



**EIR24-002
RESOLUTION NO.
2024-9323
ATTACHMENT A**

**MITIGATION MONITORING &
REPORTING PROGRAM (MMRP)**

Mitigation Monitoring and Reporting Program

Pacific Specific Plan Project

MAY 2024

Prepared for:

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Mitigation Monitoring and Reporting Program

Introduction

This mitigation monitoring and reporting program (MMRP) was prepared by the City of San Marcos for the Pacific Specific Plan Project (project or proposed project) to comply with Public Resources Code Section 21081.6(a)(1), which requires public agencies to adopt such programs to ensure effective implementation of mitigation measures. This monitoring program is dynamic in that it will undergo changes as additional mitigation measures are identified and additional conditions of approval are placed on the project throughout the project approval process.

Public Resources Code section 21081.6 requires monitoring of only those impacts identified as significant or potentially significant. The monitoring program does not address impacts for issues where no mitigation is available and therefore remain unmitigable.

Summary of Mitigation Measures

Table 1 summarizes the mitigation measures identified in the Environmental Impact Report (EIR). All the mitigation measures identified in the EIR are recommended as conditions of project approval and are stated herein in language appropriate for such conditions.

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Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure		Time Frame of Mitigation				Monitoring Reporting Agency	Time Frame for Verification Frequency		Date of Completion	Date of Verification
		Planning	Pre-Const.	During Const.	Post Const.		Monitor	Report		
Air Quality										
MM-AQ-1:	Architectural Coatings The project shall use low volatile organic compound (VOC) architectural coatings for interior application that do not exceed VOC content of 10 grams per liter, for exterior application that do not exceed VOC content of 50 grams per liter, and for parking application do not exceed VOC content of 100 grams per liter.			X		Applicant/ City Planning				
Biological Resources										
MM-BIO-1:	Rare Plant Transplant Plan. Prior to the issuance of land disturbance, clearing, grubbing, or grading permits for the project site, the project Applicant <u>or Developer</u> shall submit a rare plant transplant plan to the City and resource agencies (USFWS and CDFW) regarding transplanting and monitoring of special-status plants to be impacted by the project: San Diego button-celery, Orcutt’s brodiaea, and thread leaved brodiaea. The transplant plan shall be approved by the City and resource agencies prior to implementation and prior to issuance of clearing, grubbing, other land disturbance, or grading permits related to the project. The transplant plan shall meet currently accepted standards for sensitive plant species translocation and include, at minimum, methods for plant salvage, seed/bulb/corm collection, transplantation, relocation, performance standards, and maintenance and monitoring to achieve establishment success. San Diego button-celery, Orcutt’s brodiaea, and thread-leaved brodiaea to be impacted shall be translocated and/or replanted through propagation on-site as specified in the approved rare plant transplant plan. Resource Agencies may require the rare plant transplant plan also include off-site translocation or replanting at one of several candidate sites in the City having appropriate soils and habitat for these species. Contingency or remedial measures shall also be included in the approved transplant plan to ensure performance standards are achieved. Such measures may include supplemental seeding or transplantation of nursery grown plants, replacing dead plants, improving weed control, or other adaptive management techniques required by the resource agencies. Resource agency verification that transplant plan performance standards have been met is required for the completion of this measure. In addition to the transplant plan, a cost estimate to implement the plan shall be provided to and approved by the City and resource agencies. Prior to implementation, transplantation and monitoring in accordance with the rare plant transplant plan shall be fully funded by the Applicant or Developer via an endowment or other funding mechanism, as approved by the City and pertinent permit-issuing resource agencies.	x				Applicant/ City Planning		Prior to issuance of a grading permit		
MM-BIO-2:	Vernal Pools Mitigation Plan. Prior to issuance of land disturbance, clearing, grubbing, or grading permits for the project site, the project Applicant or Developer shall submit a Vernal Pool Mitigation Plan (VPMP) to the City and applicable permit-issuing resource agency (i.e. USFWS, USACE, RWQCB, and/or CDFW) describing vernal pool creation, expansion, and/or restoration, as well as maintenance and monitoring of such vernal pools. The VPMP shall be approved by the City and permit-issuing resource agency prior to implementation and prior to issuance of clearing, grubbing, other land disturbance, or grading permits related to the project. The proposed distribution of the vernal pool mitigation herein shall be on-site as specified in the approved VPMP. The VPMP shall include, at minimum, creation and restoration methods, performance standards, maintenance and monitoring, and contingency measures if performance standards are not met. Agency sign-off, as applicable per the regulatory permit(s) issued for the project, shall be required for verification that VPMP criteria has been met and for completion of this measure. If impacts to vernal pools occupied by listed San Diego fairy shrimp cannot be fully avoided, prior to impacts, a consultation shall be completed with USFWS to obtain take authorization pursuant to the federal ESA and as described in mitigation measure BIO-3.	x				Applicant/ City Planning		Prior to issuance of a grading permit		

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Measures required by USFWS as a result of consultation shall be implemented, which may include preparation and implementation of a resource salvage plan and translocation of cysts by inoculation into suitable habitat within approved preserve areas or into created or restored habitat. Suitable habitat is located on-site within existing depressions (found not occupied) near existing vernal pools to be preserved on-site, all of which is located within the Vernal Pool Major Amendment Area in the City's Draft Subarea Plan. In addition to the VPMP, a cost estimate to implement the plan shall be provided to and approved by the City and pertinent resource agencies. Implementation and monitoring per VPMP plan shall be fully funded by the Applicant or Developer via an endowment or other funding mechanism, as approved by the City and pertinent resource agencies.									
MM-BIO-3: Listed Species Conservation Measures. Prior to issuance of land disturbance, clearing, grubbing, or grading permits for the project site, the project Applicant or Developer shall demonstrate to the City that consultation with USFWS for adverse effects to San Diego Fairy shrimp, thread leaved brodiaea, and San Diego button celery has occurred in accordance with Section 7 or Section 10 of the federal ESA, as applicable. Impacts to San Diego button celery and thread leaved brodiaea shall also require either a Section 2080.1 Consistency Determination or a Section 2081(b) Incidental Take Permit from CDFW, according to the federal action, or demonstrate to the City that none was required by CDFW. Impacts to habitat occupied by these listed species shall be compensated by the implementation of habitat-based mitigation via an HMMP and long-term conservation and management via a PMP (see mitigation measures MM-BIO-7a and MM-BIO-7b).	X				Applicant/ City Planning		Prior to issuance of a grading permit		
MM-BIO-4: Avoidance of Nesting Birds and Raptors. To prevent direct impacts to nesting birds, including raptors, protected under the federal MBTA and the CFGC, any project construction activities requiring the removal and/or trimming of vegetation suitable for nesting birds (including clearing, grubbing, trenching, grading, or any land disturbances) shall occur outside of the breeding season for general birds, including raptors (January 15 to September 15). The City may waive this condition, provided that the following additional avoidance measures are taken. If the construction activities cannot avoid the bird breeding season, a qualified biologist shall be retained to conduct a pre-construction nesting bird survey within 7 days prior to the activities to confirm the presence or absence of active bird nests. If no active bird nests are found by the qualified biologist, then the activities shall proceed with the reassurance that no violation to the MBTA and CFG would occur. If an active bird nest is found by the qualified biologist, then vegetation removal and/or trimming activities at the nest location and within 300 feet for passerine birds and 500 feet for raptors shall not be allowed to occur until the qualified biologist has determined that the nest is no longer active. Buffers may be reduced only at the discretion of the qualified biologist, depending on the bird species and construction/vegetation removal activities required in the vicinity of the active nest.		X	X		Applicant/ Qualified Biologist/ City Planning	During the initial vegetation clearing and grubbing activities, and potentially on a less frequent basis during grading activities	Regular basis through the preparation and submission of summary monitoring reports prepared by the Applicant		
MM-BIO-5: Construction Work Limits Fencing. Prior to the issuance of land disturbance, clearing, grubbing, or grading permits for the project site, the Applicant or Developer shall demonstrate to the City that the approved grading boundaries and limits of work are presented on the Final Construction Drawings, including the limits of work fencing. To help ensure inadvertent/unauthorized impacts to environmentally sensitive areas outside of the approved limits of work footprint are avoided, temporary construction fencing (orange fencing or similar), including silt fencing as appropriate, shall be installed at the edges of the approved impact limits. This fencing shall be installed prior to construction and maintained for the duration of construction activity. Fencing shall be installed in a manner that does not impact sensitive species or habitats to be avoided. Prior to installation,		X			Qualified Biologist/ City Mitigation Monitor				

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a qualified biologist shall survey the fencing location to inspect that the fencing alignment is consistent with the Final Construction Drawings and to verify no special-status plant species occur within the fencing installation location. If special-status plants are detected, the fencing alignment shall be adjusted to avoid those plant individuals, or such plants shall be relocated into the project preserve areas to avoid their impact as a result of fence installation. Once the fencing is installed, the City and project biologist (see MM BIO-6) shall determine the need for additional inspections and monitoring activities throughout the duration of construction. If work occurs beyond the fenced or demarcated limits of impact, work in the affected areas shall cease until the problem has been remedied and mitigation identified satisfactory to the City and qualified biologist. All temporary construction fencing shall be removed upon completion of construction.									
MM-BIO-6: Biological Construction Monitoring. Prior to any clearing, grubbing, or issuance of grading permits for the project site, the project Applicant or Developer shall demonstrate to the City that a qualified biologist has been retained to monitor construction activities, including monitoring of the temporary work/impact limits fencing installation (see MM-BIO-5), which clearly delineates the edge of the approved work limits and the edges of environmentally sensitive areas that occur beyond the approved limits. The qualified biologist shall conduct a preconstruction environmental training session for construction personnel to inform them of the sensitive biological resources in the local area and the avoidance measures in place to remain in compliance. The monitoring, at minimum, shall include inspection of construction work areas, including staging and storage areas, to confirm that activities are kept within the approved limits and that Best Management Practices are in place. The biologist shall regularly monitor construction activities throughout construction. If items of non-compliance are identified, the biologist shall notify the on-site construction superintendent immediately to discuss and implement corrective actions. Issues of non-compliance that result in additional impacts to sensitive biological resources shall be documented and provided to the City within 72 hours of identification. Mitigation for unauthorized impacts shall adhere to the applicable measures in the Biological Resources Technical Report prepared for the project.		x	X		Qualified Biologist/ City Planning	During all clearing and grubbing activities			
MM-BIO-7a: Compensatory Mitigation for Impacts to Sensitive Natural Communities. Impacts to sensitive natural communities (e.g., Diegan coastal sage scrub, native grassland, non-native grassland, mixed grassland, and vernal pools) as a result of project implementation shall be mitigated per the following ratios. A 3:1 mitigation ratio shall be provided for impacts to vernal pools (minimum 1:1 creation/expansion), a 2:1 ratio for impacts to native grassland (including disturbed), a 1:1 ratio for Diegan coastal sage scrub (including disturbed and Baccharis dominated), a 0.5:1 ratio for impacts to mixed grassland (including disturbed), and a 0.5:1 ratio for impacts to non-native grassland. Mitigation shall not occur at levels below these ratios unless otherwise conditioned in permits or discretionary approvals issued by the City and/or applicable permit-issuing resource agency (USFWS, USACE, RWQCB, and/or CDFW). The mitigation to sensitive natural communities shall be implemented per MM-BIO-7b.		x			Applicant				
MM-BIO-7b: Compensatory Mitigation for Permanent Impacts to Sensitive Natural Communities. Prior to the issuance of land disturbance, clearing, grubbing, or grading permits for the project site, the Applicant or Developer shall demonstrate to the satisfaction of the City, and applicable permit-issuing agency (i.e. USFWS, USACE, RWQCB, and/or CDFW) that compensatory mitigation for direct permanent impacts to sensitive natural communities (e.g., Diegan coastal sage scrub,		x	x		Applicant/ City Planning				

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native grassland, non-native grassland, mixed grassland, and vernal pools) has been adequately provided in accordance with the ratios described in mitigation measure MM-BIO-7a and secured through one or a combination of the following mechanisms: - Implementation of on-site and/or off-site habitat preservation, creation/expansion, restoration, and/or enhancement; or - Purchase of off-site conservation credits from a conservation bank in the region (such as Brook Forest Mitigation Bank, Cleveland Corridor Conservation Bank, Heights of Pala Mesa Conservation Bank, Manchester Avenue Conservation Bank, Ramona Grasslands Conservation Bank, Red Mountain Conservation Bank, or another location deemed acceptable by the City). Prior to issuance of any land disturbance, clearing, grubbing, or issuance of grading permits for the site, compensatory mitigation areas proposed on- and/or off-site through habitat creation/expansion, enhancement, and/or restoration shall be required to prepare and implement a Habitat Mitigation Monitoring Plan (HMMP) and a Preserve Management Plan (PMP), which shall be subject to City and applicable permit-issuing resource agency (i.e., USFWS, USACE, RWQCB, and/or CDFW) review and approval prior to the issuance of any permits for the proposed project. Because the rare plant transplant plan and vernal pool mitigation plan (see MM-BIO-1 and MM-BIO-2 above) ultimately prescribes actions resulting in grasslands and vernal pools establishment, re-establishment, and/or restoration, such plans shall suffice as the HMMP provided the pertinent information prescribed below is incorporated. The HMMP shall prescribe the on-/off-site mitigation actions of creation/establishment/expansion, re-establishment, restoration, enhancement, and/or preservation. The HMMP shall include the location of any creation/establishment, re-establishment, restoration, enhancement and/or preservation site(s), requirements for site preparation, soil amendments, temporary irrigation, native plant palettes, installation methods, maintenance, and performance monitoring, as appropriate. The HMMP shall include graceful tarplant into the native habitat planting seed palette, where appropriate. The HMMP shall also include information pertaining to any specific rare plant translocation plans (see MM-BIO-1) or vernal pool resources mitigation plans (see MM-BIO-2) as required by MM-BIO-1 and MM-BIO-2. The HMMP shall require that all mitigation (except for preservation areas not restored) be subject to monitoring with specific performance standards to ensure that the impacted functions and services are restored. All the mitigation areas shall be subject to long-term management as outlined by the approved PMP for the project. The PMP for the proposed project shall prescribe the on-/off-site actions of stewardship and perpetual management of the preserve areas and include at a minimum: (a) the location and description of the mitigation area(s); final plans for the mitigation area(s); (b) the responsible entities for the mitigation area(s); (c) the management funding amount and mechanism, based on a Property Analysis Record (PAR) or similar cost estimation method approved by the City and applicable permit-issuing resource agency (i.e., USFWS, USACE, RWQCB, and/or CDFW); (d) specific habitat and monitoring management directives, including: vegetation monitoring, sensitive species monitoring, water pollution, and control and treatment of non-native invasive/exotic plant species; (e) specific success criteria (f) public awareness programs/initiatives; (g) preserve barriers, fencing management, and signage to prevent human intrusion and control illegal dumping; (h) monitoring and reporting schedules; and (i) adaptive management recommendations for the preserve area. Implementation of long-term management shall be provided by a qualified entity approved by the City and applicable permit-issuing resource agency (i.e., USFWS, USACE, RWQCB, and/or CDFW) with experience in managing preserve lands.									

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Prior to the issuance of land disturbance, clearing, grubbing, or grading permits for the project, a protective instrument, such as a conservation easement or restrictive covenant, shall be recorded over the mitigation areas where such a protective instrument does not already exist (including all on-/off-site conservation areas), and in-perpetuity management shall be provided by a qualified manager in accordance with the PMP, which would be funded by an endowment or other acceptable funding mechanism. The draft HMMP and PMP, including the endowment estimate and documentation, shall be provided to the City and applicable permit-issuing resource agency (i.e., USFWS, USACE, RWQCB, and/or CDFW) at least 60- days prior to project impacts. The HMMP and PMP shall be approved by the City and applicable permit-issuing resource agency (i.e., USFWS, USACE, RWQCB, and/or CDFW) prior to the issuance of land disturbance, clearing, grubbing, or grading permits for the project. for Implementation of the HMMP and PMP shall be fully funded by the Applicant or Developer via an endowment or other funding mechanism, as approved by the City and pertinent permit-issuing resource agency prior to any land disturbance for the project.									
MM-BIO-8a: Regulatory Permitting. Prior to issuance of land disturbance, clearing, grubbing, or grading permits for the project, the Applicant or Developer shall provide the City copies of all applicable regulatory permits required by the USACE, RWQCB, and/or CDFW for project impacts to jurisdictional aquatic resources.			x		Applicant/ City Planning				
MM-BIO-8b: Compensatory Mitigation for Impacts to Jurisdictional Resources. Impacts to jurisdictional aquatic resources under the regulation of USACE, RWQCB, and/or CDFW that result from the proposed project shall be mitigated at a 3:1 ratio consisting of a minimum 1:1 creation/expansion/establishment/re-establishment, subject to regulatory permitting requirements of USACE, RWQCB, and/or CDFW, as applicable (MM-BIO-8a). Mitigation shall be provided through one or a combination of the following mechanisms below: - Purchase of preservation, creation/establishment, re-establishment, rehabilitation, and/or enhancement credits from a mitigation bank (such as the Brook Forest Mitigation Bank, Ramona Grasslands Conservation Bank, San Luis Rey Mitigation Bank, or another bank) approved by USACE, RWQCB, and CDFW as applicable. - Implementation of permittee-responsible preservation, creation/expansion/establishment, re-establishment, restoration, rehabilitation and/or enhancement at an on- and/or off-site location approved by the applicable permit-issuing resource agency (i.e., USACE, RWQCB, and/or CDFW). Permittee-responsible mitigation proposed on- and/or off-site shall be required to prepare and implement a Habitat Mitigation Monitoring Plan (HMMP) and a Preserve Management Plan (PMP) (see MM-BIO-7b), which shall be subject to the applicable permit-issuing resource agency (i.e., USACE, RWQCB, and/or CDFW) review and approval prior to implementation. The HMMP shall prescribe the on-/off-site mitigation actions proposed, and the PMP shall provide the parameters for stewardship and perpetual management.		x			Applicant				
Cultural Resources									
MM-TCR-1: Pre-Excavation Agreement: Prior to the issuance of a Grading Permit, or ground disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resources Treatment and Repatriation Agreement (Pre-Excavation Agreement) with a Traditionally and Culturally Affiliated		X			Applicant/ Native American	X	X		

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Native American Tribe (TCA Tribe), identified in consultation with the City. The purpose of the Pre-Excavation Agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection, treatment, and repatriation of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas, and other tribal cultural resources. Such resources may be located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional culturally appropriate archaeological studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and other ground disturbing activities. Any project-specific Monitoring Plans and/or excavation plans prepared by the project archaeologist shall include the TCA Tribe requirements for protocols and protection of tribal cultural resources that were agreed to during the tribal consultation. The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during construction monitoring and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The requirement and timing of such release of ownership, and the recipient thereof, shall be reflected in the Pre-Excavation Agreement. If the TCA Tribe does not accept the return of the cultural resources, then the cultural resources will be subject to curation.					Monitor/ City Mitigation Monitor				
MM-TCR-2: Construction Monitoring: Prior to the issuance of a Grading Permit or ground disturbing activities, the Applicant/Owner or Grading Contractor shall provide written documentation (either as signed letters, contracts, or emails) to the City’s Planning Division stating that a Qualified Archaeologist and Traditionally and Culturally Affiliated Native American monitor (TCA Native American monitor) have been retained at the Applicant/Owner or Grading Contractor’s expense to implement the construction monitoring program, as described in the Pre-Excavation Agreement. The Qualified Archaeologist and TCA Native American monitor shall be invited to attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to present the construction monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present on site during grubbing, grading, trenching, and/or other ground-disturbing activities that occur in areas of native soil or other permeable natural surfaces that have the potential to unearth any evidence of potential archaeological resources or tribal cultural resources. In areas of artificial paving, the Qualified Archaeologist and TCA Native American monitor shall be present on site during grubbing, grading, trenching, and/or other ground disturbing activities that have the potential to disturb more than six inches below the original pre-project ground surface to identify any evidence of potential archaeological or tribal cultural resources. No monitoring of fill material, existing or imported, will be required if the General Contractor or developer can provide documentation to the satisfaction of the City that all fill materials being utilized at the site are either: 1) from existing commercial (previously permitted) sources of materials; or 2) are from private or other non-commercial sources that have been determined to be absent of tribal cultural resources by the Qualified Archaeologist and TCA Native American monitor. The Qualified Archaeologist and TCA Native American monitor shall maintain ongoing collaborative coordination with one another during all ground disturbing activities. The requirement for the construction monitoring program shall be noted on all applicable		X	x		Applicant/ City Planning/ Qualified Archaeologist/ TCA Native American Monitor	x	X		

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construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall provide written notice to the Planning Division and the TCA Tribe, preferably through e-mail, of the start and end of all ground disturbing activities. Prior to the release of any grading bonds, or prior to the issuance of any project Certificate of Occupancy, an archaeological monitoring report, which describes the results, analysis, and conclusions of the construction monitoring shall be submitted by the Qualified Archaeologist, along with any TCA Native American monitor's notes and comments received by the Qualified Archaeologist, to the Planning Division Manager for approval. Once approved, a final copy of the archaeological monitoring report shall be retained in a confidential City project file and may be released, as a formal condition of Assembly Bill (AB) 52 consultation, to Rincon Band of Luiseño Indians, San Pasqual Band of Mission Indians, or any parties involved in the project specific monitoring or consultation process. A final copy of the report, with all confidential site records and appendices, will also be submitted to the South Coastal Information Center after approval by the City.									
MM-TCR-3: Unanticipated Discovery Procedures: Both the Qualified Archaeologist and the TCA Native American monitor may temporarily halt or divert ground disturbing activities if potential archaeological resources or tribal cultural resources are discovered during construction activities. Ground disturbing activities shall be temporarily directed away from the area of discovery for a reasonable amount of time to allow a determination of the resource's potential significance. Isolates and clearly non-significant archaeological resources (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field. All unearthed archaeological resources or tribal cultural resources will be collected, temporarily stored in a secure location (or as otherwise agreed upon by the Qualified Archaeologist and the TCA Tribe) and repatriated according to the terms of the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. If a determination is made that the archaeological resources or tribal cultural resources are considered potentially significant by the Qualified Archaeologist, the TCA Tribe, and the TCA Native American monitor, then the City and the TCA Tribe shall determine, in consultation with the Applicant/Owner and the Qualified Archaeologist, the culturally appropriate treatment of those resources. If the Qualified Archaeologist, the TCA Tribe, and the TCA Native American monitor cannot agree on the significance or mitigation for such resources, these issues will be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of CEQA and California Public Resources Code Section 21083.2(b) with respect to archaeological resources and California Public Resources Section 21704 and 21084.3 with respect to tribal cultural resources, and shall take into account the religious beliefs, cultural beliefs, customs, and practices of the TCA Tribe. All sacred sites, significant tribal cultural resources, and/or unique archaeological resources encountered within the project area shall be avoided and preserved as the preferred mitigation. If avoidance of the resource is determined to be infeasible by the City as the Lead Agency, then the City shall require additional culturally appropriate mitigation to address the negative impact to the			X		Qualified Archaeologist/ TCA Native American Monitor/City Planning	X	X (if applicable)		

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resource, such as, but not limited to, the funding of an ethnographic study and/or a data recovery plan, as determined by the City in consultation with the Qualified Archaeologist and the TCA Tribe. The TCA Tribe shall be notified and consulted regarding the determination and implementation of culturally appropriate mitigation and the drafting and finalization of any ethnographic study and/or data recovery plan, and/or other culturally appropriate mitigation. Any archaeological isolates or other cultural materials that cannot be avoided or preserved in place as the preferred mitigation shall be temporarily stored in a secure location on site (or as otherwise agreed upon by the Qualified Archaeologist and TCA Tribe) and repatriated according to the terms of the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The removal of any artifacts from the project site will be inventoried with oversight by the TCA Native American monitor. If a data recovery plan is authorized as indicated above and the TCA Tribe does not object, then an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. If the Qualified Archaeologist collects such resources, the TCA Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the TCA Native American monitor may, at their discretion, collect said resources for later reburial or storage at a local curation facility, as described in the Pre-Excavation Agreement. In the event that curation of archaeological resources or tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved local facility within San Diego County and the curation shall be guided by California State Historical Resources Commission’s Guidelines for the Curation of Archaeological Collections. The City shall provide the Applicant/Owner final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The Applicant/Owner shall be responsible for all repatriation and curation costs and provide to the City written documentation from the TCA Tribe or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.									
MM-TCR-4: Human Remains. As specified by California Health and Safety Code Section 7050.5, if human remains, or remains that are potentially human, are found on the project site during ground disturbing activities or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Medical Examiner’s Office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the Qualified Archaeologist and/or the TCA Native American monitor) shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the Qualified Archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by State law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner recognizes the remains to be Native American, and not under his or her jurisdiction, then he or she shall contact the Native American Heritage			X		Qualified Archaeologist/ City Planning	X (if applicable)	X (if applicable)		

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Commission by telephone within 24 hours. The Native American Heritage Commission will make a determination as to the Most Likely Descendent, who shall be afforded 48 hours from the time access is granted to the discovery site to make recommendations regarding culturally appropriate treatment. If suspected Native American remains are discovered, the remains shall be kept in situ (in place) until after the Medical Examiner makes its determination and notifications, and until after the Most Likely Descendent is identified, at which time the archaeological examination of the remains shall only occur on site in the presence of the Most Likely Descendent. The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). In the event that the Applicant/Owner and the Most Likely Descendant are in disagreement regarding the disposition of the remains, State law will apply, and the mediation process will occur with the NAHC. In the event that mediation is not successful, the landowner shall rebury the remains at a location free from future disturbance (see Public Resources Code Section 5097.98[e] and 5097.94[k]).									
Geology and Soils									
MM-GEO-1: Paleontological Resources Impact Mitigation Program and Paleontological Monitoring. Prior to commencement of any grading activity on site, the applicant shall retain a qualified paleontologist per the Society of Vertebrate Paleontology (SVP) 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. The qualified paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the project that shall be consistent with the SVP 2010 Standard Procedures and outline requirements for preconstruction meeting attendance and worker environmental awareness training, where paleontological monitoring is required within the project site based on construction plans and/or geotechnical reports, procedures for adequate paleontological monitoring and discoveries treatment, and paleontological methods (including sediment sampling for microinvertebrate and microvertebrate fossils), reporting, and collections management. The PRIMP shall also include a statement that any fossil lab or curation costs (if necessary due to fossil recovery) are the responsibility of the project proponent. A qualified paleontological monitor shall be on site during initial rough grading and other significant ground-disturbing activities (including augering) in areas underlain by the Santiago Formation and below a depth of 5 feet below the ground surface in areas underlain by Holocene alluvium to determine if they are old enough to preserve scientifically significant paleontological resources. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor will allow grading to recommence in the area of the find.		x	X		Qualified Paleontologist/ City Planning	X (if applicable)			
Tribal Cultural Resources									
See MM-TCR-1 through MM-TCR-4, above									

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