

Appendix F

Avoidance, Minimization and/or Mitigation Summary

This appendix contains the avoidance, minimization, and mitigation measures that have been identified in the Initial Study/Proposed Mitigated Negative Declaration (IS/Proposed MND) to mitigate for potentially significant impacts. The IS/Proposed MND describes several project related impacts on biological resources (described in the document under “Biological Environment”) that would be considered significant but can be mitigated to a less-than significant level through the implementation of avoidance, minimization, and/or mitigation. The IS/Proposed MND did not identify any other significant impacts on environmental factors (as shown in the CEQA Checklist, Appendix A).

A summary of the biological resources avoidance and minimization, and/or mitigation measures identified in the IS/Proposed MND is provided below for water resources, natural communities, animal species, and threatened and endangered species.

F.1 Plant Species

The proposed project is unlikely to affect significant plant communities because none have been observed or previously documented in the project area.

F.1.1 Avoidance, Minimization, and/or Mitigation Measures

The proposed project would minimize impacts by impacting predominantly unvegetated areas of the concrete-lined channel. No further mitigation is anticipated.

F.2 Animal Species

Impacts to animal habitat are expected to be minimal to negligible. The primary habitat to be impacted is the scrub-shrub community occurring within the waterway which would be removed for path construction below the overpasses at Interstate 15. The undercrossing at Jefferson Avenue was determined to be fully disturbed with no significant habitat. No trees are expected to be removed for this project.

F.2.1 Avoidance, Minimization, and/or Mitigation Measures

Remove Vegetation during the Non-Breeding Season and Conduct Preconstruction Surveys for Nesting Migratory Birds

The project will require very little vegetation removal. However, to the maximum extent feasible, vegetation removal (shrubs, and ground vegetation) will occur during the non-breeding season for most migratory birds (generally between October 1 and January 31). This timing is highly preferable because if an active nest is found during preconstruction surveys (described

below) in a tree (or other vegetation) that would be removed by project construction, the tree (or other vegetation) cannot be removed until the end of the nesting season, which could delay construction. If vegetation cannot be removed between October and January, or if ground cover re-establishes in areas where vegetation has been removed, the affected area must be surveyed for nesting birds, as discussed below.

If construction activities are expected to begin during the nesting season for birds (generally February 1 through September 30), the City will retain a qualified wildlife biologist with knowledge of the relevant species to conduct a nesting survey before the start of construction. A preconstruction survey will be conducted for migratory birds, including raptors. The survey will include a search of ground vegetation, and all trees and shrubs that provide suitable nesting habitat in the project area. In addition, a 500-foot radius around the project area will be surveyed for nesting raptors. If no active nests are detected during the survey, no additional measures are required. The predominant nesting habitat for this project occurs under bridges.

If an active nest is found in the survey area, a no-disturbance buffer area will be established around the nest site to avoid disturbance or destruction of the nest until the end of the breeding season (September 30) or until after a qualified wildlife biologist determines that the young have fledged and moved out of the project area (this timing varies by species). The extent of each buffer area will be determined by the biologist in coordination with USFWS and CDFW and will depend on the level of noise or construction disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. Suitable buffer distances may vary between species.

Implement Measures to Deter Swallow and Phoebe Nesting Prior to the Nesting Season

To avoid impacts on swallows and black phoebes nesting under the overpasses, the City of Temecula will implement the following measures prior to the start of the nesting period.

- The City of Temecula will have a qualified wildlife biologist inspect overpasses during the non-breeding season (September 1 through February 28). If nests are found and are abandoned, they may be removed. To avoid damaging active nests on these structures, nests must be removed before the breeding season begins (March 1).
- After nests are removed, a qualified contractor will cover the undersides of the bridge and box culverts with suitable material to prevent nesting. Installation of the material will occur before March 1 and will be monitored by a qualified biologist throughout the breeding season (typically several times a week). The material will be anchored so that swallows cannot attach their nests to the bridge.

- As an alternative to covering the underside of a bridge, the City of Temecula will have a qualified biologist remove nests as the birds construct them and before any eggs are laid. Visits to the site would need to occur daily throughout the breeding season (March 1 through August 31) as swallows can complete a nest in a 24-hour period.
- If covering of the bridge does not occur by March 1 and birds colonize the bridge overpasses, disturbance or removal of the structures will not occur before August 31 or until a qualified biologist has determined that the young have fledged and all nest use has been completed.

If appropriate steps are taken to prevent swallows from constructing new nests as described above, work can proceed at any time of the year.

F.3 Threatened and Endangered Species

Impact criteria define the level of direct and indirect impacts on listed species. The purpose of the impact criteria is to help determine when an impact is significant under CEQA.

The following CEQA Checklist item was used to evaluate the impacts of the proposed project on anadromous fish:

- Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?

Table 2. FESA Effect Findings [or Preliminary Effect Findings for draft environmental document]

Common Name	Scientific Name	Status	Effect Finding	Effect Finding for Critical Habitat (if applicable).
Plants				
California Orcutt Grass	Orcuttia californica	FE, SE	No Effect	N/A
Munz's Onion	Allium munzii	FE, ST	No Effect	N/A
San Diego Ambrosia	Ambrosia pumila	FE	No Effect	N/A
San Diego Button-celery	Eryngium aristulatum	FE, SE	No Effect	N/A
Spreading Navarretia	Navarretia fossalis	FT	May Affect, Not Likely to Adversely Affect	N/A
Thread-leaved Brodiaea	Brodiaea filifolia	FT, SE	No Effect	N/A
Invertebrates				
Quino Checkerspot Butterfly	Euphydryas editha quino	FE	May Affect, Not Likely to Adversely Affect	N/A
Riverside Fairy Shrimp	Streptocephalus woottoni	FE	No Effect	N/A
Vernal Pool Fairy Shrimp	Branchinecta lynchi	FT	No Effect	N/A
Mammals				
San Bernardino Merriam's Kangaroo Rat	Dipodomys merriami parvus	FE, ST	No effect	N/A
Stephens' Kangaroo Rat	Dipodomys stephensi	FE, ST	No effect	N/A
Birds				
Least Bell's Vireo	Vireo bellii pusillus	FE, SE	May Affect, Not Likely to Adversely Affect	N/A
Southwestern Willow Flycatcher	Empidonax traillii extimus	FE, SE	No effect	N/A
Coastal California Gnatcatcher	Polioptila californica californica	FT	May Affect, Not Likely to Adversely Affect	N/A

*Federal Endangered (FE); Federal Threatened (FT); Federal Proposed (FP, FPE, FPT), State Endangered, (SE); State Threatened (ST)

The proposed project was found to avoid any substantial effects to listed species.

F.3.1 Avoidance, Minimization, and/or Mitigation Measures

Avoidance and minimization measures are limited to those taken to prevent the introduction of invasive species to the site which is discussed below in section 2.3.6. No mitigation or other measures are necessary as no threatened or endangered species or suitable habitat for such species were determined to be present.

F.4 Invasive Species

Invasive/noxious plant species listed on CDFA and Cal-IPC noxious weed lists were found within the ESL during plant surveys conducted for this proposed project.

F.4.1 Avoidance, Minimization, and/or Mitigation Measures

Avoid and Minimize the Spread of Invasive Plant Species during Project Construction

The City of Temecula or its contractor will be responsible for avoiding and minimizing the introduction of new invasive plants and the spread of invasive plants previously documented in the BSA. Two or more of the BMPs listed below will be written into the construction specifications and implemented during project construction.

- Retain all fill material onsite to prevent the spread of invasive plants to uninfested areas.
- Use a weed-free source for project materials (e.g., straw wattles for erosion control that are weed-free or contain less than 1% weed seed).
- Prevent invasive plant contamination of project materials during transport and when stockpiling (e.g., by covering soil stockpiles with a heavy-duty, contractor-grade tarpaulin).
- Use and native plant stock during revegetation.

The goal for implementation of two or more of these BMPs is to minimize the disturbance and transport of soil and vegetation to the greatest extent feasible to complete the work. Detailed information about implementing these BMPs can be found in Cal-IPC's *Preventing the Spread of Invasive Plants: Best Management Practices for Transportation and Utility Corridors* (California Invasive Plant Council 2012).

F.5 Construction Impacts

Before any ground breaking disturbance occurs, including grading, a consulting biologist will conduct a mandatory contractor/worker environmental awareness training for construction personnel. The awareness training will be provided to all construction personnel (contractors and subcontractors) to brief them on the need to avoid effects on sensitive biological resources, primarily nesting birds, adjacent to the work area and the penalties for not complying with

applicable state and federal laws and permit requirements. As no special status species occur within the study area, plant- or animal-specific contractor/worker environmental awareness training is not necessary unless clearing is to take place during the nesting season. If that is the case, simple instructions to not disturb areas taped off at a specified radius around the active nest would suffice.

The environmental training will also cover general restrictions and guidelines that must be followed by all construction personnel to reduce or avoid effects on sensitive biological resources during project construction. General restrictions and guidelines that must be followed by construction personnel are listed below.

Project-related vehicles will observe the posted speed limit on hard-surfaced roads and a 20 mile-per-hour speed limit on unpaved roads or access areas in the work area during travel within the project limits.

Project-related vehicles and construction equipment will restrict off-road travel to the work area.

Vegetation clearing and construction operations will be limited to the minimum necessary in areas of temporary access work areas and staging.

All food-related trash will be disposed of in closed containers and removed from the work area at least once a week during the construction period. Construction personnel will not feed or otherwise attract wildlife to the project work area.

No pets or firearms will be allowed in the project work area.

To prevent possible resource damage from hazardous materials such as motor oil or gasoline, construction personnel will not service vehicles or construction equipment outside designated staging areas and TCEs.

The training will also include identifying the BMPs written into construction specifications for avoiding and minimizing the introduction and spread of invasive plants (see measure to “*Avoid and minimize the spread of invasive plant species during project construction and restore temporarily disturbed grassland*”) and the rationale behind their implementation during project construction.

F6. Pechanga Tribe Comments on Cultural Resources Assessment

The following notes are recommended edits to the “Mitigation Monitoring and reporting Program (Program)” section of the report, as listed in a letter to the City dated January 7, 2019. The letter is confidential, but the recommended edits are listed below. Per the letter, underlined portions are additions, strikethroughs are deletions [the following list is copied verbatim from the letter]:

- 1) “Prior to issuance of a grading permit, the applicant shall provide written verification in the form of a letter from the project archaeologist to the lead agency stating that a certified archaeologist has been retained to implement the monitoring program.
- 2) 30 days prior to the issuance of a grading permit the project applicant shall contact the consulting tribes with notification of proposed grading and shall coordinated with the tribes to develop an archaeological Resource Treatment and Monitoring Agreement. ~~provide Native American monitoring during grading.~~ The Native American monitor shall work in concert with the archaeological monitor to observe ground disturbances and search for cultural materials.
- 3) The certified archaeologist and Pechanga Tribe shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.
- 4) During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and tribal representative shall be on-site, as determined by the consulting archaeologist, to perform periodic inspections of the excavations. The frequency of inspections will depend upon the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The consulting archaeologist and Pechanga Monitors shall have the authority to modify the monitoring program if the potential for cultural resources appears to be less than anticipated.
- 5) Should a qualified archaeologist, in consultation with the Pechanga Monitor, determine that, based upon observations of grading and ground visibility monitoring could be reduced, the City shall be notified of a change in the mitigation monitoring program.
- 6) Isolates and clearly non-significant deposits will be minimally documented in the field so the monitored grading can proceed.
- 7) In the event that previously unidentified cultural resources are discovered, the archaeologist, and Pechanga Monitor, shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the lead agency at the time of discovery. The archaeologist, in consultation with the lead agency and Pechanga Tribe, shall determine the significance of the

discovered resources. The lead agency must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the lead agency and Pechanga Tribe before being carried out using professional archaeological methods. If any human bones are discovered, the county coroner, Pechanga Tribe and lead agency shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the NAHC, shall be contacted in order to determine proper treatment and disposition of the remains.

- 8) Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The project archaeologist, in consultation with the Pechanga Tribe, shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
- 9) All cultural material collected during the grading monitoring program shall be processed and reburied. If reburial is infeasible, all collected cultural material shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility, to be accompanied by payment of the fees necessary for permanent curation.
- 10) A report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the lead agency prior to the issuance of any building permits. The report will include DPR Primary and Archaeological Site Forms. The final report will be submitted to the California Department of Transportation, the City of Temecula and the Pechanga Tribe.”