

4. MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to an EIR.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for the Creekside/Vineyards at Sand Creek Project (proposed project). The intent of the MMRP is to ensure implementation of the mitigation measures identified within the EIR for the Creekside/Vineyards at Sand Creek Project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMRP shall be funded by the project applicant.

4.2 COMPLIANCE CHECKLIST

The MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the EIR for the Creekside/Vineyards at Sand Creek Project prepared by the City of Antioch. This MMRP is intended to be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the EIR that was prepared for the proposed project.

The Creekside/Vineyards at Sand Creek Project EIR presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA Guidelines, Section 15370, as a measure that:

- Avoids the impact altogether by not taking a certain action or parts of an action;
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project; or
- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMRP is to ensure the implementation of adopted mitigation measures. The MMRP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Antioch. The table in Section 4.3 identifies the mitigation measure, the monitoring action for the mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP. The City will be responsible for monitoring compliance.



4.3 MITIGATION MONITORING AND REPORTING PROGRAM

The following table indicates the mitigation measure number, the impact the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
4.1 Air Quality and Greenhouse Gas Emissions					
4.1-1	Conflict with or obstruct implementation of the applicable air quality plan during project construction.	<p>4.1-1 <i>Prior to approval of any grading plans, the project applicant shall show on the plans via notation that the contractor shall ensure that the heavy-duty off-road vehicles (50 horsepower or more) to be used in the construction project, including owned, leased, and subcontractor vehicles, shall achieve a project wide fleet average three percent NO_x reduction compared to the year 2022 California Air Resources Board (CARB) fleet average. The three percent NO_x reduction may be achieved by requiring a combination of engine Tier 3 or Tier 4 off-road construction equipment or the use of hybrid, electric, or alternatively fueled equipment. For instance, the emissions presented in Table 4.1-8 were achieved by requiring Rubber Tired Dozers and Cranes to be engine Tier 3.</i></p> <p><i>In addition, all off-road equipment operating at the construction site must be maintained in proper working condition according to manufacturer's specifications. Idling shall be limited to 5 minutes or less in accordance with the Off-Road Diesel Fueled Fleet Regulation as required by CARB. Clear signage regarding idling restrictions should be placed at the entrances to the construction site.</i></p> <p><i>Portable equipment over 50 horsepower must have either a valid District Permit to Operate</i></p>	City of Antioch Community Development Department	Prior to approval of grading plans and during construction	



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>(PTO) or a valid statewide Portable Equipment Registration Program (PERP) placard and sticker issued by CARB.</i>			
4.1-2	Conflict with or obstruct implementation of the applicable air quality plan during project operation.	<p>4.1-2 <i>Prior to issuance of building permits for the proposed project, the project applicant shall demonstrate via project design and/or notation included on project design that only natural gas hearths (fireplaces) shall be installed in the proposed residences and wood-burning hearths shall be prohibited.</i></p> <p><i>Conformance with the foregoing requirements shall be confirmed through review and approval of building permit plans by the City of Antioch Community Development Department.</i></p>	City of Antioch Community Development Department	Prior to issuance of building permits	
4.1-6	Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, regulation adopted for the purpose of reducing the emissions of GHGs.	<p>4.1-6 <i>Prior to the issuance of building permits, the applicant shall prepare and submit to the City a GHG Reduction Plan to quantifiably reduce GHG emissions so that the project will not cause a net increase in GHG emissions either through the implementation of the following on-site measures, through off-site measures such as purchasing carbon offsets that use CARB-consistent protocols or through other off-site mitigation measures as described in this mitigation measure, or a combination of on-site, carbon offsets, and other off-site mitigation measures. Proof of implementation of the GHG Reduction Plan shall be submitted to the City of Antioch Community Development Department.</i></p>	<p>City of Antioch Community Development Department</p> <p>Bay Area Air Quality Management District</p>	Prior to issuance of building permits	



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Examples of measures that may be used to reduce GHG emissions include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> • <i>Orient buildings to maximize passive solar heating;</i> • <i>Use renewable diesel to fuel construction fleets;</i> • <i>Promote ridesharing, transit, bicycling, and walking for work trips through dedication of preferential parking spaces, provision of on-site bicycle parking, provision of end-of-trip facilities such as bicycle lockers and on-site showers;</i> • <i>Install electric vehicle charging infrastructure in excess of existing CBSC requirements;</i> • <i>Provide fully operational charging stations and preferential parking spots for electric vehicles;</i> • <i>Install energy star or equivalent appliances in all residences;</i> • <i>Limit installation of natural gas fueled appliances;</i> • <i>Install solar water heating;</i> • <i>Use water efficient landscapes and native/drought-tolerant vegetation;</i> • <i>Provide outdoor electrical outlets to allow for use of electrically powered landscaping equipment at all</i> 			



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>residences and park spaces within the project site;</i></p> <ul style="list-style-type: none"> • <i>Construct on-site or fund off-site carbon sequestration projects (such as tree plantings or reforestation projects); and</i> • <i>Purchase carbon credits to offset project annual emissions. Carbon offset credits shall be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by CARB, BAAQMD, or the City of Antioch.</i> <p><i>If off-site mitigation measures are proposed, the applicant must be able to show that the emission reductions from identified projects are real, permanent through the duration of the project, enforceable, and are equal to the pollutant type and amount of the project impact being offset. In addition, any off-site measures shall be subject to review and approval by the City of Antioch Community Development Department. BAAQMD recommends that off-site mitigation projects occur within the nine-county Bay Area in order to reduce localized impacts and capture potential co-benefits. If BAAQMD has established an off-site mitigation program at the time a development application is submitted, as an off-site mitigation measure, the applicant may choose to enter into an agreement with BAAQMD and pay into the</i></p>			



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>established off-site mitigation program fund, where BAAQMD would commit to reducing the type and amount of emissions identified in the agreement.</i>			
4.2 Transportation					
4.2-1	Conflict with a program, plan, ordinance, or policy addressing the circulation system during construction activities.	<p>4.2-1 <i>Prior to issuance of grading and building permits, the project applicant shall submit a construction management plan, subject to review and approval by the City Engineer. The requirements within the construction management plan shall include, but are not necessarily limited to, the following elements:</i></p> <ul style="list-style-type: none"> • <i>Project staging plan to maximize on-site storage of materials and equipment;</i> • <i>A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction access routes;</i> • <i>Permitted construction hours;</i> • <i>Location of construction staging;</i> • <i>Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations; and</i> • <i>Provisions for street sweeping to remove construction related debris on</i> 	City Engineer	Prior to issuance of grading and building permits	



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>public streets.</i>			
4.2-7	Conflict with a program, plan, ordinance, or policy addressing study freeway segments under Near-Term With Project conditions.	4.2-7 <i>Prior to issuance of building permits for the proposed project, the project applicant shall pay applicable regional transportation impact fees to the East Contra Costa Regional Fee and Financing Authority (ECCRFFA). Proof of fee payment shall be submitted to the City of Antioch.</i>	City of Antioch Community Development Department	Prior to issuance of building permits	
4.2-12	Conflict with a program, plan, ordinance, or policy addressing study intersections under Cumulative With Project conditions.	4.2-12(a) <i>Prior to the issuance of the 165th building permit, the project applicant shall modify the eastbound approach to the Lone Tree Way at Hillcrest Avenue intersection to provide two left-turn lanes, two through lanes, and a through-right-shared lane through the reconstruction of the median, restriping, and signal modifications. Details of the improvements shall be defined in the Development Agreement. The improvements shall be completed to the satisfaction of the City Engineer.</i> 4.2-12(b) <i>Prior to issuance of building permits, the project applicant shall pay applicable regional transportation impact fees to the ECCRFFA that would fund improvements at the Sand Creek Road/SR 4 eastbound ramps intersection, including construction of a slip-ramp for the eastbound Sand Creek to southbound SR 4 movement, eliminating the conflicting left-turn movement at the intersection. Proof of payment shall be submitted to the City of Antioch Community Development Department. It should be noted</i>	City Engineer City of Antioch Community Development Department	Prior to the issuance of the 165 th building permit Prior to issuance of building permits	



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>that the Sand Creek Road/SR 4 eastbound ramps intersection is located outside of the City of Antioch and is under the jurisdiction of Caltrans.</i></p> <p><i>4.2-12(c) Prior to issuance of building permits, if the required improvements are added to the ECCRFFA regional fee program, the project applicant shall pay applicable regional transportation impact fees to the ECCRFFA that would fund the improvements. Proof of payment shall be submitted to the City of Antioch Community Development Department. It should be noted that the Sand Creek Road/SR 4 westbound ramps intersection is located outside of the City of Antioch and is under the jurisdiction of Caltrans.</i></p>	City of Antioch Community Development Department	Prior to issuance of building permits	
Initial Study					
IV-a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	<p><i>Special Status Plants</i></p> <p><i>IV-1 Prior to initiation of ground-disturbing activities on the project site and off-site improvement areas, the project proponent shall retain a qualified biologist to conduct rare plant surveys within one year of the anticipated groundbreaking for the proposed project. The surveys shall be conducted following the CDFW (2018), USFWS (2000), and CNPS (2001), or the most current published survey guidelines. During the surveys, qualified botanists shall search for all the plants</i></p>	City of Antioch Community Development Department	Prior to initiation of ground-disturbing activities	



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>identified in the Biological Resources Analysis (Monk & Associates, 2020) as having the potential to occur on the project site and off-site improvement areas, and all plants that are considered locally rare as listed in the East Bay Chapter of the CNPS Database of Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties for the Marsh Creek/Lone Tree Valley area. Project construction shall not be initiated until all special-status plant surveys are completed and the mitigation is implemented, if necessary and required prior to starting construction.</i></p> <p><i>A special-status plant survey report that includes the methods used, survey participants, and associated findings shall be prepared and submitted to the City no more than 30 days following the completion of the final site visit. A record of any special-status plant species identified within the project site during the preconstruction surveys shall be submitted to the CNDDDB. If new special-status plant populations are not found on the site during the appropriately timed surveys, additional mitigation is not required. If construction is not started within two years after the rare plant surveys are completed, the City may require additional rare plant surveys.</i></p> <p><i>If special-status plants are observed on the site during the survey, the populations shall be</i></p>			



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>avoided to the maximum degree possible during project development, and a Mitigation and Monitoring Plan shall be prepared detailing the measures to be implemented to avoid the plant population. Measures shall include establishment of appropriate buffers during construction, fencing of the population prior to and during construction, and regular monitoring of the preserved population by a biologist during and after construction activities. The Mitigation and Monitoring Plan shall be implemented prior to the initiation of project grading. If the plant populations cannot be avoided, the applicant shall hire a qualified biologist to prepare a seed collection and replanting plan in coordination with the City of Antioch to reduce impacts to the identified special-status plant populations, subject to review and approval by the City of Antioch Community Development Department.</i></p> <p><i>California Red-Legged Frog</i></p> <p>IV-2 <i>Prior to initiation of ground-disturbing activities on the project site and off-site improvement areas, the project applicant shall implement the following measures:</i></p> <ul style="list-style-type: none"> <i>• An education program shall be conducted by a qualified biologist to explain the endangered species concerns to contractors/operators working at the project site. The</i> 	<p>City of Antioch Community Development Department</p> <p>U.S. Fish and Wildlife Service</p>	<p>Prior to initiation of ground-disturbing activities and during construction activities</p>	



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>education/training program shall include a description of California red-legged frog and its habitat, a review of the Endangered Species Act and the federal listing of the species, the general protection measures to be implemented to protect the frog and minimize take, and a delineation of the limits of the work area. A sign-in sheet shall be distributed to all participants of the education/training program and submitted to the City of Antioch within two weeks of program completion.</i></p> <ul style="list-style-type: none"> <i>The work areas adjacent to Sand Creek shall be isolated with suitable wildlife exclusion fencing (see below) that would block the movement of California red-legged frogs from entering the work areas. The wildlife exclusion fence shall also prevent mammals migrating along Sand Creek from entering the project site. The fence shall be installed along the northern border of the project site, adjacent to the Sand Creek Buffer Area, prior to the time any site grading or vegetation removal activities are implemented. The exact location of the fencing shall be determined by a qualified biologist. The fence shall remain in place during site grading or other construction-related activities and shall prevent frogs and wildlife</i> 			



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>from entering the project site work areas. While normally California red-legged frog exclusion fencing often consists of silt fencing, owing to the duration of project construction, the project proponent may install a more weather resilient fence that is durable enough to remain in place for the duration of construction, such as a commercially available exclusion fencing (e.g., ERTEC Fence). Fencing shall be installed by staking the route of the wildlife exclusion fencing in a 4-inch-deep trench. Then, the bottom of the fence shall be firmly seated in the trench. The project proponent may replace the wildlife exclusion fencing during construction with permanent fencing, approved by the City.</i></p> <ul style="list-style-type: none"> • <i>A qualified biologist shall be onsite when grading activities occur within 300 feet of Sand Creek to conduct daily inspections of the fencing and to otherwise ensure that stranded animals are salvaged and relocated back to the stream channel. The biological monitor shall be responsible for ensuring that the wildlife exclusion fencing is not compromised and shall notify the onsite contractor representative when fencing needs to be repaired.</i> 			



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> • All construction work in Sand Creek associated with the outfall structures shall be scheduled for the dry season (May 15 through October 15) and when Sand Creek is dry or there is reduced flow in this creek. See also the permitting requirements specified in Mitigation Measure IV-14. Any necessary in-drainage work when there are flows shall be isolated from flows via the installation of temporary coffer dams that have flow-through bypass pipes ensuring that flows pass by the stormwater outfall work areas. Flows shall be diverted around isolated work areas either by gravity flow or, if necessary, by pumping water around the work area. No silty water shall be allowed to reenter the tributary below any in-drainage work area. Methods and materials shall be adapted in the field to match the size, shape, and anticipated flow volume of the drainage, and shall be pre-approved by the biological monitor. All divisions shall conform to the following provisions: <ul style="list-style-type: none"> ○ A qualified 10(a)(1)(A) biologist shall conduct preconstruction surveys for California red-legged frog prior to isolating any work area within Sand Creek. If any 			



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>frogs are found in the work area, the USFWS shall be notified, and if the USFWS authorizes relocation, the frogs shall be moved from the two stormwater outfall work areas, up or downstream in Sand Creek to appropriate aquatic habitats. Upon completion of the survey, if the outfall construction areas must be dewatered, coffer dams may be installed. Any isolated water shall be dip-netted or as appropriate, seined by the biologist to search for frogs prior to pumping water out of the isolated work areas. The project biological monitor shall be present during all in-drainage work. Dewatered work areas shall not result in stranded aquatic wildlife.</i></p> <ul style="list-style-type: none"> ○ <i>Drainage diversion shall be practiced only where deemed unavoidable by the proposed project engineer and biological monitor.</i> ○ <i>Diversion shall be limited to the minimum time period necessary to complete the work and restore the channel.</i> 			



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> ○ Construction equipment shall work from above the top-of-bank. There shall be no vehicle passage, vehicle parking, or materials storage below the top-of-bank. ○ All in-drainage and diversion work plans shall reflect and incorporate standard erosion control measures and Best Management Practices (BMPs) as prescribed in the project's Stormwater Pollution and Prevention Plan (SWPPP). ○ In certain cases where water seeps into the dewatered area, sump pits may be excavated in the work area and seepage water would then be pumped back upstream behind the coffer dam. All discharged water shall be silt free. If silt is a problem, water shall be pumped through a silt sock into baker tank(s) prior to discharge back into the channel. ○ All downstream flows shall be maintained throughout the period that coffer dams are installed. 			



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> ○ <i>The entire work area below the top-of-bank, including the coffer dam location, shall be restored to the approximate pre-construction contours and shall be stabilized as necessary to withstand the expected high-water flows. All dam materials shall be completely removed from the channel when work is complete and shall not be disposed of in or near the channel.</i> ○ <i>All trash that might attract predators to the project site shall be properly contained and removed from the site and disposed of regularly. All construction debris and trash shall be removed from the site when construction activities are complete.</i> ○ <i>All fueling and maintenance of equipment and vehicles, and staging areas shall be at least 60 feet from Sand Creek. The construction personnel shall ensure that contamination of California red-legged frog habitat does not occur and shall have a</i> 			



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p style="text-align: center;"><i>plan to promptly address any accidental spills.</i></p> <ul style="list-style-type: none"> • <i>To mitigate for permanent impacts to 60.7 acres of California red-legged frog dispersal habitat, the project proponent shall preserve dispersal habitat adjacent to occupied California red-legged frog habitat, or as otherwise approved by USFWS, at a minimum of a 1:1 impacts to replacement.¹ Protection shall be via the purchase of the mitigation land fee title or via recordation of a conservation easement over the mitigation land. Alternatively, the project proponent may purchase California red-legged frog credits at a 1:1 ratio from a USFWS-approved mitigation bank.</i> • <i>If mitigation credits are not used, prior to the start of construction, the project proponent shall record a conservation easement over the mitigation property preserving it in perpetuity as wildlife habitat. The easement shall be granted to a qualified conservation organization as defined by Section 815.3 of the California Civil Code.</i> 			

¹ The 60.7 acres of permanently impacted habitat includes off-site improvement areas that overlap with the Promenade/Vineyards at Sand Creek Project. For any off-site impacted habitat for which replacement habitat has already been provided as part of the Promenade/Vineyards at Sand Creek Project, further mitigation is not required.



MITIGATION MONITORING AND REPORTING PROGRAM					
Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Prior to the start of construction, the project proponent shall prepare a habitat management plan that addresses management of the mitigation land that inures to the benefit of the California red-legged frog and shall submit the plan to the City of Antioch prior to the start of construction. The project proponent shall also establish an endowment fund, or other funding mechanism to provide for the long-term management, maintenance, and monitoring of the mitigation site.</i></p> <p><i>The project proponent may satisfy the requirements of this mitigation measure by providing the City of Antioch with a copy of a biological opinion issued by the USFWS that includes these, or other functionally equivalent, habitat preservation measures prior to the start of construction.</i></p> <p><i>As an alternative to completion of MM IV-2, the project applicant could comply with one of the following conditions:</i></p> <ol style="list-style-type: none"> <i>1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the Conservancy, provided that the City has first entered into an agreement with the</i> 			



**MITIGATION MONITORING AND REPORTING PROGRAM
Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or</i></p> <p>2. <i>Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.</i></p> <p><i>California Tiger Salamander</i></p> <p>IV-3 <i>Prior to initiation of construction activities, to mitigate for the permanent impacts to 60.7 acres of potential California tiger salamander migration/over-summering habitat, the project applicant shall compensate for impacted California tiger salamander migration/over-summering habitat at a minimum of a 1:1 impacts to replacement ratio.² Mitigation land shall be permanently protected land within the Central California DPS range of the California tiger salamander within 1.3 miles of a known breeding site, or as otherwise approved by CDFW and USFWS. Protection shall be accomplished through the purchase of the mitigation land in fee title or via recordation of a conservation easement over the mitigation land. In lieu of this mitigation prior to</i></p>	<p>City of Antioch Community Development Department</p> <p>California Department of Fish and Wildlife</p> <p>U.S. Fish and Wildlife Service</p>	<p>Prior to initiation of ground-disturbing activities and during construction activities</p>	

² The 60.7 acres of permanently impacted habitat includes off-site improvement areas that overlap with the Promenade/Vineyards at Sand Creek Project. For any off-site impacted habitat for which replacement habitat has already been provided as part of the Promenade/Vineyards at Sand Creek Project, further mitigation is not required.



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>construction, the project proponent may purchase California tiger salamander credits at a 1:1 ratio from a approved mitigation bank.</i></p> <p><i>If mitigation credits are not used, prior to the start of construction, the project proponent shall record a conservation easement over the mitigation property preserving it in perpetuity as wildlife habitat. The easement shall be granted to a qualified conservation organization as defined by Section 815.3 of the California Civil Code. The project proponent shall prepare a habitat management plan that addresses management of the mitigation land that inures to the benefit of the California tiger salamander and shall submit the plan to the City of Antioch prior to the start of construction. The project proponent shall also establish an endowment fund, or other funding mechanism to provide for the long-term management, maintenance, and monitoring of the mitigation site.</i></p> <p><i>The project proponent may satisfy the requirements of this mitigation measure by providing the City of Antioch with a copy of a biological opinion issued by the USFWS that includes these, or other functionally equivalent, habitat preservation measures, to be implemented prior to initiation of construction activities.</i></p>			



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>As an alternative to completion of MM IV-3, the project applicant could comply with one of the following conditions:</i></p> <ol style="list-style-type: none"> <i>1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or</i> <i>2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.</i> <p><i>Western Pond Turtle</i></p> <p><i>IV-4 Prior to initiation of construction activities, a qualified biologist shall conduct a preconstruction survey of the two stormwater outfall work areas in Sand Creek, and if a western pond turtle is identified in the work area, the turtle shall be relocated to suitable habitat downstream. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department. The work areas adjacent to Sand</i></p>	<p>City of Antioch Community Development Department</p> <p>California Department of Fish and Wildlife</p>	<p>Prior to initiation of and during construction activities</p>	



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Creek shall be isolated with exclusion fencing in accordance with Mitigation Measure IV-2 that shall prevent western pond turtle from entering the work site and accidentally being harmed by construction activities.</i></p> <p><i>Preconstruction surveys for turtle nest sites in uplands adjacent to suitable aquatic habitat during spring and summer months shall be conducted within 30 days prior to beginning any ground-disturbing activities. If nests are not found, further consideration for western pond turtle nests is not warranted. If nest sites are located during preconstruction surveys adjacent to a proposed work area, the nest site plus a 50-foot buffer around the nest site shall be fenced where the buffer intersects a project work area to avoid impacts to the eggs or hatchlings which over-winter at the nest site. In addition, if nest(s) are located during surveys, moth balls (naphthalene) should be sprinkled around the vicinity of the nest (no closer than 10 feet) to mask human scent and discourage predators.</i></p> <p><i>Construction at the nest site and within the 50-foot buffer area shall be delayed until the young leave the nest (this could be a period of many months) or as otherwise advised and directed by a qualified biologist. A qualified CDFW approved biologist, with the concurrence of CDFW, may also relocate young pond turtles.</i></p>			



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Golden Eagle</i></p> <p><i>IV-5 Prior to initiation of ground-disturbing activities or tree removal, preconstruction surveys shall be conducted by a qualified raptor biologist on the project site and within a zone of influence (determined by a qualified biologist) of all project-related activities during the golden eagle breeding season (January through August). The zone of influence is affected by geographic barriers that affect direct line of sight from disturbance to the nest site, and/or distances that proposed activities could influence nesting behavior. The zone of influence shall be determined by a qualified raptor biologist. If nesting golden eagles are found nesting within the zone of influence, a qualified raptor biologist shall determine an appropriate buffer consistent with the USFWS' 2017 Recommended Buffer Zones for Ground-Based Human Activities Around Nesting Sites of Golden Eagles in California and Nevada. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</i></p> <p><i>The USFWS' 2017 Recommended Buffer Zones for Ground-Based Human Activities Around Nesting Sites of Golden Eagles in California and Nevada, recommends buffer zones for active nests. Such recommended buffer zones may increase or decrease in size</i></p>	City of Antioch Community Development Department	Prior to initiation of ground-disturbing activities or tree removal	



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>depending on specific site or activity circumstances and local jurisdiction recommendations. For any active nest found within a zone of influence of the project site, the qualified raptor biologist shall determine the appropriate buffer size(s) to ensure that project activities do not impact the active nest site. Buffer sizes are likely to be reduced in size when a qualified raptor biologist makes a determination that the nesting golden eagles are acclimated to mechanized activities and disturbances of the like, or the nest is shielded from disturbance by geographic barriers.</i></p> <p><i>If no active nesting golden eagles are identified during survey(s), project construction may commence without further regard for protection of nesting eagles. If golden eagles are found nesting in the project vicinity after project construction has commenced, it should be assumed that the golden eagles began nesting while the project site was under construction and thus, that the eagles are habituated to the ambient level of noise and disturbance emanating from the project site.</i></p> <p><i>If active nesting golden eagles are identified during the preconstruction surveys, the qualified biologist shall establish a nest protection buffer and no project-related disturbance shall be allowed within any established nesting buffer until the young fledge the nest or the nesting attempt is</i></p>			



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>otherwise complete for the year. The buffer shall remain in place until the fledglings become independent of the nesting tree. The young can be considered successfully fledged when the eaglets no longer return to the nesting tree for several consecutive nights. A qualified raptor biologist shall monitor the nesting eagles initially for a period long enough to understand the nesting eagles' response to disturbance, and thereafter on a routine basis (at least once per week) until the nestlings successfully fledge and become independent of the nesting tree.</i></p> <p><i>It should be noted that if the developer initiates grading of the project site in the non-nesting season (September to December) and development disturbance remains continuous through the nesting season, and the golden eagles return and nest, it can be assumed that the golden eagles are sufficiently acclimated to the project disturbance. A qualified raptor biologist would be required to confirm the level of acclimation and would have to monitor the nesting attempt continuously through the nesting season to ensure that the project disturbance is not affecting the golden eagles nesting efforts and behaviors. After commencement of nesting, if the golden eagles respond negatively to the ongoing disturbance, a 600-foot buffer shall be immediately established and maintained under the supervision of the raptor biologist</i></p>			



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>until the nesting cycle is completed, as determined by a qualified raptor biologist.</i></p> <p><i>Swainson's Hawk</i></p> <p><i>IV-6 Prior to any project-related ground disturbance that occurs during the nesting season (March 15th to September 15th), a qualified biologist shall conduct a preconstruction survey at least two survey periods prior to the start of construction. Surveys shall follow the protocol in the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000), including the survey period lengths identified therein. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</i></p> <p><i>If the proposed project could result in take of the Swainson's hawk, its nest, or eggs, typically assumed to be the case if a nest is detected within a 0.25-mile of the project site, the project proponent shall prepare a Swainson's Hawk Monitoring and Habitat Management Plan. If take of Swainson's hawk eggs, nestlings, fledglings could occur from the proposed activities, as determined by a qualified raptor biologist, protective buffers shall be established on the project site that shall prevent such take from occurring. The</i></p>	<p>City of Antioch Community Development Department</p> <p>California Department of Fish and Wildlife</p>	<p>Prior to any project-related ground disturbance that occurs during the Swainson's hawk nesting season (March 15th to September 15th)</p>	



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>protective buffer around the active nest site shall be maintained until such time that the Swainson's hawks have completed their nesting cycle as determined by a qualified raptor biologist. The nest protection buffer shall be coordinated with the CDFW.</i></p> <p><i>If the preconstruction surveys find Swainson's hawk nests within 0.25 mile of the project site, impacts to its foraging habitat shall be mitigated by preserving 60.7 acres of suitable Swainson's hawk foraging habitat (1:1 mitigation for permanent impacts to foraging habitat).³ The mitigation land used to mitigate impacts to the California tiger salamander (see Mitigation Measure IV-3) shall also constitute suitable Swainson's hawk foraging habitat.</i></p> <p><i>As an alternative to completion of Mitigation Measure IV-6, the project applicant could comply with one of the following conditions:</i></p> <ol style="list-style-type: none"> <i>1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the East Contra Costa County Habitat Conservancy (Conservancy), provided that the City has first entered into an agreement</i> 			

³ The 60.7 acres of permanently impacted habitat includes off-site improvement areas that overlap with the Promenade/Vineyards at Sand Creek Project. For any off-site impacted habitat for which replacement habitat has already been provided as part of the Promenade/Vineyards at Sand Creek Project, further mitigation is not required.



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>with the Conservancy for coverage of impacts to ECCCHCP/NCCP Covered Species; or</i></p> <p>2. <i>Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and FWS have approved the conservation plan.</i></p> <p><i>Western Burrowing Owl</i></p> <p>IV-7 <i>Prior to initiation of ground-disturbing activities, a preconstruction survey for burrowing owls shall be conducted. The CDFG's Staff Report on Burrowing Owl Mitigation (CDFG 2012) states that take avoidance (preconstruction) surveys shall be conducted 14 days prior to ground disturbance. As burrowing owls may recolonize a site after only a few days, time lapses between project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance to ensure absence of the species. The results of the survey shall be submitted to the City of Antioch Community Development Department.</i></p> <p><i>Burrowing owl surveys shall be conducted by walking the entire project site and (where possible) in areas within 150 meters</i></p>	<p>City of Antioch Community Development Department</p>	<p>Prior to initiation of ground-disturbing activities</p>	



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>(approximately 500 feet) of the proposed project impact zone. The 150-meter buffer zone shall be surveyed to identify burrows and owls outside of the proposed disturbance area which may be impacted by factors such as noise and vibration (heavy equipment) during project construction.</i></p> <p><i>Pedestrian survey transects shall be spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines shall be 7 meters to 20 meters and shall be reduced to account for differences in terrain, vegetation density, and ground surface visibility. Poor weather may affect the surveyor's ability to detect burrowing owls thus, the biologist shall avoid conducting surveys when wind speed is greater than 20 kilometers per hour and the site is affected by precipitation or dense fog. To avoid impacts to owls from surveyors, owls and/or occupied burrows shall be avoided by a minimum of 50 meters (approximately 160 feet) wherever practical to avoid flushing occupied burrows. Disturbance to occupied burrows shall be avoided during all seasons.</i></p> <p><i>If burrowing owls are detected on the site, the following restricted activity dates and setback distances are recommended per the CDFG's Staff Report on Burrowing Owl Mitigation (CDFG 2012).</i></p>			



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> • From April 1 through October 15, low disturbance and medium disturbance activities shall have a 200-meter buffer while high disturbance activities shall have a 500-meter buffer from occupied nests. • From October 16 through March 31, low disturbance activities shall have a 50- meter buffer, medium disturbance activities shall have a 100-meter buffer, and high disturbance activities shall have a 500-meter buffer from occupied nests. • No earth-moving activities or other disturbance shall occur within the afore- mentioned buffer zones of occupied burrows. The buffer zones shall be fenced as well. If burrowing owls are found in the proposed project area, a qualified biologist shall delineate the extent of western burrowing owl habitat on the site. <p style="text-align: center;"><i>The mitigation land used to mitigate impacts to the California tiger salamander (see Mitigation Measure IV-3) shall also constitute suitable western burrowing owl mitigation land.</i></p> <p><i>Tricolored Blackbird</i></p> <p>IV-8 <i>Prior to any ground-disturbing activities commencing between February 1 and August 31, the project applicant shall retain a qualified</i></p>			
			City of Antioch Community Development Department	Prior to any ground- disturbing activities commencing between February 1 and August 31	



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>biologist to conduct a nesting survey for tricolored blackbird. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department. If tricolored blackbirds are not identified during the surveys, further mitigation is not required.</i></p> <p><i>If nesting tricolored blackbirds are identified during the surveys, a 300-foot radius around the nesting colony shall be staked with bright orange lath or other suitable staking. The size of the buffer may be altered if a qualified biologist conducts behavioral observations and determines the nesting tricolored blackbirds are well acclimated to disturbance. In such a case, the biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance or harassment to the nesting tricolored blackbirds. Construction or earth-moving activity shall not occur within the established buffer until it is determined by a qualified biologist that the young have fledged (i.e., left the nest) and have attained sufficient flight skills to avoid project construction zones, as typically occurs by August 1. Construction or earth-moving activity may occur earlier or later, subject to the discretion of a qualified biologist. If a qualified biologist is not hired to watch the nesting tricolored blackbirds, then the buffers shall be maintained in place through the month of August and work within the buffer can</i></p>		<p>within the project site and off-site improvement areas</p>	



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>commence September 1. If buffers are removed prior to September 1, the qualified biologist monitoring the nesting buffer(s) shall prepare and submit a report to the City of Antioch that provides details about the nesting outcome and the removal of buffers. The report shall be submitted prior to the time that nest protection buffers are removed if the date is before September 1.</i></p> <p><i>Nesting Migratory Birds</i></p> <p><i>IV-9 If project site disturbance associated with the proposed project would commence between March 1 and September 1, a preconstruction nesting survey shall be completed in the 15-day period prior to commencing with any proposed project related disturbance on the project site or off-site improvement areas. The nesting survey shall be conducted on the project site and within a zone of influence around the project site. The zone of influence includes those areas off the project site where birds could be disturbed by earth-moving vibrations or noise as determined by a qualified ornithologist. Accordingly, the nesting survey(s) must cover the project site and an area around the project site boundary. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department. If special-status birds are not identified during the surveys, further mitigation is not required.</i></p>	<p>City of Antioch Community Development Department</p>	<p>If project site disturbance associated with the proposed project would commence between March 1 and September 1, within 15 days prior to commencing project-related disturbance</p>	



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>If special-status birds are identified nesting on or adjacent to the project site, a non-disturbance buffer of 100 feet shall be established or as otherwise prescribed by a qualified ornithologist. If common (that is, not special-status) birds, for example, California towhee, California scrub jay, or acorn woodpeckers (<i>Melanerpes formicivorus</i>), are identified nesting on or adjacent to the project site, a non-disturbance buffer of 75 feet shall be established or as otherwise prescribed by a qualified ornithologist. The buffer shall be demarcated with painted orange lath or via the installation of orange construction fencing. Disturbance within the buffer shall be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the area or that the nesting cycle has otherwise completed.</i></p> <p><i>Nesting buffers shall be maintained until September 1 unless a qualified ornithologist determines that young have fledged and are independent of their nests at an earlier date. If nest projection buffers are removed prior to September 1, the qualified biologist conducting the nesting surveys shall prepare and submit a report to the City of Antioch that provides details about the nesting outcome and the removal of buffers. The report shall be submitted prior to the time that nest protection</i></p>			



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>buffers are removed if the date is before September 1.</i></p> <p><i>Raptors (Including White-Tailed Kite)</i></p> <p><i>IV-10 Prior to commencement of ground-disturbing activities or tree removal between February 1 and August 31, the project applicant shall retain a qualified biologist to conduct raptor nesting surveys. The raptor nesting surveys shall include examination of all trees within 300 feet of the entire project site, including trees that are not planned for removal. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department. If nesting raptors are not identified during the surveys, further mitigation is not required.</i></p> <p><i>If nesting raptors, including white-tailed kite, are identified during the surveys, the dripline of the nest tree shall be fenced with orange construction fencing (provided the tree is on the project site), and a 300-foot radius around the nest tree shall be staked with bright orange lath or other suitable staking. If the tree is located off the project site, then the buffer shall be demarcated per above where the buffer intersects the project site. The size of the buffer may be altered if a qualified raptor biologist conducts behavioral observations and determines the nesting raptors are well acclimated to disturbance. In such case, the</i></p>	<p>City of Antioch Community Development Department</p>	<p>Prior to commencement of ground-disturbing activities or tree removal between February 1 and August 31</p>	



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>raptor biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting raptors. Construction or earth-moving activity shall not occur within the established buffer until it is determined by a qualified raptor biologist that the young have fledged (i.e., left the nest) and have attained sufficient flight skills to avoid project construction zones, which typically occurs by August 1. Initiation of construction or earth-moving activity may be earlier or later, as determined by a qualified raptor biologist. If a qualified biologist is not hired to watch the nesting raptors, then the buffers shall be maintained in place through the month of August and work within the buffer may commence September 1. If buffers are removed prior to September 1, the qualified raptor biologist monitoring the nesting buffer shall prepare and submit a report to the City of Antioch that provides details about the nesting outcome and the removal of buffers. The report shall be submitted prior to the time that nest protection buffers are removed if the date is before September 1.</i></p> <p>San Joaquin Kit Fox</p> <p>IV-11 The project applicant shall implement the following standard avoidance measures for San Joaquin kit fox:</p>	<p>City of Antioch Community Development Department</p> <p>U.S. Fish and Wildlife Service</p>	<p>Prior to the start of construction and during construction activities on the project site and within the off-site improvement areas</p>	



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> • <i>An education program shall be conducted by a qualified biologist prior to the start of construction to explain the endangered species concerns to contractors working at the project site. The program shall include an explanation of the FESA and CESA and any endangered species concerns in the area. A sign-in sheet shall be distributed to all participants of the education program and submitted to the City of Antioch within two weeks of program completion.</i> • <i>Qualified biologists shall conduct preconstruction den surveys no more than 14 days prior to site grading to ensure that potential kit fox dens are not disrupted. If “potential dens” are not identified during the surveys (potential dens are defined as burrows at least four inches in diameter which open up within two feet), further mitigation is not required. If potential dens are identified, infrared camera stations shall be set up and maintained for three consecutive nights at den openings prior to initiation of grading activities to determine the status of the potential dens. If kit fox is not found to be using the den, site grading may proceed unhindered. However, if a kit fox is found using a den site within the</i> 	California Department of Fish and Wildlife		



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>project site, the USFWS and the CDFW shall be notified and consulted before work activities resume. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</i></p> <ul style="list-style-type: none"> <i>To prevent harm to San Joaquin kit fox, any steep-walled holes and/or trenches excavated on the project site shall be completely covered at the end of each workday or escape ramps shall be provided to allow any entrapped animals to escape unharmed. All pipe sections stored at the project site overnight that are four inches in diameter or greater shall be inspected for San Joaquin kit fox before the pipes are moved or buried. If San Joaquin kit fox are identified in the work area at any time, the USFWS and/or the CDFW, as well as the City, shall be notified and consulted before work activities resume. All trash items shall be removed from the site to reduce the potential for attracting predators of San Joaquin kit fox. Contractors shall be prohibited from bringing firearms and pets to the job site.</i> <p><i>American Badger</i></p>	<p>City of Antioch Community</p>	<p>Within 21 days prior to site grading</p>	



**MITIGATION MONITORING AND REPORTING PROGRAM
Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>IV-12 <i>The project applicant shall retain a qualified biologist to conduct a preconstruction den survey within 21 days prior to site grading. If potential dens are not identified, further mitigation is not required. If a potential den is located, infrared camera stations shall be set up and maintained for three consecutive nights at the potential den openings prior to initiation of grading/work activities to determine the status of the potential dens. If American badger is not found to be using the den, the burrow shall be filled, and site grading may proceed in the vicinity of the burrow(s) unhindered. However, if American badger is found to be using a den site within the area of proposed grading, provided it is not a natal den, the badger shall be passively and humanely evicted from its den if the individual could be impacted by grading or other activities. If a natal den is found, the project proponent shall consult with CDFW to prepare an eviction plan and shall submit the eviction plan to the City prior to implementation. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</i></p>	<p>Development Department California Department of Fish and Wildlife</p>		
IV-b., IV-c.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations	<p>IV-13 <i>Prior to discharging any dredged or fill materials into any waters of the U.S. within the project site and/or the off-site improvement areas, the applicant shall obtain permit authorization to fill wetlands under Section 404 of the federal CWA (Section 404 Permit) from USACE. The Section 404 Permit</i></p>	City of Antioch Community Development Department	Prior to issuance of grading permits	



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	<p>or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.</p> <p>Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.</p>	<p><i>application shall include an assessment of directly impacted, avoided, and preserved acreages to waters of the U.S. Mitigation measures shall be developed as part of the Section 404 Permit to ensure no net loss of wetland function and values. Mitigation for direct impacts to waters of the U.S. within the project site and/or the off-site improvement areas would occur at a minimum of 1:1 ratio for direct impacts by purchasing seasonal wetland credits from the Cosumnes Mitigation Bank or other wetland mitigation bank that services the project site, as approved by the USACE and the RWQCB.</i></p> <p><i>Alternatively, the project proponent may create, preserve, and manage new seasonal wetlands on or off of the project site at a 2:1 mitigation ratio. A project-specific Wetland Mitigation and Monitoring Plan prepared by a qualified wetland restoration ecologist that includes the following information shall be provided to the City prior to conducting any activity that would result in the placement of any fill material into a water of the U.S. or water of the State:</i></p> <ul style="list-style-type: none"> <i>• A description of the impacted water;</i> <i>• A map depicting the location of the mitigation site(s) and a description of existing site conditions;</i> <i>• A detailed description of the mitigation design that includes: (i) the location of</i> 	<p>U.S. Army Corps of Engineers</p> <p>Central Valley Regional Water Quality Control Board</p>		



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>the new seasonal wetlands; (ii) proposed construction schedule; (iii) a planting/vegetation plan; (iv) specific monitoring metrics, and objective performance and success criteria, such as delineation of created area as jurisdictional waters using USACE published methods; and (v) contingency measures if the created wetlands do not achieve the specified success criteria; and</i></p> <ul style="list-style-type: none"> • <i>Short-term and long-term management and monitoring methods.</i> <p><i>If the wetland mitigation site is a separate mitigation property, the project proponent will grant a conservation easement to a qualified entity, as defined by Section 81.5.3 of the California Civil Code, preserving the created seasonal wetland(s) in perpetuity, and establish an endowment fund to provide for the long-term management, maintenance, and monitoring of the created seasonal wetland(s). If the proposed project includes placing fill material into jurisdictional waters of the U.S. or waters of the State, the project proponent shall provide the City with a copy of permits issued by the USACE and RWQCB authorizing the fill.</i></p> <p><i>In addition, a Water Quality Certification or waiver pursuant to Section 401 of the CWA</i></p>			



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>must be obtained for Section 404 permit actions. Proof of compliance with the mitigation measure shall be submitted to the City of Antioch Community Development Department prior to the issuance of grading permits.</i></p> <p>IV-14 <i>Impacts to riparian habitat within CDFW's Section 1602 jurisdictional areas that would occur during the installation of two stormwater outfalls in Sand Creek, construction of the Hillcrest Avenue bridge over Sand Creek, and the installation of the potential EVA/Pedestrian Bridge over Sand Creek, shall be mitigated through planting California native trees and/or shrubs within the Sand Creek buffer area. Impacted trees and shrubs shall be mitigated with a 3:1 (replacement to impacts) ratio. Replacement trees and shrubs shall be a minimum of one gallon size trees/shrub replacements.</i></p> <p><i>In addition, the project proponent will implement appropriate BMPs to prevent construction related impacts that could introduce de minimus fill or other pollutants into Sand Creek and the eastern ephemeral channel on the project site. The measures shall include the installation of wildlife- friendly hay wattles and/or silt fence that will prevent unintended de minimus fill impacts to Sand Creek while the stormwater outfalls are constructed. In addition, orange silt fencing</i></p>	<p>City of Antioch Community Development Department</p> <p>California Department of Fish and Wildlife</p>	<p>Prior to issuance of grading permits</p>	



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>shall be installed at the top-of-bank of Sand Creek to prevent unintended human and equipment traffic adjacent to Sand Creek. Finally, the dripline of all protected trees within the drainages on the project site, if near work areas, shall be protected through the installation of orange construction fencing.</i></p> <p><i>The project proponent shall satisfy this mitigation by providing the City of Antioch with a fully executed copy of a Streambed Alteration Agreement (SBAA) with the CDFW, if one is necessary, that includes these, or other functionally equivalent, BMPs, prior to installation of the two stormwater outfalls in Sand Creek, construction of the Hillcrest Avenue bridge over Sand Creek, and/or installation of the potential EVA/Pedestrian Bridge over Sand Creek. The project proponent shall implement the conditions of the executed SBAA.</i></p>			
IV-e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<p>IV-15 <i>Prior to issuance of certificates of occupancy, all trees that are legally removed as part of the proposed project shall be replaced according to the following schedule, to the satisfaction of the City of Antioch Community Development Department:</i></p> <ol style="list-style-type: none"> <i>1. Each established tree: two 24-inch box trees.</i> <i>2. Each mature tree: two 48-inch box trees.</i> 	City of Antioch Community Development Department	Prior to issuance of certificates of occupancy	



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>The locations and sizes of the replacement trees shall be clearly shown on the final landscape plans, subject to review and approval by the City.</i>			
V-b., V-c.	<p>Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5.</p> <p>Disturb any human remains, including those interred outside of dedicated cemeteries.</p>	<p>V-1. <i>Prior to initiation of ground-disturbing activities, a consultant and construction worker tribal cultural resources training program shall be provided for all personnel involved in project implementation, to be administered by a qualified cultural resources specialist. The training program shall include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program shall also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site, and shall outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program shall also underscore the requirement for confidentiality and culturally-appropriate treatment for any find of significance to Native Americans and behaviors, consistent with Native American tribal values. A sign-in sheet shall be distributed to all participants of the training program and submitted to the City of Antioch within two weeks of program completion.</i></p>	City of Antioch Community Development Department	Prior to initiation of ground-disturbing activities	



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		V-2 <i>In the event of the accidental discovery or recognition of any or human remains, further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur until the County Coroner has been notified to determine if an investigation into the cause of death is required. If the coroner determines that the remains are Native American, then, within 24 hours, the Coroner must notify the Native American Heritage Commission, which in turn will notify the most likely descendants who may recommend treatment of the remains and any grave goods. If the Native American Heritage Commission is unable to identify a most likely descendant or most likely descendant fails to make a recommendation within 48 hours after notification by the Native American Heritage Commission, or the landowner or his authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the landowner, then the landowner or his authorized representative shall rebury the</i>	City of Antioch Community Development Department County Coroner Native American Heritage Commission	During ground-disturbing activities	



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. Should human remains be encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City's Community Development Department.</i></p> <p>V-3 <i>If any prehistoric or historic artifacts, or other indications of cultural deposits, such as historic privy pits or trash deposits, are found once ground disturbing activities are underway, all work within the vicinity of the find(s) shall cease, the City of Antioch shall be notified, and the find(s) shall be immediately evaluated by a qualified archaeologist and Native American representatives from culturally affiliated Native American tribes to assess the significance of the find and make recommendations for further evaluation and treatment, as necessary. Such recommendations shall be documented in the project record. For any recommendations made by interested Native American tribes which are not implemented, a justification for why the recommendation was not followed will be provided in the project record. If the find is determined to be a historical or unique archaeological resource, contingency funding and a time allotment to allow for implementation of avoidance measures or</i></p>	<p>City of Antioch Community Development Department</p> <p>Culturally affiliated Native American tribes</p>	<p>During ground-disturbing activities</p>	



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	<p>potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.</p> <p>Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.</p>	<p><i>practices necessary to achieve compliance with the latest adopted edition of the California Building Standards Code's geologic, soils, and seismic requirements. Consistent with Section 8.0 of the Geotechnical Summary Report prepared for the proposed project, the design-level geotechnical exploration study shall include supplemental borings, surface samples, Cone Penetration Tests (CPTs) and laboratory soil testing to address the following geotechnical concerns:</i></p> <ul style="list-style-type: none"> • <i>Liquefaction-induced settlement risks, lateral spreading risks, and design considerations.</i> • <i>Detailed foundation design criteria based on building types and surficial soil material properties.</i> • <i>Identification of any undocumented fill located on the property.</i> <p><i>The design-level geotechnical exploration study shall identify measures to address construction requirements to mitigate any potential geotechnical hazards.</i></p>			
VII-b.	Result in substantial erosion or the loss of topsoil.	<p><i>VII-3 Prior to issuance of grading and building permits, the project applicant shall submit, for the review and approval by the City Engineer, an erosion control plan that utilizes standard construction practices to limit the erosion effects during construction of the proposed project. Measures shall include, but are not limited to, the following:</i></p>	City Engineer	Prior to issuance of grading and building permits	



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> • Hydro-seeding; • Placement of erosion control measures within drainage ways and ahead of drop inlets; • The temporary lining (during construction activities) of drop inlets with “filter fabric” (a specific type of geotextile fabric); • The placement of straw wattles along slope contours; • Directing subcontractors to a single designation “wash-out” location (as opposed to allowing them to wash-out in any location they desire); • The use of siltation fences; and • The use of sediment basins and dust palliatives. 			
VII-f.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<p><i>VII-4 Prior to initiation of ground-disturbing activities, the applicant shall retain the services of a professional paleontologist to conduct a Worker’s Environmental Awareness Training for the construction crew that will be conducting earthmoving activities (i.e., grading and excavation) at the project site and off-site improvement areas. The Environmental Awareness Training may be conducted concurrently with the tribal cultural resources training program required per Mitigation Measure V-1 of this Initial Study. Consistent with the recommendations of the 2020 Cultural Resources Assessment</i></p>	City of Antioch Community Development Department	Prior to initiation of and during ground-disturbing activities	



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>prepared for the proposed project by Natural Investigations, training shall include information on the types of fossils that may be encountered during project work, relevant compliance requirements, and the course to action to be taken in the event of an inadvertent fossil discovery.</i></p> <p><i>Should any vertebrate fossils (e.g., teeth, bones), an unusually large or dense accumulation of intact invertebrates, or well-preserved plant material (e.g., leaves) be unearthed by the construction crew, ground-disturbing activity shall be diverted to another part of the project site and the City and paleontologist shall be called on-site to assess the find and, if significant, recover the find in a timely matter. Finds determined significant by a paleontologist shall then be conserved and deposited with a recognized repository, such as the University of California Museum of Paleontology. The alternative mitigation would be to leave the significant finds in place, determine the extent of significant deposit, and avoid further disturbance of the significant deposit. Within two weeks of training completion, proof of the construction crew awareness training shall be submitted to the City's Community Development Department in the form of a copy of training materials and the completed training attendance roster.</i></p>			



**MITIGATION MONITORING AND REPORTING PROGRAM
Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
IX-b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.	IX-1 <i>Prior to final map approval, the project applicant shall submit to the City of Antioch Engineering Department, for review and approval, plans which show that future inhabited structures will not be located over the four on-site abandoned oil/gas wells. The plans shall be completed in compliance with the Geologic Energy Management Division (CalGEM) Construction Site Review Program, which includes guidelines and recommendations for setbacks and mitigation measures for venting systems. If grading is proposed proximate to the four abandoned well locations, CalGEM shall be consulted to determine if the wells will require modification in casing height. In addition, CalGEM shall be consulted to determine if the well abandonment procedures are consistent with current requirements.</i>	City of Antioch Engineering Department CalGEM	Prior to final map approval	
		IX-2 <i>If remnant oil/gas pipelines are encountered during site development work, the pipelines shall be abandoned and/or removed in accordance with applicable federal, State, and/or local standards to the satisfaction of the Contra Costa Environmental Health Department and the City Engineer. If any indicators of apparent soil contamination (soil staining, odors, debris fill material, etc.) are found at the project site associated with the petroleum pipelines, the impacted area shall be isolated from surrounding, non-impacted areas. The project environmental professional</i>	City Engineer Contra Costa Environmental Health Department	If remnant oil/gas pipelines are encountered during site development work	



**MITIGATION MONITORING AND REPORTING PROGRAM
Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>shall obtain samples of the potentially impacted soil for analysis of the contaminants of concern and comparison with applicable regulatory residential screening levels (i.e., Environmental Screening Levels, California Human Health Screening Levels, Regional Screening Levels, etc.). Where the soil contaminant concentrations exceed the applicable regulatory residential screening levels, the impacted soil shall be excavated and disposed of offsite at a licensed landfill facility to the satisfaction of the Contra Costa Environmental Health Department. If soil contaminants do not exceed the applicable regulatory residential screening levels, further action is not required.</i>			
X-a.	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.	X-1 <i>Prior to issuance of grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP). The developer shall file the Notice of Intent (NOI) and associated fee to the SWRCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of BMPs. The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. The SWPPP shall be submitted to the Director of Public Works/City Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the contractor shall subsequently demonstrate the SWPPP's effectiveness and provide for</i>	Director of Public Works/City Engineer	Prior to issuance of grading permits	



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable.</i>			
XIII-a.	Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	<p><i>XIII-1 During construction activities, the use of heavy construction equipment shall adhere to Sections 5-17.04 and 5-17.05 of the City's Municipal Code with regard to hours of operation, which state that it is unlawful for any person to operate heavy construction equipment or otherwise be involved in construction activities during the hours specified below:</i></p> <ol style="list-style-type: none"> <i>1. On weekdays prior to 7:00 AM and after 6:00 PM.</i> <i>2. On weekdays within 300 feet of occupied dwelling space, prior to 8:00 AM and after 5:00 PM.</i> <i>3. On weekends and holidays, prior to 9:00 AM and after 5:00 PM, irrespective of the distance from the occupied dwelling.</i> <p><i>Such standards shall be included, via written notation, on final improvement plans, to the satisfaction of the City Engineer.</i></p> <p><i>XIII-2 The project applicant shall ensure that all on-site construction activities occur pursuant to the criteria identified in Policy 11.6.2, Temporary Construction, of the City of Antioch General Plan. Such criteria include, but are not</i></p>	City Engineer	During construction activities	
			City of Antioch Community Development Department	Prior to issuance of grading permits	



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>limited to, preparation of a construction-related noise mitigation plan. The construction-related noise mitigation plan shall be submitted to the Community Development Department for review and approval prior to issuance of grading permits for the project. Items included in the plan could contain, but would not be limited to, the following:</i></p> <ul style="list-style-type: none"> • <i>All equipment driven by internal combustion engines shall be equipped with mufflers which are in good working condition and appropriate for the equipment;</i> • <i>The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where the technology exists;</i> • <i>At all times during project grading and construction, stationary noise-generating equipment shall be located as far as practical from noise-sensitive receptors;</i> • <i>Unnecessary idling of internal combustion engines shall be prohibited;</i> • <i>Owners and occupants of residential and non-residential properties located within 300 feet of the construction site shall be notified of the construction schedule in writing; and</i> • <i>The construction contractor shall</i> 			



MITIGATION MONITORING AND REPORTING PROGRAM Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>designate a “noise disturbance coordinator” who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and institute reasonable measures as warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.</i></p>			
		<p><i>XIII-3 A solid noise barrier measuring a minimum of six feet in height shall be constructed along Hillcrest Avenue where residences are located within 157 feet of the roadway. Suitable materials for the noise barrier include concrete panels, concrete masonry units, earthen berms, or any combination thereof. If roadway elevations and building pad elevations are not equal, the barrier heights and locations shall be reviewed once final grading plans are available. The final design of the noise barrier shall be approved by the Community Development Department prior to building permit issuance.</i></p>	<p>City of Antioch Community Development Department</p>	<p>Prior to issuance of building permits</p>	
		<p><i>XIII-4 Prior to building permit issuance, the construction drawings for the project shall include a suitable form of forced-air mechanical ventilation for all proposed</i></p>	<p>City of Antioch Community Development Department</p>	<p>Prior to issuance of building permits</p>	



**MITIGATION MONITORING AND REPORTING PROGRAM
 Creekside/Vineyards at Sand Creek Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>residential units, subject to approval by the Community Development Department, such that doors and windows may be kept closed at the occupant's discretion to control interior noise and achieve the City's 45 dB L_{dn} interior noise level threshold.</i>			
XVIII-a., XVIII-b.	Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). Cause a substantial adverse change in the	XVIII-1 <i>Implement Mitigation Measures V-1, V-2, and V-3.</i>	See Mitigation Measures V-1, V-2, and V-3	See Mitigation Measures V-1, V-2, and V-3	



MITIGATION MONITORING AND REPORTING PROGRAM					
Creekside/Vineyards at Sand Creek Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?				

