

MITIGATION MONITORING AND REPORTING PROGRAM
MITIGATED NEGATIVE DECLARATION
FOR
RAINBOW WATER QUALITY IMPROVEMENT PROJECT

State Clearinghouse #

Prepared for:

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MITIGATION MONITORING AND REPORTING PROGRAM RAINBOW WATER QUALITY IMPROVEMENT PROJECT

Mitigation measures have been identified in the Mitigated Negative Declaration for the Rainbow Water Quality Improvement Project to reduce or eliminate potential environmental impacts. The County of San Diego (County) is required to implement all adopted mitigation measures. In order to ensure compliance, the following mitigation monitoring program has been formulated. This program consists of a checklist followed by a detailed description of the mitigation measures.

These water quality improvements will benefit the public by implementing structural best management practices such subsurface wetland channels along Fifth Street, Huffstatler Street, and Rainbow Valley Boulevard located in the unincorporated community of Rainbow, to help attain Total Maximum Daily Load compliance for nutrients in the Rainbow Creek watershed.

A mitigation checklist has been prepared for the project. Table 1 summarizes the mitigation measures for the Rainbow Water Quality Improvement Project. Information contained within the checklist clearly identifies the mitigation measure, delineates the monitoring schedule, and defines the conditions required to verify compliance. Following is an explanation of the seven columns that constitute the checklist.

Column 1 **Mitigation Measure:** An inventory of each mitigation measure is provided with a brief description.

Column 2 **Type:** Each mitigation measure is classified as Project Design Mitigation (PD), Ongoing Mitigation (OM), or Long-Term Mitigation (LT) based upon the following definitions:

- Project Design Mitigation - mitigation that has been incorporated into the project design (e.g., dust control measures, traffic control plan, landscape plan);
- Ongoing Mitigation - mitigation associated with the project over a period of time (e.g., success of revegetation);
- Long-Term Mitigation - mitigation which requires monitoring over a greater period of time (e.g., five year revegetation monitoring program).

Column 3 **Monitor:** Identifies the County department or other public agency that is responsible for determining compliance with the mitigation measure and for informing DPW about compliance.

Column 4 **Schedule:** The monitoring schedule depends upon the progression of the overall project. Therefore, specific dates are not used within the "Schedule" column. Instead, scheduling describes a logical succession of events (e.g., prior to construction, annual) and if necessary, delineates a follow-up program.

- Column 5** **Compliance Action:** The monitor can easily determine a mitigation measure's completion by referring to "Compliance Action". Upon satisfaction of the requirement listed in this column, the mitigation measure is considered complete.
- Column 6** **Verification of Compliance:** The monitor verifies completion of the particular mitigation measure by initialing and dating in this column. Where the "Schedule" column indicates annual or other ongoing mitigation measures, verification of compliance may not occur until completion of the project. Provision of all required signatures within the Verification of Compliance column signifies conclusion of the monitoring program.
- Column 7** **Remarks:** The status of ongoing and cumulative mitigation measures is to be documented during each visit. The space provided for remarks is obviously too small for the inclusion of the remarks. It is intended that this space be used to indicate whether there are specific comments pertaining to the status of the mitigation measure. If there are additional comments they are to be attached to the checklist. Progress reports are required for the revegetation program. Information provided within progress reports will be helpful in the development of future mitigation programs.

This program is to be adopted by the lead and responsible agencies upon formulation of findings in order to comply with the requirements set forth by Assembly Bill 3180 (Public Resources Code Section 21081.6).

Table 1. Mitigation Measures for Rainbow Water Quality Improvement Project

Mitigation Measure	Type	Monitor	Schedule	Compliance Action	Verification of Compliance		
					Initial	Date	Remarks
Standard Water Quality Best Management Practices	PD	DPW Project Biologist	During construction	Standard water quality best management practices will be implemented to prevent construction materials or pollutants from vehicles from washing into Rainbow Creek during construction. The storage of contaminants and staging of equipment will be conducted away from ditches and creeks to prevent the erosion or spillage of contaminants into the creek or ditches connected to the creek. Silt fencing, sandbags, and/or diversions will be implemented to prevent sediment laden materials from washing downstream during activities within and adjacent to ditches and streams.			
CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES							
Avoidance of impacts to previously undiscovered cultural resources	PD	DPW Project Archaeologist	During construction	A qualified archaeologist and Luiseño Native American monitor will be provided during initial project-related ground disturbing activities. If inadvertent discoveries of cultural resources are made, the County, project archaeologist, and appropriate Native American representative shall divert or temporarily halt ground disturbance operations in the area of discovery to assess the significance of the resources and confer regarding the appropriate treatment (i.e., preservation, avoidance, and/or mitigation for the resources). As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency shall make provisions for historical or unique archaeological resources			

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					<p>inadvertently discovered during construction.</p> <p>Consistent with California Public Resources Code Section 21083.2(b) and Assembly Bill 52 (Chapter 532, Statutes of 2014), avoidance shall be the preferred method of preservation for cultural resources. Work could continue in other parts of the project site while historical or unique archaeological resource mitigation takes place. The project archaeologist, in consultation with the County staff archaeologist, shall determine the significance of the discovered resources. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the archaeologist and approved by the County staff archaeologist, then carried out using professional archaeological methods.</p>			
	Inadvertent Archaeological Find	PD	DPW Project Archaeologist	During construction	<p>If during ground disturbance activities, unique cultural resources are discovered that were not assessed by the archaeological report(s) and/or environmental assessment, the following procedures shall be followed:</p> <ul style="list-style-type: none"> i. All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the County, project archaeologist, and appropriate Native American representative to discuss the significance of the find. 			

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					<p>ii. At the meeting, the significance of the discoveries shall be discussed and after consultation with the County, appropriate Native American representative, and the project archaeologist, a decision shall be made, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources.</p> <p>iii. Grading of further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional cultural monitors if needed.</p> <p>iv. Treatment and avoidance of the newly discovered resources shall be consistent with the Cultural Resources Management Plan and Monitoring Agreements entered into with the appropriate tribes. This may include avoidance of the cultural resources through project design, in-place preservation of cultural resources located in native soils and/or re-burial on the project property so they are not subject to further disturbance in perpetuity as identified in Non-Disclosure of Reburial Condition.</p> <p>v. If the find is determined to be</p>			

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					<p>significant and avoidance of the site has not been achieved, a Phase III Data Recovery Plan shall be prepared by the project archeologist, in consultation with the Tribe, and shall be submitted to the County for their review and approval prior to implementation of the said plan.</p> <p>vi. Consistent with California Public Resources Code Section 21083.2(b) and Assembly Bill 52 (Chapter 532, Statutes of 2014), avoidance shall be the preferred method of preservation for cultural resources.</p>			
	Cultural Resources Disposition	PD	DPW Project Archaeologist	During construction	<p>The following procedures, in order of preference, shall be employed with the tribes and carried out for final disposition of the inadvertent discoveries of Native American cultural resources:</p> <ul style="list-style-type: none"> i. Preservation in place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources. ii. Reburial of the resources on the project property. The measures for reburial shall include, at least, the following: Measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic 			

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					<p>recordation have been completed, with an exception that sacred items, burial goods and Native American human remains are excluded. Any reburial process shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV Report. The Phase IV Report shall be filed with the County under a confidential cover and not subject to Public Records Request.</p> <p>iii. If preservation in place or reburial is not feasible then the resources shall be curated in a culturally appropriate manner at a San Diego County curation facility or Tribal curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided to the County. There shall be no destructive or invasive</p>			

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					testing on sacred items, burial goods and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV Monitoring Report.			
	Avoidance of impacts to previously undiscovered human remains	PD	DPW Project Archaeologist	During construction	<p>A qualified archaeologist and Luiseño Native American monitor will be provided during initial project-related ground disturbing activities. If human remains are encountered, consistent with California Health and Safety Code Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin of the remains. Further, consistent with California Public Resources Code Section 5097.98(b), human remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made.</p> <p>If the County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) shall be contacted within twenty-four (24) hours. The NAHC shall immediately identify the "most likely descendant(s)" (MLD) and notify them of the discovery. The MLD shall make recommendations within forty-eight (48) hours after being allowed access to the site, and engage in consultations with the landowner concerning the treatment of the remains. The immediate vicinity where the Native American human remains are located is not to be</p>			

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					damaged or disturbed by further construction activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed.			