

ATTACHMENT A

Riverside/Lincoln Commercial

Summary of Potential Impacts and Mitigation Measures

The following mitigation measures are applicable to the proposed Commercial Development.

Biological Resources

Vegetation clearing could result in an impact to loggerhead shrike if they were to occur on the site proposed for commercial development. Vegetation clearing for the commercial development could also result in impacts to species covered under the Migratory Bird Treaty Act. This represents a significant impact (**Impact BIO-1**) and would require mitigation to reduce impacts to below a level of significance. Implementation of this mitigation measure will be required as a condition of project approval:

- MM-BIO-1a** In order to avoid impacts to nesting birds, vegetation clearing should be scheduled outside of the nesting season (March 15 to August 15). If vegetation clearing is scheduled during the nesting season, a pre-construction survey should be conducted within three days prior to the commencement of these activities to ensure that no birds are nesting within the site. If birds are nesting within the site, a biologist will determine necessary steps (i.e., establishment of a buffer zone) to ensure nesting birds are not affected by project activities.

One special-status species, southern California black walnut, was observed on the site proposed for commercial development. This species is a Multiple Species Habitat Conservation Plan (MSHCP) Covered Species. Therefore, impacts on this species will be covered through participation in and compliance with the MSHCP. Part of that compliance requires the payment of MSHCP mitigation fees prior to the issuance of a grading permit. This requirement is included as mitigation measure MM-BIO-2 for the proposed commercial development. Implementation of this mitigation measure will be required as a condition of project approval:

- MM-BIO-2** Prior to issuance of a grading permit, the applicant/developer shall pay the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) development mitigation fee for commercial development in effect at the time the permits are issued.

Cultural Resources/Tribal Cultural Resources

The majority of the site proposed for commercial development is covered with dense vegetation, and the vegetation density severely limited the ground surface visibility during the cultural resources pedestrian survey. Therefore, it is possible that additional cultural materials are present that were not visible during the survey, this represents a significant impact (**Impact CR-1**) and would require mitigation to reduce impacts to below a level of significance. Implementation of the following mitigation measures will be required as a condition of project approval:

- MM CR-1** **Unanticipated Resources.** The developer/permit holder or any successor in interest shall comply with the following for the life of this permit. If during

ground disturbance activities, unanticipated cultural resources are discovered, the following procedures shall be followed:

All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted until a meeting is convened between the developer, the Project Archaeologist, the Native American tribal representative(s) from consulting tribes (or other appropriate ethnic/cultural group representative), and the Community Development Director or their designee to discuss the significance of the find.

The developer shall call the Community Development Director or their designee immediately upon discovery of the cultural resource to convene the meeting.

At the meeting with the aforementioned parties, the significance of the discoveries shall be discussed and a decision is to be made, with the concurrence of the Community Development Director or their designee, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resource.

Further ground disturbance shall not resume within the area of the discovery until a meeting has been convened with the aforementioned parties and a decision is made, with the concurrence of the Community Development Director or their designee, as to the appropriate mitigation measures.

MM CR-2

Archaeologist/Cultural Resources Monitoring Program. Prior to issuance of grading permits, the applicant/developer shall provide evidence to the Community Development Department that a Secretary of Interior Standards qualified and certified Registered Professional Archaeologist (RPA) has been contracted to implement a Cultural Resource Monitoring Program (CRMP) that addresses the details of all activities that must be completed and procedures that must be followed regarding cultural resources associated with this project. The CRMP document shall be created in coordination with the consulting tribe(s), and provided to the Community Development Director or their designee for review and approval prior to issuance of the grading permit. The CRMP provides direction as to how the project mitigation measures will be implemented. The CRMP requires that impacts on cultural resources will not occur without procedures in place, which would reduce any impacts to less than significant. These measures shall include, but shall not be limited to, the following:

Archaeological Monitor - An adequate number of qualified monitors shall be present to ensure that all earth-moving activities are observed and shall be on-site during all grading activities for areas to be monitored including off-site improvements. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist, in consultation with the Tribal monitor.

Cultural Sensitivity Training - The Project Archaeologist and a representative designated by the consulting Tribe(s) shall attend the pre-grading meeting with the contractors to provide Cultural Sensitivity Training for all Construction Personnel. 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 unanticipated 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. This is a mandatory training, and all construction personnel must attend prior to beginning work on the project site. A sign-in sheet for attendees of this training shall be included in the Phase IV Monitoring Report.

Unanticipated Resources - In the event that previously unidentified potentially significant cultural resources are discovered, the Archaeological and/or Tribal Monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The Project Archaeologist, in consultation with the Tribal monitor(s) shall determine the significance of the discovered resources. The Community Development Director or their designee must concur with the evaluation before construction activities will be allowed to resume in the affected area. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered, and features recorded using professional archaeological methods

Phase IV Report - A final archaeological report shall be prepared by the Project archaeologist and submitted to the Community Development Director or their designee prior to grading final. The report shall follow County of Riverside requirements and shall include at a minimum: a discussion of the monitoring methods and techniques used; the results of the monitoring program including any artifacts recovered; an inventory of any resources recovered; updated DPR forms for all sites affected by the development; final disposition of the resources including GPS data; artifact catalog and any additional recommendations. A final copy shall be submitted to the City, Project Applicant, the Eastern Information Center (EIC), and the Tribe.

MM CR-3

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:

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 Community Development Department:

1. 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.
2. Relocation of the resources on the Project property. The measures for relocation shall include, at least, the following: Measures and provisions to protect the future reburial area from any future impacts by means of a deed restriction or other form of protection (e.g., conservation easement) in order to demonstrate avoidance in perpetuity.

Relocation 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, as they 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 under a confidential cover and not subject to Public Records Request.

3. If relocation is not agreed upon by the Consulting Tribes 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.

MM CR-4

Tribal Monitoring. Prior to the issuance of a grading permit, the applicant shall contact the consulting Native American Tribe(s) that have requested monitoring through consultation with the City during the AB 52 and/or the SB 18 process (“Monitoring Tribes”). The applicant shall coordinate with the Tribe(s) to develop individual Tribal Monitoring Agreement(s). A copy of the signed agreement(s) shall be provided to the City of Lake Elsinore Community Development Department, Planning Division prior to the issuance of a grading permit. The Agreement shall address the treatment of any known tribal cultural resources (TCRs) including the project’s approved mitigation measures and conditions of approval; the designation, responsibilities, and participation of professional Tribal Monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains/burial goods discovered on the site per the Tribe(s) customs and traditions and the City’s mitigation measures/conditions of

approval. The Tribal Monitor will have the authority to stop and redirect grading in the immediate area of a find in order to evaluate the find and determine the appropriate next steps, in consultation with the Project archaeologist.

MM CR-5 **Phase IV Report.** Upon completion of the implementation phase, a Phase IV Cultural Resources Monitoring Report shall be submitted that complies with the Riverside County Planning Department's requirements for such reports for all ground disturbing activities associated with this grading permit. The report shall follow the County of Riverside Planning Department Cultural Resources (Archaeological) Investigations Standard Scopes of Work posted on the County website. The report shall include results of any feature relocation or residue analysis required as well as evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting.

MM CR-6 **Discovery of Human Remains.** In the event that human remains (or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors, project archaeologist and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. The project applicant shall then inform the Riverside County Coroner and the City of Lake Elsinore Community Development Department immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b). Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains and that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. If human remains are determined to be Native American, the applicant shall comply with the state law relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (PRC Section 5097). The coroner shall contact the NAHC within 24 hours and the NAHC will make the determination of 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 Resource Code Section 5097.98. In the event that the applicant and the MLD are in disagreement regarding the disposition of the remains. State law will apply, and the mediation process will occur with the NAHC, if requested (see PRC Section 5097.98(e) and 5097.94(k)).

According to the California Health and Safety Code, six or more human burial at one location constitutes a cemetery (Section 81 00), and disturbance of Native American cemeteries is a felony (Section 7052).

MM CR-7 **Non-Disclosure of Reburial Location.** 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).

Noise

During construction for the proposed commercial development site, if stationary construction equipment must be placed within 150 feet of the multifamily property lines, they could generate noise to a level that would cause a significant impact (**Impact N-1**) and mitigation is required to reduce impacts to below a level of significance. Implementation of this mitigation measure will be required as a condition of project approval:

- MM-N-1** If the stationary equipment for construction (e.g., generators, compressors) are be placed within 150 of adjacent multifamily residential property lines, the equipment shall be shielded with barriers constructed using materials such as half inch plywood, mass loaded vinyl, or sound blankets to achieve compliance with the City's stationary 65 dBA Lmax threshold.