

**Mitigation Monitoring Plan
Grading Permit No. 22-019**

Standard Conditions of Approval	Implementation Timing	Responsible Monitoring Party	Method of Reporting/ Monitoring	Status/ Date
<p><u>General Requirement</u> The permit holder shall prepare and submit a written report to the Community Development Department demonstrating compliance with all of the mitigation measures of this project and Environmental Assessment (EA). The Community Development Director may require inspection or other monitoring to ensure such compliance.</p>	Prior to grading permit issuance and throughout the life of the use.	Community Development Department	Submittal of report	
<p><u>Biological Resources</u> A 30-day preconstruction survey for burrowing owl is required by the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) to determine if burrowing owl is present within the survey area. The survey shall be conducted by a qualified biologist no more than 30 days prior to ground disturbance in accordance with MSHCP survey requirements to avoid direct take of burrowing owl. If burrowing owl are determined to occupy the project site or immediate vicinity, the City of Menifee Planning Division will be notified and avoidance measures will be implemented, as appropriate, pursuant to the MSHCP, the California Fish and Game Code, the Migratory Bird Treaty Act, and the mitigation guidelines prepared by the California Department of Fish and Wildlife (CDFW) (2012).</p> <p>The following measures are recommended in the CDFW guidelines to avoid impacts on an active burrow:</p> <ul style="list-style-type: none"> • No disturbance should occur within 50 meters (approximately 160 feet) of occupied burrows during the non-breeding season. • No disturbance should occur within 75 meters (approximately 250 feet) of occupied burrows during the breeding season. 	Prior to grading permit.	Community Development Department	Submittal and approval of preconstruction surveys	

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For unavoidable impacts, passive or active relocation of burrowing owls would need to be implemented by a qualified biologist outside the breeding season, in accordance with procedures set by the MSHCP and in coordination with the CDFW.				
<p>To avoid impacting nesting birds, one of the following must be implemented:</p> <p>A) Conduct grading activities from September 1st through January 31st, when birds are not likely to be nesting on the site;</p> <p style="text-align: center;">-or-</p> <p>B) Conduct pre-construction surveys for nesting birds if construction is to take place during the nesting season (February 1 through August 31). A qualified wildlife biologist shall conduct a pre-construction nest survey no more than three (3) days prior to initiation of grading to provide confirmation of the presence or absence of active nests on or immediately adjacent to the project site. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of the nest shall be deferred until the young birds have fledged. A minimum exclusion buffer of 100 feet shall be maintained during construction, depending on the species and location. The perimeter of the nest setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report by the qualified biologist verifying that (1) no active nests are present, or (2) that the young have fledged, shall be submitted to the City prior to initiation of grading in the nest-setback zone. The qualified</p>	Prior to grading permit.	Community Development Department	Submittal and approval of preconstruction surveys	

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<p>biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. A report of the findings prepared by a qualified biologist shall be submitted to the City prior to ground disturbance and/or issuance of a grading permit.</p>				
<p><u>Cultural Resources</u> 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> <ul style="list-style-type: none"> a) One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Menifee Community Development Department: <ul style="list-style-type: none"> i. 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. ii. 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. The Phase IV Report shall be filed with the City 	During Grading	Community Development Department	Final report submitted to Community Development Department	

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<p>under a confidential cover and not subject to Public Records Request.</p> <p>iii. 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 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. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV monitoring report.</p>				
<p>If during ground disturbance activities, unique 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. Unique cultural resources are defined, for this condition only, as being multiple artifacts in close association with each other, but may 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 Native American Tribe(s).</p> <p>i. 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 Community Development Director to discuss the</p>	During Grading	Community Development Department	Final report submitted to Community Development Department	

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<p>significance of the find.</p> <p>ii. At the meeting, the significance of the discoveries shall be discussed and after consultation with the tribal representative(s) and the archaeologist, a decision shall be made, with the concurrence of the Community Development Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources.</p> <p>iii. Grading of 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>iv. Treatment and avoidance of the newly discovered resources shall be consistent with the Cultural Resources Management Plan and Monitoring Agreements entered into with the appropriate tribes. This may include avoidance of the cultural resources through project design, in-place preservation of cultural resources located in native soils and/or re-burial on the Project property so they are not subject to further disturbance in perpetuity as identified in Non-Disclosure of Reburial Condition.</p> <p>v. Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources and cultural resources. If the landowner and the Tribe(s) cannot agree on the significance or the mitigation for the archaeological or cultural resources, these issues will be presented to the City Community Development Director for decision. The City Community Development Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources, recommendations of the project archeologist and shall take into account the cultural and religious principles and practices of the Tribe. Notwithstanding any other rights available under the law, the decision of the City Community Development Director</p>				

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shall be appealable to the City Planning Commission and/or City Council.”				
<p>Prior to issuance of a grading permit the project applicant shall retain a Riverside County qualified archaeologist to monitor all ground disturbing activities in an effort to identify any unknown archaeological resources.</p> <p>The Project Archaeologist 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 and etc. The Project Archaeologist and the Tribal monitor(s), shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and 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 Community Development Department to ensure compliance with this condition of approval. Upon verification, the Community Development Department shall clear this condition.</p> <p>In addition, the Project Archaeologist, 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 AB52 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 AB52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB52. Details in the Plan shall include:</p>	Prior to grading permit	Community Development Department	Submittal and approval of fully executed copy of contract and CRMP	

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<p>a. Project grading and development scheduling;</p> <p>b. The Project archeologist 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 earthmoving 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 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>If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resource Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission</p>	<p>During Grading</p>	<p>Community Development Department</p>	<p>Final report submitted to Community Development Department</p>	

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shall be contacted within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.				
It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or 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 Agencies, 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).	During Grading	Community Development Department	Final report submitted to Community Development Department	
Prior to final inspection, the developer/permit holder shall prompt the Project Archeologist to submit two (2) copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. 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 Community Development 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 (2) copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Pechanga Cultural Resources Department.	Prior to final inspection	Community Development Department	Submittal and approval of Phase III and IV reports	

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<u>Paleontological Resources</u> Prior to issuance of a grading permit a Paleontological Resource Impact Mitigation Program (PRIMP) shall be prepared and submitted to the Community Development Department for review and approval.	Prior to grading permit	Community Development Department	Submittal and approval of PRIMP	

Mitigation Measures	Implementation Timing	Responsible Monitoring Party	Method of Reporting/ Monitoring	Status/ Date
CUL-1 Native American Monitoring (Soboba). 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) from the Soboba Band of Luiseno Indians. 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 Community Development Department and to the Engineering Department. The Native American 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.	Prior to grading permit	Community Development Department	Submittal and approval of fully executed copy of contract	
CUL-2 Native American Monitoring (Pechanga). 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) from the Pechanga Band of Luiseno Indians. 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 Community Development Department and to the Engineering Department. The Native American Monitor(s) shall	Prior to grading permit	Community Development Department	Submittal and approval of fully executed copy of contract	

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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.				