEAP) Training.</i> All construction personnel and monitors conducting ground disturbing activities who are not trained archaeologists shall be briefed regarding unanticipated discoveries prior to the start of construction activities. A basic presentation should be prepared and presented by a qualified archaeologist 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 | Project Applicant; Construction Contractor(s); Qualified Archaeologist | Prior to the start of construction activities | Project Applicant; Construction Contractor(s); Qualified Archaeologist | Prior to the start of construction activities | | | |

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| | 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. Necessity of training attendance shall be stated on all construction plans. | | | | | | | |
| MM-CUL-2 | <i>Retention of Archaeologist.</i> 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. | Project Applicant | Prior to any ground-disturbing activities and prior to the issuance of grading permits | Project Applicant; Construction Contractor(s); Qualified Archaeologist | Prior to any ground-disturbing activities and prior to the issuance of grading permits | | | |
| MM-CUL-3 | <i>Inadvertent Discovery of Cultural Resources.</i> 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 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. | Qualified Archaeologist; Tribal Monitor[s] | During project construction | Qualified Archaeologist; Tribal Monitor[s]; Lead Agency and consulting Tribe[s] | During project construction; Submittal of a recommendation for the treatment and disposition of the Tribal Cultural Resource, if necessary | | | |

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| | <p>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.</p> <p>D. 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).</p> | | | | | | | |
| MM-CUL-4 | <i>Tribal Monitoring Services Agreement.</i> 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 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. | Project Applicant; Morongo Band of Mission Indians | Prior to the issuance of grading permits | Tribal Monitor | During all ground-disturbing activities | | | |
| MM-CUL-5 | <i>Cultural Resource Management Plan.</i> 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. | Qualified Archaeologist | Prior to any ground-disturbing activities | Qualified Archaeologist; Consulting Tribe[s] | Review and approval of a CRMP and/or an ATMP | | | |
| MM-CUL-6 | <i>Pre-Grade Meeting.</i> 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. | Qualified Archaeologist; Consulting Tribe[s] representative | Pre-Grade meeting | Grading contractor(s) | Pre-Grade meeting | | | |
| MM-CUL-7 | <i>On-Site Monitoring.</i> 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 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. | Qualified Archaeologist; Tribal Monitor[s] | During all ground-disturbing activities | Qualified Archaeologist; Tribal Monitor[s] | During monitoring of all ground-disturbing activities | | | |
| MM-CUL-8 | <i>Inadvertent Discovery of Human Resources.</i> 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]. | Morongo Band of Mission Indians | Upon inadvertent discovery of human remains | County Coroner; Native American Heritage Commission; the MLD; City Planning Department (as applicable) | Consultation with the MLD as applicable; Recommendation for final treatment and disposition | | | |

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| | <p>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.</p> <p>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.</p> <p>C. The Native American Heritage Commission 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.</p> <p>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.</p> | | | | | | | |
| MM-CUL-9 | <i>Final Report.</i> 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 final reports are to be submitted to the Eastern Information Center, and the Consulting Tribe[s]. | Project Applicant | Final project reports | Consulting Tribe[s]; Lead Agency; Eastern Information Center | Review and approval from all parties of final report(s); Submittal to the Eastern Information Center | | | |
| MM-GHG-1 | <i>Updated Screening Table.</i> Prior to the recordation of the final map, the applicant/developer shall complete a revised Greenhouse Gas Emissions Screening Table in accordance with the City's adopted version of the San Bernardino County Regional Greenhouse Gas Reduction Plan 2021, while achieving the minimum number of points necessary to comply with the City of Victorville Greenhouse Gas reductions goals. | Project Applicant/Developer | Prior to the recordation of the final map | Lead Agency | Verify compliance with updated version of the City's Greenhouse Gas Screening Table; Prior to issuance of building permit | | | |

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| MM-GHG-2 | <i>Compliance Verification.</i> To the extent feasible, the City of Victorville Planning Department shall verify incorporation of the identified Screening Table Measures within the Project building plans/site designs and/or verify compliance with an updated version of the City's Greenhouse Gas Screening Table prior to the issuance of building permit(s). | Project Applicant/Developer | Prior to the recordation of the final map | Lead Agency | Review and approval of project building/site plans or verify compliance with updated version of the City's Greenhouse Gas Screening Table; Prior to issuance of building permit | | | |
| MM-HAZ-1 | <i>Accidental Spills.</i> The applicant/developer shall prepare and implement a comprehensive Spill Prevention and Response Plan for the Project, subject to review and approval by the City Planner and City Engineer (or their designee) prior to the issuance of any associated building or grading permit. This plan should outline the site-specific monitoring requirements and list the best management practices necessary to prevent hazardous material spills or to contain and cleanup a hazardous material spill, should one occur. | Project Applicant/Developer | Prior to issuance of any building or grading permit | City Planner and City Engineer (or their designee) | Review and approval of project plans; Prior to issuance of any building or grading permit | | | |
| MM-NOI-1 | <i>Construction Equipment.</i> The City will require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by applicant personnel during construction activities. | Construction Contractor(s) | During project construction | Project Applicant | Random field inspections during construction | | | |
| MM-NOI-2 | <i>Hourly Noise Levels.</i> Noise minimizing measures shall be implemented to reduce noise levels to the greatest extent feasible at the nearest receptors, defined as at or below 55 dBA permitted between the hours of 10:00 PM and 7:00 AM; and at or below 65 dBA permitted between the hours of 7:00 AM and 10:00 PM. Measures shall include portable noise barriers and scheduling specific construction activities to avoid conflict with adjacent sensitive receptors. | Construction Contractor(s) | During project construction | Project Applicant | Random field inspections during construction | | | |
| MM-NOI-3 | <i>Construction Staging.</i> Construction staging areas shall be located as far from adjacent sensitive receptor locations as possible. | Construction Contractor(s) | During project construction | Project Applicant | Random field inspections during construction | | | |

4.1 List of Acronyms

| Acronym/Abbreviation | Definition |
|----------------------|--|
| AB | Assembly Bill |
| AMTP | Archaeological Monitoring and Treatment Plan |
| CDFW | California Department of Fish and Wildlife |
| CDNPA | California Desert Native Plants Act |
| CEQA | California Environmental Quality Act |
| COA | Conditions of Approval |
| CRMP | Cultural Resource Management Plan |
| ESA | Environmentally Sensitive Area |
| MM | Mitigation Measure |
| MMRP | Mitigation Monitoring and Reporting Program |
| NAHC | Native American Heritage Commission |
| SCCIC | South Central Coastal Information Center |
| MBMI | Morongo Band of Mission Indians |
| MLD | Most Likely Descendant |
| SOI | U.S. Secretary of the Interior Standards |
| THPO | Tribal Historic Preservation Officer |
| WEAP | Workers Environmental Awareness Program |
| WJTCA | Western Joshua Trees Conservation Act |

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