

RESOLUTION NUMBER R- 296370

ADOPTED ON APR 22 2002

BE IT RESOLVED, by the Council of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration LDR No. 40-0797, on file in the office of the City Clerk, has 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 declaration reflects the independent judgment of the City of San Diego as Lead Agency, and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of construction of Chollas Valley Trunk Sewer, Phase II.

BE IT FURTHER RESOLVED, that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said LDR No. 40-0797 Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated herein by reference, is hereby approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the Council hereby adopts the Mitigation Monitoring and Reporting Program, 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, a copy of which is attached hereto as Exhibit A, 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 Eric A. Swenson
Eric A. Swenson
Deputy City Attorney

EAS:far:pev
03/18/02
Or.Dept:E&CP
Bid No:K02091C
R-2002-1200
Form=mndr.frm

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

CHOLLAS VALLEY TRUNK SEWER PHASE II,

SITE DEVELOPMENT PERMIT NO. 40-0797

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. 40-0797) shall be made conditions of Site Development Permit No. 40-0797 as may be further described below.

Biological Resources

1. Prior to the first preconstruction meeting, the applicant shall contribute a total of \$8,470.00 to the City of San Diego Habitat Acquisition Fund to mitigate for the loss of 0.18 acre of Diegan coastal sage scrub and 0.17 acre of non-native annual grassland. This fee is based on mitigation ratios of 1:1 for Diegan coastal sage scrub (for impacts inside and outside of the MHPA), 1:1 for non-native annual grassland impacts within the MHPA, and 0.5:1 for non-native annual grassland impacts outside the MHPA.
2. Prior to the preconstruction meeting, the Environmental Review Manager of Land Development Review (LDR) shall verify that the applicable components of this measure have been met:

If grading or construction of the project is planned to occur between March 1 and August 15 of any given year, work shall be done as follows:

- Focused gnatcatcher surveys shall be required and noise barriers may be needed.
- Prior to construction, three surveys shall be conducted in accordance with the USFWS protocol for determining the presence or absence of California gnatcatchers within the adjacent MHPA. If this species is detected, their territories shall be plotted on a map with construction noise contour lines superimposed. If the gnatcatcher territories are outside of the 60 dB Leq (one-hour) contour line, construction may proceed. If the territories are within the 60 dB Leq (one-hour) contour line, the following mitigation will be required:
 - The gnatcatcher territories shall not be subjected to noise levels of 60 dB Leq (one-hour) or greater, or the ambient noise level if noise levels already exceed 60dB Leq (one-hour). To achieve this noise requirement, mitigation shall consist of one of the following options:

- a. Construction activities shall be allowed only between August 16 and February 29, or
 - b. Temporary noise and line of sight barrier(s) shall be installed between the habitat and the construction areas and/or noise-attenuating devices shall be installed on construction equipment to attenuate noise levels to 60 dB Leq (one- hour) or less.
- If option (b) is implemented, prior to construction the applicant shall submit verification that a qualified acoustician has been retained to provide noise monitoring. Noise projections shall be determined by the acoustician as to the nature of the construction and the accompanying noise levels. Based on the noise projections, noise monitoring shall be conducted at the edge of the habitat by a qualified acoustician to verify that noise within occupied areas of the MHPA is maintained below 60 dB Leq (one-hour). During construction, the acoustician and biologist shall provide monthly letter reports to MMC with the results of construction noise monitoring and assessment of the breeding/nesting behavior of the affected California gnatcatchers. If the techniques implemented are determined to be inadequate, then construction activities shall cease until such time that adequate noise attenuation is achieved or until August 16.
 - If a survey is not conducted and construction is proposed during the breeding season, presence would be assumed and option (b) would be required to reduce noise levels to 60 dB Leq (one-hour) or less.
 - If nests are detected outside the MHPA, further consultation is recommended with the City of San Diego and the U.S. Fish & Wildlife Service.

Prior to the preconstruction meeting, the Environmental Review Manager of LDR shall verify that the following notes are included on the construction drawings:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE ENVIRONMENTAL REVIEW MANAGER OF LDR:

A QUALIFIED BIOLOGIST SHALL SURVEY THOSE AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 dB Leq (one-hour) FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. IF GNATCATCHERS ARE PRESENT, THEN ONE OF THE FOLLOWING CONDITIONS MUST BE MET:

- A. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE THAT WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB Leq (one-hour) WITHIN ANY PORTION OF THE MHPA THAT IS OCCUPIED BY GNATCATCHERS. PRIOR TO THE COMMENCEMENT OF ANY OF THE ABOVE ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

- B. UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (E.G., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB Leq (one-hour) WITHIN PORTIONS OF THE MHPA OCCUPIED BY GNATCATCHERS. IMMEDIATELY FOLLOWING THE COMMENCEMENT OF THE ABOVE ACTIVITIES, THE ACOUSTICIAN SHALL MONITOR THOSE PORTIONS OF THE MHPA OCCUPIED BY GNATCATCHERS TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB Leq (one-hour). IF THE TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE, THEN THE ABOVE ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED.
3. Thirty days prior to the first preconstruction meeting, the applicant shall submit a letter for review and approval by the Environmental Review Manager of LDR verifying that a qualified biologist has been retained to implement the biological resources mitigation program. The requirement shall be made a condition of the Site Development Permit and shown on the construction plans and specifications. The biologist shall attend the first preconstruction meeting.
 4. All construction-related activity outside of the public right-of-way of local roads including but not limited to clearing, grubbing, grading, excavation, stockpiling of excavated material, and storage of materials, equipment and vehicles shall be limited exclusively to the construction corridor area identified on the construction drawings and that shown in the final biological technical report (RECON, June 4, 2001).
 5. Prior to initiation of any construction-related activity in the Chollas Creek area, the biologist and construction manager or other person designated by the applicant shall prepare a handout for distribution to construction crews that discusses the sensitive nature of adjacent habitats. The requirement shall be made a condition of the Site Development Permit and shown on the construction plans and specifications.
 6. Prior to initiation of any construction-related activity in the Chollas Creek area the biologist shall oversee the erection of temporary construction fencing at the limits of the construction corridor area identified on the construction drawings and that shown in the final biological technical report (RECON, June 4, 2001). Where staging and construction areas drain into adjacent sensitive habitats, silt fencing, fiber rolls or any other measures such as berms, swales or detention basins determined necessary by the biologist shall be installed along the construction limits and checked by the biologist. The requirement shall be made a condition of the Site Development Permit and shown on the construction plans and specifications. If measures being implemented by the construction crews during construction are determined by the biologist to be inadequate for protecting adjacent sensitive biological resources additional measures determined necessary by the biologist may be required. Prior to imposing additional measures, the biologist shall submit a request to the applicant and the Environmental Review Manager of LDR for review and approval.
 7. Prior to the first preconstruction meeting, the applicant shall provide detailed revegetation restoration plans and specifications, satisfactory to the Environmental Review Manager of LDR. The plans and specifications must be found to be in conformance with the "Conceptual Habitat Restoration and Mitigation Plan for the

Chollas Valley Trunk Sewer, City of San Diego, California," prepared by RECON (dated July 12, 2001), the requirements of which are summarized below:

- a. Restoration Goal: The purpose of this project is to restore and enhance the function and habitat values lost by impacts to wetland habitat. Revegetation of the impacted areas is intended to replace habitat temporarily impacted by the project with habitat of greater value. Enhancement of existing wetland vegetation is intended to improve overall habitat quality. The proposed mitigation will provide for no net loss of wetland acreage and an increase in habitat values beyond the existing conditions.

The project will mitigate for temporary impacts to 0.21 acre of U.S. Army Corps of Engineers (USACE), California Department of Fish and Game (CDFG) and City of San Diego jurisdictional wetlands (southern willow scrub, mule fat scrub, and unvegetated drainage channel).

Mitigation for the 0.09 acre impact to southern willow scrub and the 0.07 acre impact to mule fat scrub shall be provided at a 2:1 ratio, consisting of 1:1 restoration and 1:1 enhancement for a total of 0.32 acre of mitigation. Mitigation for the 0.05 acre impact to unvegetated drainage channel shall be provided at a 1:1 ratio, consisting of restoration.

b. Responsibilities:

- i. Project Proponent: The City of San Diego shall be responsible for providing detailed construction drawings, accurate timelines, and written project specification, funding, and coordination between contractor and project biologist.
- ii. Project Biologist: The biologist shall be responsible for monitoring the revegetation effort, and for preparing interim and annual reports describing the status effort. Biologist shall also assist the applicant and contractor with any decisions regarding the need for specific treatments and/or remedial actions.
- iii. Plant Supplier: The plant supplier shall produce properly aged plants in one-gallon containers ready for outplanting and all plants will be produced from seed or cuttings collected on or adjacent to the site and inoculated with mycorrhizae.
- iv. Seed Supplier: The seed supplier will be responsible for the removal of non-native plants from seeded areas, collection of replacement seed, or the replacement of container stock if it has been determined that exotic species were present in the seed collection.

- c. Maintenance and Monitoring Requirements: The objectives of the maintenance and monitoring program are to ensure successful habitat establishment and development of an information base, which documents the maintenance and monitoring efforts. To achieve these objectives, the qualified biologist shall observe and direct restoration implementation, maintenance and monitoring activities.

The monitoring and maintenance period shall begin immediately upon completion of plant installation and include a 120-day plant establishment period (PEP). The site will be monitored weekly during implementation, monthly for the first two years and quarterly for the remainder of the project. The qualified biologist shall review the revegetation areas to examine transplant vigor, native annual and annual grass germination, and exotic plant encroachment. The qualified biologist will document the findings and make recommendations for remedial actions. A list of wildlife species observed on the revegetation areas will be compiled during each qualitative monitoring visit and shall be included in each annual report.

Quantitative monitoring will measure the development of vegetation in the revegetation area and document achievement of success criteria in the restoration area. Permanent vegetation sampling stations shall be established to measure year-to-year changes in cover. One representative sampling plot shall be established in each of the vegetation types to be revegetated. These will be sampled following the protocol of the California Native Plant Society (CNPS) Plant Communities Project. In the southern willow scrub restoration area, canopy height will also be measured at each sampling point within the CNPS survey protocol. Each sample endpoint will be utilized as a photo documentation point to record the progress of the revegetation project over the monitoring period.

Quarterly monitoring reports shall be submitted to the Environmental Review Manager of LDR and the City of San Diego Park and Recreation Department for the first year. The first quarterly report shall describe the project status in relation to the 120-day PEP. Annual reports summarizing monitoring results shall be submitted to the CDFG, USFWS, USACE, and the Environmental Review Manager of LDR and the City of San Diego Park and Recreation Department by December 31 of each year. The quantitative report will include survey methods, data summary analysis, performance standards comparisons, remedial action, recommendations, and photodocumentation. Each annual report shall compare findings of the current year with those in previous years.

- d. Performance Criteria: Revegetation will be considered successful when the performance standards have been met. If the minimum levels for any one of the measurements described below are not achieved in any year, the project biologist will implement remedial actions, such as replanting container stock, to reach the following year's expected levels. In order to meet the performance standards, the habitat must sustain itself for a minimum of one year in the absence of significant maintenance measures any year during the five-year monitoring period. Significant maintenance includes replanting and eradication of weed infestations. The following performance standards for planted material are required:

First Year Performance Standards:

80 percent survival of transplant/plant container

Second Year Performance Standards:

100 percent survival of transplant/plant container

50 percent plant cover of Southern Willow Scrub with average canopy height of 6 feet

Third Year Performance Standards:

100 percent survival of transplant/plant container
60 percent plant cover of Southern Willow Scrub with average canopy height of 8 feet

Fourth Year Performance Standards:

100 percent survival of transplant/plant container
70 percent cover of Southern Willow Scrub with average canopy height of 10 feet

Fifth Year Performance Standards:

100 percent survival of transplant/plant container
70 percent cover of Southern Willow Scrub with average canopy height of 12 feet

- e. Notification of Completion: At the conclusion of the five-year monitoring period, or at such time the project has achieved the performance standards, the project biologist shall inform the Environmental Review Manager of LDR, City of San Diego Park & Recreation Department, USFWS, CDFG, and USACE. A site review shall be scheduled for parties to review the revegetated sites. Upon confirmation of project success, the agencies shall release the project proponent of all obligations.
8. Prior to the first preconstruction meeting, the applicant shall submit verification that a qualified project biologist has been retained to oversee the implementation of the mitigation plan. The project biologist shall have experience preparing and monitoring such mitigation plans in San Diego County and shall be acceptable to the Environmental Review Manager of LDR and the resource agencies. The project biologist shall oversee other specialists and contractors involved in the implementation of the mitigation plan.
9. The applicant shall submit the following items to the Environmental Review Manager of LDR prior to the first preconstruction meeting which affects on-site wetlands:
- Evidence of compliance with Section 401 and 404 of the Federal Clean Water Act.
 - Evidence of compliance with Section 1601 of the State of California Fish and Game Code.
 - Evidence shall include either copies of permits issued, letters of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the Environmental Review Manager of LDR.

Historical Resources (Archaeology)

- 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 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 (any work on site), the owner/permittee shall arrange a Preconstruction Meeting that shall include the Archaeologist, Construction Manager or Grading Contractor, Resident Engineer (RE) and MMC. The qualified archeologist shall attend any grading related preconstruction meetings to make comments and/or suggestions concerning the archeological monitoring program with the construction manager and/or grading contractor.

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. This record 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. 28473-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 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 from 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 Environmental Review Manager of LDR and one copy sent the Resident Engineer.
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 the Resident Engineer.
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.

Paleontological Resources

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 paleontologist as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. **A SECOND LETTER SHALL BE SUBMITTED TO MITIGATION MONITORING COORDINATION (MMC) OF LDR AT LEAST THIRTY DAYS PRIOR TO THE PRECONSTRUCTION MEETING AND SHALL INCLUDE THE NAMES OF ALL PERSONS**

INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT.

2. **PRIOR TO THE FIRST PRECONSTRUCTION MEETING, THE ERM SHALL VERIFY THAT THE REQUIREMENT FOR PALEONTOLOGICAL MONITORING HAS BEEN NOTED ON THE GRADING PLANS.**
3. Prior to beginning construction (any work on site) the owner/permittee shall arrange a Preconstruction Meeting that shall include the Paleontologist, Construction Manager or Grading Contractor, Resident Engineer (RE), and MMC. The qualified paleontologist shall attend any grading related preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager and/or grading contractor. **AT THE PRECONSTRUCTION MEETING THE PALEONTOLOGIST SHALL SUBMIT TO MMC A COPY OF THE SITE/GRADING PLAN (REDUCED TO 11X17) THAT IDENTIFIES AREAS TO BE MONITORED. THE PALEONTOLOGIST ALSO SHALL SUBMIT A CONSTRUCTION SCHEDULE INDICATING WHEN MONITORING IS TO OCCUR. THE PALEONTOLOGIST SHALL NOTIFY MMC OF THE START AND END OF MONITORING.**
4. The qualified paleontological monitor shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity at depths of 10 feet or greater and shall document activity via the Consultant Site Visit Record. This record shall be faxed to the RE and MMC each month. Monitoring may be decreased at the discretion of the qualified paleontologist, provided they contact MMC and consult with appropriate EAS Staff. The decrease will depend on the rate of excavation, the materials excavated, and the abundance of fossils.

Monitoring is required for the mainline, laterals, services and all other appurtenances that impact formations with high and moderate resource sensitivity at depths of 10 feet or greater as detailed on the plans or in the contract documents, for Drawing No. 28473-D. **It is the contractors responsibility to keep the monitors up-to-date with current plans.**
5. **IN THE EVENT OF A SIGNIFICANT PALEONTOLOGICAL DISCOVERY, AND WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER (RE) SHALL DIVERT, DIRECT, OR TEMPORARILY HALT CONSTRUCTION ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE DETERMINATION OF SIGNIFICANCE SHALL BE AT THE DISCRETION OF THE QUALIFIED PALEONTOLOGIST. THE PALEONTOLOGIST WITH PRINCIPAL INVESTIGATOR (PI) LEVEL EVALUATION RESPONSIBILITIES SHALL ALSO IMMEDIATELY NOTIFY MMC STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY. MMC STAFF WILL PROVIDE APPROPRIATE LDR STAFF CONTACT FOR CONSULTATION.**
6. The paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines, and submittal of a letter of acceptance from a local qualified curation facility. If the

fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact LDR to suggest an alternative disposition of the collection.

7. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
8. Within three months following the completion of grading/trenching, two monitoring results report (even if negative), which describes the results, analysis, and conclusions of the above monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR and one copy sent to the RE.