

APPENDIX L

Mitigation Monitoring and Reporting Problem

Mitigation Monitoring and Reporting Program

Hughes Circuits Project

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Prepared for:

CITY OF SAN MARCOS

1 Civic Center Drive
San Marcos, California 92069
Contact: Chris Garcia

Prepared by:

DUDEK

605 Third Street
Encinitas, California 92024
Contact: Vanessa Scheidel

Mitigation Monitoring and Reporting Program

Introduction

This mitigation monitoring and reporting program (MMRP) was prepared by the City of San Marcos for the Hughes Circuits 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		
Biological Resources									
<p>MM-BIO-1 On-Site Preservation. Impacts to sensitive vegetation shall be mitigated through the on-site preservation of 8.07 acres of sensitive upland and wetland vegetation. The project shall result in the preservation of 7.32 acres of sensitive upland vegetation communities and 0.76 acres of wetland vegetation communities (which includes 0.02 acres of restored areas per MM-BIO-2). A land manager shall be identified to ensure that the project is managed and protected in perpetuity. A conservation easement for the 8.07 acres shall be recorded prior to the issuance of a grading permit or other timing agreed upon by the Planning Division Director or their designee.</p>	x				Applicant/ Qualified Biologist/ City Planning		Prior to issuance of a grading permit		
<p>MM-BIO-2 On-site Habitat Restoration. On-site habitat restoration will consist of the removal and restoration of invasive species, vernal pool restoration, and development of a habitat restoration plan.</p> <p>Invasive Species Removal. The 0.02 acres of tamarisk scrub will be restored to native emergent wetland habitat through the removal of the tamarisk and other non-native plant species. Tamarisk will be cut and stump treated with herbicide, and the other non-native species will be removed with a combination of herbicide application, mowing (line trimmers), and hand weeding. With the removal of those invasive species, the site will be planted and seeded to establish native emergent wetland species found on site, including but not limited to pale spikerush, Mexican rush, iris-leaf rush, alkali mallow (<i>Malvella leprosa</i>), and pickleweed.</p> <p>Vernal Pool Restoration. Vernal pool restoration will include some minor recontouring of the existing vernal pool basin where appropriate, mostly where vernal pools have been altered by road ruts, trail berms, and other past disturbances to the site. Any recontouring will avoid impacts to existing vernal pools and existing sensitive species and is intended to develop new pools or to expand pools from existing locations. Along with this minor recontouring, weed control will also be conducted in the vernal pools and surrounding watershed areas. Weed control will consist of a combination of herbicide application, mowing (line trimmers), and hand weeding. Vernal pools on site that are low in diversity, particularly those at the south end of the project, will be planted and seeded with vernal pools species known from the site. Seed collected for this purpose will come from on-site sources only. This will include, but is not limited to San Diego button celery, spreading navarretia, pale spikerush, annual coast plantago (<i>Plantago elongata</i>), aquatic pygmy plant (<i>Crassula aquatica</i>), toad rush (<i>Juncus bufonius</i>), smooth boisduvalia (<i>Epilobium campestris</i>), and woolly marbles (<i>Psilocarphus brevissimus</i>). Mitigation will not occur within the San Diego County Water Authority owned parcels. The project applicant will consult with the U.S. Fish and Wildlife Service to ensure that the mitigation plan does not impact listed species.</p> <p>Habitat Restoration Plan. The applicant shall prepare a conceptual habitat restoration plan outlining the restoration described above. Upon approval a 5-year implementation effort would follow the plan, including topographic reconstruction, weed control, seeding, container planting, irrigation, and a program of monitoring and reporting.</p> <p>The restoration plan shall be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. The plan should include, at a minimum: (a) a description of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control non-native vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. As part of the mitigation planning a</p>	x		x	x	Applicant/ Qualified Biologist/ City Planning		Prior to project construction		

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PAR-like cost evaluation will be developed and approved by USFWS to help determine long term costs in the endowment required to support those costs. The applicant is required to fund the endowment before the issuance of grading permits, and the endowment agreement shall be approved by USFWS.									
MM-BIO-3 Landscaping. The applicant shall ensure that development landscaping adjacent to on- or off-site habitat does not include exotic plant species that may be invasive to native habitats. Exotic plant species not to be used include any species listed on the California Invasive Plant Council's (Cal-IPC) "Invasive Plant Inventory" List. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to preserved lands and water runoff from landscaped areas should be directed away from the biological conservation easement area and contained and/or treated within the development footprint. The applicant shall ensure that development lighting adjacent to all on- or off-site habitat shall be directed away from and/or shielded so as not to illuminate native habitats.	X				Applicant/ City Planning		Prior to issuance of a grading permit		
MM-BIO-4 Temporary Installation Fencing. The project applicant shall temporarily fence the limits of the project impact footprint and install other appropriate sediment trapping devices to prevent additional impacts to, and the spread of silt from the construction zone into, adjacent habitats to be avoided. Fencing and sediment trapping devices will be installed in a manner that does not impact habitats to be avoided. If work occurs beyond the fenced limits of impact, all work will cease until the problem has been remedied to the satisfaction of the City. Any habitat impacts that occur beyond the authorized work will be offset at ratios approved by the City. Temporary construction fencing and sediment trapping devices will be removed upon project completion.		X	X		Applicant/ Qualified Biologist/ City Planning		Prior to any construction activities		
MM-BIO-5 Environmental Awareness Training. A Workers Environmental Awareness Training Program shall be implemented with the contractor and all active construction personnel prior to construction to ensure knowledge of sensitive wildlife which may occur on site including coastal California gnatcatcher and least Bell's vireo, their habitat, and general compliance with environmental/ permit regulations and mitigation measures. At a minimum, training will include a discussion of the following topics: (1) the purpose for resource protection; (2) a description of the coastal California gnatcatcher and least Bell's vireo and their habitat; (3) descriptions of the special-status plants and their habitat, (4) the MMs outlined in this report that should be implemented during project construction to conserve the sensitive resource, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); (4) environmentally responsible construction practices; (5) the protocol to resolve conflicts that may arise at any time during the construction process; and, (6) the general provisions of the FESA and California Endangered Species Act (CESA), the need to adhere to the provisions of the FESA and CESA, and the penalties associated with violating the FESA and CESA.		X			Qualified Biologist/ City Mitigation Monitor		Prior to any construction activities		
MM-BIO-6 Breeding Season Avoidance. The removal of coastal sage scrub and wetland vegetation from the project impact footprint will occur from September 1 to February 14 to avoid the bird breeding season. Further, to the maximum extent practicable, grading activities associated with construction of the project will occur from September 1 to February 14 to avoid the breeding season. If project construction must occur during the breeding season, MM-BIO-10 and MM-BIO-11 will be implemented.		x	X		Qualified Biologist/ City Planning	During all clearing and grubbing activities			

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MM-BIO-7 Work Hours. Project construction will occur during daylight hours. However, if temporary night work is required, night lighting shall abide by city standards and shall be, selectively placed, shielded, and directed away from natural habitats.			x		Contractor/City Planning				
MM-BIO-8 Construction Best Management Practices. The project applicant will ensure that the following conditions are implemented during project construction in order to minimize potential impacts to sensitive vegetation and species: <ol style="list-style-type: none"> 1. Employees will strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint; 2. To avoid attracting predators, the project site will be kept as clean of debris as possible. All food related trash items will be enclosed in sealed containers and regularly removed from the site; 3. Pets of project personnel will not be allowed on the project site; and, 4. Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures consistent with the Construction General Permit Order 2009-009-DWQ. 		x	x		Applicant/ Contractor/ City Planning				
MM-BIO-9 Biological Monitor Requirements and Duties. A qualified biologist will be on site daily during initial clearing/grubbing and weekly during grading activities within 500 feet of coastal California gnatcatcher and least Bell's vireo habitat to ensure compliance with all project-imposed mitigation measures. The biologist will be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the project's engineer to ensure that issues relating to coastal California gnatcatcher, least Bell's vireo and their habitat are appropriately and lawfully managed. <p>The qualified biological monitor will also be responsible for the following duties:</p> <ol style="list-style-type: none"> 1. Oversee installation of and inspect temporary fencing and erosion control measures within or up-slope of avoided and/or preserved areas a minimum of once per week during installation and daily during all rain events until established to ensure that any breaks in the fence or erosion control measures are repaired immediately. 2. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust. 3. Halt work, if necessary, and confer with the USFWS and City to ensure the proper implementation of species and habitat protection measures. The biologist will report any violation to the USFWS and City within 24 hours of its occurrence. 4. Submit weekly letter reports (including photographs of impact areas) via regular or electronic mail (email) to the City during clearing/grubbing of potential habitat and/or project construction resulting in ground disturbance within 500 feet of avoided potential habitat. The weekly reports will document that authorized impacts were not exceeded and general compliance with all conditions. The reports will also outline the duration of monitoring, the location of construction activities, the type of construction that occurred, and equipment used. These reports will specify numbers and locations of any coastal California gnatcatcher/least Bell's vireo and nests, sex, observed behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate impacts to coastal California gnatcatcher/least Bell's vireo and nests. 5. Submit a final report to the City within 60 days of project completion that includes the following: (1) as-built construction drawings for grading with an overlay of any active nests; 		x	x		Qualified Biologist/ City Planning	During all clearing and grubbing activities			

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(2) photographs of habitat areas during pre-construction and post-construction conditions; and (3) other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with the avoidance/minimization provisions and monitoring program as required by the USFWS were achieved.									
MM-BIO-10 California Gnatcatcher Survey. For initial clearing/grubbing of coastal California gnatcatcher habitat within the project development footprint, a biologist holding a Section 10(a)(1)(A) permit shall perform a minimum of three (3) focused surveys, on separate days, to determine the presence of California gnatcatchers or nests in the project impact footprint. Surveys will begin a maximum of seven (7) days prior to performing initial clearing/grubbing, and one survey will be conducted the day immediately prior to the initiation of clearing/grubbing. If any coastal California gnatcatchers are found in the project impact footprint, the biologist will direct construction personnel to begin clearing/grubbing in an area away from the coastal California gnatcatchers and attempt to flush coastal California gnatcatchers away from clearing/grubbing so that coastal California gnatcatchers will not be injured or killed by clearing/grubbing activities. If an active coastal California gnatcatcher nest is found, the nest will be avoided until nesting is confirmed to be completed by the biologist. The project applicant will notify the USFWS at least seven (7) days prior to the initiation of surveys and within 24 hours of locating any California gnatcatcher and/or nest.		x			Qualified Biologist/ City Planning/ USFWS	Prior to initial clearing and grubbing			
MM-BIO-11 California Gnatcatcher Nest Avoidance and Minimization Measures. If an active coastal California gnatcatcher (<i>Poliophtila californica californica</i>) nest is found on site or within 500 feet of project grading activities, the biologist shall postpone work within 500 feet of the nest and contact the U.S. Fish and Wildlife Service (USFWS) and the City of San Marcos to discuss (1) the best approach to avoid/minimize impacts to nesting coastal California gnatcatchers (e.g., sound walls, noise monitoring); and (2) a nest monitoring program acceptable to USFWS. Subsequent to these discussions, work may be initiated subject to implementation of the agreed-upon avoidance/minimization approach and monitoring program. If the biologist determines that bird breeding behavior is being disrupted, the project applicant shall stop work and coordinate with USFWS to review the avoidance/minimization approach. Upon agreement as to any necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued monitoring. Success or failure of an active nest shall be established by regular and frequent trips to the site, as determined by the biologist and through a schedule approved by the wildlife agencies. Monitoring of an active nest shall continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by USFWS.			x		Qualified Biologist/ City Planning/ USFWS	Ongoing until fledglings have dispersed or the nest has been determined to be a failure, as approved by USFWS.			
MM-BIO-12 General Pre-Construction Surveys. This mitigation measure serves to avoid take of birds protected under the Migratory Bird Treaty Act and California Fish and Game Code during the nesting season. Nesting Bird Survey. To avoid any direct impacts on raptors and/or any migratory birds protected under the Migratory Bird Treaty Act and California Fish and Game Code, removal of habitat that supports active nests on the proposed area of disturbance shall occur outside the nesting season for these species (which is February 15 through August 31, annually). If construction occurs during the nesting season then preconstruction nesting bird surveys must be conducted within 72 hours of construction-related activities. If nesting birds are detected by the biologist, the following buffers shall be established: 1) no work within 300 feet of a non-listed nesting migratory bird nest, and 2) no work within 500 feet of a listed bird or raptor nest. However, the biologist may reduce these buffer widths depending on site-specific conditions (e.g. the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level		x			Qualified Biologist/ City Planning/ USFWS	Prior to construction			

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of human activity within the buffer distance) in conjunction with consultation with the City. If construction must take place within the recommended buffer widths above, the project applicant will contact the City and Wildlife Agencies to determine the appropriate buffer.									
MM-BIO-13 Federal and State Agency Permits. Prior to impacts occurring to U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) (collectively, the Resource Agencies) jurisdictional aquatic resources, the project applicant or its designee shall obtain the following permits: USACE 404 permit, RWQCB 401 Water Quality Certification, and CDFW Fish and Game Code 1600 Streambed Alteration Agreement. The project applicant will consult with the U.S. Fish and Wildlife Service and get approval of the mitigation plan to ensure that it does not impact listed species.		x			Qualified Biologist/ City Planning/ USFWS	Prior to construction			
Cultural Resources									
MM-CR-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 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.		X			Applicant/ Native American Monitor/ City Mitigation Monitor	X	X		
MM-CR-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. A monitor representing the San Pasqual Band of Mission Indians shall be provided the opportunity to monitor, should they choose to. Native American monitoring shall include a monitor representing a TCA Tribe (Luiseño) and a monitor representing the San Pasqual Band of Mission Indians (if the San Pasqual Band elects to monitor). In the event that one or more TCA Tribe chooses not to enter into an agreement, or fails to respond to the offer, the City shall extend the opportunity for another TCA Tribe to provide a monitor. In the event that more than one TCA Tribe requests to provide a TCA Native American		X	x		Applicant/ City Planning/ Qualified Archaeologist/ TCA Native American Monitor	x	X		

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<p>monitor for activities subject to these measures, the City will allow for either: 1) up to one monitor from each consulting tribe to be present simultaneously; or 2) for the tribes to develop a rotating schedule that alternates monitoring between the tribes on a daily or weekly basis. The monitors shall be provided at least 72 hours' notice of the initiation of construction and be kept reasonably apprised of changes to the construction schedule. In the event that a monitor is not present at the scheduled time, work can continue without the monitor present, as long as the notice was given and documented.</p> <p>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.</p> <p>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 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.</p> <p>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.</p>									
<p>MM-CR-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</p>			X		Qualified Archaeologist/ TCA Native American Monitor/City Planning	X	X (if applicable)		

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<p>Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field. All unearthened 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.</p> <p>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.</p> <p>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.</p> <p>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 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.</p> <p>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 unearthened 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.</p> <p>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</p>									

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<p>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.</p>									
<p>MM-CR-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.</p> <p>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 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.</p> <p>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]).</p>			X		Qualified Archaeologist/ City Planning	X (if applicable)	X (if applicable)		
Geology and Soils									
<p>MM-GEO-1 Paleontological Resources Impact Mitigation Program. Prior to commencement of any grading activity on site, the applicant shall retain a qualified paleontologist meeting the Society of Vertebrate Paleontology (SVP) (2010) guidelines. The paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the Project. The PRIMP shall be consistent with the guidelines of the SVP (2010) and include the following elements: project description, preconstruction worker environmental awareness training, frequency of monitoring, salvage protocols, reporting, and collections management. The qualified paleontologist or a qualified monitor meeting the SVP (2010) guidelines shall be on site during all rough grading and</p>		x	X		Qualified Paleontologist/ City Planning	X (if applicable)			

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<p>other significant ground-disturbing activities below a depth of 5 feet below the existing ground surface in previously undisturbed, Pleistocene-age deposits and all disturbance within the middle Eocene age Santiago Formation. If excavations below 5 feet are not impacting previously undisturbed deposits, as determined by the qualified paleontologist, spot-check monitoring shall ensue. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor shall temporarily halt and/or divert grading activity to allow recovery of the paleontological resources. The area of discovery shall be roped off with a 50-foot-radius buffer to document and collect the fossils. Once documentation and collection of the find is completed, the monitor shall remove the rope and allow grading to recommence in the area of the find. No monitoring is required during excavations that the paleontologist determines are within artificial fill or younger alluvium (e.g., Holocene age Quaternary alluvium, younger than approximately 11,700 years).</p>									
Transportation									
<p>MM-TRA-1 Provide Ridesharing Program (CAPCOA T-8). This measure would implement a ridesharing program for employees. The program shall include desirable parking spaces for ridesharing vehicles, adequate passenger loading/unloading and waiting areas for ridesharing vehicles, and an app/website for ride coordination. This measure would reduce up to 2.0% Employee VMT with 50% employee eligibility.</p>				x	Applicant/ City Planning		Prior to occupancy		
<p>MM-TRA-2 Provide End-of-Trip Bicycle Facilities (CAPCOA T-10). This measure would install and maintain end-of-trip facilities for employee use, including bike parking, bike lockers, showers, and personal lockers. This measure would reduce up to 0.6% Employee VMT.</p>				x	Applicant/ City Planning		Prior to occupancy		
<p>MM-TRA-3 Expand Bikeway Network (CAPCOA T-20). This measure would increase the length of a city or community bikeway network by providing bicycle infrastructure (Class I, Class II, or Class IV). More specifically, the project would construct 0.5 miles of Class II bicycle facilities along South Pacific Street between Linda Vista Drive and West San Marcos Boulevard. This bicycle facility would increase the existing bicycle lane miles within the City of San Marcos from 41.1 miles to 41.6 miles. The bike facility would provide additional opportunities to ride within the City and provide a direct connection between the Class I Bike Paths proposed along Linda Vista Drive and West San Marcos Boulevard. The proposed Class II bicycle lanes would have a 1 ½-foot buffer where on-street parking is allowed and a 3-foot buffer where on-street parking is prohibited. This measure would reduce up to 0.0001% Employee VMT.</p>			x		Applicant/ City Planning		Prior to occupancy		
Tribal Cultural Resources									
See MM-CR-1 through MM-CR-4, above									

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