

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required and date of compliance)
BIOLOGICAL RESOURCES				
<p>BIO-1: Preconstruction Surveys for Nesting Birds: Any development activities (such as ground disturbance, construction activities, and/or removal of trees and vegetation) within the project site shall be conducted during the non-breeding season for birds (approximately September 1 through February 15). This will avoid violations of the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Sections 3503, 3503.5, and 3513. The nest surveys shall include the project site and adjacent areas where project activities have the potential to cause nest failure. If activities with the potential to disrupt nesting birds are scheduled to occur during the bird breeding season (February through August for raptors and March through August for songbirds), a preconstruction nesting bird survey shall be conducted by a qualified biologist. The survey results shall be provided to the City's Planning Department. The Project Applicant shall adhere to the following:</p> <ol style="list-style-type: none"> 1. Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization efforts. 2. Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into 	Project Applicant	Prior to ground disturbance or rough grade permit issuance	City of Menifee Planning Department	

<p>consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.</p> <p>If no nesting birds are observed during the survey, site preparation and construction activities may begin. If nesting birds (including nesting raptors) are found to be present, then avoidance or minimization measures shall be undertaken in consultation with the City of Menifee and California Department of Fish and Wildlife. Measures shall include immediate establishment of an appropriate buffer zone to be established by a qualified biologist, and approved by the City of Menifee, based on their best professional judgement and experience. The buffer around the nest shall be delineated and flagged, and no construction activity shall occur within the buffer area until a qualified biologist determines nesting species have fledged and the nest is no longer active or the nest has failed. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g. increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that such project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. All work within these buffers will be halted until the nesting effort is finished (i.e. juveniles are surviving independent of the nest). The onsite qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping.</p>				
<p>BIO-2: Preconstruction Surveys for Burrowing Owl: Four protocol-level burrowing owl surveys were conducted during the</p>	Project Applicant			

<p>breeding season (February 1 through August 31) on March 22-23 and March 25-26, 2021, in accordance with the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). Although no sign of burrowing owl or live burrowing owls were identified during the survey, 16 potential burrowing owl burrows were identified on the project site during the four protocol surveys. To avoid project-related impacts to burrowing owls potentially occurring on or in the vicinity of the project site, a preconstruction survey be conducted by a qualified biologist no more than 30 days prior to construction (e.g. vegetation clearing, clearing and grubbing, tree removal, site watering) to determine the presence of own or sign thereof. The results shall be submitted to the City Planning Department. If no burrowing owls are observed during the survey, site preparation and construction activities may begin. If burrowing owls are found to be present, then avoidance or minimization measures shall be undertaken in consultation with the City of Menifee and California Department of Fish and Wildlife (CDFW). CDFW shall be sent written notification within 48 hours of detection of burrowing owls. If active burrowing owl burrows are detected, the Project applicant shall not commence activities until no sign is present that the burrows are being used by adult or juvenile owls or following CDFW approval of a Burrowing Owl Plan as described below. If owl presence is difficult to determine, a qualified biologist shall monitor the burrows with motion activated trail cameras for at least 24 hours to evaluate burrow occupancy. The onsite qualified biologist will verify the nesting effort has finished according to methods identified in the Burrowing Owl Plan.</p> <p>The Burrowing Owl Plan shall be prepared in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and the MSHCP. The qualified biologist and Project Applicant shall coordinate with the City, CDFW, and USFWS to develop a Burrowing Owl Plan to be approved by the City, CDFW and USFWS prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, relocation, monitoring, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls or information on the adjacent or nearby</p>		Prior to ground disturbance or rough grading permit issuance	City of Menifee Planning Department	
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<p>suitable habitat available to owls for relocation. If no suitable habitat is available for nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The City shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.</p> <p>If burrowing owls are observed within Project Site(s) during project implementation and construction, the Project Applicant shall notify CDFW immediately in writing within 48 hours of detection. A Burrowing Owl Plan shall be submitted to CDFW for review and approval within two weeks of detection and no Project activity shall continue within 1,000 feet of the burrowing owls until CDFW approves the Burrowing Owl Plan. The City shall be responsible for implementing appropriate avoidance and mitigation measures, including burrow avoidance, passive or active relocation, or other appropriate mitigation measures as identified in the Burrowing Owl Plan.</p> <p>If ground-disturbing activities occur but the site is left undisturbed for more than 30 days, a preconstruction survey for burrowing owl shall be conducted and submitted to the City for review. If a burrowing owl is found, the same coordination described above shall be necessary.</p> <p>A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CSFW prior to the start of Project activities.</p>				
<p>BIO-3: Crotch's Bumble Bee Surveys and Coordination: Crotch's bumble bee has a moderate potential to occur on the project site and a focused survey shall be conducted prior to ground disturbance to determine presence of the species. Coordination with the City of Menifee and California Department of Fish and Wildlife on appropriate survey methods for this species will need to occur because there is no published survey protocol available. If Crotch's bumble bee is present on the project site and project impacts are unavoidable, then further</p>	Project Applicant	Prior to ground disturbance or rough grading permit issuance	City of Menifee Planning Department	

coordination with the California Department of Fish and Wildlife will need to occur to develop a mitigation plan for the species. Mitigation measures may include seasonal work restrictions and additional biological monitoring				
NOISE				
<p>N-1: Mechanical equipment shall be installed at least 70 feet from any residential property line when feasible. Equipment installed within 70 feet of a residential property line shall be selected and designed to reduce impacts on surrounding uses to meet the City of Menifee nighttime noise standard of 45 dBA Leq (10 minute) and the applicant shall hire a qualified acoustical consultant to review mechanical noise as these systems are selected to determine specific noise-reduction measures necessary to reduce noise to comply with the City's noise- level requirements. Noise-reduction measures could include, but are not limited to:</p> <ul style="list-style-type: none"> • Locate equipment as far away as possible from noise-sensitive receptors. • Selection of equipment that emits noise levels of 45 dBA or less at 70 feet; • Installation of noise-dampening techniques, such as solid enclosures and parapet walls, to block the line-of- sight between the noise source and the nearest receptors. Blocking line of sight with a solid barrier or enclosure would reduce noise levels by at least 5 dBA. 	Project Applicant	Prior to building permit issuance	City of Menifee Planning Department	
TRIBAL CULTURAL RESOURCES				
<p>TRI-1: Inadvertent Archaeological Find: If during ground-disturbance activities, cultural resources are discovered that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. Cultural resources are defined as being multiple artifacts in close association with each other, but also include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance, as determined in consultation with the lead agency and Native American tribe(s) that elected to consult under Assembly Bill 52 ("Consulting Tribe(s)").</p>	Project Applicant	Prior to rough grade permit issuance	City of Menifee Planning Department	

<p>a. All ground-disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the archaeologist, the tribal representative(s), and the Planning Director to discuss the significance of the find.</p> <p>b. At the meeting, the significance of the discoveries shall be discussed and after consultation with the tribal representative(s), developer, and the archaeologist, a decision shall be made, with the concurrence of the Planning Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources.</p> <p>c. Grading or further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional tribal monitors if needed.</p> <p>d. Treatment and avoidance of the newly discovered resources shall be consistent with the Treatment and Monitoring Agreements entered into with the Consulting Tribe(s) and the applicant. This may include avoidance of the cultural resources through project design, in-place preservation of cultural resources in native soils and/or re-burial on the project property so they are not subject to further disturbance in perpetuity, as identified in Mitigation Measures TRI-2 and TRI-5.</p> <p>e. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan (see Mitigation Measure TRI-5) shall be prepared by the project archaeologist, in consultation with the Consulting Tribe(s), and shall be submitted to the City for their review and approval prior to implementation of the said plan.</p> <p>f. Pursuant to California Public Resource Code Section 21083.2(b), avoidance is the preferred method of preservation for archaeological resources and tribal cultural resources. If the landowner and the Consulting Tribe(s) cannot agree on the significance or the</p>				
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mitigation for the archaeological or tribal cultural resources, these issues will be presented to the Planning Director for decision. The City's Planning Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological and tribal cultural resources, recommendations of the project archaeologist, and shall take into account the cultural and religious principles and practices of the Consulting Tribe(s). Notwithstanding any other rights available under the law, the decision of the City Planning Director shall be appealable to the City Planning Commission and/or City Council.				
<p>TRI-2: Cultural Resources Disposition: In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:</p> <p>a. One or more of the following treatments, in order of preference, shall be employed with the Consulting Tribe(s). Evidence of such shall be provided to the City Planning Department:</p> <ul style="list-style-type: none"> • Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources. • Reburial of the resources on the project property. The measures for reburial shall include, at least, the following: Measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed, with an exception that sacred items, burial goods, and Native American human remains are excluded. Any reburial process shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV report (see Mitigation Measure TRI-6). The Phase IV 	Project Applicant	Prior to rough grade permit issuance	City of Menifee Planning Department	

<p>Report shall be filed with the City under a confidential cover and not subject to Public Records Request.</p> <ul style="list-style-type: none"> • If preservation in place or reburial is not feasible, then the resources shall be curated in a culturally appropriate manner at a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees by the Applicant necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the City. There shall be no destructive or invasive testing on sacred items, burial goods, and Native American human remains, as defined by the cultural and religious practices of the Most Likely Descendant. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV monitoring report. 				
<p>TRI-3 Archaeologist Retained: Prior to issuance of a grading permit, the project applicant shall retain a Riverside County-qualified Registered Professional Archaeologist (RPA), to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources.</p> <p>The RPA and the tribal monitor(s) shall manage and oversee monitoring for all initial ground-disturbing activities and excavation of each portion of the project site, including clearing, grubbing, tree removals, mass or rough grading, trenching, stockpiling of materials, rock crushing, structure demolition, etc. The RPA and tribal monitor(s) shall independently have the authority to temporarily divert, redirect, or halt the ground-disturbance activities to allow identification, evaluation, and</p>	Project Applicant	Prior to rough grade permit issuance	City of Menifee Planning Department	

<p>potential recovery of cultural resources in coordination with any required special interest or tribal monitors.</p> <p>The developer/permit holder shall submit a fully executed copy of the contract to the Planning Department to ensure compliance with this condition of approval. Upon verification, the Planning Department shall clear this condition.</p> <p>In addition, the RPA, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a Cultural Resources Management Plan (CRMP) in consultation pursuant to the definition in Assembly Bill (AB) 52 to address the details, timing, and responsibility of all archaeological and cultural activities that will occur on the project site. A Consulting Tribe is defined as a tribe that initiated the AB 52 tribal consultation process for the project, has not opted out of the AB 52 consultation process, and has completed AB 52 consultation with the City as provided for in California Public Resources Code Section 21080.3.2(b)(1) of AB 52. Details in the CRMP shall include:</p> <ul style="list-style-type: none">a. Project grading and development scheduling;b. The project archaeologist and the Consulting Tribes(s) shall attend the pre-grading meeting with the City, the construction manager, and any contractors, and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The training will include a brief review of the cultural sensitivity of the project and the surrounding area; what resources could potentially be identified during earth-moving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. All new construction personnel that will conduct earthwork or grading activities that begin work on the project following the initial training must take the Cultural Sensitivity Training prior to beginning work and the project archaeologist and Consulting Tribe(s) shall make				
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<p>themselves available to provide the training on an as-needed basis;</p> <p>c. The protocols and stipulations that the contractor, City, Consulting Tribe(s), and project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.</p>				
<p>TRI-4: Native American Monitoring: Tribal monitor(s) shall be required on-site during all ground-disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor(s). Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above-mentioned tribe and the land divider/permit holder for the monitoring of the project to the Planning Department and to the Engineering Department. The tribal monitor(s) shall have the authority to temporarily divert, redirect, or halt the ground-disturbance activities to allow recovery of cultural resources, in coordination with the Project Archaeologist.</p>	Project Applicant	Prior to rough grade permit issuance	City of Menifee Planning Department	
<p>TRI-5: Archaeology Report, Phases III and IV: Prior to final inspection, the developer/permit holder shall prompt the Project Archaeologist to submit two copies of the Phase III Data Recovery report (if required for the project) and the Phase IV Cultural Resources Monitoring Report. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Planning Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two copies shall be submitted to the Eastern Information Center (EIC) at the University of California, Riverside (UCR) and one copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).</p>	Project Applicant	Prior to rough grade permit issuance	City of Menifee Planning Department	
<p>TRI-6: Non-Disclosure of Reburial Locations: It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or</p>	Project Applicant			

associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r)., parties, and lead agency, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).		Prior to rough grade permit issuance	City of Menifee Planning Department	
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