

MITIGATION MONITORING AND REPORTING PROGRAM COLLIER COMMERCIAL PROPERTIES PROJECT

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, the following Mitigation Monitoring and Reporting Checklist has been prepared for the Collier Commercial Properties project. This Mitigation Monitoring and Reporting Checklist is intended to provide verification that applicable Conditions of Approval relative to significant environmental impacts are monitored and reported. Monitoring will include: (1) verification that each mitigation measure has been implemented, (2) recordation of the actions taken to implement each mitigation measure, and (3) retention of records in the Collier Commercial Properties project file.

This Mitigation Monitoring and Reporting Program delineates responsibilities for monitoring the Program, but also allows the City of Lake Elsinore (City) flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented.

Reporting consists of establishing a record that a mitigation measure is being implemented and generally involves the following steps:

- The City distributes reporting forms to the appropriate persons for verification of compliance.
- Departments/agencies with reporting responsibilities will review the Initial Study/Mitigated Negative Declaration, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.
- The City prepares a reporting form periodically during the construction phase and an annual report summarizing project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the Mitigation Monitoring and Reporting Program, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. Such changes could include reassignment of monitoring and reporting responsibilities, program redesign to make any appropriate improvements, and/or modification, substitution or deletion of mitigation measures subject to conditions described in CEQA Guidelines Section 15162. No change will be permitted unless the Mitigation Monitoring and Reporting Program continues to satisfy the requirements of Public Resources Code Section 21081.6.

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Mitigation Measure	Monitoring Process	Monitoring Timing	Monitoring Responsibility	Date Completed
Biological Resources				
<p>MM BIO-1, Preconstruction Survey for Crotch's Bumble Bee. If the Crotch bumble bee is no longer a Candidate or formally listed species under the California Endangered Species Act (ESA) at the time ground disturbing activities occur, then no additional protection measures are proposed for the species.</p> <p>If Crotch's bumble bee is legally protected under the California ESA as a Candidate or Listed species at the time ground-disturbing activities are scheduled to begin, a preconstruction survey shall be conducted in accordance with CDFW's Survey Considerations for California ESA Candidate Bumble Bee Species (CDFW 2023) during the Crotch's bumble bee flight season (February – October) no more than 48 hours prior to project-related ground disturbing activities (including but not limited to vegetation clearing, fence installation, and grading) by a qualified Crotch's bumble bee biologist. The 48-hour preconstruction survey shall be repeated as necessary if the project does not begin with 48 hours of completion of the preconstruction survey. If Crotch's bumble bees are detected (alive or dead), CDFW shall be notified within 24 hours as further coordination may be required to avoid or mitigate certain impacts, and an incidental take permit may be required. If no Crotch's bumble bees are detected, then the project activities may commence.</p>	Pre-construction Survey	Prior to commencement of construction	Qualified Biologist, Project Applicant/ Developer, Planning and Engineering Depts.	Date: _____
<p>MM BIO-2, Preconstruction Surveys for Burrowing Owl. Due to the presence of marginal amounts of low-quality foraging habitat on the project site and potential burrows adjacent to the site in the surrounding area, preconstruction surveys for burrowing owl shall take place no more than 30 days prior to the start of ground-disturbing activities, regardless of whether project activities are scheduled to occur during the burrowing owl breeding season (March 1 through August 31) or not. The surveys shall be performed in accordance with the Western Riverside MSHCP Burrowing Owl Survey Instructions (County of Riverside 2006) and the California Department of Fish and Game (CDFG) Staff Report on Burrowing Owl Mitigation (CDFG 2012). If preconstruction survey results are negative, no further action is required for protection of burrowing owls. If preconstruction survey results are positive and impacts to burrowing owls are unavoidable, then additional mitigation measures will need to be implemented to offset impacts to burrowing owl. Further, a burrowing owl avoidance and mitigation plan will be prepared for review and approval by the wildlife agencies (CDFW and USFWS) if owls are present. The plan will include measures developed in accordance with the CDFG Staff Report on Burrowing Owl Mitigation (2012) and may include seasonal work restriction, establishing a non-disturbance buffer around each burrow location, biological</p>	Pre-construction Survey	Prior to commencement of construction	Qualified Biologist, Project Applicant/ Developer, Planning and Engineering Depts.	Date: _____

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monitoring, or passive relocation. If passive relocation is found to be necessary, then coordination with CDFW will need to occur.				
<p>MM BIO-3, <i>Preconstruction Surveys for Nesting Birds.</i> Wherever feasible, ground-disturbing activities (including vegetation removal) shall be conducted during the non-breeding season for birds (approximately September 1 through January 31) in order to avoid violations of the MBTA and California Fish and Game Code Sections 3503, 3503.5 and 3513. If activities with the potential to disrupt nesting birds are scheduled to occur during the bird breeding season (February 1 through August 31), a preconstruction nesting bird survey shall be conducted by a qualified biologist who is experienced in surveying for and identification of avian species no more than three days prior to the start of ground-disturbing activities. The nesting bird survey shall include the project site and adjacent areas where project activities have the potential to cause nest failure. 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, avoidance or minimization measures shall be implemented to avoid potential project-related impacts. Avoidance and minimization measures shall be developed by the qualified biologist and may include non-disturbance buffers established around active nests until the biologist has determined that the nesting cycle is completed, seasonal work restrictions, or additional survey and monitoring requirements. The width of non-disturbance buffers established around active nests will be determined by the qualified biologist (300 feet is typically recommended for songbirds and 500 feet is typically recommended for raptors). Once nesting is deemed complete by the qualified biologist as determined through periodic nest monitoring, the nondisturbance buffer will be removed by the qualified biologist and project work may resume in the area.</p>	Pre-construction Survey	Prior to commencement of construction	Qualified Biologist, Project Applicant/ Developer, Planning and Engineering Depts.	Date: _____
<i>Cultural Resources</i>				
<p>MM CUL-1, <i>Unanticipated Resources.</i> 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:</p> <ol style="list-style-type: none"> 1. 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), 	Assessment of Resources	During construction	Project Applicant/ Developer, Construction Contractor, Project Archaeologist, Tribal Monitor, Planning and Engineering Depts.	Date: _____

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<p>and the Community Development Director or their designee to discuss the significance of the find.</p> <p>2. The developer shall call the Community Development Director or their designee immediately upon discovery of the cultural resource to convene the meeting.</p> <p>3. 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.</p> <p>4. 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.</p> <p>5. Treatment and avoidance of the newly discovered resources shall be consistent with the Cultural Resources Treatment and Monitoring Agreements entered into with the appropriate tribes. This may include avoidance of 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 Location measure.</p> <p>6. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archeologist, in consultation with the Tribe(s), and shall be submitted to the City for their review and approval prior to implementation of the said plan.</p> <p>7. Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources and cultural resources. If the Project Applicant 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 Community Development Director for decision. The</p>				

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<p>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(s). Notwithstanding any other rights available under the law, the decision of the City Community Development Director shall be appealable to the City Planning Commission and/or City Council.” Evidence of compliance with this mitigation measure, if a significant archaeological resource is found, shall be provided to City of Lake Elsinore upon the completion of a treatment plan and final report detailing the significance and treatment finding.</p>				
<p>MM CUL-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 provided to the Community Development Director or their designee for review and approval prior to issuance of the grading permit. The CRMP provides procedures to be followed and are to ensure that impacts on cultural resources will not occur without procedures that would reduce the impacts to less than significant. These measures shall include, but shall not be limited to, the following:</p> <p><u>Archaeological Monitor</u> - 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.</p> <p><u>Cultural Sensitivity Training</u> - 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</p>	<p>Construction Monitoring Program</p>	<p>Prior to issuance of a grading permit and during construction</p>	<p>Project Applicant/ Developer, Project Archaeologist, Tribal Monitor, Planning Dept.</p>	<p>Date: _____</p>

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<p>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.</p> <p><u>Unanticipated Resources</u> - 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.</p> <p><u>Phase IV Report</u> - 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.</p>				

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<p>MM CUL-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:</p> <p>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:</p> <ol style="list-style-type: none"> 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. 3. 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 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. 4. If preservation in place or reburial is not feasible then the resources shall be curated in the culturally sensitive matter at a Riverside County curation facility that meets State Resources Department of 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 	Disposition of Resources	During Construction	Project Applicant/ Developer, Construction Contractor, Project Archaeologist, Tribal Monitor, Planning and Engineering Depts.	Date: _____

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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. Evidence of compliance with this mitigation measure, if a significant archaeological resource is found, shall be provided to the City of Lake Elsinore upon completion of a treatment plan and final report detailing the significance and treatment of finding.				
MM CUL-4, Tribal Monitoring. Prior to the issuance of a grading permit, at least 30 days prior to the issuance, 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.	Construction Monitoring Program	Prior to issuance of a grading permit and during construction	Project Applicant/ Developer, Tribal Monitor, Planning and Engineering Depts.	Date: _____
MM CUL-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 as well as evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting. Once the report is determined to be adequate, two (2) copies shall be submitted to Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Monitoring Tribes.	Project Records	After construction	Project Applicant/ Developer, Project Archaeologist, Tribal Monitor	Date: _____

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<p>MM CUL-6, <i>Discovery of Human Remains.</i> 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)).</p> <p>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).</p>	Assessment, Treatment, and Disposition of Human Remains	During construction	Project Applicant/ Developer, Construction Contractor, Project Archaeologist, Tribal Monitor, Riverside County Coroner, Planning Dept.	Date: _____
<p>MM CUL-7, <i>Non-Disclosure of Reburial Location.</i> 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).</p>	Non-Disclosure of Resource Reburials	During and after construction	Project Applicant/ Developer, Riverside County Coroner	Date: _____

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<i>Greenhouse Gas Emissions</i>				
<p>MM GHG-1, <i>Climate Action Plan Consistency.</i> Prior to the issuance of a building permit or certificate of occupancy (whichever occurs first), the following measures shall be included in the project design:</p> <ul style="list-style-type: none"> • Consistent with CAP Reduction Measure D-2 T-1.5, the project shall provide permanently anchored bicycle racks within 200 feet of the visitor entrance, readily visible to passers-by, for 5% of visitor motorized vehicle parking capacity, with a minimum of one two-bike capacity rack. • Consistent with CAP Reduction Measure T-2.1, the project shall designate 10% of its total parking spaces for “Clean Air Vehicles”. • Consistent with CAP Reduction Measure E-1.1, the project shall provide a 15-gallon non-deciduous, umbrella-form tree per 30 linear feet of boundary length, near buildings, or to shade pavement in parking lots and streets. • Consistent with CAP Reduction Measure E-1.2, the project shall use roofing materials having solar reflectance, thermal emittance or Solar Reflectance Index 3 per CALGreen Tier 1 values. 	Building Permit or Certificate of Occupancy	Prior to issuance of a Building Permit or Certificate of Occupancy	Project Applicant/ Developer, Planning and Engineering Depts.	Date: _____
<i>Land Use/Planning</i>				
Refer to MM BIO-2 and MM GHG-1 above.				
<i>Tribal Cultural Resources</i>				
Refer to MM CUL-1 through MM CUL-7 above.				

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