

## APPENDIX Q

### MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program has been prepared for use in implementing mitigation measures for:

#### *Yucca Valley Retail Specific Plan*

The Mitigation Monitoring and Reporting Program has been prepared in compliance with State law and the Environmental Impact Report (EIR) (State Clearinghouse No. 2004071127) prepared for the project by the Town of Yucca Valley.

The California Environmental Quality Act (CEQA) requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment (Public Resource Code §21081.6). The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation.

The Mitigation Monitoring and Reporting Program contains the following elements:

- **Action and Procedure.** The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- **Compliance and Verification.** A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
- **Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the Mitigation Monitoring and Reporting Program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

On the following pages are Mitigation Monitoring and Reporting Program checklist.

## MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

**Project File Name:** Yucca Valley Retail Specific Plan EIR  
**Prepared by:** Town of Yucca Valley

**Applicant:** Wal-Mart Stores, Inc.  
**Date:** March 31, 2008

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<b>AESTHETICS</b>						
<b>4.1.1A</b> Pole-mounted floodlights at the main entry façade shall be fitted with glare shields or adjustable “barn doors” to control unwanted spill light.	CP	D	City Review of Building Plans	A/C		2/3
<b>4.1.1B</b> All exterior wall-mounted area lights on project buildings, the fast-food drive-through lane lights, and the fast-food restaurant parking lot lights shall be equipped with “cut-off” optics to mitigate spillover light and direct glare within the project boundary. Specifically, the Illumination Engineering Society (IES) definition for the cut-off fixture classification is as follows: Intensity at 80 degrees from nadir (0-degree-angle pointing directly downward from the lighting fixture) does not exceed 100 candela (cd) per 1000 lamp lumens, nor at 90 degrees from nadir does the intensity exceed 25 cd per 1,000 lamp lumens.	CP/BO	B/D	City Review of Building Plans	A/C		2/3
<b>4.1.1C</b> Prior to the issuance of grading permits, the applicant shall submit to the Town a photometric study (to include parking areas and access way lights, external security lights, and lighted signage), proving that the project light sources do not spill over to adjacent off-site properties.	CP/BO	B/D	Submittal of photometric study/ City Review of Building Plans	A/C/D		2/3
<b>AIR QUALITY</b>						
<b>4.3.1A</b> Prior to issuance of grading permits, the construction contractor shall provide evidence showing that the following measures shall be implemented to reduce NO <sub>x</sub> and PM <sub>10</sub> emissions from ground disturbance and VOC emissions from application of architectural coatings:  <ul style="list-style-type: none"> <li>• The construction contractor shall select the construction equipment</li> </ul>	BO	B/C	City Review of Grading Plans/During Construction	A/D		4/7

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<p>used on site based on low emission factors and high energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.</p> <ul style="list-style-type: none"> <li>• The construction contractor shall demonstrate to the Town that construction activities shall make use of alternatively fueled equipment or catalyst-equipped diesel powered equipment to the extent such alternative fuels are available.</li> <li>• The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use.</li> <li>• The construction contractor shall time the construction activities so as not to interfere with peak hour traffic and to minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.</li> <li>• The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.</li> <li>• The construction contractor shall demonstrate compliance with the fugitive dust suppression measures 403 a) through 403 e) contained in MDAQMD Rule 403.</li> <li>• The construction contractor shall demonstrate compliance with the VOC suppression measures contained in MDAQMD 1113.</li> <li>• The construction contractor shall apply non-toxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).</li> <li>• The construction contractor shall water active sites at least twice daily (Locations where grading is to occur shall be thoroughly</li> </ul>						

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<p>watered prior to earthmoving).</p> <ul style="list-style-type: none"> <li>The construction contractor shall provide evidence to the Town that all trucks hauling dirt, sand, soil, or maintain at least two feet of freeboard (vertical space between the top of the load and top of the trailer) in accordance with the requirements of California Vehicle Code (CVC) section 23114.</li> <li>The construction contractor shall pave construction access roads at least 100 feet onto the site from the main road.</li> <li>The construction contractor shall promote the reduction of traffic speeds on all unpaved roads to 15 miles per hour (mph) or less.</li> </ul>						
<p><b>4.3.2A</b> Prior to issuance of building permits, the project applicant shall provide evidence to the Town that applicable (as determined by the Town) Transportation Demand Management (TDM) measures are incorporated into the design of the proposed project. At a minimum, the TDM measures shall include: 1) Bicycle Storage – The project shall provide secure, adequate and convenient bicycle storage facilities for a minimum of 12 bicycles; 2) Information Center – A transportation information center shall be provided within the Wal-Mart store; and 3) preferential parking for employee carpool. The information center shall be located in a central location with good customer visibility. The information center shall provide information concerning public transportation options including route and schedules for local bus service.</p>	CP/BO	B/D	City Review of Building Plans.	A/C		2/3
<b>BIOLOGICAL RESOURCES</b>						
<p><b>4.4.1A</b> Prior to site grading, a focused survey for the burrowing owl shall be conducted on the project site by a qualified biologist to determine on-site presence/absence of this species. The focused burrowing owl survey shall be conducted during the appropriate breeding season (February 1 to August 31) and/or within 30 days prior to the commencement of grading activities. If the survey determines that the burrowing owl is present, Mitigation Measure 4.4.1B shall apply.</p>	CP	B	City Review of Focused Survey.	D		2

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
Conversely, if the burrowing owl is absent from the project site, no further mitigation is required.						
<b>4.4.1B</b> Any burrowing owls identified during on-site focused surveys shall be relocated by a qualified biologist prior to the commencement of grading activities. The relocation of any specimen shall be conducted per applicable CDFG and USFWS procedures. Relocation of on-site burrowing owls shall not be permitted during the nesting season for this species.	CP	B/C	City Review of Survey Results	D		2/4
<b>4.4.1C</b> In accordance with the MBTA, the removal of vegetation or other potential nesting habitat shall be conducted outside of the avian nesting season (February through August). If construction occurs during the avian nesting season, a pre-construction nesting bird survey shall be conducted seven days prior to any ground disturbing activities. If birds are found to be nesting inside, or within 250 feet (500 feet for raptors) of the impact area, construction will need to be postponed until it is determined by a qualified biologist that the nest is no longer active.	CP	B/C	City Review of Grading Plans	D		2/4
<b>4.4.2A</b> Exclude the Mexican Palo Verde tree ( <i>Parkinsonia aculeate</i> ) from the plant palette proposed in the landscaping plan.	CP/BO	B	City Review of Landscaping Plans.	A/C		3
<b>4.4.3A</b> In compliance with the USFWS 1992 Field Survey Protocol for desert tortoise, a pre-construction clearance survey is required in addition to the focused protocol survey. A pre-construction clearance survey shall be conducted within 30 days prior to any ground disturbing activities. If the clearance survey is positive, incidental take permits will be required from the USFWS and the CDFG prior to any ground disturbing activities. The permits would stipulate required actions such as relocation of the tortoises, installation of a tortoise proof fence, etc.	CP/BO	B	City Review of Survey Results	D		2
<b>4.4.3B</b> Pursuant to the USFWS 1992 Field Survey Protocol, focused presence/absence surveys, which must be conducted during the activity period of the tortoise between March 25 and May 31, are valid for one year. Therefore, if construction is not initiated prior to March 25, 2007,	CP/BO	B	City Review of Survey Results	D		2

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another focused protocol survey will be required between March 25 and May 31 to determine presence/absence of desert tortoise within the project site impact area. If the focused protocol survey is positive, incidental take permits will be required from the USFWS and the CDFG.						
<b>4.4.3C</b> In order to minimize impacts due to increased numbers of common ravens on desert tortoise, all trash containers shall be securely covered. In addition, to reduce littering, signage shall be posted throughout the project site stating fines for trash dumping in open areas.	BO	D/E	City Review of Building Plans/Issuance of Occupancy Permits	A/C		3/7
<b>4.4.3D</b> Prior to the initiation of grading activities, all construction personnel shall participate in an education program. The program will be taught by a qualified biologist and will inform personnel of the status of the tortoise under the Endangered Species Act, that desert tortoise are not to be handled or otherwise harassed, that if a desert tortoise is encountered all construction must cease until proper action is taken, and provide the contact information of a biologist qualified to handle desert tortoise in the unlikely event that a desert tortoise is encountered.	BO	B/C	Issuance of Grading Permits	C		2
<b>4.4.3E</b> If a desert tortoise is encountered during ground-disturbing activities, the qualified biologist shall be contacted. The qualified biologist will take appropriate actions to avoid take of the tortoise. All actions will be coordinated with the USFWS and CDFG.	CDD/BO	C	During grading and construction	A		4
<b>CULTURAL RESOURCES</b>						
<b>4.5.1A</b> In the event a historical resource is uncovered, discovered, or otherwise detected or observed during the course of grading or construction of the project, ground-disturbing activities within 50 feet of the find shall cease until the nature and extent of the find can be evaluated by a qualified historian (meeting Secretary of Interior Standards). If any such resource is uncovered during the course of project-related grading or construction, appropriate mitigation measures, recordation, and removal procedures shall be required prior to any resumption of work in the affected area of the project.	CDD/BO	C	During grading and construction	A		4

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<p><b>4.5.2A</b> Prior to grading activities, an archeological resource monitoring plan shall be submitted for review and approved by the Town. The archeological resource monitoring plan shall require monitoring of the upper ten (10) feet of topsoil. If after 100 percent of soils to five (5) feet below original grade has been monitored and no archaeological resources have been identified, the Project Archaeologist may discontinue monitoring. In the event an archaeological resource is uncovered, discovered, or otherwise detected or observed during the course of grading or construction of the project, ground-disturbing activities within 50 feet of the find shall cease until the nature and extent of the find can be evaluated by a qualified archaeologist (meeting Secretary of Interior Standards). If any such resource uncovered during the course of project-related grading or construction, appropriate mitigation measures, recordation, and removal procedures shall be required prior to any resumption of work in the affected area of the project.</p>	CDD/BO	B/C	City Review and Approval of Resource Monitoring Plan.	D		2/4
<p><b>4.5.2B</b> In the event a Native American cultural resource is uncovered, discovered, or otherwise detected or observed during the course of grading or construction of the project, the monitor, hired by the project applicant, shall contact the Morongo Band of Mission Indians (“Tribe”). If requested by the Tribe, the monitor, at the applicant’s discretion, shall consult on the discovery and its disposition.</p>	CDD/BO	C	During grading and construction	A		4
<p><b>4.5.3A</b> Prior to grading activities, a paleontological resource monitoring plan shall be submitted for review and approved by the Town. The paleontological resource monitoring plan shall require monitoring of the upper ten (10) feet of topsoil. If after 100 percent of soils to five (5) feet below original grade has been monitored and no paleontological resources have been identified, the Project Paleontologist may discontinue monitoring. In the event that a paleontological resource is uncovered, discovered, or otherwise detected or observed during the course of grading or construction of the project, ground-disturbing activities within 50 feet of the find shall cease until the nature and extent of the find can be evaluated by a qualified paleontologist (meeting Secretary of Interior Standards). If any such resource uncovered during</p>	CDD/BO	B/C	City Review and Approval of Resource Monitoring Plan.	D		2/4

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
the course of project-related grading or construction, appropriate mitigation measures, recordation, and removal procedures shall be required prior to any resumption of work in the affected area of the project.						
<b>GEOLOGY AND SOILS</b>						
<p><b>4.6.1A</b> The design and construction of the proposed on-site uses shall adhere to the recommendations identified in the geotechnical investigation prepared for the proposed project; engineering standards detailed in the UBC for development within Seismic Zone 4; and/or other design requirements established by the Town. The geotechnical investigation prepared for this project identifies the potential for some degree of structural damage during seismic shaking, but the risk can be reduced through recommendations contained in the geotechnical investigation. These design and construction measures, from the geotechnical investigation, shall include the following:</p> <ul style="list-style-type: none"> <li>• To minimize post-construction soil movement and provide a uniform support for the buildings, overexcavation and recompaction within the proposed footings shall be performed to a minimum depth of 3 feet below existing grades or 2 feet below the bottom of the proposed footings, whichever is deeper.</li> <li>• The overexcavation and recompaction within the interior slab-on-grade areas shall be performed to a depth of 2 feet below existing grades or 1 foot below the bottom of the proposed slab sections, whichever is deeper.</li> <li>• The overexcavation and recompaction shall also extend laterally 10 feet beyond the edges of the proposed footings.</li> <li>• Within the proposed exterior flatwork and pavement areas, overexcavation and recompaction shall be performed to at least 12 inches below existing grade or finish grade, whichever is lower.</li> <li>• Prior to placement of fill soils, the upper 8 inches of native soils</li> </ul>	CE	B	City Review of Grading and Building Plans	A/C/D		2

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>shall be scarified, moisture-conditioned to near optimum moisture content, and recompacted to a minimum of 95 percent of maximum dry density based on ASTM D1557 Test Method.</p> <ul style="list-style-type: none"> <li>• The proposed structures shall be supported on a shallow foundation system bearing on at least 2 feet of engineered fill.</li> <li>• Shoring or sloping back trench sidewalls shall be required within these sandy soils.</li> <li>• The proposed structure footings shall be designed utilizing an allowable bearing pressure of 2,500 pounds per square foot (psf) for dead-plus-live loads. Footings should have a minimum depth of 18 inches below pad subgrade (soil grade) or adjacent exterior grade, whichever is deeper.</li> </ul>						
<p><b>4.6.2A</b> The design and construction of the proposed on-site uses shall adhere to the recommendations identified in the geotechnical investigation prepared for the proposed project. The geotechnical investigation prepared for this project identifies the potential for some degree of soil settlement, but the risk can be reduced through adherence to recommendations contained in the geotechnical investigation. These design and construction measures, from the geotechnical investigation, shall include the following:</p> <ul style="list-style-type: none"> <li>• To minimize post-construction soil movement and provide a uniform support for the building, it is recommended that overexcavation and recompaction within the proposed footings be performed to a minimum depth of 3 feet below existing grades or 2 feet below the bottom of the proposed footings, whichever is deeper.</li> <li>• The overexcavation and recompaction within the interior slab-on-grade areas shall be performed to a depth of 2 feet below existing grades or 1 foot below the bottom of the proposed slab sections, whichever is deeper.</li> <li>• The overexcavation and recompaction shall also extend laterally 10</li> </ul>	CE	B	City Review of Grading and Building Plans	A/C/D		2

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>feet beyond the edges of the proposed footings.</p> <ul style="list-style-type: none"> <li>• Within the proposed exterior flatwork and pavement areas, it is recommended that overexcavation and recompaction be performed to at least 12 inches below existing grade or finish grade, whichever is lower.</li> </ul>						
<p><b>4.6.3A</b> The design and construction of the proposed on-site uses shall adhere to the recommendations identified in the geotechnical investigation prepared for the proposed project, which identifies the potential for some degree of post-construction settlement. The risk can be reduced through adherence to recommendations contained in the geotechnical investigation. These recommendations include (but shall not be limited to) the following:</p> <ul style="list-style-type: none"> <li>• Prior to the placement of fill soils, the upper 8 inches of native soils shall be scarified, moisture-conditioned to near optimum moisture content and recompacted to a minimum of 95 percent of maximum dry density based on ASTM D1557 Test Method.</li> <li>• Native silty sand or silty sand soils/sand soils are suitable for reuse as engineered fill. Fill material shall be compacted to a minimum of 95 percent of maximum density based on ASTM D1557-91 Test Method.</li> </ul>	CE	B	City Review of Grading and Building Plans	A/C/D		2
<b>NOISE</b>						
<p><b>4.11.1A</b> Construction activities are restricted within the Town to the hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday. The following measures would reduce short-term construction-related noise impacts resulting from the proposed project:</p> <ul style="list-style-type: none"> <li>• During all project site excavation and grading on-site, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.</li> <li>• The project contractor shall place all stationary construction</li> </ul>	BO	C	During grading and construction	A		4/7

Mitigation Measures No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</p> <ul style="list-style-type: none"> <li>The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</li> </ul>						
<b>4.11.3A</b> Nighttime operation of delivery trucks shall be limited to less than 30 minutes each.	CDD	E	During Occupancy	A		7
<b>4.11.3B</b> Nighttime operation of delivery truck beepers shall be prohibited for all on-site vehicles.	CDD	E	During Occupancy	A		7
<b>PUBLIC SERVICES</b>						
<b>4.13.1A</b> Prior to the issuance of occupancy permits, the project applicant shall make payment of fair share contribution fees (as determined by the Fire Chief) to a Town-wide public services assessment district.	FC	D	Issuance of Occupancy Permits	B		3
<b>4.13.1B</b> Prior to the issuance of grading permits, the project applicant shall submit for review and approval by the Fire Chief, a site plan design which includes looped water service which provides adequate fire flow (as determined by the Fire Chief).	FC	B	City Review of Grading Plans	D		2
<b>4.13.2A</b> Prior to the issuance of occupancy permits, the project applicant shall make payment of fair share contribution fees to a City-wide public services assessment district.	BO	D	Issuance of Occupancy Permits	B/C		3
<b>TRANSPORTATION AND TRAFFIC</b>						
<b>4.15.1A</b> Prior to issuance of certificates of occupancy, the project applicant shall construct the following improvements: <ul style="list-style-type: none"> <li><b>Inca Trail/Twenty-nine Palms Highway (SR-62).</b> Install traffic signal.</li> </ul>	CE	D	City Review of Grading and Street Plans	C		2/3

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<ul style="list-style-type: none"> <li>• <b>Old Woman Springs Road (SR-247)/Buena Vista Drive.</b> Install traffic signal.</li> <li>• <b>Joshua Lane/Yucca Trail.</b> Install traffic signal.</li> <li>• <b>Joshua Lane/Onaga Trail.</b> The re-striping of a southbound shared lane to a southbound shared left-turn/through lane, and the addition of a southbound shared through/right-turn lane.</li> <li>• <b>Palomar Avenue/Yucca Trail.</b> Install traffic signal.</li> </ul>						
<b>4.15.1B</b> Prior to issuance of certificates of occupancy, the project applicant shall pay all applicable Town traffic and signal impact fees.	CE	B	Issuance of Occupancy Permits	C		3
<b>4.15.2A</b> Prior to issuance of certificates of occupancy, the project applicant shall pay all applicable CMP fair-share fees as determined by the TIA (\$676,097).	CE	B	Issuance of Occupancy Permits	C		3
<b>4.15.3A</b> Prior to issuance of grading permits, the project applicant shall submit and receive Town approval of detailed grading and landscaping plans to ensure that grading elevation, height of landscaping, vegetation, fencing, monumentation, signage, and other visual obstructions along the project site frontage do not obstruct the minimum sight distance requirement of 942 feet westerly from the proposed signalized driveway on SR-62. This area falls primarily within the proposed detention basin between the proposed signalized driveway and the proposed right in/out only driveway on SR-62.	BO/CP	B	City Review of Grading and Landscaping Plans	A/C		2

#### Key to Checklist Abbreviations

Responsible Person	Monitoring Frequency	Method of Verification	Sanctions
CDD: Community Development Director or designee CP: City Planner or designee CE: City Engineer or designee	A: With Each New Development B: Prior To Construction C: Throughout Construction	A: On-site Inspection B: Other Agency Permit / Approval C: Plan Check	1: Withhold Recordation of Final Map 2: Withhold Grading or Building Permit 3: Withhold Certificate of Occupancy

BO: Building Official or designee PO: Police Captain or designee FC: Fire Chief or designee	D: On Completion E: Operating	D: Separate Submittal (Reports / Studies / Plans)	4: Stop Work Order 5: Retain Deposit or Bonds 6: Revoke CUP 7: Citation
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