

Terms and Definitions:

1. **Property Owner/Developer** – Owner or developer of Adesa Rialto Food Processing Facility Project.
2. **Environmental Equivalent/Timing** – Any mitigation measure and timing thereof, subject to the approval of the City, which will have the same or superior result and will have the same or superior effect on the environment. The Planning Department, in conjunction with any appropriate agencies or City departments, shall determine the adequacy of any proposed "environmental equivalent/timing" and, if determined necessary, may refer said determination to City Council. Any costs associated with information required in order to make a determination of environmental equivalency/timing shall be done by the property owner/developer. Staff time for reviews will be charged on a time and materials basis at the rate in the City's adopted Fee Schedule.
3. **Implementation Timing** – This is the point where a mitigation measure must be monitored for compliance. In the case where multiple action items are indicated, it is the first point where compliance associated with the mitigation measure must be monitored. Once the initial action item has been complied with, no additional monitoring pursuant to the Mitigation Monitoring Plan will occur, as routine City practices and procedures will ensure that the intent of the measure has been complied with. For example, if the timing is "to be shown on approved building plans" subsequent to issuance of the building permit consistent with the approved plans will be final building and zoning inspections pursuant to the building permit to ensure compliance.
4. **Responsibility Monitoring Party** – Shall mean that compliance with the subject mitigation measure(s) shall be reviewed and determined adequate by all departments listed for each mitigation measure. Outside public agency review is limited to those public agencies specified in the Mitigation Monitoring Plan which have permit authority in conjunction with the mitigation measure.
5. **Ongoing Mitigation Measures** – The mitigation measures that are designated to occur on an ongoing basis as part of this Mitigation Monitoring Plan will be monitored in the form of an annual letter from the property owner/developer in January of each year demonstrating how compliance with the subject measure(s) has been achieved. When compliance with a measure has been demonstrated for a period of one year, monitoring of the measure will be deemed to be satisfied and no further monitoring will occur. For measures that are to be monitored "Ongoing During Construction", the annual letter will review those measures only while construction is occurring; monitoring will be discontinued after construction is complete. A final annual letter will be provided at the close of construction.
6. **Building Permit** – For purposes of this Mitigation Monitoring Plan, a building permit shall be defined as any permit issued for construction of a new building or structural expansion or modification of any existing building but shall not include any permits required for interior tenant improvements or minor additions to an existing structure or building.

Mitigation Monitoring and Reporting Program

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| <p>Biological Resources</p> | <p>In the event that site-preparation activities (ground disturbance, construction activities, staging equipment, and/or removal of trees and vegetation) occur within the active breeding season for birds (February 1 – August 31), the Project/Applicant (or their Construction Contractor) shall retain a qualified biologist (meaning a professional biologist that is familiar with local birds and their nesting behaviors) to conduct a nesting bird survey no more than 3 days prior to commencement of construction activities to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. The nesting survey shall include the Project Site and areas immediately adjacent to the site that could potentially be affected by project-related construction activities, such as noise, human activity, and dust, etc. If active nesting of birds is observed within 100 feet of the designated construction area prior to construction, the qualified biologist shall establish an appropriate buffer around the active nests (e.g., as much as 500 feet for raptors and 300 feet for nonraptors [subject to the recommendations of the qualified biologist]), and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Prior to commencement of grading activities, the City of Rialto (City) Community Development Director, or designee, shall verify that all project grading and construction plans are consistent with the requirements stated above, that preconstruction surveys have been completed and results reviewed by staff, and that the appropriate buffers (if needed) are noted on the plans and established in the field with orange snow fencing.</p> <p>If active nests are located during the pre-activity field survey, the Biologist shall immediately establish a conservative avoidance buffer surrounding the nest based on their best professional judgement and experience. The 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 Biologist determines that such project activities may be causing an adverse reaction, the 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</p> | <p>Mitigation measure required only between February 1 and August 31, the state nesting season for birds</p> <p>Nesting bird survey to be conducted no more than 3 days prior to the commencement of construction activities</p> <p>Prior to commencement of grading activities</p> | <p>Planning Division</p> <p>Community Development Director</p> | <p>Verification that all project grading and construction plans are consistent with MM BIO-1</p> <p>Review of preconstruction survey results by staff</p> |

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| | until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The on-site 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 of Rialto for mitigation monitoring compliance record keeping. | | | |
| Biological Resources | <p>The Project proponent shall retain a qualified biologist to conduct a pre-construction survey for resident burrowing owls within 30 days prior to commencement of grading and construction activities on the Project Site. The survey will include the Project Site and all suitable burrowing owl habitat within a 500-foot buffer. The results of the survey will be submitted to the City prior to obtaining a grading permit.</p> <p>In addition, if burrowing owls are observed during the MBTA nesting bird survey, to be conducted within three days prior to ground disturbance or vegetation clearance, the observation shall be reported to the Wildlife Agencies. If ground disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. The pre-construction survey and any relocation activity will be conducted in accordance with the most current CDFW protocol.</p> | 30 days prior to the commencement of grading and construction activities | Planning Division | Submittal of survey results to the City prior to obtaining a grading permit |
| Cultural Resources | In the event that cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment. | During construction activities | Planning Division | <p>Qualified archaeologist to assess any finds</p> <p>Contact to YSMN regarding any pre-contact and/or historic-era finds or information</p> |
| Cultural Resources | If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within | During construction activities | Planning Division | Notification to the County Coroner and Native American Heritage Commission |

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| | TCR-1. The archaeologist shall monitor the remainder of the Project and implement the Plan accordingly. | | | |
| Tribal Cultural Resources | <p>A. The Project Applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleno 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.</p> <p>B. A copy of the executed monitoring agreement shall be submitted to the City prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. 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 Tribes. 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 Tribes.</p> <p>D. On-site tribal monitoring shall conclude upon the following: (1) written confirmation to the Tribe(s) or Tribal monitoring agency from a designated point of contact for the Project Applicant 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 Tribe(s) or Tribal monitoring agency to the Director of Community Development, or designee that no future, planned construction activity and/or development/construction phase at the Project Site possesses the potential to impact tribal cultural resources.</p> | <p align="center">Prior to the commencement of any ground-disturbing activity or issuance of any permit necessary to commence a ground-disturbing activity</p> | <p align="center">Planning Division Community Development Director</p> | <p align="center">Submittal of executed monitoring agreement</p> <p align="center">Written confirmation to the Tribes or Tribal monitoring agency that all ground-disturbing activities and phases are complete or a determination and written notification by the Tribes or Tribal monitoring agency to the Community Development Director or designee</p> |

**Santa Barbara Towns Residential Project
Mitigation Monitoring and Reporting Program**

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| Tribal Cultural Resources | Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 60 feet) and shall not resume until the discovered TCR has been fully assessed by the Native American monitor and/or Tribal archaeologist. The Tribes 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. | During construction activities | Planning Division | Assessment by Native American monitor and/or Tribal archaeologist |
| Tribal Cultural Resources | <ul style="list-style-type: none"> 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 PRC § 5097.98, are also to be treated according to this statute. B. If Native American human remains and/or grave goods are discovered or recognized on the Project Site, then PRC § 5097.9 as well as Health and Safety Code §7050.5 shall be followed. C. Human remains and grave/burial goods shall be treated alike per California PRC §5097.98 (d)(1) and (2). D. Preservation in place (i.e. avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance. | During construction activities and project operations | Planning Division | Notification to County Coroner and Native American Heritage Commission |
| Tribal Cultural Resources | The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) shall be contacted, as detailed in MM CUL-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN and any other applicable tribes, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site. | During construction activities | Planning Division | Qualified archaeologist to assess any finds Contact to YSMN regarding any pre-contact and/or historic-era finds or information |
| Tribal Cultural Resources | Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to Tribes. The Lead Agency and/or applicant shall, in good faith, consult with Tribes throughout the life of the Project. | During construction activities | Planning Division | Submission of archaeological/cultural documents to the City |