

Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: _____

Project Title: Durst Drive Warehouse

Lead Agency: City of Rialto

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Project Location: Rialto San Bernardino County
City *County*

Project Description (Proposed actions, location, and/or consequences).

The proposed project involves the redevelopment of an approximately 9.40-acre property at the northeast corner of Cedar Avenue and Durst Drive in the City of Rialto with a warehouse building containing approximately 201,239 square feet (sf) of floor area, including 191,239 sf of warehouse space and 10,000 sf of supporting office space, and associated improvements including, but not limited to, surface parking lots, drive aisles, utility infrastructure, landscaping, exterior lighting, and walls/fencing.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

See Attached Mitigation Discussion.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

N/A

Provide a list of the responsible or trustee agencies for the project.

Santa Ana Regional Water Quality Control Board

Durst Drive Warehouse

Mitigation Discussion

4.4. BIOLOGICAL RESOURCES

d) Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites?

The following mitigation measures apply to subsection d) of Section 4.4 of the Initial Study:

BIO-1: If construction commences between February 1 and August 31, within 30 days of mobilizing construction equipment to the Project Site, all on-Site trees and trees within 500 feet of the Project Site shall be inspected by a qualified biologist for the presence of nesting birds. If the survey reveals no active nesting, construction may proceed without restriction. If the survey identifies the presence of active sensitive migratory bird nests, then the nests shall not be disturbed unless the qualified biologist verifies through noninvasive methods that either (i) the adult birds have not begun egg-laying and incubation; or (ii) the juveniles from the occupied nests are capable of independent survival. If the biologist is not able to verify these conditions, then no disturbance shall occur within a buffer zone specified by the qualified biologist for each nest or nesting site. The buffer zone shall be species-appropriate (no less than 100-foot radius around the nest for nonraptors and no more than a 500-foot radius around the nest for raptors) and shall be sufficient to protect the nest from direct and indirect impacts from construction activities. The size and location of buffer zones, if required, shall be based on consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service and shall be subject to review and approval by the City of Fontana. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist verifies that any nest is no longer occupied and/or juvenile birds can survive independently from the nests.

4.5. CULTURAL RESOURCES

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

The following mitigation measures apply to subsections b) of Section 4.5 of the Initial Study:

- CR-1: Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Rialto that an archaeologist that meets the latest version of the Secretary of the Interior Professional Qualifications Standards (hereafter "Project Archaeologist") has been retained to conduct the training and monitoring activities described in Mitigation Measure CR-2 and Mitigation Measure CR-3.
- CR-2: Prior to the issuance of a grading permit, the Project Applicant or construction contractor shall provide evidence to the City of Rialto that the construction site supervisors and crew members involved with grading and trenching operations have received training by the Project Archaeologist to recognize prehistoric archaeological resources (historic and prehistoric) should such resources be unearthed during ground-disturbing construction activities. The training will include a brief review of the cultural sensitivity of the 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 archaeological 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 supervisory construction personnel involved with grading and trenching operations that begin work on the Project Site after the initial training session must take the training prior to beginning work on-site.
- CR-3: The Project Archaeologist shall conduct monitoring during all grading, trenching, and excavation activities that occur within previously undisturbed on the Project Site (i.e., soils below the on-site layer of artificial fill). The Project Archaeologist shall be equipped to salvage artifacts if they are unearthed to avoid construction delays. Should the Project Archaeologist determine that there are no archaeological resources within the Project's disturbance area or should the archaeological sensitivity be reduced to low during construction activities, archaeological monitoring activities can be reduced to spotchecking or may shall be allowed to cease.
- CR-4: If a suspected significant archaeological resource is found, the construction supervisor shall immediately halt grading operations within a 50-foot radius around the find ("buffer area"), redirect grading operations outside of the buffer area, and seek identification and evaluation of the suspected resource by the Project Archaeologist. This requirement shall be noted on all grading plans and the construction contractor shall be obligated to comply with the note. The Project Archaeologist shall evaluate the suspected resource and make a

determination of significance pursuant to CEQA Guidelines Section 15064.5 and California Public Resources Code Section 21083.2. If the resource is significant, Mitigation Measure CR-5 shall apply.

4.7. GEOLOGY AND SOILS:

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The following mitigation measure applies to subsection f) of Section 4.7 of the Initial Study:

- GEO-1: Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Rialto that a qualified paleontologist (“paleontologist”) has been retained by the Project Applicant or contractor to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.
- GEO-2: The paleontologist shall conduct full-time monitoring during grading and excavation operations in undisturbed, Pleistocene older alluvium soils (occurring in excess of 2.5 to 5 feet below ground surface) and shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall be empowered to temporarily halt or divert equipment to allow for the removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by the paleontologist to have a low potential to contain or yield fossil resources.
- GEO-3: Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into the collections of the Division of Geological Sciences, San Bernardino County Museum, shall be required for discoveries of significance as determined by the paleontological monitor.
- GEO-4: A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Rialto prior to issuance of the first occupancy permit.

4.18. TRIBAL CULTURAL RESOURCES

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?

The following mitigation measures apply to subsections b) of Section 4.18 of the Initial Study:

TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities:

- A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on -site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
- B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.
- C. On the days the monitor is present, the monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial

goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.

- D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.
- E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

TCR-2: Unanticipated Discovery of Human Remains and Associated Funerary Objects:

- A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.
- B. If Native American human remains and/or grave goods discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.
- C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).

- D. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, unless the Kizh determines in its reasonable discretion that resuming construction activities at that distance is not acceptable, and provides an alternative distance or other mitigation measures the Kizh monitor and/or archaeologist deems necessary in their reasonable discretion. (CEQA Guidelines Section 15064.5(f).)
- E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.
- F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

TCR-3: Procedures for Burials and Funerary Remains:

- A. As the Most Likely Descendant (“MLD”), the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.
- B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.
- C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.

- D. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every reasonable effort to recommend diverting the project around the immediate area of where the human remains are discovered and keeping the remains in situ and protected, if feasible. If the project cannot be diverted, the burials may be removed.
- E. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site in the immediate area of where the human remains are discovered, the landowner shall arrange a designated site location within the footprint of the project, if feasible, for the respectful reburial of the human remains and/or ceremonial objects.
- F. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.
- G. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.