

RESPONSES TO COMMENTS

Envision Motors Mercedes Benz Dealership Project Initial Study and Mitigated Negative Declaration (IS/MND)



CEQA Analysis Prepared for:

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Attachment A	Notice of Intent to Adopt a Mitigated Negative Declaration (NOI)
Attachment B	Tribal Consultation Letters
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Attachment D	Caltrans Comment Letter

1.0 INTRODUCTION

This Responses to Comments (RTC) document, in conjunction with the Draft Initial Study/Mitigated Negative Declaration (IS/MND) responds to comments on the proposed Envision Motor Mercedes Benz Dealership Project (proposed project). While the State of California Environmental Quality Act (CEQA) Guidelines do not require a final initial study or the preparation of formal responses to comments received during the public review period for an Initial Study/Mitigated Negative Declaration,¹ the City of West Covina is making available responses to the comments it received during the public review process, to provide further disclosure about the proposed project.

1.1 Background of Environmental Review Process for the Project

The IS/MND, along with a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI, see **Attachment A**), was released for public and agency review on October 28, 2024, with a 20-day review period ending on November 18, 2024.

1.2 Tribal Consultation

The City of West Covina (lead agency) initiated AB 52 outreach to local tribes for the proposed project. The City of West Covina prepared and prepared and sent letters via email on September 5, 2024, from Miriam Machado, Associate Planner with the City Planning Division to the 13 tribes listed below for AB 52 contact, informing them of the project. The letters conveyed that the recipient has 30 days from the receipt of the letter to request AB 52 consultation regarding the project. All AB 52 letters are found in **Attachment B**.

- Andrew Salas, Chairperson: Gabrieleño Band of Mission Indians - Kizh Nation,
- Christina Martinez, Secretary: Gabrieleño Band of Mission Indians - Kizh Nation,
- Anthony Morales, Chairperson: Gabrielino/Tongva San Gabriel Band of Mission Indians,
- Sandone Goad, Chairperson: Gabrielino/Tongva,
- Robert Dorame, Chairperson: Gabrielino Tongva Indians of California Tribal Council,
- Christina Conley, Cultural Resources Administrator: Gabrielino Tongva Indians of California Tribal Council,
- Sam Dunlap, Cultural Resources Director: Gabrielino-Tongva Tribe,
- Charles Alvarez, Chairperson: Gabrielino-Tongva Tribe,
- Steven Estrada, Chairperson: Santa Rosa Band of Cahuilla Indians,
- Vanessa Minott, Tribal Administrator: Santa Rosa Band of Cahuilla Indians,
- Jessica Valdez, Cultural Resource Specialist: Soboba Band of Luiseño Indians,
- Isaiah Vivanco, Chairperson: Soboba Band of Luiseño Indians,
- Joseph Ontiveros, THPO: Soboba Band of Luiseño Indians.

There has been one response to the letters to date. The Administrative Specialist for the Gabrieleño Band of Mission Indians – Kizh Nation replied by email on September 5, 2024, and followed up the following day September 6, 2024, requesting consultation (M. Machado, personal communication to S. O'Neil; September 10, 2024.) The Kizh Nation informed Ms. Machado that the project area is in an area with a high potential to impact Tribal Cultural resources due to being in the area of the

1 CEQA only requires the lead agency to respond to comments that are received in response to an environmental impact report (Title 14, California Code of Regulations, § 15088, Evaluation of and Response to Comments).

traditional community of *Wininga* as well as sacred water ways and traditional trade routes. In place of a meeting the Kizh Nation sent Ms. Machado attachments providing information of the Tribe's history, traditional territory, maps and excerpts from published sources providing their history, cultural background and settlements. The Kizh Nation also submitted two recommended mitigation measures. These measures were adopted following approval by the applicant and Ms. Machado informed the tribe October 8, 2024, that they had been adopted (M. Machado, personal communication to S. O'Neil; October 7, 2024; October 8, 2024). On October 11, the Kizh Nation acknowledged that their mitigation measures had been adopted and at the tribe's request on October 14th Ms. Machado confirmed the use of their mitigation measures. With this consultation was concluded (M. Machado, personal communication to S. O'Neil; October 15, 2024).

The Native American Heritage Commission's SLF search was negative for recorded traditional sites in the project region. No resources as defined by Public Resources Code § 21074 have been identified. Additionally, the project site has not been recommended for historic designation for prehistoric and TCRs. No specific tribal resources have been identified.

No prehistoric or archaeological resources were observed during the field survey. The SCCIC CHRIS records search was negative for prehistoric resources either in the project site or the surrounding 0.5-mile buffer zone.

Land at the project site has been extensively disturbed due to road and freeway on-ramp construction surrounding the property and development of the car dealership itself. No human remains have been previously identified or recorded onsite. Therefore, the potential for subsurface prehistoric cultural deposits is considered to be low.

The project proposes demolition of several buildings and shallow grading. Grading activities associated with development of the project would involve new subsurface disturbance and could result in the unanticipated discovery of unknown human remains, including those interred outside of formal cemeteries. Implementation of mitigation measure **TCR-1** provides for tribal monitoring of subsurface construction work; in the event of an unexpected discovery implementation of **TCR-2** provides for dealing with the findings by the tribe; and **TCR-3** deals with the unanticipated discovery of human remains and associated funerary objects. These three TCR MMs are recommended to ensure that impacts related to the accidental discovery of cultural resources and human remains would be less than significant.

1.3 Responses to Comments

This document provides a response to comments received on the IS/MND. **One** comment letter was received during the public review period. This letter is in **Section 2.0**, Public Comment Letters.

1.4 Intended Uses of this IS/MND

The IS/MND will be used by City of West Covina in considering approval of the proposed project. In accordance with CEQA Guidelines § 15074, the IS/MND will be used as the primary environmental document in consideration of all subsequent planning and permitting actions associated with the proposed project, to the extent such actions require CEQA compliance and as otherwise permitted under applicable law.

15074. CONSIDERATION AND ADOPTION OF A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

- (a) Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed negative declaration or mitigated negative declaration before making its recommendation.*
- (b) Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.*
- (c) When adopting a negative declaration or mitigated negative declaration, the lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.*
- (d) When adopting a mitigated negative declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.*
- (e) A lead agency shall not adopt a negative declaration or mitigated negative declaration for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.*
- (f) When a non-elected official or decision-making body of a local lead agency adopts a negative declaration or mitigated negative declaration, that adoption may be appealed to the agency's elected decision-making body, if one exists. For example, adoption of a negative declaration for a project by the County's planning commission may be appealed to the City Council. A local lead agency may establish procedures governing such appeals.*

Upon review and consideration of the IS/MND, the City Council may take action to adopt, revise, or reject the proposed project. A decision to approve the proposed project would be made in a resolution recommending certification of the IS/MND as part of the consideration of the proposed project. The City of West Covina has prepared this IS/MND and has determined that the environmental impacts of the proposed project have been reduced to a less than significant level through mitigation measures.

2.0 PUBLIC COMMENT LETTERS

The following agencies and entities submitted written comments on the IS/MND, during the public review period. The comment letters are provided in **Attachment C** of this document.

Letter	Agency, Organization, or Individual	Date
A	Los Angeles County Sanitation District	November 13, 2024
Comment A-1:	The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' 24-inch diameter Cameron Trunk Sewer, Section 1, 2 & 3, located in South Azusa Avenue at East Walnut Creek Parkway. This trunk sewer has a capacity of 1.8 million gallons per day (mgd) and conveyed a peak flow of 0.2 mgd when last measured in 2015.	
Response A-1:	This comment is noted.	
Comment A-2:	The expected average wastewater flow from the project, described in the Initial Study as 70,758 square foot (sf) auto sales, 13,489 sf office building and 2,395 sf service shop, is 10,013 gallons per day. A copy of the District's average wastewater generation factors is available on our website at Table 1, Loadings for Each Class of Land Use.	
Response A-2:	This comment is noted.	
Comment A-3:	The wastewater generated by the proposed project will be treated at the San Jose Creek Water Reclamation Plant (WRP) located adjacent to the City of Industry, which has a capacity of 100 mgd and currently processes an average recycled flow of 60.1 mgd. All biosolids and wastewater flows that exceed the capacity of the San Jose Creek WRP are diverted to and treated at the A.K. Warren Water Resource Facility (formerly known as the Joint Water Pollution Control Plant) in the City of Carson, which has a capacity of 400 mgd and currently processes an average flow of 248.3 mgd.	
Response A-3:	This comment is noted.	
Comment A-4:	The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by the Districts for its capital facilities. Payment of a connection fee may be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org , under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family Home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, please contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727.	

Letter	Agency, Organization, or Individual	Date
Response A-4:	This comment is noted.	
Comment A-5:	In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service but is to advise the City that the Districts intend to provide this service up to the levels that are legally permitted and to inform the City of the currently existing capacity and any proposed expansion of the Districts' facilities.	
Response A-5:	This comment is noted.	
Comment A-6:	Caltrans strongly recommends that auto-oriented projects, like the one proposed, be required to contribute Complete Streets infrastructure as a condition of approval. Complete Streets incorporate high-quality infrastructure for pedestrians, bicyclists, and transit riders, prioritizing the needs of all users, regardless of age or ability. The most effective methods to reduce pedestrian and bicyclist exposure to vehicles are through physical design and geometrics. These methods include the construction of physically separated facilities such as Class IV bike lanes, wide sidewalks, pedestrian refuge islands, landscaping, street furniture, and reductions in crossing distances through roadway narrowing. The implementation of Complete Streets leads to positive outcomes, including improved regional connectivity, enhanced air quality, reduced traffic congestion, better first/last-mile connections for transit users, and overall improved safety for all modes of transportation. Due to the project's adjacency to I-10, extra care should be taken to ensure that there will be no impacts to Caltrans ROW. Any project work occurring within, or abutting Caltrans ROW will require an encroachment permit, this includes any grading, topography, or equipment work that will change the pattern or direction of water runoff in a way that will impact State facilities or ROW. Final design requirements for any proposed changes to infrastructure within or along Caltrans Right-of-way will be determined by the Office of Permits. At the time of permit application there will be rounds of review and corrections to ensure all design, Right-of-way, access management, water runoff, environmental, and statutory requirements are being addressed. Caltrans District 7 Office of Permits contact information: Mailing Address: 100 S Main Street, Ste 100 Los Angeles, CA 90012 Office Hours: 8:00 a.m. to 5:00 p.m. Monday-Friday Phone: 213-897-3631 Fax: 213-897-0420	

Letter	Agency, Organization, or Individual	Date
	E-mail: D7.Permits@dot.ca.gov Caltrans also recommends limiting large truck travel and construction traffic to off-peak commute hours. A permit for any heavy construction equipment and or materials that require the use of oversized transport vehicles on State highways. If construction traffic is expected to cause issues on any State facilities, please submit a construction traffic control plan detailing potential impacts for Caltrans for review.	
Response A-6:	The proposed project does not propose altering public roads, including Caltrans ROW. The proposed project plans to maintain the existing frontages on Garvey Avenue and Azusa Avenue. However, it does propose reducing vehicular right-of-way access points from six to four; restricting vehicular access from North Azusa Avenue and completely removing two access points on either side of the northbound transit stop. This would reduce potential conflict points between pedestrians and public transit users with automobiles, a primary goal of the Complete Streets concept. Further, the project would incorporate mitigation measure Trans-1, which would ensure that all driveways have proper corner sight distance to ensure traffic and pedestrian safety. Although the project is an auto-oriented project, this is a common land use in this area and the proposed project would replace an existing auto dealer. Additionally, the VMT analysis concluded that there would be less than significant impacts due to the low traffic generation the project would produce. Lastly, the proposed project would not have large trucks, such as car cargo trucks, to the project site. All cars would be delivered to a service area located primarily along the south and east sides of the San Gabriel Valley, from just north of the San Bernardino Freeway (I-10) to south of the Pomona Freeway (I-60). Cars would then be individually drive to the proposed dealership.	

3.0 ERRATA

In **Section 4.4**, Biological Resources, the text of the analysis for Threshold 4.4 e) concludes that, regarding the question of whether the project “*would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance,*” there would be No Impact. However, an *erroneous entry* in the matrix table at the beginning of **Section 4.4** indicates that the impact would be Less Than Significant with Mitigation Incorporated. The matrix table entry has been revised to No Impact.

In the Mitigation and Monitoring Plan under Biological Resources, there is an erroneous entry for a mitigation measure relating to Threshold 4.4 e). That entry has been deleted.

This error does not alter the conclusions of the Initial Study/Mitigated Negative Declaration nor the significance of an impact.

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

The Final Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with § 21081.6 of the Public Resources Code and § 15097 of the CEQA Guidelines, which requires all state and local agencies to establish monitoring or reporting programs whenever approval of a project relies upon a MND or an EIR. The MMRP ensures implementation of the measures being imposed to mitigate or avoid the significant adverse environmental impacts identified through the use of monitoring and reporting. Monitoring is generally an ongoing or periodic process of project oversight; reporting generally consists of a written compliance review that is presented to the decision-making body or authorized staff person.

It is the intent of the MMRP to: (1) provide a framework for document implementation of the required mitigation; (2) identify monitoring/reporting responsibility; (3) provide a record of the monitoring/reporting; and (4) ensure compliance with those MMs that are within the responsibility of the City of West Covina to implement.

The following table lists impacts, mitigation measures adopted by the City Council in connection with approval of the proposed project, level of significance after mitigation, responsible and monitoring parties, and the project phase in which the measures are to be implemented.

Only those environmental topics for which mitigation is required are listed in this Mitigation Monitoring and Reporting Program.

Table 3.0-1
FINAL MITIGATION MONITORING AND REPORTING PROGRAM

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
4.4 Biological Resources				
Threshold 4.4 a) 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 Game or U.S. Fish and Wildlife Service?	MM BIO-1: Pre-Construction Breeding Bird Survey: To be in compliance with the MBTA and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels. Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would have a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts on migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project	- Project Applicant - Qualified Biologist	Field Verification	1. City of West Covina 2. City of West Covina 3. Before Construction

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	site during the breeding season and during construction activities. • If project activities cannot be avoided during February 15 through September 15, a qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance. • If no breeding birds or active nests are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin, and no further mitigation will be required. • If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring			

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone. • If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency. • Birds or their active nests will not be disturbed, captured, handled or moved. Active nests cannot be removed or disturbed; however, nests can be removed or disturbed if determined inactive by a qualified biologist.			
Threshold 4.4 d) Would the project interfere substantially with the movement of	Refer to Threshold 4.4 a) MM BIO-1 above.	• Refer to above	• Refer to above	• Refer to above

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
4.5 Cultural Resources				
Threshold 4.5 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.	MM CUL 1: If archaeological resources are discovered during construction activities, the contractor will halt construction activities within a 50-foot diameter and notify the City of West Covina. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology who will be notified and afforded the necessary time to recover, analyze, and curate the find(s). The qualified archaeologist will recommend the extent of archaeological monitoring necessary to ensure the protection of any other resources that may be in the area. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A L) form and filed with the South Central Coastal Information Center. Construction activities may continue on other parts of the project site while evaluation and treatment of prehistoric archaeological resources takes place.	• Project Contractor • Qualified Archaeologist	• Field Verification	1. City of West Covina 2. City of West Covina 3. During construction activities

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
Threshold 4.5 c): Disturb any human remains, including those interred outside of formal cemeteries.	MM CUL2: If human remains are encountered during excavations associated with this project, all work will stop within a 30-foot radius of the discovery and the Los Angeles County Coroner will be notified (§ 5097.98 of the Public Resources Code). The Coroner will determine whether the remains are recent human origin or older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they will contact the NAHC. The NAHC will be responsible for designating the Most Likely Descendant (MLD). The MLD (either an individual or sometimes a committee) will be responsible for the ultimate disposition of the remains, as required by § 7050.5 of the California Health and Safety Code. The MLD will make recommendations within 24 hours of their notification by the NAHC. These recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials (§ 7050.5 of the Health and Safety Code).	• Project Contractor • Qualified Archaeologist • Los Angeles County Coroner	• Field Verification	1. City of West Covina 2. City of West Covina 3. During project construction activities
4.7 Geology and Soils				
Threshold 4.7 f): Would the project directly or indirectly destroy a unique paleontological resource or site or	MM GEO-1: Prior to the issuance of the grading permit, the applicant shall provide a letter to the City of West Covina Planning Division, or designee, from a qualified paleontologist stating that the paleontologist has been retained to provide services for the project. The paleontologist shall develop, as needed, a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried	• Project Applicant • Qualified Paleontologist • Construction Contractor	• Monitoring • Assessment • Recovery • Curation	1. City of West Covina 2. City of West Covina 3. Prior to the issuance of the grading permit

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
unique geologic feature?	paleontological resources that may exist onsite for the review and approval by the City. The PRIMP shall require that the paleontologist perform paleontological monitoring of any ground disturbing activities within undisturbed native sediments during mass grading, site preparation, and underground utility installation. The project paleontologist may reevaluate the necessity for paleontological monitoring after 50 percent or greater of the excavations have been completed. In the event paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered. Criteria for discard of specific fossil specimens will be made explicit. If the qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if a significant fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage and treatment shall be done at the Applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The			

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	paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.			
4.9 Hazards and Hazardous Materials				
Threshold 4.9 a): Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	MM HAZ-1: During project site grading on the Valero gas station site the project proponent shall periodically have soil samples tested for TPH-g, TH-d, MTBE, and TBA. Upon finding samples with concentrations of any of the contaminants at concentrations over environmental screening levels (ESLs) for commercial use, the project proponent shall: halt grading operations; shall retain a qualified environmental assessor to conduct soil sampling and testing to determine the extent of soil contaminated with concentrations over ESLs; and shall then retain an environmental remediation company to remediate and/or remove the contaminated soil.	• Project Applicant • Qualified Environmental Assessor	• Field Verification	1. City of West Covina 2. City of West Covina 3. During Construction
4.18 Tribal Cultural Resources				
Threshold 4.18 b): Cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or in a local register of historical	MM TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño 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	• Project Contractor • Qualified Archaeologist • Los Angeles County Coroner	• Field Verification	1. City of West Covina 2. City of West Covina 3. During project construction activities

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
resources as defined in Public Resources Code § 5020.1(k)?	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. B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. 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 Tribe. 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 Tribe. D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency 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 Kizh to the			

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.			
	MM TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial) A. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh 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.	• Project Contractor • Qualified Archaeologist • Los Angeles County Coroner	• Field Verification	1. City of West Covina 2. City of West Covina 3. During project construction activities

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	MM TCR 3: As specified by California Health and Safety Code § 7050.5, if human remains are found on the project site during construction or during archaeological work, the Los Angeles County Coroner's office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code § 5097.98. The Coroner would determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent.	• Project Contractor • Qualified Archaeologist • Los Angeles County Coroner	• Field Verification	1. City of West Covina 2. City of West Covina 3. During project construction activities