

Appendix J  
Mitigation Monitoring Program and  
Compliance Record

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## MITIGATION MONITORING PROGRAM AND COMPLIANCE RECORD

CASE NO.: TPM 83189, CUP 21-001, SPR 21-001 INITIAL STUDY PREPARED BY: De Novo Planning Group

DATE: March 1, 2021

APPLICANT: Pilot Travel Center

MITIGATION MEASURE	DEPARTMENT	ACTION(S) REQUIRED	REQUIRE TIME OF COMPLIANCE	ACTION TAKEN	VERIFIED BY/DEPT.	DATE	FURTHER ACTION NEEDED
BIO-1	Economic and Community Development	<p>The Project proponent shall implement the following measure to avoid or minimize impacts on western burrowing owl:</p> <p>No greater than 14 days before initiating ground disturbance activities, the Project proponent shall complete an initial take avoidance survey using the recommended methods described in the Detection Surveys section of the March 7, 2012, California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (CDFW 2012). The survey shall determine whether on-site burrows which are suitable for burrowing owl are present, and if owls are present on-site. Implementation of avoidance and minimization measures (as presented in the March 7, 2012, CDFW Staff Report on Burrowing Owl Mitigation) shall be triggered if the initial take avoidance survey results in positive owl presence on the Project site where Project activities shall occur. If needed, the development of avoidance and minimization approaches shall be developed in</p>	No greater than 14 days before initiating ground disturbance.				

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		coordination with CDFW and fully implemented prior to the start of construction activity.					
BIO-2	Economic and Community Development	<p>The Project proponent shall implement the following measure to avoid or minimize impacts on special-status birds:</p> <p>Prior to any permit issuance for grubbing, grading, tree trimming/removal or prior to engaging in such activities that would occur between the breeding season for native birds (February 15 through July 31), the Project proponent shall retain the services of a qualified ornithologist to conduct an ornithological survey of the construction zone. The project proponent shall submit to the City a copy of the executed contract for such services prior to the issuance of any grading permits. The ornithological survey shall occur not more than seven days prior to the initiation of those grading/construction activities. If the ornithologist detects any occupied nests of native birds within the construction zone or in close proximity to, they shall be mapped on construction plans and the project proponent shall fence off the area(s) supporting bird nests with temporary construction fencing, providing a minimum buffer of 200 feet between the nest and limits of construction. (This buffer zone shall be at least 500 feet for raptors until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by</p>	<p>Prior to any permit issuance for grubbing, grading, tree trimming/removal or prior to engaging in such activities between the breeding season for native birds (February 15 through July 31).</p>				

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		<p>the Project.) The construction crew shall be instructed to avoid any activities in the zone until the bird nest(s) is/are no longer occupied, per a subsequent survey by the qualified ornithologist. As an alternative to conducting ornithological surveys during the breeding season and avoiding occupied nests, if detected, the project proponent shall consult as appropriate with the United States Fish and Wildlife Service (USFWS) to discuss the potential loss of nests of native birds covered by the Migratory Bird Treaty Act (MBTA) to obtain the appropriate permit from the USFWS.</p>					
BIO-3	Economic and Community Development	<p>Prior to any construction activities that may disturb a jurisdictional feature, the Project applicant shall obtain a jurisdictional determination from the USACE and CDFW. Authorization for fill from the regulatory agencies (USACE-404 permit, RWQCB-401 certification, 1600 Streambed Alteration Agreement) will be necessary and a permit shall be adhered to throughout the construction phase. The Project applicant shall replace on a "no net loss" basis (minimum 1:1 ratio) (in accordance with USACE, RWQCB, and CDFW) the acreage and function of all wetlands and other waters that would be removed, lost, or degraded as a result of Project implementation or operations. Wetland habitat shall be replaced at acreage and location agreeable to the USACE, RWQCB, and CDFW and as</p>	Prior to construction activities.				

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		determined during the Section 401, 404, and 1600 permitting processes. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to the agencies.					
CUL-1	Economic and Community Development	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 San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and Fernandño Tataviam Band of Mission Indians (FTBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or post-contact 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.	Ongoing during project construction activities.				
CUL-2	Economic and Community Development	If significant pre-contact and/or post-contact historic-era cultural resources, as defined by CEQA (as amended), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI and FTBMI for review and comment, as detailed within TCR-	Ongoing during project construction activities, if historic-era cultural resources are discovered.				

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		1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.					
CUL-3	Economic and Community Development	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 State Health and Safety Code §7050.5 and that code enforced for the duration of the project.	Ongoing during construction activities, in the event human remains or funerary objects are discovered.				
GEO-1	Economic and Community Development	In the event paleontological resources are encountered during ground-disturbing activities, work in the immediate area shall be halted and a qualified paleontologist shall be contacted immediately to evaluate the find. Construction activities shall be temporarily redirected to another location on-site so that the monitor can recover any specimens encountered during excavation. All fossils/specimens collected shall be deposited in a City approved museum repository for curation and storage.	Ongoing during construction activities, in the event paleontological resources are discovered.				
NOI-1	Economic and Community Development	The Project shall be prohibited from conducting construction activities on any Sunday, or any other day after 8:00 p.m. or before 6:30 a.m.	Ongoing during construction activities.				
NOI-2	Economic and Community Development	In addition to complying with Mitigation Measure NOI-1, the following measures shall be implemented to reduce construction noise. <ul style="list-style-type: none"> <li>• During construction, the contractor shall ensure all construction equipment is equipped with appropriate noise attenuating devices.</li> </ul>	Ongoing during construction activities.				

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		<ul style="list-style-type: none"> <li>The contractor should locate equipment staging areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.</li> <li>Idling equipment should be turned off when not in use.</li> <li>Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.</li> </ul>					
TRA-1	Public Works	Prior to issuance of building permits, the Project Applicant shall pay the fair share contribution toward optimizing the cycle length and signal timings, and providing an eastbound right-turn overlap phase for the Fort Tejon Road/Highway 138 and Pearblossom Highway intersection.	Prior to issuance of building permits/ payment of fair share contribution				
TCR-1	Economic and Community Development	The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and Fernandefio Tataviam Band of Mission Indians (FTBMI) shall be contacted, as detailed in CUL-1, of any pre-contact and/or post-contact 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	Ongoing during project construction activities.				

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		<p>coordination with SMBMI and FTBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI and/or FTBMI for the remainder of the project, should SMBMI and/or FTBMI elect to place a monitor on-site.</p>					
TCR-2	Economic and Community Development	<p>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 SMBMI and/or FTBMI, to be determined in consultation with the Tribes. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI and FTBMI on the disposition and treatment of any Tribal Cultural Resources encountered during all ground disturbing activities throughout the life of the project.</p>	<p>Ongoing during project construction activities, in the event of discovery.</p>				