

ATTACHMENT B – MITIGATION MEASURES

Goal Line Reliability Project

MM-BIO-1: To minimize potential impacts to nesting birds protected under the Migratory Bird Treaty Act (MBTA), construction activities should take place outside nesting season (February 1 to August 31) to the greatest extent practicable. If construction activities must occur during nesting season, the following shall be implemented to address potential impacts to nesting birds: A pre-construction nesting bird survey shall be conducted approximately 3 days prior to ground-disturbing activities by a qualified biologist retained by the Applicant. If nests are found during surveys, they shall be flagged and a 250-foot buffer to a 500-foot buffer (for raptors) shall be fenced around the nests. The buffer area shall be kept in place until the young have fledged and leave the nest. To the maximum extent practicable, a minimum buffer zone around occupied nests should be determined by a qualified biologist to avoid impacts to the active nest. The buffer should be maintained during physical ground-disturbing activities. Once nesting has ceased, the buffer may be removed.

MM-CUL-1: If requested by one or more participating tribes, the applicant shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location (TCA Tribe) prior to issuance of a grading permit to be submitted to the City. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources; and (2) to formalize protocols and procedures between the City and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains; funerary objects; cultural and religious landscapes; ceremonial items; traditional gathering areas; and cultural items located and/or discovered through a monitoring program in conjunction with the construction of the Proposed Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.

MM-CUL-2: Prior to issuance of a grading permit, the applicant shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior, 2008) to prepare the CRMP in coordination with participating tribe(s). The CRMP will include any additional information that can be utilized to determine the appropriate monitoring program. The qualified archeologist and Native American monitors associated with a TCA Tribe will implement the monitoring program, as described in the CRMP. Because the Project is located within shared territory of the Luiseño and Kumeyaay people, Native American monitors representing the interest and values of both the Luiseño and Kumeyaay people shall be retained for the project. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the qualified archaeologist that confirms that Native American monitors representing both Luiseño and Kumeyaay TCA Tribes have been retained. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

MM-CUL-3: The qualified archaeologist and, if requested by the participating tribe(s), a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.

MM-CUL-4: As required by the CRMP, the qualified archaeologist and the Native American monitor shall be on site during the initial grubbing, site grading, excavation or disturbance of the ground surface. The CRMP shall include protocols for monitoring and, if available, shall include any additional information and

related monitoring procedures for specific areas of the Project site that have been previously disturbed. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

MM-CUL-5: In the event that previously unidentified cultural resources that qualify as historical, unique archaeological, and/or tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

MM-CUL-6: If a potentially significant historical, unique archaeological, and/or tribal cultural resource is discovered, the qualified archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. Recommendations for the resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.

MM-CUL-7: The avoidance and/or preservation of significant cultural resources that qualify as historical, unique archaeological, and/or tribal cultural resources must first be considered and evaluated as required by CEQA. Where any significant resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.

MM-CUL-8: As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they

were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

MM-CUL-9: If the qualified archaeologist elects to collect any archaeological materials that qualify as tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified archaeologist does not collect the archaeological materials that qualify as tribal cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. The project archaeologist shall document evidence that all cultural materials have been curated and/or repatriated as follows:

- 1) It is the preference of the City that all tribal cultural resources be repatriated to the TCA Tribe as such preference would be the most culturally sensitive, appropriate, and dignified. Therefore, any tribal cultural resources collected by the qualified archaeologist shall be provided to the TCA Tribe. Evidence that all cultural materials collected have been repatriated shall be in the form of a letter from the TCA Tribe to whom the tribal cultural resources have been repatriated identifying that the archaeological materials have been received.

OR

- 2) Any tribal cultural resources collected by the qualified archaeologist shall be curated with its associated records at a San Diego curation facility or a culturally-affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collection and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence that all cultural materials collected have been curated shall be in the form of a letter from the curation facility stating the prehistoric archaeological materials have been received and that all fees have been paid.

MM-CUL-10: Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

MM-GEO-01: Prior to issuance of a grading permit, the applicant shall retain the services of a qualified paleontologist to remain on-call for the duration of the proposed ground disturbing construction activity. The paleontologist selected must be approved by the appropriate City/Lead Agency representative. The qualified paleontologist may also be a qualified archaeologist. Upon approval or request by the City, a paleontological mitigation plan (PMP) outlining procedures and protocols for paleontological monitoring and data recovery shall be prepared for the Proposed Project and submitted to the City for review and approval. The development and implementation of the PMP shall include any additional information that

can be utilized to determine the appropriate monitoring program, consultations with the applicant's engineering geologist, as well as a requirement that the curation of all specimens recovered under any scenario shall be through an appropriate repository agreed upon by the City. All specimens become the property of the City unless the City chooses otherwise. If the City accepts ownership, the curation location may be revised. The PMP shall include developing a multilevel ranking system, or Potential Fossil Yield Classification (PFYC), as a tool to demonstrate the potential yield of fossils within a given stratigraphic unit. The PMP shall outline the monitoring and salvage protocols to address paleontological resources encountered during ground disturbing activities. As well as the appropriate recording, collection, and processing protocols to appropriately address any resources discovered. The cost of data recovery is limited to the discovery of a reasonable sample of available material. The interpretation of reasonableness rests with the City, in consultation with the qualified paleontologist.

MM-GEO-02: At the completion of all ground-disturbing activities, the qualified paleontologist shall prepare a final paleontological mitigation report summarizing all monitoring efforts and observations, as performed in line with the PMP, and all paleontological resources encountered, if any. As well as providing follow-up reports of any specific discovery, if necessary. If no paleontological resources are identified during monitoring, the final reporting shall be addressed within the archaeological monitoring and/or evaluation report. A standalone paleontological mitigation report is only required if paleontological resources are encountered during monitoring.

MM-TCR-1: Retain a Native American Monitor/Consultant: Prior to the commencement of any ground disturbing activity at the Project site, the Project applicant shall retain a Native American Monitor (Tribal Monitor) that is a documented lineal descendant from an ancestral tribe (of Kumeyay Descent) of the Project area. A copy of the executed contract shall be submitted to the Lead Agency prior to the issuance of any permit necessary to commence a ground-disturbing activity. It is the contractor's responsibility to ensure the proper scheduling of the Tribal Monitor with a minimum of 48 hours' notice. If the scheduled Tribal Monitor does not arrive on time or without prior warning of absence, the work may proceed, IF an archaeological monitor is on-site. Per CUL-02, the participating Tribe(s) shall coordinate with the qualified archaeologist and the applicant to prepare a CRMP document that outlines an agreed upon monitoring program and associated protocols and procedures. The Tribal Monitor will only be present on-site during the construction phases that involve ground-disturbing activities involving intact, native, previously unexcavated, or undocumented fill sediments, and shall have the authority to temporarily halt or divert construction equipment if a potential find is made. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site Tribal monitoring shall end when all ground-disturbing activities on the Project site are completed, or when the Tribal Representatives or Tribal Monitor have indicated that all upcoming ground-disturbing activities at the Project site have little to no potential for impacting Tribal Cultural Resources (TCRs). Upon discovery of any TCRs, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 50 feet) until the find can be assessed. If the find is archaeological in nature, a qualified archaeologist must inspect it and work with the Tribal monitor to determine appropriate evaluation methods. All TCRs unearthed by project activities shall be evaluated by the Tribal monitor and a qualified archaeologist. If the resources are Native American in origin, the appropriate ancestral Tribe may be offered the respective resources, once the finds have been properly documented and analyzed by a

qualified archaeologist. The participating Tribe, in consultation with the City and qualified archaeologist, will determine the correct treatment of the artifacts. Repatriation is the preferred manner of treatment. If repatriation is not feasible, preservation in place or treatment that includes implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis shall be implemented.