

RESOLUTION NUMBER R- 303016

DATE OF FINAL PASSAGE SEP 18 2007

WHEREAS, SD&AE Railroad and M&A Gabae, CLP, Owners, and the City of San Diego, Engineering and Capital Projects Department, Transportation Design Division, Permittee, submitted an application to the City of San Diego for a site development permit and easement deed for the Bayshore Bikeway project; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on SEP 18 2007; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 1901; NOW, THEREFORE,

BE IT RESOLVED, by the City Council, that it is certified that Final Environmental Impact Report No. 1901, 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 report reflects the independent judgment of the City

of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this City Council in connection with the approval of a site development permit and easement deed for the Bayshore Bikeway project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the office of the City Clerk and incorporated herein by reference.

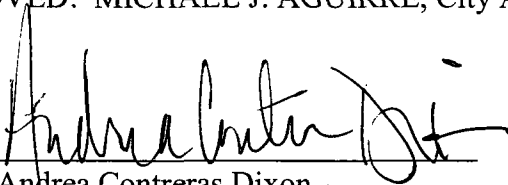
BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council 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: MICHAEL J. AGUIRRE, City Attorney

By


Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
08/22/07
Or.Dept:DSD
R-200-137
MMS #5210

MITIGATION MONITORING AND REPORTING PROGRAM
BAYSHORE BIKEWAY – WESTERN SALT SEGMENT
PROJECT NO. 1901

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 Environmental Impact Report (Project No. 1901) shall be made conditions of the project as may be further described below.

A. Land Use

IMPACT: The proposed project would cover the railroad rails and bridges, which would cause the physical alteration of the existing visual components of the Coronado Belt Line (CBL), a designated local historic resource. The rails would be capped with dirt and the trestle bridges would be "covered" by steel truss bridges. The aesthetic and physical alterations would cause the proposed project to only partially meet the intent of the City's Historical Resources Regulations. Thus, the proposed project would be inconsistent with the City's Historical Resources Regulations. Project design features have been incorporated into the project to minimize the impact. Additionally, Mitigation Measures H2, H3, and H4 (see Section C, below) would reduce the conflict with the City's Historical Resources Regulations to the extent feasible; however, the impact is considered to remain significant and unmitigable.

IMPACT: The proposed project is located entirely within the MHPA, within an existing transportation corridor, and is therefore subject to the MHPA Adjacency Guidelines. The project's potential conflict with these guidelines is considered a significant impact. Mitigation Measure LU1, as provided below, would ensure the proposed project would be consistent with the MHPA Adjacency Guidelines. Mitigation Measure LU1 would reduce the significant impact to below a level of significance.

Mitigation Measure LU1

The project shall comply with the applicable MSCP Subarea Plan land use adjacency guidelines to ensure minimal impacts to the MHPA. Specifically, the project shall comply with the following measures regarding Drainage, Toxics, Lighting, Noise, Barriers, Invasives, and Grading/Land Development.

Drainage. All new and proposed parking lots and developed areas in and adjacent to the preserve must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials, and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA.

Toxics. Land uses, such as recreation and agriculture, that use chemicals or generate by-products such as manure, that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA.

Lighting. Lighting of all developed areas adjacent to the MHPA should be directed away from the MHPA. Where necessary, development should provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting.

Noise. Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA.

Barriers. New development adjacent to the MHPA may be required to provide barriers (e.g. non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.

Invasives. No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.

Grading/Land Development. Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.

Method of Verification: ADD shall verify that all the MSCP Subarea Plan land use adjacency guidelines are incorporated into the design documents.

Timing of Verification: During project design and implementation.

Responsible Person: ADD of LDR

B. Biological Resources

IMPACT: The proposed project has the potential to result in the following impacts:

- Temporary, indirect construction noise impacts resulting in the disturbance of nesting bird species during construction of the bike path on top of the Main Street Dike and within Area 4.
- Direct, permanent impact to approximately 1.35 acres of disturbed coastal sage scrub as a result in construction in Area 4.
- Permanent, indirect impacts to Belding's Savannah sparrow as the result of abandonment of the narrow strip of marsh adjacent to the proposed bike path.
- Temporary impacts to approximately 0.02 acre of coastal salt marsh habitat, 0.01 acre of disturbed Diegan Coastal sage scrub, 0.003 acre of salt panne, and 0.027 acre of ruderal habitat as the result of 10-foot wide plywood access paths needed for construction of the steel truss bridges.

- No burrowing owls have been detected on the project site; however, suitable habitat exists in the project area.

Mitigation measures provided below will reduce the significant impact to below a level of significance.

Mitigation Measures A1, A2, A3, and B1-B19

Prior to the commencement of any construction related activity (including earthwork) on-site for PTS 1901, the City of San Diego shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the City Field Resident Engineer (RE), the monitoring biologist, a USFWS Refuge Representative (i.e., Refuge Manager), and staff from the City's Mitigation Monitoring and Coordination (MMC) Section.

Prior to the preconstruction meeting, the Assistant Deputy Director of the Land Development Review Division (LDR) shall verify that the following mitigation measures are noted on the construction plans/contract specifications submitted and included in the specifications under the heading *Environmental Mitigation Requirements*.

Construction plans shall include provisions for site security in order to prevent unauthorized access onto the project site and adjacent salt ponds during construction. Specific site security measures could include the installation of barriers and locked gates at both ends of the construction alignment and, if necessary, the presence of a security officer to patrol the construction site when no construction activities are underway.

UPLAND MITIGATION

Prior to the commencement of any construction related activity on-site (including earthwork and fencing) and/or the preconstruction meeting for PTS 1901, mitigation for direct impacts to 1.35-acres of cholla-dominated disturbed Diegan coastal sage scrub that result from the proposed bikeway shall be assured to the satisfaction of the City Assistant Deputy Director (ADD) of the Land Development Review Division (LDR)/Environmental Designee.

- (1a) A total of 1.35 acres of Tier II Diegan coastal sage scrub habitat located inside (1:1 ratio) the MHPA will be created on-site; or,
- (1b) A total of 1.35 acres of coastal sage scrub credit shall be contributed to the habitat acquisition fund (or combination thereof).

BIOLOGICAL MONITORING PROGRAM DURING CONSTRUCTION

At least thirty days prior to the Precon Meeting, the EAS approved, USFWS qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, plant salvage plans, revegetation plans, plant relocation requirements and timing, avian or other wildlife protocol surveys, impact avoidance areas described below, or other such information, have been completed and updated. The biologist should identify pertinent information concerning protection of sensitive resources, such as but not limited to, flagging of individual plants or small plant groups, limits of grade fencing and limits of silt fencing (locations may include 10-feet or less inside the limits of grading, or up against and just

inside of the limits of the grade fencing). Plant salvage may be initiated at this time (or sooner if addressed in the approved, Conceptual Revegetation Plan) under the direction of EAS, MMC and the USFWS.

Biological Monitor shall attend Preconstruction Meeting(s)

- a. The qualified Biologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the monitoring program with the Construction Manager and/or Grading Contractor.
- b. If the Biologist or USFWS is not able to attend the Precon Meeting, the RE or BI, if appropriate, will schedule a focused Precon Meeting for the Biologist, USFWS, MMC, and EAS staff, as appropriate, Monitors, Construction Manager and appropriate Contractor's representatives to meet and review the job on-site prior to start of any work that requires monitoring or construction on-site (including fencing).

Identify Areas to be Monitored

At the Precon Meeting, the Biologist shall submit to MMC a Biological Monitoring Exhibit (BME) site/grading plan (reduced to 11"x17") that identifies areas to be protected, fenced, and monitored, as well as areas that may require delineation of grading limits. Silt fencing (or other suitable environmental fencing) shall be installed to clearly delineate the limits of the right-of-way and Refuge interface, the environmentally sensitive areas (ESA's), and the proposed temporary construction access locations through the Refuge. These fencing requirements shall be included in the construction plans.

When Monitoring Will Occur

Prior to the commencement of work, the qualified Biologist shall also submit a construction schedule to MMC through the RE or BI, as appropriate, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring, at a minimum, the qualified biologist should be present when initial grading is occurring in the vicinity of sensitive habitat and for any earthwork in or adjacent to habitat during any potential avian nesting season to ensure conformance with state and federal migratory bird acts.

Biological Monitor Shall Be Present During Grading/Excavation

The qualified Biological Monitor shall be on site at a minimum when initial grading is occurring adjacent to wetland habitats and/or potential occupied avian or sensitive species habitat, to ensure that no take of sensitive species or active bird nests occurs, grading limits are observed, and that orange fencing and silt fencing are installed to protect sensitive areas outside earthwork limits. The qualified biologist shall document activity via the Consultant Site Visit Record. This record shall be sent to the RE or BI, as appropriate, each month. The RE, or BI as appropriate, will forward copies to MMC. The biological monitor shall have the authority to divert work or temporarily stop operations to avoid previously unanticipated significant impacts. IT IS THE CONTRACTOR RESPONSIBILITY TO KEEP MONITORS UP-TO-DATE WITH CURRENT PLANS.

During Construction

- a. No staging/storage areas for equipment and materials shall be located within or directly adjacent to habitat retained in open space area; no equipment maintenance shall be conducted within or near adjacent open space.
- b. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space. The contractor shall comply with all of the provisions of the Storm Water Pollution Prevention Plan for the project.
- c. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off site to an approved disposal facility.

Post Construction

- a. The Biologist shall be responsible for ensuring that all field notes and reports have been completed, all outstanding items of concern have been resolved or noted for follow up, and that specialty studies are completed, as appropriate.
- b. Within three months following the completion of monitoring, two copies of the Final Biological Monitoring Report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the Biological Monitoring Program (with appropriate graphics) shall be submitted by the Biologist to the MMC for approval by the ADD of LDR.
- c. During any construction activity (including earthwork and fence placement) for PTS 1901, if any previously undisclosed, additional, unforeseen, inadvertent, direct or indirect additional biological resources are impacted (as noted by the applicant, contractors, biological monitor, the Wildlife Agencies, the City, or other entity), they shall be disclosed. Such impacts shall be rehabilitated, revegetated, and /or mitigated per the City's ESL Guidelines and/or as determined by other jurisdictional agencies. Such additional measures shall be included as part of the Final Biological Monitoring Report.
- d. MMC shall notify the RE of receipt of the Final Biological Monitoring Report.

HABITAT RESTORATION PROGRAM FOR UPLAND (CHOLLA DOMINATED COASTAL SAGE SCRUB) AND WETLAND (TEMPORARY IMPACTS TO COASTAL SALT MARSH)

Prior to the commencement of any construction related activity on-site (including earthwork) and/or the preconstruction meeting for PTS 1901, the applicant department shall submit revegetation plans and specifications for both upland and wetland restoration efforts. The separate efforts shall be clearly delineated with appropriate success criteria.

Restoration of Cholla Dominated Coastal Sage Scrub would be accomplished by collecting cuttings of Cholla species on-site, allowing these cuttings to callous and subsequently planting them. It is anticipated that this would be accomplished in the ruderal areas along the newly constructed bike path and along the adjacent haul road (the potential cholla/CSS restoration location is identified on EIR Figure 5.2-3b).

Areas of coastal salt marsh temporarily impacted during construction are expected to recover naturally. In the event that trampled areas do not return to their pre-project condition, these areas would be planted with a mosaic of the same species impacted by construction as presented below. Prior to the temporary disturbance of coastal salt marsh habitat, the existing status of the habitat shall be documented so as to allow comparison between the pre- and post-project conditions. As such, prior to construction, the coastal salt marsh habitat to be impacted shall be qualitatively recorded via photo documentation. Additionally, a species list shall be generated and general species abundance and distribution recorded.

- a. Salt marsh species would be planted from 3 inch "rose pots" grown from seed or cuttings collected from the project vicinity. Species other than pickleweed (*Salicornia virginica*) would be propagated and planted to ensure a diverse salt marsh at the created site. Pickleweed is known to invade naturally and would not be excluded from the site. Species to be planted from propagated stock include:

<u>Scientific Name</u>	<u>Common Name</u>
<i>Batis maritima</i>	saltwort
<i>Frankenia salina</i>	alkali heath
<i>Limonium californicum</i>	sea lavender
<i>Distichlis spicata</i>	saltgrass
<i>Salicornia subterminalis</i>	glasswort
<i>Monanthochloe littoralis</i>	shoregrass

Prior to Permit Issuance.

- A. Land Development Review (LDR) Plan Check.
 - 1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for the revegetation/restoration mitigation, including mitigation of direct-permanent impacts cholla cactus dominated Coastal Sage Scrub and direct-temporary impacts to Coastal Salt Marsh have been shown and noted on the appropriate revegetation and restoration landscape construction documents (RRLCD) and also, within the first two pages, listed with condition number and page numbers under the heading of 'Environmental and Development Permit Requirements - Notes and Index'. The RRLCD must be found to be in conformance with the **Biological Resources Technical Report for the Proposed Western Salt**

Segment of the Bayshore Bikeway Conceptual Revegetation Plan, prepared by Tierra Environmental Services, (April 2007) the requirements of which are summarized below:

B. Revegetation and Restoration Landscape Construction Documents

1. The RRLDC shall be prepared on D-sheets and submitted to the City of San Diego Development Services Department and Park and Recreation Department Open Space Section (OSR) for review and approval. OSR shall consult with Mitigation Monitoring Coordination (MMC) prior to approval of RRLDC to coordinate specific field inspection issues on behalf of the City Park and Recreation Department Open Space Section. The RRLDC shall consist of revegetation/restoration, planting, irrigation and erosion control plans; including all required graphics, notes, details, specifications, letters, and reports as outlined below.
2. The RRLDC shall be prepared in accordance with the San Diego Land Development Code (LDC) Chapter 14, Article 2, Division 4, the LDC Landscape Standards submittal requirements, and Attachment "B" (General Outline for Revegetation/Restoration Plans) of the City of San Diego's LDC Biology Guidelines (July 2002). The Principal Qualified Design Biologist (PQDB) shall identify and adequately document all pertinent information concerning the revegetation/restoration goals and requirements, such as but not limited to, plant/seed palettes, timing of installation, plant installation specifications, method of watering, protection of adjacent habitat, erosion and sediment control, performance/success criteria, inspection schedule by City staff, document submittals, reporting schedule, etc. The Plans shall also include notes addressing the Five Year Maintenance, Monitoring and Reporting Period.
3. The following notes shall also be on the RRLDC:
The Project Contractor shall be responsible to insure that for all grading and contouring, clearing and grubbing, installation of plant materials, and any necessary maintenance activities or remedial actions required during installation and the 120 day plant establishment/maintenance period are done per approved the approved RRLDC. The following procedures at a minimum, but not limited to, shall be performed:
 - a. The Project Contractor shall be responsible for the maintenance of the mitigation area for a minimum period of 120 days. Maintenance visits shall be conducted on a weekly basis throughout the plant establishment/maintenance period.
 - b. At the end of the 120 day period the Principal Qualified Construction Biologist (City approved) shall review the mitigation area to assess the completion of the 120 day establishment/maintenance period and submit a report for approval by MMC.
 - c. MMC will provide approval in writing to begin the five year maintenance and monitoring program.
 - d. Existing indigenous/native species shall not be pruned, thinned or cleared in the revegetation/mitigation area.

- e. The revegetation site shall not be fertilized.
- f. The Project Contractor is responsible for reseeding (if applicable) if weeds are not removed, within one week of written recommendation by the Principal Qualified Construction Biologist.
- g. Weed control measures shall include the following: (1) hand removal, (2) cutting, with power equipment, and (3) chemical control. Hand removal of weeds is the most desirable method of control and will be used wherever possible.
- h. Damaged areas shall be repaired immediately by the Project Contractor. Insect infestations, plant diseases, herbivory, and other pest problems will be closely monitored throughout the five-year maintenance and monitoring program. Protective mechanisms such as metal wire netting shall be used as necessary. Diseased and infected plants shall be immediately disposed of off-site in a legally-acceptable manner at the discretion of the Principal Qualified Construction Biologist. Where possible, biological controls will be used instead of pesticides and herbicides.

Prior to Start of Construction

- A. Principal Qualified Construction Biologist Shall Attend Preconstruction (Precon) Meetings
 - 1. Prior to beginning any work that requires monitoring:
 - a. The owner/permittee or their authorized representative shall arrange and perform a Precon Meeting that shall include the Project Contractor, the Principal Qualified Construction Biologist, the City Project Manager, the Resident Engineer (RE), and MMC.
 - b. The Principal Qualified Construction Biologist shall also attend any other grading/excavation related Precon Meetings to make comments and/or suggestions concerning the RRLDC with the Project Contractor, RE and MMC.
 - c. If the Principal Qualified Construction Biologist is unable to attend the Precon Meeting, the owner/permittee shall schedule a focused Precon Meeting with the Project Contractor, Principal Qualified Construction Biologist, Project Manager, RE and MMC, prior to the start of any work associated with the revegetation/ restoration phase of the project, including site grading preparation.
 - 2. Where Revegetation/Restoration Work Will Occur
 - a. Prior to the start of any work, the Principal Qualified Construction Biologist shall also submit a revegetation/restoration monitoring exhibit (RRME) based on the appropriate reduced RRLDC (reduced to 11"x 17" format) to the RE and MMC, identifying the areas to be revegetated/restored including the delineation of the construction limit of work line and the construction staging areas. Construction plans shall indicate that the construction staging areas shall not be located within the Refuge.

3. When Biological Monitoring Will Occur

- a. Prior to the start of any work, the Principal Qualified Construction Biologist shall also submit a monitoring procedures schedule to the RE and MMC indicating when and where biological monitoring and related activities will occur.
- b. The Principal Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance within and surrounding sensitive habitats as shown on the approved RRLCD.
- c. All construction activities (including staging areas) shall be restricted to the development area as shown on the approved RRLCD. The Principal Qualified Construction Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved RRLCD.

4. Principal Qualified Biologist Shall Contact MMC to Request Modification

- a. The Principal Qualified Biologist may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the RRLCD. This request shall be based on relevant information (such as other sensitive species not listed by federal and/or state agencies and/or not covered by the MSCP and to which any impacts may be considered significant under CEQA) which may reduce or increase the potential for biological resources to be present.

B. Letters of Qualification Have Been Submitted to ADD

1. The Project Contractor shall submit, for approval, a letter verifying the qualifications of the Principal Qualified Construction Biologist to MMC at the time of Bid Opening. This letter shall identify the Principal Qualified Construction Biologist where applicable, and the names of all other persons involved in the implementation of the revegetation/restoration plan and the five year maintenance and monitoring program, as they are defined in the City of San Diego Biological Review References.
2. MMC will provide a letter to the Project Contractor confirming the qualifications of the Principal Qualified Construction Biologist and all City Approved persons involved in the revegetation/restoration plan and five year maintenance and monitoring program.
3. Prior to the start of work, the owner/permittee must obtain approval from MMC for any personnel changes associated with the revegetation/restoration plan and the five year maintenance and monitoring program.

During Construction

A. Principal Qualified Construction Biologist Present During Construction / Grading/Planting

1. The Principal Qualified Construction Biologist shall be present full-time during construction activities including but not limited to, site preparation, cleaning, grading, excavation,

landscape establishment in association with the construction of new trail segments, improvement of existing trail segments, construction of a retaining wall, construction of wetland crossings, and construction of staging (parking) areas which could result in impacts to sensitive biological resources as identified on the approved RRLDC. **The Principal Qualified Construction Biologist is responsible for notifying the Project Contractor of changes to any approved construction plans, procedures, and/or activities. The Principal Qualified Construction Biologist through the Project Contractor is responsible to notify the RE and MMC of the changes.**

2. The Principal Qualified Construction Biologist shall document field activity via the Consultant Site Visit Record Forms (CSVSR). The CSVSRs shall be faxed by the Principal Qualified Construction Biologist the first day of monitoring, the last day of monitoring, monthly, and in the event that there is a deviation from conditions identified within the approved RRLCD and/or five-year maintenance and monitoring program. The RE shall forward copies to MMC.
 3. The Principal Qualified Construction Biologist shall be responsible for maintaining and submitting the CSVSR at the time that Project Contractor responsibilities end (i.e., upon the completion of construction activity other than that of associated with biology).
 4. All construction activities (including staging areas) shall be restricted to the development areas as shown on the approved RRLCD. The Principal Qualified Construction Biologist staff shall monitor construction activities as needed, with MMC concurrence on method and schedule. This is to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved RRLCD.
 5. The revegetation/restoration effort shall be visually assessed at the end of 120 day period to determine mortality of individuals. A draft letter report shall be prepared to document the completion of the 120-day plant establishment period. The report shall include discussion on weed control, horticultural treatments (pruning, mulching, and disease control), erosion control, trash/debris removal, replacement planting/reseeding, site protection/signage, pest management, vandalism, and irrigation maintenance.
 6. The RE and the MMC will make a determination if the revegetation/ restoration program's 120 maintenance period is satisfactory or if it will need to be extended prior to the issuance of the Notice of Completion or any bond release.
 7. Removal of temporary construction BMPs, where appropriate, shall be verified in writing on the final construction phase CSVSR.
- B. Disturbance Notification Process
1. If unauthorized disturbances occur the Principal Qualified Construction Biologist shall direct the Project Contractor to temporarily divert construction in the area of disturbance and immediately notify the RE.

2. The Principal Qualified Construction Biologist shall also immediately notify MMC by telephone of the disturbance and report the nature and extent of the disturbance and recommend the method of additional protection, such as fencing. After obtaining concurrence with MMC and the RE, the Project Contractor shall install the approved protection under the direction of the Principal Qualified Construction Biologist.
3. The Principal Qualified Construction Biologist shall also submit written documentation of the disturbance to MMC within 24 hours by fax or email with photos of the resource in context (e.g., show adjacent vegetation).

C. Determination of Significance

1. The Principal Qualified Construction Biologist shall evaluate the significance of disturbance and provide a detailed analysis and recommendation in a letter report with the appropriate photo documentation to MMC to obtain concurrence and formulate a plan of action which can include fines, fees, and supplemental mitigation costs.
2. MMC shall review this letter report and provide the RE with MMC's recommendations and procedures.

Post Construction

A. Five-Year Mitigation, Establishment, Maintenance, Monitoring and Reporting Period.

1. Five-Year Mitigation Establishment/Maintenance Period.
 - a. The Project Contractor or a City (MMC) approved Maintenance Contractor and Principal Qualified Maintenance Biologist shall be retained to complete maintenance and monitoring activities throughout the five-year period.
 - b. Maintenance visits will be conducted twice per month for the first six months, once per month for the remainder of the first year, and quarterly thereafter.
 - c. Maintenance activities will include all items described in the approved RRLDC. Including temp BMPs associated with the revegetation.
 - d. Plant replacement will be conducted as recommended by the Principal Qualified Maintenance Biologist and the maintenance period may be extended to the satisfaction of the MMC.
2. Five-year Monitoring and Reporting Program.
 - a. All biological monitoring and reporting shall be conducted by a qualified and city approved Maintenance Biologist, consistent with the approved RRLDC.
 - b. Monitoring shall involve both qualitative monitoring (horticulture) and quantitative monitoring (i.e., performance/success criteria).
 - c. Qualitative monitoring surveys shall be conducted monthly during year one and quarterly during years two through five.

- d. Qualitative monitoring shall focus on soil conditions (e.g., moisture and fertility), container plant health, seed germination rates, presence of native and non-native (e.g., invasive exotic) species, any significant disease or pest problems, irrigation repair and scheduling, trash removal, illegal trespass, and any erosion problems.
 - e. Quantitative monitoring surveys shall be conducted. Quantitative monitoring surveys shall be conducted monthly during the first quarter and quarterly for the remainder of the first year. Bi-annual monitoring would be conducted for years 2 and 3. Annual monitoring visits would be conducted in years 4 and 5. The revegetation/restoration effort shall be quantitatively evaluated once per year (in spring) during years three through five, to determine compliance with the performance standards identified on the RRLDC. All plant material must have survived without supplemental irrigation for the last two years.
 - f. Quantitative monitoring shall include the use of fixed transects and photo points to determine the vegetative cover within the revegetated habitat. Collection of fixed transect data within the revegetation/restoration site shall result in the calculation of percent cover for each plant species present, percent cover of target vegetation, tree height and diameter at breast height (if applicable) and percent cover of non-native/non invasive vegetation. Container plants will also be counted to determine percent survivorship. The data will be used determine attainment of performance/success criteria identified within the Plans.
 - g. Biological monitoring requirements may be reduced if, before the end of the fifth year, the revegetation meets the fifth year criteria and the irrigation has been terminated for a period of the last two years.
3. Success Criteria for Cholla Dominated Coastal Sage Scrub Revegetation effort (1.35-acre)
- a. Cholla, like many cacti, is transplanted from cuttings. The limiting factor in establishment is likely to be adequate water. With supplemental irrigation it is expected that 80% of the planted cuttings would survive the first year. If less than 80% survive year One, additional cuttings would be collected and planted until that 80% target is attained. Allowing for natural mortality, 90% of those that survive year One are expected to survive to year Two. After year Two, monitoring would document primarily the development of the planted individuals until success criteria is established up to Year Five.
4. Success Criteria for Coastal Salt Marsh Revegetation Effort (0.02 acre (725 ft²))
- a. It is expected that 80% of the planted cuttings would survive the first year. If less than 80% survive Year One, additional container stock would be planted until that 80% target is attained. Allowing for natural mortality, 90% of those that survive year One are expected to survive to year Two. After Year Two, monitoring would document primarily the canopy development of the planted individuals until success criteria is established up to Year Five.

B. Site Progress Reports

1. Site progress reports shall be prepared by the Principal Qualified Maintenance Biologist following each site visit and provided to the owner/permittee and Maintenance Contractor. Site progress reports shall review maintenance activities, qualitative and quantitative (when appropriate) monitoring results including progress of the revegetation relative to the performance/success criteria, and the need for any remedial measures.

C. Annual Reports during the Five Years

1. Draft annual reports (during years 1, 2 and 4) (three copies) summarizing the results of each progress report including quantitative monitoring results and photographs taken from permanent viewpoints shall be submitted to City MMC for City built projects and the USFWS Refuge Manager, for review and approval within 30 days following the completion of that year of monitoring. Draft annual reports (during year 3) (three copies) summarizing the results of each progress report including quantitative monitoring results and photographs taken from permanent viewpoints shall be submitted to City MMC for City built projects and the USFWS Refuge Manager for review and approval within 30 days following the completion of that year of monitoring.
2. City/ MMC and Refuge Manager shall return the draft annual report to the Principal Qualified Maintenance Biologist for revision or, for final preparation of that year report.
3. The Principal Qualified Maintenance Biologist shall submit final annual report for that year to the owner/permittee, the Maintenance Contractor and City MMC and USFWS Refuge Manager for approval within 30 days of receiving comments on the draft annual report.
4. City MMC and USFWS Refuge Manager will provide written acceptance of the Report to the Principal Qualified Maintenance Biologist, the Maintenance Contractor and the owner/permittee.

D. Final Monitoring Reports(s)

1. The Principal Qualified Maintenance Biologist shall prepare a Final Monitoring Report upon achievement of the fifth year performance / success criteria and completion of the five year maintenance period.
 - a. This report may occur before the end of the fifth year if the revegetation meets the fifth year performance /success criteria and the irrigation has been terminated for a period of the last two years.
 - b. The Final Monitoring report shall be submitted to City MMC for evaluation of the success of the mitigation effort and final acceptance by the City Park and Recreation. A copy shall also be submitted to the USFWS Refuge Manager. A request for a pre-final inspection shall be submitted at this time which City MMC will schedule with City Park and Recreation Department after review of report.

- c. If at the end of the five years any of the revegetated area fails to meet the project's final success standards, the applicant must consult with City MMC, USFWS Refuge Manager, and the City Park and Recreation Department. This consultation shall take place to determine whether the revegetation effort is acceptable. The applicant understands that failure of any significant portion of the revegetation/restoration area may result in a requirement to replace or renegotiate that portion of the site and/or extend the monitoring and establishment/maintenance period until all success standards are met.
- d. Removal of temporary maintenance BMPs shall be verified in writing on the final construction phase CSVr by the Principal Qualified Maintenance Biologist.

FENCING

- 1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that proposed chain-link fencing is depicted on the construction plans and illustrated on both sides of the bike path for the entire length of the bike path, with the exception of the two bridge locations. Fencing specifications shall be as follows: a security fence up to seven feet high consisting of two-inch mesh, 6-gauge (0.192" diameter) black vinyl (or other appropriate black finish) chain link, with a black bottom rail that is secured in the center of the two line post using a 3/8" diameter eye hook anchored into a concrete footing (or equivalent per agreement with the Wildlife Agencies) and a 7-gauge coil spring wire installed upside down (e.g., the finished chain link shall be positioned at the bottom of the fence and the open, sharp-edged links shall be upright). The distance between the lower portion of the fence and the ground shall be no greater than two inches. The entire fence, including the chain link, posts, and bottom rail shall be black to improve the overall appearance of the fence.

SENSITIVE AVIAN SPECIES

- 1. Construction activities shall occur outside of the breeding period of the light-footed clapper rail (October 1 through February 14), least tern, cactus wren, Belding's Savannah sparrow, and western snowy plover. Prohibiting construction activities during these periods would reduce the impacts to below a level of significance.

Species	Breeding Season¹
Light-footed Clapper Rail	February 15 to September 30
Belding's Savannah Sparrow	February 15 to August 15
California Least Tern	April 1 to September 15
Western Snowy Plover	March 1 to September 15
Burrowing Owl	February 1 to August 31
San Diego Cactus Wren	February 15 to August 15

Note: ¹ = breeding seasons taken from USFWS (1997) for light-footed clapper rail; Source: Tierra (2002) for Belding's Savannah sparrow; City of San Diego (2002) for California least tern, western snowy plover, burrowing owl and San Diego cactus wren.

- 2. Due to potentially suitable burrowing owl habitat existing on and immediately off-site, pre-construction surveys shall be conducted to determine presence or absence of this species

onsite. If burrowing owls are observed onsite during preconstruction surveys, impacts to the species would be avoided to the maximum extent practical; any individuals would be relocated out of the impacted area using methodologies approved by the wildlife agencies pursuant to the CDFG Staff Report on Burrowing Owls, dated October 1995; and mitigation for impacts to occupied habitat (at the MSCP Subarea Plan ratio) would occur through the conservation of occupied burrowing owl habitat or conservation of lands appropriate for restoration, management and enhancement of burrowing owl nesting and foraging requirements.

3. If there is a potential for indirect noise impacts to nesting raptors, prior to any construction related activity within the development area during the raptor breeding season (February 1 through September 15) the biologist shall conduct a preconstruction survey to determine the presence of active raptor nests. If active nests are detected the biologist in consultation with the ADD Environmental Designee shall establish a species appropriate noise buffer zone. No construction shall occur within this zone.

NIGHTTIME LIGHTING

No nighttime lighting shall be allowed during project construction or operation.

Method of Verification: ADD shall verify that all the requirements for biological monitoring are noted on construction documents.

Timing of Verification: Prior to, during, and post construction.

Responsible Person: ADD of LDR

C. Historical Resources

IMPACT: There is the potential that site CA-SDI-4360 would be inadvertently impacted by project grading if the approved limits of grading are not clearly delineated for project construction contractors. Mitigation Measure H1, as provided below, would ensure that no significant indirect impact to CA-SDI-4360 would result from the proposed project construction activities. Mitigation Measure H1 would reduce the significant impact to below a level of significance.

Mitigation Measure H1:

Prior to Permit Issuance or Bid Opening/Bid Award

A. Land Development Review (LDR) Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological

Monitoring and Native American Monitor have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to the ADD

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.

3. Identify Areas to be Monitored

- a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits. These areas shall be identified by flagging in the field by the archaeological monitor.
- b. The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).
- c. MMC shall notify the PI that the AME has been approved.

4. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

5. Approval of AME and Construction Schedule

After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor and Native American Monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the AME and as authorized by the CM. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to the CM and/or RE for concurrence and forwarding to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous trenching activities, presence of fossil

formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American Monitor shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
 - (1). Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
 - (1). Note: For Pipeline Trenching Projects Only. If the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
 - (2). Note, for Pipeline Trenching Projects Only: If significance cannot be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources - Pipeline Trenching Projects

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
 - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
 - c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
 - d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. The NAHC will contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
3. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
4. The PI shall coordinate with the MLD for additional consultation.
5. The MLD has 48 hours to make recommendations to the property owner or representative for the treatment or disposition, with proper dignity, of the human remains and the associated grave goods.
6. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
 - c. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the NACH;
 - (2) Record an open space or conservation easement; or
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 6.c., above.

D. If Human Remains are **NOT** Native American

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).

3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for interment of the human remains shall be made in consultation with MMC, EAS, the applicant department and/or Real Estate Assets Department (READ) and the Museum of Man.

Night and/or Weekend Work

- A. If night work is included in the contract
 1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSV and submit to MMC via the RE by fax by 9am the following morning, of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact the RE and MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

Post Construction

- A. Submittal of Draft Monitoring Report
 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with

appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring,

a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.

b. Recording Sites with State of California Department of Parks and Recreation

The PI 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 with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all historical remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring 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.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
3. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

Method of Verification: ADD of LDR shall verify the requirements for cultural resources monitoring are noted on construction documents.

Timing of Verification: Prior to, during, and post construction.

Responsible Person: ADD of LDR

Mitigation Measure H2:

Proposed construction limits, and construction staging areas in the area of cultural resource site CA-SDI-4360 (shell midden) shall be confined to the proposed project right-of-way so as to avoid impacting any other portions of this cultural resource site. Prior to project site disturbance, a qualified archaeologist shall identify the limits of site CA-SDI-4360 in relation to approved limits of project disturbance through the use of flagging or environmental fencing so as to ensure no disturbance to this site occurs outside of the approved limits of disturbance for the proposed project. An archaeologist shall monitor site grading activities and recover any significance artifacts in the event they are uncovered during grading activity in this area.

Method of Verification: Define limits of grading and monitor during grading.

Timing of Verification: Prior to and during grading activities.

Responsible Person: Qualified archaeologist.

IMPACT: The proposed project would cover the railroad rails and bridges, which would cause the physical alteration of the existing visual components of the Coronado Belt Line (CBL), a designated local historic resource. The rails would be capped with dirt and the trestle bridges would be "covered" by steel truss bridges. The impact to the CBL, as it traverses the proposed project area, is considered significant, as the proposed project, although designed to preserve features in place, would result in the alteration of the existing rail corridor and alter the existing aesthetic conditions of the resource within the project corridor. Mitigation Measures H2, H3, and H4 would reduce the potential impact to this locally designated resource to the extent feasible; however, the impact is considered to remain significant and unmitigable. This conclusion is based on the unmitigable "temporary" alteration of the CBL features even though the linear feature would be preserved for future options.

Mitigation Measure H3:

Prior to the pre-construction meeting, a modified HAER (Historic American Engineering Report) shall be prepared for any portion of the existing elements of the CBL that would be covered or otherwise modified as part of the proposed project. This is anticipated to include the track, rails, and trestle bridges located within the proposed project corridor. Implementation of this measure shall be verified by the ADD of LDR.

Method of Verification: ADD's receipt of modified HAER.

Timing of Verification: Prior to pre-construction meeting.

Responsible Person: ADD of LDR and ESD

Mitigation Measure H4:

During construction, any CBL materials encountered that are not feasible to retain shall be recovered, and made available for future use at interpretive facilities planned as part of the proposed project, or other future interpretive facilities in the area. Implementation of this measure shall be verified by the cultural resources construction monitor (PI) during construction.

Method of Verification: Monitoring during construction.

Timing of Verification: During and post construction.

Responsible Person: Construction Monitor and MMC.

Mitigation Measure H5:

Prior to commencement of construction related activities, the Assistant Deputy Director of Land Development Review (ADD of LDR) shall assure that interpretive facilities are provided and are shown on construction documents within the project corridor that include elements of the CBL history, including, but not limited to public art, rail artifacts, relevant area history, etc. As proposed, interpretive facilities would be located at two points along the bike path segment. These facilities would provide information regarding the history of the CBL and would be constructed of materials that represent railroad features.

Method of Verification: ADD shall verify that all the interpretive facilities are included on the construction documents.

Timing of Verification: Prior to commencement of construction.

Responsible Person: ADD of LDR