

RESOLUTION NUMBER R- 295439

ADOPTED ON SEP 10 2001

BE IT RESOLVED, by the Council of the City of San Diego, that it is hereby certified that LDR Mitigated Negative Declaration Numbers 40-0793 (dated February 9, 2001), 40-0903 (dated January 22, 2001), 40-0309 (dated July 19, 2000), 40-1063 (dated March 12, 2001) and 41-0302 (dated July 31, 2001), on file in the office of the City Clerk, have been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declarations reflect the independent judgment of the City of San Diego as Lead Agency and that the information contained in the reports, together with any comments received during the public review process, have been reviewed and considered by this Council in connection with the approval of Sewer and Water Replacement Group 2000.

BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Studies and therefore, that said LDR Mitigated Negative Declarations, copies of which are on file in the office of the City Clerk and incorporated by reference, are approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Programs, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, copies of which are attached hereto as Exhibits A, B, C, D and E, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: CASEY GWINN, City Attorney

By *Cristie C. McGuire*
Cristie C. McGuire
Deputy City Attorney

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8/28/01
Or.Dept:E&CP
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Sewer and Water Group 699

LDR No. 40-0793

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration LDR No. 40-0793 shall be made conditions of project approval as may be further described below.

Historical Resources (Archaeology)

1. Prior to the preconstruction meeting, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified archaeologist, as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the monitoring program. **ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**
 - a. **THE REQUIREMENT FOR ARCHAEOLOGICAL MONITORING SHALL BE NOTED ON THE GRADING PLANS.**
 - b. The qualified archaeologist shall attend all preconstruction meetings to make comments and/or suggestions concerning the monitoring program with the construction manager and/or grading contractor. **THE ARCHAEOLOGICAL MONITORING SHALL COMPLETE A RECORDS SEARCH PRIOR TO THE PRECONSTRUCTION MEETING AND BE PREPARED TO INTRODUCE ANY PERTINENT INFORMATION CONCERNING EXPECTATIONS AND PROBABILITIES OF DISCOVERY DURING TRENCHING AND/OR GRADING ACTIVITIES.**
 - c. The qualified archaeologist or archeological monitor shall be present full-time during excavation of native soils. Monitoring is required for the mainline, laterals and all appurtenances that impact native soils as detailed on the plans or in the contract documents, and called out on the following sheets (Drawing No. 30556-01-D). **Note:**

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Sheet and station numbers are approximate and subject to change during the life of the job. It is the contractor's responsibility to keep the monitor up-to-date with current plans.

- i. Sheet 3, between Station 0+00.00 and Station 5+72.28.
 - ii. Sheet 4, between Station 1+53.48 and Station 6+23.68.
 - iii. Sheet 5, between Station 0+11.17 and Station 5+88.78.
 - iv. Sheet 6, between Station 0+00.00 and Station 3+29.82.
 - v. Sheet 7, between Station 0+00.00 and Station 2+05.00.
 - vi. Sheet 8, between Station 0+00.00 and Station 3+65.41.
 - vii. Sheet 9, "*Reynard Way*" between Station 0+00.00 and Station 5+50.52.
 - viii. Sheet 9, "*Profile A*" between Station 0+00.00 and Station 0+24.28.
 - ix. Sheet 9, "*Profile B*" between Station 0+00.00 and Station 0+43.77.
 - x. Sheet 9, "*Profile C*" between Station 0+00.00 and Station 0+21.55.
 - xi. Sheet 10, between Station 0+00.00 and Station 1+92.50.
 - xii. Sheet 11, between Station 0+00.00 and Station 5+81.80.
 - xiii. Sheet 12, between Station 0+00.00 and Station 3+01.10.
 - xiv. Sheet 13, between Station 0+00.00 and Station 5+29.58.
 - xv. Sheet 14, between Station 0+00.00 and Station 1+45.00.
 - xvi. Sheet 15, "*Sheldon Avenue*" between Station 0+00.00 and Station 2+16.18.
 - xvii. Sheet 15, "*Profile A*" between Station 0+00.00 and Station 0+49.74.
 - xviii. Sheet 15, "*Pennsylvania Avenue*" between Sta. 0+00.00 and Sta. 2+59.00.
 - xix. Sheet 16, between Station 0+00.00 and Station 2+75.00.
 - xx. Sheet 17, between Station 0+00.00 and Station 2+17.59.
 - xxi. Sheet 18, between Station 0+00.00 and Station 6+54.15.
 - xxii. Sheet 19, between Station 0+00.00 and Station 6+47.30.
 - xxiii. Sheet 20, between Station 0+00.00 and Station 3+31.95.
 - xxiv. Sheet 21, between Station 0+00.00 and Station 2+72.73.
 - xxv. Sheet 23, "*Fort Stockton Drive*" between Sta. 0+00.00 and Sta. 2+80.00.
- d. **IN THE CASE OF A DISCOVERY, AND WHEN REQUESTED BY THE ARCHAEOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT, OR TEMPORARILY HALT GROUND DISTURBING ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW EVALUATION OF THE POTENTIALLY SIGNIFICANT CULTURAL RESOURCES. THE ARCHAEOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT TIME OF DISCOVERY.** The significance of the discovered resources shall be determined by the archaeologist, in consultation with LDR and the Native American community. LDR must concur with the evaluation before grading activities will be allowed to resume. For significant historical resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before grading activities in the area of discovery will be allowed to resume.
- e. If human remains are discovered, work shall halt in that area and procedures set forth in the California Public Resources Code (sec. 5097.98) and State Health and Safety

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Code (sec. 7050.5) shall be followed. If Native American remains are present, the County Coroner shall contact the Native American Heritage Commission to designate a Most Likely Descendant, who will arrange for the dignified disposition and treatment of the remains.

- f. All historical materials collected shall be cleaned, catalogued, and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and speciality studies shall be completed, as appropriate.
- g. Within three months following the completion of grading, a monitoring results report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to and approved by the Environmental Review Manager of LDR. For significant cultural resources, a Research Design and Data Recovery Program shall be included as part of the evaluation report. A mitigation report for significant historical resources, if required, shall be submitted (within three months following completion of grading) to and approved by the Environmental Review Manager of LDR.

Paleontology

2. Prior to the preconstruction meeting, the applicant shall provide a letter of verification to the Environmental Review Manager of the Land Development Review (LDR) Division stating that a qualified paleontologist, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. **ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**

a. **THE REQUIREMENT FOR PALEONTOLOGICAL MONITORING SHALL BE NOTED ON THE GRADING PLANS.**

b. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the monitoring program with the construction manager and/or grading contractor.

c. The qualified paleontologist or paleontological monitor shall be present full-time during the initial cutting of previously undisturbed geologic formations of moderate and high resource sensitivity at a depth of 10 or more feet. Monitoring may be decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated, and the abundance of fossils. Monitoring is required for the mainline, laterals and all appurtenances that impact sensitive geologic formations as detailed on the plans or in the contract documents, and called out on the following sheets (Drawing No. 30556-01-D). **Note: Sheet and station numbers are approximate and subject to change during the life of the job. It is the contractor's responsibility to keep the monitor up-to-date with current plans.**

- i. Sheet 2, between Station 0+00.00 and Station 1+50.00.
- ii. Sheet 3, between Station 0+00.00 and Station 1+82.72.
- iii. Sheet 4, between Station 0+00.00 and Station 6+23.68.
- iv. Sheet 5, between Station 0+11.17 and Station 5+88.78.
- v. Sheet 6, between Station 0+00.00 and Station 3+29.82.
- vi. Sheet 7, between Station 0+00.00 and Station 2+05.00.
- vii. Sheet 8, between Station 0+00.00 and Station 3+65.41.
- viii. Sheet 9, "*Reynard Way*" between Station 0+00.00 and Station 5+50.52.
- ix. Sheet 9, "*Profile A*" between Station 0+00.00 and Station 0+24.28.
- x. Sheet 9, "*Profile B*" between Station 0+00.00 and Station 0+43.77.
- xi. Sheet 9, "*Profile C*" between Station 0+00.00 and Station 0+21.55.
- xii. Sheet 10, between Station 0+00.00 and Station 1+92.50.

- xiii. Sheet 11, between Station 0+00.00 and Station 5+81.80.
 - xiv. Sheet 13, between Station 0+59.69 and Station 5+29.58.
 - xv. Sheet 14, between Station 0+00.00 and Station 1+45.00.
 - xvi. Sheet 15, "*Sheldon Avenue*" between Sta. 0+00.00 and Sta. 2+16.18.
 - xvii. Sheet 15, "*Profile A*" between Station 0+00.00 and Station 0+49.74.
 - xviii. Sheet 15, "*Pennsylvania Avenue*" between Sta. 0+00.00 and Sta. 2+59.00.
 - xix. Sheet 16, between Station 0+00.00 and Station 2+75.00.
 - xx. Sheet 17, between Station 0+00.00 and Station 2+17.59.
 - xxi. Sheet 19, between Station 0+00.00 and Station 6+47.30.
 - xxii. Sheet 20, between Station 0+00.00 and Station 3+31.95.
 - xxiii. Sheet 21, between Station 0+00.00 and Station 2+72.73.
- d. **WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT, OR TEMPORARILY HALT CONSTRUCTION ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDINGS AT THE TIME OF DISCOVERY. LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.**
- e. The paleontologist shall be responsible for the preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and the submittal of a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.
- f. Within three months following the completion of grading, a monitoring results report, with appropriate graphics, summarizing the results, analysis, and conclusions of the paleontological monitoring program shall be submitted to and approved by the Environmental Review Manager of LDR.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

CONDITIONS OF PROJECT APPROVAL

LDR NO. 40-0903

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration shall be made conditions of LDR No. 40-0903 as may be further described below.

MITIGATION, MONITORING AND REPORTING PROGRAM:

The following mitigation measures are required to reduce potential adverse project impacts to biological resources, historical resources, and paleontological resources, to below a level of significance.

Biological Resources

Prior to the preconstruction meeting, the Engineering and Capital Projects Department Project Manager shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified biologist and/or biological monitor as defined in the City of San Diego Biology Guidelines, has been retained to implement the biological monitoring program. The requirement for biological monitoring shall be noted on the grading plans. **ALL PERSONS INVOLVED IN THE BIOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START AND END OF CONSTRUCTION.**

Sections of work proposed to occur within the canyon between Indiana and Georgia Streets, as identified in Biological Letter Survey Report for Task No. 7 (KEA Environmental November 21, 2000) shall require the following mitigation measures to be implemented:

1. The qualified biologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the biological monitoring program with the construction manager.
2. The biologist shall be retained for the duration of construction activities to monitor activities and to ensure that sensitive biological resources are not adversely impacted by the project.

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3. The qualified biologist shall ensure that access paths are directed through the least sensitive portions of the canyon and that the paths are clearly marked with surveyor's flags.
4. All coast live oak trees in the project area shall be clearly marked by the biologist to prevent removal, cutting, trimming, or trampling by work crews during the construction phase of the project.
5. No staging areas, equipment access, disposal or temporary placement of excess fill, or any other construction activities shall be permitted within identified wetland areas or drainages.
6. Erosion control measures, such as silt fencing or other equivalent means, shall be installed to stabilize the soil in denuded area during the rehabilitation phase of the project. All root balls shall be left undisturbed to allow for regeneration to provide further soil stability.

Historical Resources

1. Prior to the preconstruction meeting, the Engineering and Capital Projects Department Project Manager shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified archaeologist and/or archaeological monitor as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the archaeological monitoring program. The requirement for archaeological monitoring shall be noted on the grading plans. **ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START AND END OF CONSTRUCTION.**
 - a. The qualified archaeologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the archaeological monitoring program with the construction manager.
 - b. The qualified archaeologist or archaeological monitor shall be present on-site full-time during construction activities involving only **NEW AND/OR DEEPER EXCAVATION** work in previously undisturbed soils, including laterals. This would include the following sheets (Drawing No. 30873-D). **Station numbers are approximate and are subject to change:**

Sheet 02 Sta. 1+00 to Sta. 2+42.50
 Sta. 2+00 to Sta. 2+88.56

Sheet 07: Sta. 1+00 to Sta. 2+55.27

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Sheet 08:	Sta. 1+00 to Sta. 6+00
Sheet 10:	Sta. 1+00 to Sta. 1+98 Sta. 3+50 to Sta. 4+22.94
Sheet 11:	Sta. 1+00 to Sta. 7+28.93
Sheet 12:	Sta. 1+00 to Sta. 6+00
Sheet 13:	Sta. 6+00 to Sta. 10+26.24
Sheet 14:	Sta. 1+00 to Sta. 7+45.12
Sheet 15:	Sta. 3+22.84 to Sta. 6+50.74
Sheet 16:	Sta. 0+00 to Sta. 6+00
Sheet 17:	Sta. 6+00 to Sta. 11+33.08
Sheet 18:	Sta. 1+00 to Sta. 4+43.63
Sheet 20:	Sta. 1+00 to Sta. 7+00
Sheet 21:	Sta. 7+00 to Sta. 10+40
Sheet 23:	Sta. 1+00 to Sta. 3+10.00
Sheet 26	Sta. 1+00 to Sta. 7+55.64
Sheet 27	Sta. 1+00 to Sta. 9+97.66
Sheet 28	Sta. 1+00 to Sta. 8+12.93

- c. **WHEN REQUESTED BY THE ARCHAEOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT, OR TEMPORARILY HALT GROUND DISTURBANCE ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW EVALUATION OF POTENTIALLY SIGNIFICANT CULTURAL RESOURCES. THE ARCHAEOLOGIST AND RESIDENT ENGINEER SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** The significance of the discovered resources shall be determined by the archaeologist, in consultation with LDR and the Native American community. LDR must concur with the evaluation before grading activities will be allowed to resume. For significant historical resources, a Research Design and Data Recovery Program shall be prepared and carried

out to mitigate impacts before grading activities in the area of discovery will be allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.

- d. All historical materials collected shall be cleaned, catalogued, and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate. Additionally, any sites or features encountered shall be recorded with the South Coastal Information Center at San Diego State University and with the San Diego Museum of Man.
- e. Within three months following completion of grading, a monitoring results report and/or evaluation report, if appropriate, which describes the results analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to and approved by the Environmental Review Manager of LDR. For significant cultural resources, a Research Design and Data Recovery Program shall be included as part of the evaluation report. A mitigation report for significant cultural resources, if required, shall be submitted to and approved by the Environmental Review Manager of LDR prior to the issuance of the Notice of Completion.

Paleontological Resources

1. Prior to the preconstruction meeting, the Engineering and Capital Projects Department shall provide verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified paleontologist and/or paleontological monitor, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the construction plans. **ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**
 - a. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager.
 - b. The paleontologist or paleontological monitor shall be on site full-time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated, and the abundance of fossils. Monitoring would include the following sheets (Drawing No. 30873- D). **Station numbers are approximate and subject to change:**

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Sheet 07: Sta. 2+55.27 to Sta. 4+07.54
Sheet 08: Sta. 1+00 to Sta. 5+59.34
Sheet 14: Sta. 1+00 to Sta. 7+45.12
Sheet 15: Sta. 3+22.84 to Sta. 6+30.74
Sheet 16: Sta. 1+00 to Sta. 6+00
Sheet 17: Sta. 6+00 to Sta. 11+05.61
Sheet 18: Sta. 1+00 to Sta. 4+43.63
Sheet 20: Sta. 1+00 to Sta. 4+43.63
Sheet 27: Sta. 1+00 to Sta. 9+97.66

- c. **WHEN REQUESTED BY THE PALEONTOLOGIST, THE RESIDENT ENGINEER SHALL DIVERT, DIRECT, OR TEMPORARILY HALT CONSTRUCTION ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE PALEONTOLOGIST AND RESIDENT ENGINEER SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.
- d. The paleontologist shall be responsible for preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and submittal of a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.
- e. Within three months following the completion of grading, a monitoring results report, with appropriate graphics, summarizing the results, analysis, and conclusions of the paleontological monitoring program shall be submitted to and approved by Environmental Review Manager of LDR.

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

SEWER GROUP JOB 632, CAPITAL IMPROVEMENT PROJECT NO. 443097

LDR NO. 40-0309

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration (LDR No. 40-0309) shall be made conditions of SEWER GROUP JOB 632, CAPITAL IMPROVEMENT PROJECT NO. 443097 as may be further described below.

Historical Resources

1. Prior to the preconstruction meeting, the applicant shall provide a letter of verification to the Environmental Review Manager of the Land Development Review Division (LDR) stating that a qualified archaeologist and/or archaeological monitor, as defined in the City of San Diego Historical Resources Guidelines, have been retained to implement an archaeological monitoring program. The requirement for archaeological monitoring shall be noted in the contract specifications and on the construction drawings for the proposed sewer improvements. **ALL PERSONS INVOLVED IN THE ARCHEOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE INITIATION OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**
 - a. The qualified archaeologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the archaeological monitoring program with the construction manager.
 - b. The qualified archaeologist or archaeological monitor shall be present on site full-time during all excavation of sewer main and connecting lateral trenches associated with the project, with the exception of those segments outlined below, since new sewer pipe installation will require excavation in previously unexcavated native soils as identified on sheets 4-22 of the "Plans for the Construction of Sewer Group 632" (28414-xx-D). The following locations do not require archaeological monitoring because proposed trench excavation will occur within an existing sewer alignment and will not exceed a 1-foot depth below the depth of the existing sewer main or lateral being replaced.

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- i. Sheet 12, between Station 6+00 (manhole 37) and Station 8+75 (manhole 38)
- ii. Sheet 16, between Station 3+00 (manhole 45) and Station 8+00 (beyond manhole 46)
- ii. Sheet 17, between Station 8+00 and Station 9+92 (manhole 48)

The above station numbers are approximate and are subject to change. Monitoring may also be decreased in instances where excavation is occurring within known geologic formational material at the discretion of the qualified archaeologist.

- c. **WHEN REQUESTED BY THE ARCHAEOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT OR TEMPORARILY HALT GROUND DISTURBANCE ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW EVALUATION OF POTENTIALLY SIGNIFICANT ARCHAEOLOGICAL RESOURCES. THE ARCHAEOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** The significance of the discovered resources shall be determined by the archaeologist in consultation with LDR and the Native American community. LDR must concur with the evaluation before grading activities will be allowed to resume. For significant archaeological resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before land disturbing activities in the area of discovery will be allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.
- d. All archaeological materials collected shall be cleaned, catalogued, and permanently curated with the appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate.
- e. Within three months following the completion of grading, an archaeological monitoring results report and/or evaluation report, if appropriate, describing the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to and approved by the Environmental Review Manager of LDR. For significant archaeological resources, a Research Design and Data Recovery Program shall be included as part of the evaluation report. A mitigation report for significant archaeological resources, if required, shall be submitted to and approved by the Environmental Review Manager of LDR within three months following the completion of the mitigation program.

Paleontological Resources

2. Prior to the preconstruction meeting, the applicant shall provide a letter of verification to the Environmental Review Manger of LDR stating that a qualified paleontologist and/or

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paleontological monitor, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. The requirements for paleontological monitoring shall be noted on the grading plans. **ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE INITIATION OF THE MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**

- a. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager.
- b. The paleontologist or paleontological monitor shall be on-site full-time during the initial cutting of previously undisturbed areas. Specifically, the following proposed sewer main and connecting lateral trenches will require paleontological monitoring, as identified on the "Plans for the Construction of Sewer Group 632" (28414-XX-D):
 - i. Sheet 04, between Station 0+00 (manhole 9) and Station 1+54 (manhole 11)
 - ii. Sheet 05, between Station 0+00 (manhole 11) and Station 1+89 (manhole 12)
 - ii. Sheet 09, between Station 0+00 (manhole 11) and Station 3+27 (manhole 26)
 - iv. Sheet 12, between Station 0+00 (manhole 28) and Station 3+00 (beyond manhole 36)

The above station numbers are approximate and are subject to change. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, and will depend on the rate of excavation, the materials excavated, and abundance of fossils.

- c. **WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT, OR TEMPORARILY HALT CONSTRUCTION ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDINGS AT THE TIME OF DISCOVERY. LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.**
- d. The paleontologist shall be responsible for preparation of fossils to a point of identification as defined in the city of San Diego Paleontological Guidelines and the submittal of a letter of acceptance from a local qualified curation facility. Any

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discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.

- e. Within three months following the completion of grading, a monitoring results report, with appropriate graphics summarizing results, analysis and conclusions of the paleontological monitoring program shall be submitted to and approved by the Environmental Review Manager of LDR.

EXHIBIT D

MITIGATION MONITORING AND REPORTING PROGRAM

SEWER GROUP JOB 633, CAPITAL IMPROVEMENT PROJECT NO. 44-210.6

LDR NO. 40-1063

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration (LDR No. 40-1063) shall be made conditions of SEWER GROUP JOB 633, CAPITAL IMPROVEMENT PROJECT NO. 44-210.6 as may be further described below.

Historical Resources

1. Prior to the preconstruction meeting, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified archaeologist, as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the monitoring program. **ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**
 - a. **THE REQUIREMENT FOR ARCHAEOLOGICAL MONITORING SHALL BE NOTED ON THE GRADING PLANS.**
 - b. The qualified archaeologist shall attend all preconstruction meetings to make comments and/or suggestions concerning the monitoring program with the construction manager and/or grading contractor. **THE ARCHAEOLOGIST SHALL COMPLETE A RECORDS SEARCH PRIOR TO THE PRECONSTRUCTION MEETING AND BE PREPARED TO INTRODUCE ANY PERTINENT INFORMATION CONCERNING EXPECTATIONS AND PROBABILITIES OF DISCOVERY DURING TRENCHING AND/OR GRADING ACTIVITIES.**
 - c. The qualified archaeologist or archeological monitor shall be present full-time during excavation of native soils. Monitoring is required for the mainline, laterals and all appurtenances that impact native soils as detailed on the plans (Drawing Nos. 28406-01-D thru 28406-18-D) or in the contract documents. **Note: It is the**

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contractor's responsibility to keep the monitor up-to-date with current plans.

- d. **IN THE CASE OF A DISCOVERY, AND WHEN REQUESTED BY THE ARCHAEOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT, OR TEMPORARILY HALT GROUND DISTURBING ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW EVALUATION OF THE POTENTIALLY SIGNIFICANT CULTURAL RESOURCES. THE ARCHAEOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT TIME OF DISCOVERY.** The significance of the discovered resources shall be determined by the archaeologist, in consultation with LDR and the Native American community. LDR must concur with the evaluation before grading activities will be allowed to resume. For significant historical resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before grading activities in the area of discovery will be allowed to resume.
- e. If human remains are discovered, work shall halt in that area and procedures set forth in the California Public Resources Code (sec. 5097.98) and State Health and Safety Code (sec. 7050.5) shall be followed. If Native American remains are present, the County Coroner shall contact the Native American Heritage Commission to designate a Most Likely Descendant, who will arrange for the dignified disposition and treatment of the remains.
- f. All historical materials collected shall be cleaned, catalogued, and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and speciality studies shall be completed, as appropriate.
- g. Within three months following the completion of grading, a monitoring results report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to and approved by the Environmental Review Manager of LDR. For significant cultural resources, a Research Design and Data Recovery Program shall be included as part of the evaluation report. A mitigation report for significant historical resources, if required, shall be submitted (within three months following completion of grading) to and approved by the Environmental Review Manager of LDR.

Paleontological Resources

2. Prior to the preconstruction meeting, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified paleontologist, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. **ALL PERSONS INVOLVED**

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IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.

- a. **THE REQUIREMENT FOR PALEONTOLOGICAL MONITORING SHALL BE NOTED ON THE GRADING PLANS.**
- b. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the monitoring program with the construction manager and/or grading contractor.
- c. The qualified paleontologist or paleontological monitor shall be present full-time during the initial cutting of previously undisturbed geologic formations of moderate and high resource sensitivity at a depth of 10 or more feet. Monitoring may be decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated, and the abundance of fossils. Monitoring is required for the mainline, laterals and all appurtenances that impact sensitive geologic formations as detailed on the plans (Drawing Nos. 28406-01-D thru 28406-18-D) or in the contract documents.
Note: It is the contractor's responsibility to keep the monitor up-to-date with current plans.
- d. **IN CASE OF A DISCOVERY, AND WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT, OR TEMPORARILY HALT CONSTRUCTION ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDINGS AT THE TIME OF DISCOVERY. LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.**
- e. The paleontologist shall be responsible for the preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and the submittal of a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.
- f. Within three months following the completion of grading, a monitoring results report, with appropriate graphics, summarizing the results, analysis, and conclusions of the paleontological monitoring program shall be submitted to and approved by the Environmental Review Manager of LDR.

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EXHIBIT E

MITIGATION MONITORING AND REPORTING PROGRAM

CONDITIONS OF PROJECT APPROVAL

LDR NO. 41-0302

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration shall be made conditions of LDR No. 41-0302 as may be further described below.

MITIGATION, MONITORING AND REPORTING PROGRAM:

The following mitigation measures are required to reduce potential adverse project impacts to historical resources to below a level of significance.

Historical Resources (Archaeology)

1. Prior to the first preconstruction meeting, the applicant shall provide a letter of verification to the Environmental Review Manager (ERM) of Land Development Review (LDR) stating that a qualified archaeologist, as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the monitoring program. **A SECOND LETTER SHALL BE SUBMITTED TO THE MITIGATION MONITORING COORDINATION (MMC) AT LEAST THIRTY DAYS PRIOR TO THE PRECONSTRUCTION MEETING AND SHALL INCLUDE THE NAMES OF ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING OF THIS PROJECT.**
2. **PRIOR TO THE FIRST PRECONSTRUCTION MEETING, THE ERM SHALL VERIFY THAT THE REQUIREMENT FOR ARCHAEOLOGICAL MONITORING AND NATIVE AMERICAN MONITORING, IF APPLICABLE, HAS BEEN NOTED ON THE GRADING PLANS.**
3. Prior to beginning construction, the permittee shall arrange a Preconstruction Meeting that shall include the Archaeologist, Construction Manager or Grading Contractor, Resident Engineer (RE) and MMC. The qualified archaeologist shall attend any grading related preconstruction meetings to make comments and/or suggestions concerning the archaeological monitoring program with the construction manager and/or grading contractor.

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AT THE PRECONSTRUCTION MEETING, THE ARCHAEOLOGIST SHALL SUBMIT TO MMC A COPY OF THE SITE/GRADING PLAN (REDUCED TO 11X17) THAT IDENTIFIES AREAS TO BE MONITORED. THE ARCHAEOLOGIST ALSO SHALL SUBMIT A CONSTRUCTION SCHEDULE INDICATING WHEN MONITORING IS TO OCCUR.

THE QUALIFIED ARCHAEOLOGIST SHALL COMPLETE A RECORDS SEARCH PRIOR TO THE PRECONSTRUCTION MEETING AND BE PREPARED TO INTRODUCE ANY PERTINENT INFORMATION CONCERNING EXPECTATIONS AND PROBABILITIES OF DISCOVERY DURING TRENCHING AND/OR GRADING ACTIVITIES. THE ARCHAEOLOGIST SHALL NOTIFY MMC OF THE START AND END OF MONITORING.

4. The qualified archaeologist shall be present full-time during grading/excavation of native soils and shall document activity via the Consultant Site Visit Record. These records shall be faxed to the RE and MMC each month.

Monitoring is required for the mainline, laterals, services and all other appurtenances that impact native soils, including trenching within native soils that is new and/or one foot deeper than existing mainlines, laterals, services and all other appurtenances as detailed on the plans or in the contract documents for Drawing No. 30406-D. **It is the contractors responsibility to keep the monitors up-to-date with current plans.**

5. **IN THE EVENT OF A DISCOVERY, AND WHEN REQUESTED BY THE ARCHAEOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT OR TEMPORARILY HALT GROUND DISTURBING ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW FOR PRELIMINARY EVALUATION OF POTENTIALLY SIGNIFICANT ARCHAEOLOGICAL RESOURCES. THE ARCHAEOLOGIST WITH PRINCIPAL INVESTIGATOR (PI) LEVEL EVALUATION RESPONSIBILITIES SHALL ALSO IMMEDIATELY NOTIFY MMC STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY. MMC WILL PROVIDE APPROPRIATE LDR STAFF CONTACT FOR CONSULTATION.**

The significance of the discovered resources shall be determined by the archaeologist in consultation with LDR and the Native American community, if applicable. LDR **must** concur with the evaluation **before** grading activities will be allowed to resume. For significant archaeological resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts **before** ground disturbing activities in the area of discovery will be allowed to resume.

6. If human remains are discovered, work shall halt in that area and procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be followed by the archaeological monitor after notification to the

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County Coroner by the City RE. If Native American remains are present, the County Coroner shall contact the Native American Heritage Commission to designate a Most Likely Descendant, who will arrange for the dignified disposition and treatment of the remains. Ground disturbing activities shall be allowed to resume in the area of discovery upon completion of the above requirements, to the satisfaction of LDR.

7. The archaeologist shall be responsible for ensuring that all cultural remains collected are cleaned, catalogued, and permanently curated with an appropriate institution; that a letter of acceptance for the curation institution has been submitted to MMC; that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
8. Within three months following the completion of monitoring, two copies of a monitoring results report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR and one copy sent to the RE.
9. For significant archaeological resources encountered during monitoring, the Research Design and Data Recovery Program shall be included as part of the final evaluation monitoring report. Two copies of the final monitoring report for significant archaeological resources, if required, shall be submitted to MMC for approval by the ERM of LDR and one copy sent to the RE.
10. The archaeologist shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms - DPR 523 A/B) any significant or potentially significant resources encountered during the archaeological monitoring program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center at San Diego State University with the final monitoring results report.

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