

# Tennessee Village Mixed-Use Project

## Mitigation Monitoring and Reporting Program

*Lead Agency:*

City of Redlands  
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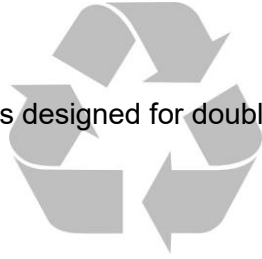
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MMRP  
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This Mitigation Monitoring and Reporting Program (MMRP) identifies Mitigation Measures incorporated into the Public Review Draft IS/MND prepared for the Tennessee Village Mixed-Use Project in the City of Redlands, California. For each Mitigation Measure, the MMRP identifies the significant impact, the related mitigation measure, the implementation entity, the monitoring and verification entity, and timing requirements.

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Tennessee Village Mixed-Use Project Mitigated Negative Declaration: Mitigation Monitoring Reporting Program						
Mitigation Measures	Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
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<b>BIOLOGICAL RESOURCES</b>						
<b>BIO-1</b>	<p><b>Pre-construction Survey for Nesting Birds.</b> To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code would be avoided. The nesting season for most birds in San Bernardino County extends from February 1 through September 1.</p> <p>If it is not possible to schedule construction activities between September 1 and January 31, then pre-construction surveys for nesting birds will be conducted by a qualified biologist to ensure that no nests would be disturbed during project implementation. These surveys will be conducted no more than 5 days prior to the initiation of any site disturbance activities and equipment mobilization, vegetation removal, fence installation, grading, etc. If project activities are delayed by more than 5 days, an additional nesting bird survey will be performed. During this survey, the biologist will inspect all vegetation and other potential nesting habitats (e.g., shrubs) in and immediately adjacent to the impact area for nests. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the</p>	Prior to Issuance of Grading Permits	Complete and Submit Surveys to City of Redlands DSD	Project Proponent, City of Redlands DSD		

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<p>surveys will be documented.</p> <p>If an active nest is found sufficiently close to work areas to be disturbed by these activities, the qualified biologist will determine the extent of a construction-free buffer zone to be established around the nest (typically up to 300 feet for raptors and up to 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation. Within the buffer zone, no site disturbance and mobilization of heavy equipment, including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, demolition, and grading will be permitted until the chicks have fledged.</p> <p>A qualified biologist is an individual who has a degree in biological sciences or related resource management with a minimum of two seasonal years post-degree experience conducting surveys for nesting birds. During or following academic training, the qualified biologist will have achieved a high level of professional experience and knowledge in biological sciences and special-status species identification, ecology, and habitat requirements.</p>						

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<b>BIO-2</b>	<p><b>Pre-construction Survey for Burrowing Owl.</b> No more than 14 days prior to ground disturbance a focused survey for burrowing owl will be required to ensure take avoidance. Even though burrowing owls were not located as part of the general biological survey, a pre-construction survey for burrowing owl is required because burrowing owls may encroach or migrate to the property at any time, and therefore steps should be taken to ensure avoidance, including reevaluating the locations/presence of burrowing owl or burrows. Pre-construction surveys shall be conducted in accordance with the survey requirements outlined in Appendix D of the CDFW's Staff Report on Burrowing Owl, dated March 7, 2012. If burrowing owl are found on the project site during pre-construction surveys, the biologist conducting surveys shall immediately contact the CDFW to develop a plan for avoidance and/or translocation prior to construction crews initiating any ground disturbance on the project site.</p>	Prior to Issuance of Grading Permits	Complete Surveys and Submit to City of Redlands DSD	Project Proponent, City of Redlands DSD			
<b>CULTURAL RESOURCES (ARCAHEOLOGICAL RESOURCES)</b>							
<b>CUL-1</b>	<p>If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to</p>	Prior to and During Construction	Complete and Submit Agreement to City of Redlands DSD	City of Redlands DSD			



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<p>evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:</p> <ul style="list-style-type: none"> <li>• If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required.</li> <li>• If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead agencies. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.</li> </ul>						

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<p>If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the San Bernardino County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as</p>						

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	appropriate, determine that the treatment measures have been completed to their satisfaction.					
GEOLOGY AND SOILS (PALEONTOLOGICAL RESOURCES)						
<b>GEO-1</b>	<b>Inadvertent Discovery of Paleontological Resources.</b> If paleontological materials are uncovered during grading or other earth moving activities, the contractor shall be required to halt work in the immediate area of the find, and to retain a professional paleontologist to examine the materials to determine whether it is a significant paleontological resource. If this determination is positive, the resource shall be left in place, if determined feasible by the project paleontologist. Otherwise, the paleontologist shall fully recover the scientifically consequential information. Work may continue outside of the area of the find; however, no further work shall occur in the immediate location of the find until all information recovery has been completed and a report concerning it filed with the Development Services Director. The applicant shall bear the cost of implementing this mitigation.	During Grading and Site Preparation	Report Submission to City of Redlands DSD	Project Proponent, City of Redlands		
NOISE						
<b>NOI-1</b>	<b>Reduce Potential Building 3 HVAC Noise Levels.</b> To reduce potential noise levels from Building 3 heating, ventilation, and air conditioning (HVAC) equipment:  1. The installation of HVAC units or systems that generate a noise level greater than 75	Prior to Issuance of Building Permits	Building Plan Submission	Project Proponent, City of Redlands DSD		

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	<p>dBA (at 3 feet) for units located within 90 lateral feet of the project's eastern property line shall be prohibited; or</p> <p>2. Parapet walls for any building with an HVAC unit or system within 90 feet of the project's eastern property line shall be at least 1 foot taller than the top of the tallest installed HVAC unit.</p>						
TRIBAL CULTURAL RESOURCES							
TCR-1	<p><b>Native American Treatment Agreement.</b> Prior to the issuance of grading permits, the Applicant shall enter into a Tribal Monitoring Agreement with the Consulting Tribe(s) 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.</p>	<p>Prior to Issuance of a Grading Permit</p>	<p>Submittal Executed of Agreement to the City of Redlands DSD</p>	<p>Project Proponent, City of Redlands DSD</p>			

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<b>TCR-2</b>	<p><b>Retention of Archaeologist.</b> 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 shall 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 shall 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.</p>	Prior to issuance of a Grading Permit	Submit Evidence of Retention of Archaeologist to City of Redlands DSD	Project Proponent, City of Redlands DSD			
<b>TCR-3</b>	<p><b>Cultural Resource Management Plan.</b> 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</p>	Prior to Issuance of a Grading Permit	Submit Completed Plan to the City of Redlands DSD	Project Proponent, City of Redlands DSD			

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	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.						
<b>TCR-4</b>	<b>Pre-Grade Meeting.</b> 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.	Prior to Ground-Disturbing Activities	Submit Evidence of Completion of Meeting to City of Redlands DSD	Project Proponent, City of Redlands DSD			
<b>TCR-5</b>	<b>On-Site Monitoring.</b> During all ground-disturbing activities the qualified archaeologist and the Native American 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 Native American 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 Native American monitor, shall be responsible for determining the duration and frequency of monitoring.	During All Ground-Disturbing Activities	Submit Report to City of Redlands DSD	Project Proponent, City of Redlands DSD			

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TCR-6	<p><b>Inadvertent Discovery of Cultural Resources.</b> In the event that previously unidentified cultural resources are unearthed during construction, the qualified archaeologist and the Native American 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 non-significant 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 Native American 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 Native American monitor[s] and be submitted to the Lead Agency for review and approval. Below</p>	During All Ground-Disturbing Activities	Submit Report to City of Redlands DSD	Project Proponent, City of Redlands DSD			

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	<p>are the possible treatments and dispositions of significant cultural resources in order of CEQA preference:</p> <p>A. Full avoidance.</p> <p>B. If avoidance is not feasible, Preservation in place.</p> <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>						
<b>TCR-7</b>	<p><b>Inadvertent Discovery of Human Remains.</b> The Consulting Tribe(s) 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).</p> <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,</p>	During All Ground-Disturbing Activities	Submit Report to City of Redlands DSD	Project Proponent, City of Redlands DSD			



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<p>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</p>						

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Mitigated Negative Declaration: Mitigation Monitoring Reporting Program**

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	sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial shall 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 shall be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.						
<b>TCR-8</b>	<b>Final Report.</b> 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 City and Consulting Tribe(s) for review and comment. After approval of all parties, the final reports shall be submitted to the Eastern Information Center, and the Consulting Tribe(s).	Prior to Issuance of Occupancy Permits	Provide Evidence of Report Submittal to All Listed Parties	Project Proponent, City of Redlands DSD			

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