

ATTACHMENT E

MND & MMRP

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT

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(760) 955-5135 FAX (760) 245-8250

MITIGATED NEGATIVE DECLARATION

Preparation Date: May 3, 2024

Name or Title of Project: Vesting Tentative Map Case No. PLAN22-00033 (TTM 20544)

Location: Southeast corner of Bear Valley Road and Verbena Road (APN: 3071-111-01)

Entity or Person Undertaking Project: Jack Herron Bear Valley 60, LLC 2472 Chambers Road, Suite 150 Tustin, CA 92780

Description of the Project: A Vesting Tentative Tract Map with a proposed Mitigated Negative Declaration to allow for the creation of 61 single-family lots from approximately 20 acres of R-1 (Single-Family Residential) zoned property located at the southeast corner of Bear Valley Road and Verbena Road.

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.

Mitigation Measures:

Air Quality Measures:

1. Although the Proposed Project does not exceed MDAQMD thresholds, the Applicant is required to comply with applicable MDAQMD Rules 402 for nuisance and 403 for fugitive dust control. This would include, but not be limited to the following:
 - Signage compliant with Rule 403 Attachment B shall be erected at each project site entrance not later than the commencement of construction.
 - Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

- All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.
- All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces and clean any project-related trackout within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.
- Additionally, the District also requires that the proponent obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to internal combustion engines with a manufacture's maximum continuous rating greater than or equal to 50 brake horsepower.

Biological Measures:

1. **(BIO-1)** If construction occurs between February 1st and August 31st, pre-construction surveys for burrowing owls and any other species protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted prior to the commencement of Project-related ground disturbance. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.
2. **(BIO-2)** In accordance with the Western Joshua Tree Conservation Act via SB 122, and the City of Victorville's Development Advisory dated July 19, 2023, the Project will be required to obtain an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife, prior to any ground disturbance. The ITP will provide for the acceptance of the mitigation fees to offset the impacts to the Western Joshua Trees found onsite. Additional surveys or mitigation required will be determined during the ITP process.
3. **(BIO-3)** A focused plant survey is recommended for all special status plant species that have the potential to occur on the site to be performed during the blooming season (April - June) to determine the potential environmental effects of the proposed projects on special status plants and sensitive natural communities following recommended protocols by CDFW. If any sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the "take" of any sensitive species and can approve the implementation of any applicable mitigation measures.

4. **(BIO-4)** Although no desert tortoises were detected during the site surveys, habitat within the project footprint is considered marginally suitable for this species. Therefore, a qualified biologist shall conduct a pre-construction clearance survey no more than 14 days prior to initiating construction in accordance with U.S. Fish and Wildlife Service's (2019) survey protocol; if the biologist detects a desert tortoise, the biologist or applicant will contact the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife immediately.

Cultural Resource Measures:

5. **(CR-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 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.
6. **(CR-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.
7. **(CR-3)** 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 State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

Geology and Soils Measures:

8. **(GEO-1)** In consultation with the Applicant and the City, a qualified paleontologist shall develop a plan of mitigation which may include full-time monitoring, salvage excavation, scientific removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation of the find in a local qualified repository, and preparation of a report summarizing the find.

Tribal Cultural Resources:

9. **(TCR-1)** The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CR-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 present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

10. **(TCR-2)** Any and all archaeological/cultural documents created as part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and City of Victorville for dissemination to YSMN. The City of Victorville and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

Public Review Period: May 3, 2024, through June 3, 2024

Tentative Public Hearing Date: June 12, 2024

MITIGATION MONITORING REPORTING PROGRAM

Project: Vesting Tentative Tract Map, 20544

Applicant: Madole & Associates, Inc.

Lead Agency: City of Victorville

Date: May 3, 2024

Mitigation Measure	Responsibility for Implementation	Timing	Responsible for Ensuring Compliance/ Verification	Date Completed and Initials
Air Quality				
<p>MM AQ-1: Although the Proposed Project does not exceed MDAQMD thresholds, the Applicant is required to comply with applicable MDAQMD Rules 402 for nuisance and 403 for fugitive dust control. This would include, but not be limited to the following:</p> <ul style="list-style-type: none">• Signage compliant with Rule 403 Attachment B shall be erected at each project site entrance not later than the commencement of construction.• Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.• All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.	In Construction Contract Specifications.	Prior to Demolition, Grading and Building Permits	City of Victorville Development Department –Planning & Building Divisions	

Mitigation Measure	Responsibility for Implementation	Timing	Responsible for Ensuring Compliance/ Verification	Date Completed and Initials
<ul style="list-style-type: none"> All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces and clean any project-related trackout within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible Additionally, the District also requires that the proponent obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to internal combustion engines with a manufacture's maximum continuous rating greater than or equal to 50 brake horsepower. 				
Biological Resources				
MM BIO-1: If construction occurs between February 1 st and August 31 st , pre-construction surveys for burrowing owls and any other species protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife shall be conducted prior to the commencement of Project-related ground disturbance. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.	Qualified Biologist hired by Applicant	Prior to ground disturbing activities if construction is scheduled to occur between February 1 st and August 31	City of Victorville Development Department -Planning Division	
MM BIO-2: In accordance with the Western Joshua Tree Conservation Act via SB 122, and the City of Victorville's Development Advisory dated July 19, 2023, the Project will be required to obtain an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife, prior to any ground disturbance. The ITP will provide for the acceptance of the mitigation fees to off-set the impacts to the Western Joshua	Applicant	Prior to ground disturbing activities and issuance of grading permit	City of Victorville Development Department -Planning Division	

Mitigation Measure	Responsibility for Implementation	Timing	Responsible for Ensuring Compliance/ Verification	Date Completed and Initials
trees found on-site. Additional surveys or mitigation required will be determined during the ITP process.				
MM BIO-3: A focused plant survey is recommended for all special status plant species that have the potential to occur on the site to be performed during the blooming season (April - June) to determine the potential environmental effects of the proposed projects on special status plants and sensitive natural communities following recommended protocols by CDFW. If any sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the “take” of any sensitive species and can approve the implementation of any applicable mitigation measures.	Qualified Biologist hired by Applicant	Prior to ground disturbing activities if construction is scheduled to occur between April through June.	City of Victorville Development Department -Planning Division	
MM BIO-4: Desert Tortoise Survey: Although no desert tortoises were detected during the site surveys, habitat within the project footprint is considered marginally suitable for this species. Therefore, a qualified biologist shall conduct a pre-construction clearance survey no more than 14 days prior to initiating construction in accordance with U.S. Fish and Wildlife Service’s (2019) survey protocol; if the biologist detects a desert tortoise, the biologist or applicant will contact the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife immediately.	Qualified Biologist hired by Applicant	Fourteen (14) days prior to ground disturbing activities	City of Victorville Development Department – Planning Division	
Cultural Resources				
MM CR-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 to assess the find. Work on the other portions of the project outside of the buffered area may continue during this	Contractor/Qualified Archaeologist hired by Applicant	Upon discovery of historical or archaeological resources	City of Victorville Development Department -Planning Division	

Mitigation Measure	Responsibility for Implementation	Timing	Responsible for Ensuring Compliance/ Verification	Date Completed and Initials
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.				
MM CR-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.	Qualified Archaeologist hired by Applicant	Upon discovery of historical or archaeological resources	City of Victorville Development Department -Planning Division	
MM CR-3: 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 State Health and Safety Code §7050.5 and that code enforced for the duration of the project.	Contractor	Upon discovery of human remains	City of Victorville Development Department -Planning Division	
Geology and Soils				
MM GEO-1: In consultation with the Applicant and the City, a qualified paleontologist shall develop a plan of mitigation which may include full-time monitoring, salvage excavation, scientific removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation of the find in a local qualified repository, and preparation of a report summarizing the find.	Applicant/Qualified Paleontologist	Prior to issuance of grading permit	City of Victorville Development Department- Planning Division	
Tribal Cultural Resources				
MM TCR-1: The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed	Qualified Archaeologist	Upon discovery of historical or	City of Victorville	

Mitigation Measure	Responsibility for Implementation	Timing	Responsible for Ensuring Compliance/ Verification	Date Completed and Initials
in CR-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 present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.	hired by Applicant	archaeological resources	Development Department-Planning Division	
MM TCR-2: Any and all archaeological/cultural documents created as part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and City of Victorville for dissemination to YSMN. The City of Victorville and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.	Qualified Archaeologist hired by Applicant	Upon discovery of historical or archaeological resources	City of Victorville Development Department-Planning Division	