

**MITIGATED NEGATIVE DECLARATION
FOR CONCRETE PANEL CASTING FACILITIES
SITE PLAN NO. PLAN 19-00029**

Lead Agency:
City of Victorville
P.O. Box 5001
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c/o Michael Szarzynski, Senior Planner MSzarzynski@victorvilleca.gov

Applicant:
Reinforced Earth Company
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CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT
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DRAFT MITIGATED NEGATIVE DECLARATION
Preparation Date: October 29, 2019

Name or Title of Project: Site Plan, PLAN 19-00029.

Location: 17248 D Street, Victorville, CA
West of D Street/National Trails Highway/Route 66
and south of Air Expressway

Entity or Person Undertaking Project: Reinforced Earth Company

Description of Project: A Site Plan on 32+/- acres to allow for the development of an approximately 1,440 sq. ft. prefabricated office, two 320 sq. ft. metal storage containers, 19 off-street parking spaces, approximately 4,000 sq. feet of "Concrete Casting Beds" and an irregular shaped area of about 6 acres for storage of concrete. The project also includes the temporary use of the southern 11.29+/- acres and an existing unpaved roadway for concrete casting prior to development of the permanent facility. This temporary use is located on previously disturbed property. Access to the site will be provided by the adjacent D Street/National Trails Highway/Route 66.

Statement of Findings: The 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. Prepare and submit to the Mojave Desert Air Quality Management District (MDAQMD) a dust control plan that describes all applicable dust control measures that will be implemented at the project, prior to commencing earth-moving activity.
2. The following signage shall be erected not later than the commencement of construction: A minimum 48 inch high by 96 inch wide sign containing the following shall be located within 50 feet of each project site entrance, meeting the specified minimum text height, black text on white background, on one inch A/C laminated plywood board, with the lower edge between six and seven feet above grade, with the contact name of a responsible official for the site and a local or toll-free number that is accessible 24 hours per day:

"[Site Name] {four-inch text}
[Project Name/Project Number] {four-inch text}
IF YOU SEE DUST COMING FROM {four-inch text} THIS PROJECT CALL: {four-inch text}
[Contact Name], PHONE NUMBER XXX-XXXX {six-inch text} If you do not receive a response, Please Call {three-inch text} The MDAQMD at 1-800-635-4617 {three-inch text}
3. 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.
4. 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.
5. 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 track-out onto paved surfaces and clean any project-related track-out 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.

Biological Measures:

6. A preconstruction survey shall be conducted by a qualified biologist for the presence of American badger or Desert kit fox dens within 14 days prior to commencement of construction activities. The survey shall be conducted in areas of suitable habitat for American badger and Desert kit fox, which includes desert scrub and Joshua tree

habitats. If potential dens are observed and avoidance is feasible, the following buffer distances shall be established prior to construction activities:

- o Desert kit fox or American badger potential den: 50 feet
- o Desert kit fox or American badger active den: 100 feet
- o Desert kit fox or American badger natal den: 500 feet

If avoidance of the potential dens is not feasible, the following measures are recommended to avoid potential adverse effects to the American badger and desert kit fox:

- o If a qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel and collapse them to prevent American badgers or desert kit foxes from re-using them during construction.
- o If the qualified biologist determines that potential dens may be active, an onsite passive relocation program shall be implemented. This program shall consist of excluding American badgers or desert kit foxes from occupied burrows by installation of one-way doors at burrow entrances and monitoring of the burrow for seven days to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that American badgers and desert kit foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel and collapsed to prevent re-use during construction.
- o During fencing and grading activities daily monitoring reports shall be prepared by the monitoring biologists. The biologist shall prepare a summary monitoring report documenting the effectiveness and practicality of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The report shall also provide information on the overall activities conducted related to biological resources, including the Environmental Awareness

Training and Education Program, clearance/pre-activity surveys, monitoring activities, and any observed special -status species, including injuries and fatalities. These monitoring reports shall be submitted to the City of Victorville and relevant resource agencies as applicable on a monthly basis along with copies of all survey reports.

7. A Certified Wildlife Biologist shall conduct a preconstruction survey of the impact areas to confirm presence/absence of burrowing owl individuals no more than 30 days prior to construction. The survey methodology will be consistent with the methods outlined in the CDFW Staff Report on Burrowing Owl Mitigation (2012). If no active breeding or wintering owls are identified, no further mitigation is required.

If burrowing owls are detected onsite, the following mitigation measures shall be implemented in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012):

- o A Certified Wildlife Biologist shall be onsite during initial ground -disturbing activities in potential burrowing owl habitat.
- o No ground-disturbing activities shall be permitted within a buffer no less than 200 meters (656 feet) from an active burrow, depending on the level of disturbance,

unless otherwise authorized by CDFW. Occupied burrows will not be disturbed during the nesting season (February 1 to August 31), unless a qualified biologist verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival.

- o During the nonbreeding (winter) season (September 1 to January 31), ground-disturbing work can proceed near active burrows as long as the work occurs no closer than 50 meters (165 feet) from the burrow, depending on the level of disturbance, and the site is not directly affected by the project activity. A smaller buffer may be established in consultation with CDFW. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be excluded from winter burrows according to recommendations made in the Staff Report on Burrowing Owl Mitigation (2012).
- o Burrowing owls shall not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed based on the recommendations made in the Staff Report on Burrowing Owl Mitigation (2012). The plan shall include, at a minimum:
 - o Confirmation by site surveillance that the burrow(s) is empty of burrowing owls and other species
 - o Type of scope to be used and appropriate timing of scoping
 - o Occupancy factors to look for and what shall guide determination of vacancy and excavation timing
 - o Methods for burrow excavation
 - o Removal of other potential owl burrow surrogates or refugia onsite
 - o Methods for photographic documentation of the excavation and closure of the burrow,
 - o Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take
 - o Methods for assuring the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals
 - o Compensatory mitigation for lost breeding and/or wintering habitat shall be implemented onsite or off-site through implementation of a Mitigation Land Management Plan based on the Staff Report on Burrowing Owl Mitigation (CDFW 2012) guidance. The plan shall include the following components, at a minimum:
 - o Temporarily disturbed habitat on the project site shall be restored, if feasible, to pre-project conditions, including de-compacting soil and revegetation;
 - o Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis which includes conservation of similar vegetation communities comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals;
 - o Mitigation land acreage shall not exceed the size of the project site;
 - o Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a CDFW approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits.

- o Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.
 - o Mitigation lands shall be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present.
8. If project activities must occur during the avian nesting season (February to September), a survey for active nests must be conducted by a qualified biologist, one to two weeks prior to the activities. If active nests are identified and present onsite, clearing and construction within 50-250 feet of the nest, depending on the species involved (50 feet for common urban-adapted native birds and up to 250 feet for raptors), shall be postponed until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest site shall be established in the field by a qualified biologist with flagging and stakes or construction fencing. Construction personnel shall be instructed regarding the ecological sensitivity of the fenced area. If construction must occur within this buffer, it shall be conducted at the discretion of a qualified biological monitor to assure that indirect impacts to nesting birds are avoided.
9. If sensitive wildlife species such as the Desert Tortoise or the Mohave Ground Squirrel, Desert Kit Fox, or nesting birds are detected on the project site during future surveys or assessments or construction, all work on-site shall stop immediately and mitigation measures shall be required to reduce impact to a level of less than significant. Any proposed mitigation measures shall be determined by a Certified Wildlife Biologist and be approved by the City Planner and the California Department of Fish and Wildlife as applicable in accordance with typical best practices.
10. Should grading or construction commence after February 1st, 2020, a new biological survey shall be filed with the City of Victorville as a Biological Clearance Letter to determine the presence or absence of endangered species on the site. Said survey shall be filed with the City Planner or his designee prior to issuance of a grading permit. The survey shall be valid for a period of one year.

Cultural Resource Measures:

11. 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 San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) 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.
12. 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 SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

13. 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:

13. The applicant shall provide for an on-site paleontological inspector all grading operations, or a letter from said licensed professional indicating that monitoring is not necessary during grading. Further, if disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2. The results of said monitoring shall be filed with the Development Department prior to the final approval of the project.

Water Measures:

14. A "Water Will Serve" letter shall be obtained by the applicant/developer from the Victorville Water Department prior to the recordation of any Parcel Map or Certificate of Compliance documents for any Lot Merger or Lot Line Adjustment, included in this proposal, if applicable.
15. Prior to issuance of a grading permit the applicant shall obtain coverage under the statewide general NPDES permit for control of construction and post-construction related storm water in accordance with the requirements of the Small MS4 General Permit. In addition, the applicant shall:
 - Prepare a project specific Storm Water Pollution Prevention Plan (SWPPP) as required in the NPDES permit and shall identify site-specific erosion and sediment control best management practices that will be implemented;
 - The SWPPP shall be applicable to all areas of the project site including construction areas, access roads to and through the site, and staging and stockpile areas; and
 - Temporary best management practices for all components of the project must be implemented until such time as permanent post-construction best management practices are in place and functioning.

Storm Water Measures:

16. Prior to issuance of a grading permit the applicant shall obtain coverage under the statewide general NPDES permit for control of construction and post-construction related storm water in accordance with the requirements of the Small MS4 General Permit. In addition, the applicant shall:
 - Prepare a project specific Storm Water Pollution Prevention Plan (SWPPP) as required in the NPDES permit and shall identify site-specific erosion and sediment control best management practices that will be implemented;
 - The SWPPP shall be applicable to all areas of the project site including construction areas, access roads to and through the site, and staging and stockpile areas; and

- Temporary best management practices for all components of the project must be implemented until such time as permanent post-construction best management practices are in place and functioning.

Tribal Cultural Resource Measures:

17. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) 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 SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.
18. 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 to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

Public Review Period: November 1 through 30, 2019.

Tentative Public Hearing Date: December 11, 2019.

Adopted by the Planning Commission: _____, ____.