
**Final Initial Study and Mitigated Negative Declaration
and Responses to Comments**

SUNBURST AVENUE CLASS I BIKE PATH AND CLASS II BIKE LANES PROJECT

November 2019

Lead Agency:



**County of San Bernardino
Department of Public Works
825 E. Third Street
San Bernardino, CA 92415**

Prepared by:



**215 North 5th Street
Redlands, CA 92374**

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**SUNBURST AVENUE CLASS I BIKE PATH AND CLASS II BIKE LANES
PROJECT**

Final

Initial Study/Mitigated Negative Declaration

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FINAL MITIGATED NEGATIVE DECLARATION SUNBURST AVENUE CLASS I BIKE PATH AND CLASS II BIKE LANES PROJECT

Lead Agency: County of San Bernardino

Project Proponent: County of San Bernardino

Project Location: The Proposed Project is located in the unincorporated community of Joshua Tree, San Bernardino County, California. The project site begins at the intersection of Sunburst Avenue and State Route 62 (SR-62; Twentynine Palms Highway) and continues north for approximately two miles to the intersection of Sunburst Avenue and Calle Los Amigos.

Project Description: The Proposed Project would include the following improvements:

- Rehabilitate the existing Class I bike path located along the east side of Sunburst Avenue from SR-62 north to Oleander Avenue (approximately 0.5 miles)
- Construct a new Class II bike lane on the east side of Sunburst Avenue from the termination of the existing Class I bike path (Oleander Avenue) north to Calle Los Amigos (approximately 1.5 miles)
- Construct a new Class II bike lane on the west side of Sunburst from State Route 62 north to Calle Los Amigos (approximately 2.0 miles)

The rehabilitation of the existing Class I bike path on the east side of Sunburst Avenue would include a 6.5-foot shoulder between the Sunburst Avenue and the bike path, an 8-foot paved concrete bike path, and a two-foot shoulder along the eastern edge of the bike path. The new Class II bike lanes would be approximately four to five feet wide with two-foot shoulders on each side. All improvements would occur within the existing Right-of-Way (ROW) of Sunburst Avenue.

Construction of the Proposed Project would include: earthwork, including minor excavation and grading; installation of signage; and painting of pavement striping and pavement markings. Construction staging would occur at the former Joshua Tree Elementary School parking lot, located at 6051 Sunburst Street, and adjacent to the new Joshua Tree Elementary School within Sunburst Avenue near the intersection with Cowan Lane.

Public Review Period: September 23, 2019 to October 23, 2019

Mitigation Measures Incorporated into the Project to Avoid Significant Effects:

Biological Resources

BIO-1 Pre-construction Survey for Burrowing Owl: A pre-construction survey for burrowing owl shall be conducted within project site and adjacent areas prior to the start of construction. The survey shall follow the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). The pre-construction burrowing owl survey shall be conducted between 30 and 14 days prior to initial ground disturbance (grading, grubbing, and construction). If burrowing owls or their sign (e.g., burrows with whitewash, pellets, bones of prey items) are identified during the pre-construction survey, then a second pre-construction survey will be conducted no more than 24 hours prior to initial ground disturbance. If burrowing owls and/or suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains) are identified on the project site during the survey(s) and impacts to those features are unavoidable, consultation with the CDFW shall be conducted and the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012) for avoidance and/or passive relocation shall be followed.

BIO-2 Pre-construction Survey for Desert Tortoise: A pre-construction survey for desert tortoise shall be conducted prior to the start of ground-disturbing activities in accordance with the protocol methods outlined in Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise (USFWS 2018). If desert tortoises or desert tortoise sign (e.g., burrows, carcasses, scat) are observed on or immediately adjacent to the project site, then coordination with USFWS and CDFW will need to occur and avoidance or minimization measures, such as biological monitoring and no disturbance buffers around burrows, may need to be implemented. If project-related impacts to the desert tortoise are found to be unavoidable and significant following the pre-construction survey, then the necessary state and federal permits will need to be obtained from CDFW and USFWS prior to the start of project activities.

BIO-3 Pre-construction Nesting Bird Survey: If construction or other project activities are scheduled to occur during the bird breeding season (typically February 1 through August 31 for raptors and March 15 through August 31 for the majority of migratory bird species), a pre-construction nesting bird survey shall be conducted by a qualified avian biologist to ensure that active bird nests, including those for the Le Conte's thrasher, will not be disturbed or destroyed. The survey shall be completed no more than three days prior to initial ground disturbance and may be combined with the second burrowing owl survey identified in Mitigation Measure BIO-1 if a second pre-construction burrowing owl survey is conducted on site. The nesting bird survey shall include the project site and adjacent areas where project activities have the potential to affect active nests, either directly or indirectly due to construction activity or noise. If an active nest is identified, the biologist shall establish an appropriately-sized disturbance limit buffer around the nest using flagging or staking. Construction activities shall not occur within any disturbance limit buffer zones until the nest is deemed inactive by the qualified biologist.

Cultural Resources

CUL-1 Should unanticipated or inadvertent surface and/or subsurface prehistoric or historic archaeological resources, built environment, and/or tribal cultural resources, appear to be encountered during construction or maintenance activity associated with this project, then all work must halt within a 100-foot radius of the discovery until a qualified professional can evaluate the discovery. If the finds are archaeological or historic in nature, then an archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and/or historic archaeology have evaluated the significance of the find. This archaeologist shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following shall apply, depending on the nature of the find:

- A. If the professional archaeologist determines that the find does not represent a cultural resource, then work may resume immediately and no agency notifications are required.
- B. If the professional archaeologist determines that the find does represent a cultural resource from any time or cultural affiliation then, depending on the nature of the discovery, appropriate treatment measures shall be developed.
- C. If the find represents a Native American or potentially Native American resource that does not include human remains, which may or may not include a Tribal Cultural Resource, then the archaeologist shall consult with appropriate Tribe[s] on whether or not the resource represents either a Tribal Cultural Resource or a Historical Resource, or both, and, if so, consult on appropriate treatment measures. Preservation in place is the preferred treatment, if feasible. Work cannot resume within the no-work radius until the County, through consultation as appropriate, determines that the site either: 1) is not a Tribal Cultural Resource or Historical Resource; or 2) that the treatment measures for the Tribal Cultural Resource or Historical Resource have been completed.

CUL-2 If the find during construction or maintenance activity includes human remains, or remains that are potentially human, the archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the San Bernardino County Coroner (per §7050.5 of the Health and Safety Code). The Coroner's Office may be contacted at Coroner's Division, County of San Bernardino, 175 South Lena Road, San Bernardino, California 92415 or by calling 909.387.2978. The provisions of §7050.5 of the California Health and Safety Code, §5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. If the Coroner determines the remains are Native American, the Coroner will notify the NAHC by telephone within 24 hours. The NAHC will then immediately notify the person it believes to be the Most Likely Descendant (MLD) of the remains (§5097.98 of the Public Resources Code). The designated MLD will have 48 hours, from the time access to the property is granted, to make recommendations concerning treatment of the remains, in accordance with California Health and Safety Code §7050.5 and CEQA Guidelines §15064.5(e). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§5097.94 of the Public Resources Code). If no agreement is reached, the landowner

must rebury the remains where they will not be further disturbed (§5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the County, through consultation as appropriate, determines that the treatment measures have been completed to its satisfaction.

If the Coroner determines that the remains are not of Native American origin and that the remains are from the historic-era, the County Coroner will make a recommendation as to the disposition of the remains. Construction may continue once compliance with all relevant sections of the California Health and Safety Code has been addressed and an authorization to proceed is issued by the County Coroner.

Geology and Soils

GEO-1 If project excavations exceed three feet in depth in sediments mapped as Quaternary alluvium (Qoa) then a Paleontological Resource Impact Management Plan shall be prepared by a qualified paleontologist. This plan shall adhere to the guidelines of the Society of Vertebrate Paleontology and shall include monitoring and sampling of sediments to test for microvertebrate fossils.

Tribal Cultural Resources

TCR-1 Appropriate consulting Tribe(s) shall be contacted, as detailed in CUL-1, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input within 48 hours with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2018), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with consulting Tribe(s), and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents consulting Tribe(s) for the remainder of the project, should Tribe(s) elect to place a monitor on-site at the Tribe's cost.

As necessary, and in accordance with Project-Specific consultations conducted with the NAHC and various Tribal entities in association with AB 52, SB 18, and/or any other legal guidelines relating to Native American consultations, the specific language noted in CUL-1 and CUL-2 may change to reflect Project-Specific needs and requirements.

TCR-2 If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to CUL-2 and State Health and Safety Code §7050.5 and that code shall be enforced for the duration of the project.

TCR-3 Only the NAHC Designated MLD Tribal representative shall make all future decisions regarding the treatment of human remains of Native American origin within the response times outlined below. The MLD shall determine the disposition and treatment of Native American human remains and any associated grave goods following Native American Graves Protection and

Repatriation Act (NAGPRA) protocols, and what constitutes "appropriate dignity" as that term is used in the applicable statutes and in the Tribe's customs and traditions.

The MLD or his/her designee shall complete an inspection and provide written recommendations to the DPW and the landowner (if different than the DPW) within forty-eight (48) hours of being granted access to the site. If the descendant does not make recommendations within 48 hours, the landowner shall re-inter the remains in a secure area of the property where there will be no further disturbance. Should the landowner not accept the descendant's recommendations, either the owner or the MLD may request mediation by NAHC. According to the California Health and Safety Code, six (6) or more human burials at one (1) location constitute a cemetery (Section 8100), and willful disturbance of human remains in a cemetery is a felony (Section 7052).

- TCR-4** Any and all archaeological/cultural documents as related to documented tribal cultural resources created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be disseminated to appropriate consulting Tribe(s) in the form of an un-redacted report (containing DPR forms). The Lead Agency and/or applicant shall, in good faith, consult with the appropriate Tribe(s) until construction completion of the project and completion of any measures imposed to protect resources.
- TCR-5** Prior to ground disturbing activities, Cultural Sensitivity Training shall be provided by approved Twenty-Nine Palms Band of Mission Indians approved Tribal Historic Preservation Office (THPO) staff. This training shall be provided to all workers involved in land disturbing activities. Please contact the THPO at (760) 775-3259 or by email at TNPConsultation@29palmsbomi-nsn.gov.

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SECTION 1.0 INTRODUCTION

This document is the Final Initial Study/Mitigated Negative Declaration (IS/MND), including the Responses to Comments and the Mitigation Monitoring and Reporting Plan, for the Sunburst Avenue Class I Bike Path and Class II Bike Lanes Project (Proposed Project). It has been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resource Code Section 21000 et. seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.), as amended. This Final IS/MND document supplements the Draft IS/MND released for public review on September 23, 2019. The Draft IS/MND is incorporated into this Final IS/MND by reference.

The County of San Bernardino is the Lead Agency for the Proposed Project. On September 23, 2019 the County of San Bernardino distributed the Draft IS/MND for the Proposed Project to public agencies and the general public for review and comment. In accordance with the State CEQA Guidelines, a 30-day review period, which ended on October 23, 2019, was completed. During the public review period, two comment letters on the Draft IS/MND were received. This Final IS/MND and Mitigation Monitoring and Reporting Plan (MMRP) document is organized as follows:

- Section 1.0 provides a discussion of the purpose of the document and discusses the structure of the document;
- Section 2.0 contains a summary of the project description;
- Section 3.0 includes the comment letters received and responses to these comments; and
- Section 4.0 contains the MMRP.

This Final IS/MND and MMRP document and the Draft IS/MND together constitute the environmental document for the Proposed Project.

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SECTION 2.0 PROJECT OVERVIEW

2.1 Project Location

The Proposed Project is located in the unincorporated community of Joshua Tree, San Bernardino County, California. The project site begins at the intersection of Sunburst Avenue and State Route 62 (SR-62; Twentynine Palms Highway) and continues north for approximately two miles to the intersection of Sunburst Avenue and Calle Los Amigos.

2.2 Project Purpose and Need

The purpose of the Proposed Project is to meet the identified need for a non-vehicular trail for pedestrians and bicyclists to provide for the increased safety of students and the local residents.

2.3 Project Characteristics

The Proposed Project would include the following improvements:

- Rehabilitate the existing Class I bike path located along the east side of Sunburst Avenue from SR-62 north to Oleander Avenue (approximately 0.5 miles)
- Construct a new Class II bike lane on the east side of Sunburst Avenue from the termination of the existing Class I bike path (Oleander Avenue) north to Calle Los Amigos (approximately 1.5 miles)
- Construct a new Class II bike lane on the west side of Sunburst from State Route 62 north to Calle Los Amigos (approximately 2.0 miles)

The rehabilitation of the existing Class I bike path on the east side of Sunburst Avenue would include a 6.5-foot shoulder between the Sunburst Avenue and the bike path, an 8-foot paved concrete bike path, and a two-foot shoulder along the eastern edge of the bike path. The new Class II bike lanes would be approximately four to five feet wide with two-foot shoulders on each side. All improvements would occur within the existing Right-of-Way (ROW) of Sunburst Avenue.

Construction of the Proposed Project would include: earthwork, including minor excavation and grading; installation of signage; and painting of pavement striping and pavement markings. Construction staging would occur at the former Joshua Tree Elementary School parking lot, located at 6051 Sunburst Street, and adjacent to the new Joshua Tree Elementary School within Sunburst Avenue near the intersection with Cowan Lane.

2.4 Project Timing

Construction is anticipated to begin in 2020 and could take up to six months to complete.

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SECTION 3.0 COMMENTS AND RESPONSES

This section of the document contains copies of the comment letters received during the 30-day public review period, which began on September 23, 2019 and ended on October 23, 2019. In conformance with Section 15088(a) of the State CEQA Guidelines, the County of San Bernardino has considered comments on two letters received during the review period. These letters and the responses to the comments are provided in this section.

3.1 List of Comment Letters

Letter Number	Sender	Date Received
1	Victoria Ghassabian	9/27/2019
2	San Manuel Band of Mission Indians	10/7/2019
3	Governor's Office of Planning and Research	10/22/2019

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Sunburst Avenue Class I Bike Path and Class II Bike Lanes Project**

Letter 1 – Victoria Ghassabian

From: Sansonetti, Nancy
Sent: Monday, September 30, 2019 9:14 AM
To: 'Vickie Ghassabian' <vghassabian@gmail.com>
Subject: RE: Delivery Status Notification (Failure)

Hello Vickie! The Bike paths will be located in existing road right of way. Please let me know if you need any further info.
Nancy

Nancy J. Sansonetti, AICP
Senior Planner
Department of Public Works, Environmental Management Division
Phone: 909-387-8109
Fax: 909-387-7876
825 E. Third Street, Rm. 123
San Bernardino, CA 92415-0835



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----- Forwarded message -----
From: Vickie Ghassabian <vghassabian@gmail.com>
To: Nancy.Sansonetti@dwp.sbcounty.gov
Cc:
Bcc:
Date: Fri, 27 Sep 2019 09:47:17 -0700
Subject: Notice of intent

Hello Nancy,

My husband received a letter stating that there will be a bike path and bike lane. Letter is a bit confusing in regards to it being on the street or is it going through any existing property. I just need to know if it would be going through any property as we do have property on Sunburst. Please advice as to how we can find out.

Thank You,

Victoria Ghassabian

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Vghassabian@gmail.com

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1-1

Letter 1 Response to Comments

Response to Comment 1-1:

The commenter is requesting information regarding the location of the proposed bike path and bike lane; specifically, if it would go through her property. As stated on page 8 of the Draft IS/MND, all proposed improvements would occur within the existing Right-of-Way (ROW) of Sunburst Avenue. The Proposed Project would not cross private property along Sunburst Avenue.

Letter 2 – San Manuel Band of Mission Indians

From: Jessica Mauck <JMauck@sanmanuel-nsn.gov>
Sent: Monday, October 7, 2019 6:21 PM
To: Sansonetti, Nancy <Nancy.Sansonetti@dpw.sbcounty.gov>
Subject: RE: H14975 & 14976 - Sunburst Ave Bike Path in Joshua Tree Area

Hi Nancy – SMBMI received and review the IS/MND, and have no comments. Thank you!

2-1

Jessica Mauck

CULTURAL RESOURCES ANALYST

O: (909) 864-8933 x3249

M: (909) 725-9054

26569 Community Center Drive Highland California 92346

SAN MANUEL
BAND OF MISSION INDIANS

he email address record can be corrected. Thank You

Letter 2 Response to Comments

Response to Comment 2-1:

This comment states that the San Manuel Band of Mission Indians received and reviewed the Draft IS/MND and have no comments. This comment is noted.

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Letter 3 – Governor’s Office of Planning and Research



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor’s Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

October 22, 2019

Nancy J. Sansonetti
San Bernardino County
825 E. Third Street, Room 123
San Bernardino, CA 92415

Subject: Sunburst Avenue Class I Bike Path and Class II Bike Lanes Project
SCH#: 2019099068

Dear Nancy J. Sansonetti:

The State Clearinghouse submitted the above named MND to selected state agencies for review. The review period closed on 10/21/2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act, please visit: <https://ceqanet.opr.ca.gov/2019099068/2> for full details about your project.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

3-1

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL 1-916-445-0613 state.clearinghouse@opr.ca.gov www.opr.ca.gov

Letter 3 Response to Comments

Response to Comment 3-1:

This letter is an acknowledgement that the County of San Bernardino has complied with the review requirements of CEQA.

SECTION 4.0 MITIGATION MONITORING AND REPORTING PLAN

4.1 Introduction

In accordance with CEQA, an IS/MND that identified adverse impacts related to the construction activity for the Sunburst Avenue Class I Bike Path and Class II Bike Lanes Project was prepared. The MND identified mitigation measures that would reduce or eliminate these impacts.

Section 21081.6 of the Public Resources Code and Sections 15091(d) and 15097 of the State CEQA Guidelines require public agencies to adopt a reporting and monitoring plan (MMRP) for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. A MMRP is required for the Proposed Project, because the IS/MND identified potentially significant adverse impacts related to construction activity, and mitigation measures have been identified to mitigate these impacts. Adoption of the MMRP will occur along with approval of the Proposed Project.

4.2 Purpose of the Mitigation Monitoring and Reporting Plan

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during the construction and operation of the Proposed Project, as required. The MMRP may be modified by the County of San Bernardino during project implementation, as necessary, in response to changing conditions or other project refinements. Table 4-1 has been prepared to assist the responsible parties in implementing the MMRP. This table identifies the category of significant environmental impact(s), individual mitigation measures, monitoring and mitigation timing, responsible person/agency for implementing the measure, monitoring and reporting procedure, and notation space to confirm implementation of the mitigation measures. The numbering of the mitigation measures follows the numbering sequence in the IS/MND.

4.3 Roles and Responsibilities

The County of San Bernardino, as Lead Agency, is responsible for oversight of compliance of the mitigation measures in the MMRP.

4.4 Mitigation Monitoring and Reporting Plan

The column categories identified in the MMRP table (Table 4-1) are described below.

- **Mitigation Measure** – This column lists the mitigation measures by number.
- **Monitoring Activity/Timing/Frequency/Schedule** – This column lists the activity to be monitored for each mitigation measure, the timing of each activity, and the frequency/schedule of monitoring for each activity.

- **Implementation Responsibility/Verification** – This column identifies the entity responsible for complying with the requirements of the mitigation measure, and provides space for verification initials and date.
- **Responsibility for Oversight of Compliance/Verification** – This column provides the agency responsible for oversight of the mitigation implementation, and is to be dated and initialed by the agency representative based on the documentation provided by the construction contractor or through personal verification by agency staff.
- **Outside Agency Coordination** – this column lists any agencies with which the County of San Bernardino may coordinate for implementation of the mitigation measure.
- **Comments** – this column provides space for written comments, if necessary.

**Table 4-1
Sunburst Avenue Class I Bike Path and Class II Bike Lanes Project
Mitigation Monitoring and Reporting Plan**

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
Biological Resources Mitigation Measures					
BIO-1 Pre-construction Survey for Burrowing Owl: A pre-construction survey for burrowing owl shall be conducted within project site and adjacent areas prior to the start of construction. The survey shall follow the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). The pre-construction burrowing owl survey shall be conducted between 30 and 14 days prior to initial ground disturbance (grading, grubbing, and construction). If burrowing owls or their sign (e.g., burrows with whitewash, pellets, bones of prey items) are identified during the pre-construction survey, then a second pre-construction survey will be conducted no more than 24 hours prior to initial ground disturbance. If burrowing owls and/or suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains) are identified on the project site during the survey(s) and impacts to	Activity: Preconstruction survey for burrowing owls. Timing: Shall be conducted between 30 and 14 days prior to initial ground disturbance. Frequency: One time.	Project Biologist	County of San Bernardino	Possible coordination with CDFW.	
		Initials	Initials		
		Date	Date		

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Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
those features are unavoidable, consultation with the CDFW shall be conducted and the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012) for avoidance and/or passive relocation shall be followed.					
BIO-2 Pre-construction Survey for Desert Tortoise: A pre-construction survey for desert tortoise shall be conducted prior to the start of ground-disturbing activities in accordance with the protocol methods outlined in Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise (USFWS 2018). If desert tortoises or desert tortoise sign (e.g., burrows, carcasses, scat) are observed on or immediately adjacent to the project site, then coordination with USFWS and CDFW will need to occur and avoidance or minimization measures, such as biological monitoring and no disturbance buffers around burrows, may need to be implemented. If project-related impacts to the desert tortoise are found to be unavoidable and significant following the pre-construction survey, then the necessary state and federal permits will need to be obtained from CDFW	Activity: Preconstruction survey for desert tortoise. Timing: Prior to the start of ground-disturbing activities Frequency: One time.	Project Biologist <hr/> Initials <hr/> Date	County of San Bernardino <hr/> Initials <hr/> Date	Possible coordination with USFWS and CDFW.	

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Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
and USFWS prior to the start of project activities.					
BIO-3 Pre-construction Nesting Bird Survey: If construction or other project activities are scheduled to occur during the bird breeding season (typically February 1 through August 31 for raptors and March 15 through August 31 for the majority of migratory bird species), a pre-construction nesting bird survey shall be conducted by a qualified avian biologist to ensure that active bird nests, including those for the Le Conte's thrasher, will not be disturbed or destroyed. The survey shall be completed no more than three days prior to initial ground disturbance and may be combined with the second burrowing owl survey identified in Mitigation Measure BIO-1 if a second pre-construction burrowing owl survey is conducted on site. The nesting bird survey shall include the project site and adjacent areas where project activities have the potential to affect active nests, either directly or indirectly due to construction activity or noise. If an active nest is identified, the biologist shall establish an appropriately-sized disturbance limit buffer around the nest using flagging or staking.	Activity: Preconstruction survey for nesting birds. Timing: Shall be completed no more than three days prior to initial ground disturbance. Frequency: One time.	Project Biologist <hr/> Initials <hr/> Date	County of San Bernardino <hr/> Initials <hr/> Date	Possible coordination with CDFW.	

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Mitigation Measure	Monitoring Activity/Timing/Frequency/Schedule	Implementation Responsibility/Verification	Responsibility for Oversight of Compliance/Verification	Outside Agency Coordination	Comments
Construction activities shall not occur within any disturbance limit buffer zones until the nest is deemed inactive by the qualified biologist.					
Cultural Resources Mitigation Measures					
<p>CUL-1 Should unanticipated or inadvertent surface and/or subsurface prehistoric or historic archaeological resources, built environment, and/or tribal cultural resources, appear to be encountered during construction or maintenance activity associated with this project, then all work must halt within a 100-foot radius of the discovery until a qualified professional can evaluate the discovery. If the finds are archaeological or historic in nature, then an archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and/or historic archaeology have evaluated the significance of the find. This archaeologist shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following shall apply, depending on the nature of the find:</p> <p>A. If the professional archaeologist determines that the find does not</p>	<p>Activity: Evaluation of resources found during construction or maintenance activity.</p> <p>Timing: During ground disturbing construction and maintenance activities.</p> <p>Frequency: As necessary during construction.</p>	<p>Qualified Archaeologist and/or Consulting Native American Tribal Governments</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>County of San Bernardino</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	Consulting Native American Tribal Governments	

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Mitigation Measure	Monitoring Activity/Timing/Frequency/Schedule	Implementation Responsibility/Verification	Responsibility for Oversight of Compliance/Verification	Outside Agency Coordination	Comments
<p>represent a cultural resource, then work may resume immediately and no agency notifications are required.</p> <p>B. If the professional archaeologist determines that the find does represent a cultural resource from any time or cultural affiliation then, depending on the nature of the discovery, appropriate treatment measures shall be developed.</p> <p>C. If the find represents a Native American or potentially Native American resource that does not include human remains, which may or may not include a Tribal Cultural Resource, then the archaeologist shall consult with appropriate Tribe[s] on whether or not the resource represents either a Tribal Cultural Resource or a Historical Resource, or both, and, if so, consult on appropriate treatment measures. Preservation in place is the preferred treatment, if feasible. Work cannot resume within the no-work radius until the County, through consultation as appropriate, determines that the site</p>					

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either: 1) is not a Tribal Cultural Resource or Historical Resource; or 2) that the treatment measures for the Tribal Cultural Resource or Historical Resource have been completed.					
CUL-2 If the find during construction or maintenance activity includes human remains, or remains that are potentially human, the archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the San Bernardino County Coroner (per §7050.5 of the Health and Safety Code). The Coroner's Office may be contacted at Coroner's Division, County of San Bernardino, 175 South Lena Road, San Bernardino, California 92415 or by calling 909.387.2978. The provisions of §7050.5 of the California Health and Safety Code, §5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. If the Coroner determines the remains are Native American, the Coroner will notify the NAHC by telephone within 24 hours. The NAHC will then immediately notify the person it believes to be the Most Likely	Activity: In the event of a human remain find. Timing: During ground disturbing construction activities. Frequency: As necessary during construction.	Qualified Archaeologist <hr/> Initials <hr/> Date	County of San Bernardino <hr/> Initials <hr/> Date	County Coroner Native American Heritage Commission	

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<p>Descendant (MLD) of the remains (§5097.98 of the Public Resources Code). The designated MLD will have 48 hours, from the time access to the property is granted, to make recommendations concerning treatment of the remains, in accordance with California Health and Safety Code §7050.5 and CEQA Guidelines §15064.5(e). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the County, through consultation as appropriate, determines that the treatment measures have been completed to its satisfaction.</p> <p>If the Coroner determines that the remains are not of Native American origin and that the</p>					

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remains are from the historic-era, the County Coroner will make a recommendation as to the disposition of the remains. Construction may continue once compliance with all relevant sections of the California Health and Safety Code has been addressed and an authorization to proceed is issued by the County Coroner.					
Geology and Soils Mitigation Measures					
GEO-1 If project excavations exceed three feet in depth in sediments mapped as Quaternary alluvium (Qoa) then a Paleontological Resource Impact Management Plan shall be prepared by a qualified paleontologist. This plan shall adhere to the guidelines of the Society of Vertebrate Paleontology and shall include monitoring and sampling of sediments to test for microvertebrate fossils.	Activity: Prepare a Paleontological Resource Impact Management Plan and monitoring. Timing: During construction. Frequency: As necessary during construction.	Qualified Paleontologist <hr/> Initials <hr/> Date	County of San Bernardino <hr/> Initials <hr/> Date	None	
Tribal Cultural Resources Mitigation Measures					
TCR-1 Appropriate consulting Tribe(s) shall be contacted, as detailed in CUL-1, of any pre-contact cultural resources discovered during project implementation, and be provided	Activity: Treatment options in the event Native American cultural resources are found	Qualified Archaeologist and/or Consulting Native American Tribal Governments	County of San Bernardino	Consulting Native American Tribal Governments	

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<p>information regarding the nature of the find, so as to provide Tribal input within 48 hours with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2018), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with consulting Tribe(s), and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents consulting Tribe(s) for the remainder of the project, should Tribe(s) elect to place a monitor on-site at the Tribe's cost.</p> <p>As necessary, and in accordance with Project-Specific consultations conducted with the NAHC and various Tribal entities in association with AB 52, SB 18, and/or any other legal guidelines relating to Native American consultations, the specific language noted in CUL-1 and CUL-2 may change to reflect Project-Specific needs and requirements.</p>	<p>during monitoring.</p> <p>Timing: During ground disturbing construction activities.</p> <p>Frequency: As necessary during construction.</p>	<p>Initials</p> <p>Date</p>	<p>Initials</p> <p>Date</p>		
<p>TCR-2 If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity</p>	<p>Activity: In the event of a human remain find.</p> <p>Timing:</p>	<p>Qualified Archaeologist</p>	<p>County of San Bernardino</p>	<p>County Coroner</p> <p>Native American Heritage Commission</p>	

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(within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to CUL-2 and State Health and Safety Code §7050.5 and that code shall be enforced for the duration of the project.	During ground disturbing construction activities. Frequency: As necessary during construction.	Initials Date	Initials Date		
<p>TCR-3 Only the NAHC Designated MLD Tribal representative shall make all future decisions regarding the treatment of human remains of Native American origin within the response times outlined below. The MLD shall determine the disposition and treatment of Native American human remains and any associated grave goods following Native American Graves Protection and Repatriation Act (NAGPRA) protocols, and what constitutes "appropriate dignity" as that term is used in the applicable statutes and in the Tribe's customs and traditions.</p> <p>The MLD or his/her designee shall complete an inspection and provide written recommendations to the DPW and the landowner (if different than the DPW) within forty-eight (48) hours of being granted access to</p>	<p>Activity: In the event of a human remain find.</p> <p>Timing: During ground disturbing construction activities.</p> <p>Frequency: As necessary during construction.</p>	<p>County of San Bernardino</p> <p>Initials Date</p>	<p>County of San Bernardino</p> <p>Initials Date</p>	Most Likely Descendant	

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<p>the site. If the descendant does not make recommendations within 48 hours, the landowner shall re-inter the remains in a secure area of the property where there will be no further disturbance. Should the landowner not accept the descendant's recommendations, either the owner or the MLD may request mediation by NAHC. According to the California Health and Safety Code, six (6) or more human burials at one (1) location constitute a cemetery (Section 8100), and willful disturbance of human remains in a cemetery is a felony (Section 7052).</p>					
<p>TCR-4 Any and all archaeological/cultural documents as related to documented tribal cultural resources created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be disseminated to appropriate consulting Tribe(s) in the form of an un-redacted report (containing DPR forms). The Lead Agency and/or applicant shall, in good faith, consult with the appropriate Tribe(s) until construction completion of the project and completion of any measures imposed to protect resources.</p>	<p>Activity: Documents related to documented cultural resources shall be submitted to the appropriate consulting Tribe(s).</p> <p>Timing: After construction.</p> <p>Frequency: Once.</p>	<p>County of San Bernardino</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>County of San Bernardino</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Consulting Native American Tribal Governments</p>	

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TCR-5 Prior to ground disturbing activities, Cultural Sensitivity Training shall be provided by approved Twenty-Nine Palms Band of Mission Indians approved Tribal Historic Preservation Office (THPO) staff. This training shall be provided to all workers involved in land disturbing activities. Please contact the THPO at (760) 775-3259 or by email at TNPConsultation@29palmsbomi-nsn.gov.	Activity: Cultural sensitivity training. Timing: Prior to ground disturbing activities. Frequency: Once.	County of San Bernardino	County of San Bernardino	Approved Twenty-Nine Palms Band of Mission Indians Tribal Historic Preservation Office (THPO) staff	
		_____ Initials	_____ Initials		
		_____ Date	_____ Date		