

RESOLUTION NUMBER R- 305795

DATE OF FINAL PASSAGE MAY 11 2010

A RESOLUTION ADOPTING THE MITIGATION,  
MONITORING AND REPORTING PROGRAM REGARDING  
SEWER AND WATER GROUP JOB 728.

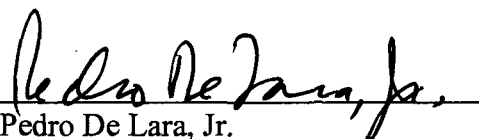
BE IT RESOLVED, by the Council of the City of San Diego [Council], that the Mitigated Negative Declaration [MND], Project Number, 25339, 37219, 25516, and 20273 dated August 18, 2006, for Sewer and Water Group Job 728 [Project] on file in the Office of the City Clerk, has been completed in compliance 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 sections 15000 et seq.).

BE IT FURTHER RESOLVED, that the MND 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 the Project.

BE IT FURTHER RESOLVED, that the Council finds that revisions to the Project now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said MND Project Number 25339, 37219, 25516, and 20273 a copy of which is on file in the Office of the City Clerk and incorporated herein by this reference, is 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 and incorporated herein by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Pedro De Lara, Jr.  
Deputy City Attorney

PDJ:sc  
03/10/10  
Or.Dept:E&CP  
R-2010-649

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 27 2010.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 5.11.10  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor



Land Development  
Review Division  
(619) 446-5460

## Mitigated Negative Declaration

Project Numbers: 25339, 37219, 25516 and  
20273

**SUBJECT:** Sewer and Water Group Jobs 728, 729, 735 and 676 CITY COUNCIL APPROVAL to allow for the replacement, abandonment, and installation of new sewer and water mains, laterals and manholes, as applicable located in the City right-of-way. Sewer and Water Group 728 involves the replacement and/or realignment of approximately 8,900 lineal feet (LF) of sewer, and approximately 1,100 LF of new water mains. Sewer and Water Group 729 consists of replacement and/or realignment of approximately 8,384 LF of sewer main and 1,250 LF of water main; Sewer and Water Group 735 involves the replacement and/or realignment of 6,440 LF of sewer pipes, and approximately 2,440 LF of water main. Sewer and Water Group 676 would consist of approximately 5560 LF of sewer replacement, 1284 LF of sewer rehabilitation, 171 LF of pipe burst, and 4778 LF of replacement and/or realignment of water main. Applicant: City of San Diego, Engineering and Capital Projects Department, Water and Sewer Design Division.

**SECOND UPDATE: AUGUST 18, 2006**

Revisions to this document have been made when compared to the Final Mitigated Negative Declaration (FMND) dated October 19, 2004. The FMND contained a MMRP for Archaeological and Paleontological monitoring. Subsequent to distribution of the FMND the MMRP's for Archaeological and Paleontological monitoring have been updated. The updated MMRP's have been included in this revised final. In accordance with the California Environmental Quality Act, Section 15073.5 (c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modification does not require recirculation as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated when there is identification of new significant environmental impact or the addition of a new mitigation measure required to avoid a significant environmental impact. The modifications within the environmental document do not affect the environmental analysis or conclusions of the MND. All current revisions are denoted as ~~double strikethrough~~ and double underline.

**UPDATE:**

Minor revisions to this document have been made when compared to the draft Mitigated Negative Declaration. These revisions reflect the need for public paleontology mitigation language. The changes do not affect the environmental analysis or conclusion of this document. All revisions are shown in a strike/underline format.

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- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas: **Paleontological Resources and Historical Resources (archeological)**. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the ~~potentially significant environmental effects previously identified, and the preparation of an~~ Environmental Impact Report will not be required.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

General

1. The Assistant Deputy Director (ADD) of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading Environmental Requirements: "The San Ysidro Health Center Project is subject to a Mitigation, Monitoring and Reporting Program (MMRP) and shall conform to the mitigation conditions as contained in the MND (Project No. 67124)."
2. The owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, the Project Paleontologist and the City's Mitigation Monitoring Coordination (MMC) Section.

HISTORICAL RESOURCES (ARCHAEOLOGY)

I. 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 monitoring, if applicable, have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to 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.

## II. 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 1/4 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 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
  - b. 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.
  - c. The AME shall be based on the results of a site specific records search as well

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as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).

d. 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.

III. During Construction

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

1. The 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 (CSV). The CSV'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.

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C. Determination of Significance

1. The PI and Native American representative, if applicable, 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 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 can not 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

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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.

#### IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures 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, shall determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner shall 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 shall notify the Native American Heritage Commission (NAHC). By law, ONLY the Medical Examiner can make this call.
2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
3. NAHC shall 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. 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 24 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.

##### 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.

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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 internment 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.

#### V. Night 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 work, The PI shall record the information on the CSVR and submit to MMC via the RE by fax by 9am the following morning, if possible.
  - 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 work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BL, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BL, as appropriate, shall notify MMC immediately.

##### C. All other procedures described above shall apply, as appropriate.

#### VI. 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.

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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 cultural 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.

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PALEONTOLOGICAL RESOURCES

I. 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 Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to 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 paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution 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.

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 paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological 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 paleontological monitoring program.

3. Identify Areas to be Monitored

- a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) 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.
- b. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
- c. MMC shall notify the PI that the PME 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 depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

5. Approval of PME and Construction Schedule

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

III. During Construction

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

1. The 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 PME and as authorized by the CM that could result in impacts to formations with high and/or moderate resource sensitivity at depths of 10 feet or greater and as authorized by the construction manager.. **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 (CSVR). The CSVR'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 trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological 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 shall evaluate the significance of the resource.
  - 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. The determination of significance for fossil discoveries shall be at the discretion of the PI.
  - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval of the program from MMC, MC and/or RE. PRP 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 (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
  - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.
    - (1). Note: For Pipeline Trenching Projects Only. If the fossil discovery is limited in size, both in length and depth; the information value is limited and there are no unique fossil features associated with the discovery area, then the discovery should be considered not significant.
    - (2). Note. for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record 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 fossil resources within the trench alignment and width shall be documented in-situ photographically, drawn in plan view (trench and profiles of side walls), recovered from the trench and photographed after cleaning, then analyzed and curated consistent with Society of Invertebrate Paleontology Standards. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact and so documented.
- 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 forms for the San Diego Natural History Museum) the resource(s) encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines. The forms shall be submitted to the San Diego Natural History Museum 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.

IV. Night 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 pre-con meeting.
2. The following procedures shall be followed.
  - a. No Discoveries  
In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVR and submit to MMC via the RE via fax by 9am the following morning, if possible.
  - b. Discoveries  
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
  - 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 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.

VI. Post Construction

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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 Paleontological 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 paleontological resources encountered during monitoring, the Paleontological Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
  - b. Recording Sites with the San Diego Natural History Museum  
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum 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 Fossil Remains

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

C. Curation of artifacts: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall submit the Deed of Gift 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 Deed of Gift 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 two copies of the Final Monitoring Report 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.

- ~~1. The following mitigation measures shall be noted on the submitted construction/grading plans and specification, and included under the heading, "Environmental Mitigation Requirements."~~

#### Historical Resources (Archaeology)

##### Prior to Preconstruction (Precon) Meeting

- ~~1. Land Development Review (LDR) Plan Check~~
  - ~~a. Prior to the first Precon Meeting, the Assistant Deputy Director (ADD) of LDR shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.~~
- ~~2. Letters of Qualification have been submitted to ADD~~
  - ~~a. Prior to the first Precon Meeting, the applicant shall provide a letter of verification to the ADD of LDR stating that a qualified Archaeologist, as defined in the City of San Diego Historical Resources Guidelines (HRC), has been retained to implement the monitoring program. If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.~~
- ~~3. Second Letter Containing Names of Monitors has been sent to Mitigation Monitoring Coordination (MMC)~~
  - ~~a. At least thirty days prior to the Precon Meeting a second letter shall be submitted to MMC which shall include the name of the Principal Investigator (PI) and the names of all persons involved in the Archaeological Monitoring of the project.~~
  - ~~b. MMC will provide Plan Check with a copy of both the first and second letter.~~
- ~~4. Records Search Prior to Precon Meeting~~
  - ~~a. At least thirty days prior to the Precon Meeting the qualified Archaeologist shall verify that a records search has been completed and updated as necessary and be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. 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.~~

##### Precon Meeting

- ~~1. Monitor Shall Attend Precon Meetings~~
  - ~~a. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Archaeologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading related~~

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~~Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.~~

- ~~b. If the Monitor is not able to attend the Precon Meeting, the PE or BI, if appropriate, will schedule a focused Precon Meeting for MMC, 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.~~

## ~~2. Units of Measure and Cost of Curation for CIP or Other Public Projects~~

- ~~a. Units of measure and cost of curation will be discussed and resolved at the Precon Meeting prior to start of any work that requires monitoring.~~

## ~~3. Identify Areas to be Monitored~~

- ~~a. At the Precon Meeting, the Archaeologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored as well as areas that may require delineation of grading limits.~~

## ~~4. When Monitoring Will Occur~~

- ~~a. Prior to the start of work, the Archaeologist shall also submit a construction schedule to MMC through the PE or BI, as appropriate, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.~~

## ~~During Construction~~

### ~~1. Monitor Shall be Present During Grading/Excavation~~

- ~~a. 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 sent to the PE or BI, as appropriate, each month. The PE, or BI as appropriate, will forward copies to MMC.~~

### ~~2. Monitoring of Trenches Will Include Mainline, Laterals, and all Appurtenances~~

- ~~a. Monitoring of trenches is required for the mainline, laterals, services and all other appurtenances that impact native soils one foot deeper than existing as detailed on the plans or in the contract documents identified by drawing number or plan file number. It is the Construction Manager's responsibility to keep the monitors up to date with current plans.~~

### ~~3. Discoveries~~

#### ~~a. Discovery Process~~

- ~~(1) In the event of a discovery, and when requested by the Archaeologist, or the PI if the Monitor is not qualified as a PI, the PE or BI, as appropriate, shall be contacted and shall divert, direct or temporarily halt ground disturbing activities in the area of discovery to allow for preliminary evaluation of~~

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~~potentially significant archaeological resources. The PI shall also immediately notify MMC of such findings at the time of discovery. MMC will coordinate with appropriate LDR staff.~~

~~b. Determination of Significance~~

- ~~(1) The significance of the discovered resources shall be determined by the PI 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, approved by DSD and carried out to mitigate impacts before ground disturbing activities in the area of discovery will be allowed to resume~~

~~e. Minor Discovery Process for Pipeline Projects~~

~~For all projects, The following is a summary of the criteria and procedures related to the evaluation of small historic deposits during excavation for pipelines.~~

~~(1) Coordination and Notification~~

- ~~(a) Archaeological Monitor shall notify RE, or DI, as appropriate, PI, if monitor is not qualified as a PI, and MMC.~~  
~~(b) MMC shall notify the Senior Planner in the Environmental Analysis Section (EAS) of DSD.~~  
~~(c) MMC shall coordinate all historic discoveries with the applicable Senior Planner, PI and the RE, to determine the appropriate level of evaluation that should occur.~~

~~(2) Criteria used to Determine if it is a Small Historic Deposit~~

- ~~(a) The deposit is limited in size both in length and depth; and,~~  
~~(b) The information value is limited and is not associated with any other resources; and,~~  
~~(c) There are no unique features/artifacts associated with the deposit.~~  
~~(d) A preliminary description and photographs, if available, shall be transmitted to MMC.~~  
~~(e) MMC will forward the information to EAS for consultation and verification that it is a small historic deposit.~~

~~(3) Procedures for documentation, curation and reporting~~

~~The following constitutes adequate mitigation of a small historic deposit to reduce impacts due to excavation activities to below a level of significance.~~

- ~~(a) 100% 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.~~  
~~(b) The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.~~  
~~(c) If site significance can not be determined, the Final Results Report and Site Record (DPR Form 523A/B) shall identify the deposit as a potentially~~

significant.

- ~~(d) The Final Results Report shall include a requirement for monitoring of any future work in the vicinity.~~

#### ~~4. Human Remains~~

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

##### ~~a. Notification~~

- ~~(1) Archaeological Monitor shall notify the RE or PI 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 will be directed 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, shall determine the need for a field examination to determine the provenience.~~
- ~~(3) If a field examination is not warranted, the Medical Examiner shall 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 shall notify the Native American Heritage Commission (NAHC). 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 identify the person or persons determined to be the Most Likely Descendant (MLD) and provide contact information.~~
- ~~(4) The PI will coordinate with the MLD for additional consultation.~~
- ~~(5) Disposition of Native American Human Remains will 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 24 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.~~

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~~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 reinterment of the human remains shall be made in consultation with MMC, EAS, the applicant department and/or Real Estate Assocs Department (READ) and the Museum of Man.~~

~~5. Night 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 pre-con meeting.~~
- ~~(2) The following procedures shall be followed:~~
  - ~~(a) No Discoveries~~

~~In the event that nothing was found during the night work, The PI will record the information on the Site Visit Record Form.~~
  - ~~(b) Minor Discoveries~~

~~All Minor Discoveries will be processed and documented using the existing procedures under During Construction, 3. e., for Small Historic Discoveries, with the exception in During Construction, 3. e. (1)(a), that the PI will contact MMC by 9 A.M. the following morning.~~
  - ~~(c) Potentially Significant Discoveries~~

~~If the PI determines that a potentially significant discovery has been made, the procedures under During Construction, 3. a. & b., will be followed, with the exception that in During Construction, 3. e., the PI will contact MMC by 8AM the following morning to report and discuss the findings.~~

~~b. If night work becomes necessary during the course of construction~~

- ~~(1) The Construction Manager shall notify the RE, or PI, as appropriate, a minimum of 24 hours before the work is to begin.~~
- ~~(2) The RE, or PI, as appropriate, will notify MMC immediately.~~

~~c. All other procedures described above will apply, as appropriate.~~

~~6. Notification of Completion~~

- ~~a. The Archaeologist shall notify MMC and the RE or the PI, as appropriate, in writing of the end date of monitoring.~~

~~Post Construction~~

- ~~1. Handling and Curation of Artifacts and Letter of Acceptance~~

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~~2. Letters of Qualification have been Submitted to the ADD~~

~~Prior to the recordation of the first final map, NTP, or any permits, including but not limited to, issuance of the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the applicant shall provide a letter of verification to the ADD of LDR stating that a qualified Paleontologist, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program.~~

~~3. Second Letter Containing Names of Monitors has been sent to Mitigation Monitoring Coordination (MMC)~~

~~a. At least thirty days prior to the Preconstruction (Precon) Meeting, a second letter shall be submitted to MMC which shall include the name of the Principal Investigator (PI) and the names of all persons involved in the Paleontological Monitoring of the project.~~

~~b. MMC will provide Plan Check with a copy of both the first and second letter.~~

~~4. Records Search Prior to Precon Meeting~~

~~At least thirty days prior to the Precon Meeting, the qualified Paleontologist shall verify that a records search has been completed, and updated as necessary, and be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Verification includes, but is not limited to, a copy of a confirmation letter from the San Diego Natural History Museum, other institution, or, if the record search was in house, a letter of verification from the PI stating that the search was completed.~~

**Preconstruction Meeting**

~~1. Monitor Shall Attend Precon Meetings~~

~~a. Prior to beginning of any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Paleontologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), and MMC. The qualified Paleontologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring Program with the Construction Manager and/or~~

~~b. Grading Contractor.~~

~~a. 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;~~

~~b. Curation of artifacts associated with the survey, testing and/or data recovery for this project shall be completed in consultation with LDR and the Native American representative, as applicable.~~

~~2. Final Results Reports (Monitoring and Research Design And Data Recovery Program)~~

~~a. Within three months following the completion of monitoring, two copies of the Final 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 ADD of LDR.~~

~~b. For significant archaeological resources encountered during monitoring, the Research Design And Data Recovery Program shall be included as part of the Final Results Report.~~

~~c. MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.~~

~~3. Recording Sites with State of California Department of Park and Recreation~~

~~a. 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 with the Final Results Report.~~

~~Paleontological Resources~~

~~**Prior to Preconstruction Meeting**~~

~~1. Land Development Review (LDR) Plan Check~~

~~Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Assistant Deputy Director (ADD) of Land Development Review (LDR) shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.~~

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~~e. If the Monitor is not able to attend the Precon Meeting, the RE, or BI as appropriate, will schedule a focused Precon Meeting for MMC, Monitors, Construction Manager and appropriate Contractors representatives to meet and review the job on site prior to start of any work that requires monitoring.~~

~~2. Identify Areas to be Monitored~~

~~At the Precon Meeting, the Paleontologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored.~~

~~3. When Monitoring Will Occur~~

~~Prior to the start of work, the Paleontologist also shall 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~~

~~During Construction~~

~~1. Monitor Shall be Present During Grading/Excavation~~

~~The qualified Paleontologist shall be present full time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity, and shall document activity via the Consultant Site Visit Record (form). This record shall be faxed to the RE, or BI as appropriate, and MMC each month.~~

~~2. Discoveries~~

~~a. MINOR PALEONTOLOGICAL DISCOVERY~~

~~In the event of a minor Paleontological discovery (small pieces of broken common shell fragments or other scattered common fossils) the Paleontologist shall notify the RE, or BI as appropriate, that a minor discovery has been made. The determination of significance shall be at the discretion of the qualified Paleontologist. The Paleontologist will continue to monitor the area and immediately notify the RE, or BI as appropriate, if a potential significant discovery emerges.~~

~~b. SIGNIFICANT PALEONTOLOGICAL DISCOVERY~~

~~In the event of a significant Paleontological discovery, and when requested by the Paleontologist, the city RE, or BI as appropriate, shall be notified and 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~~

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Investigator (PI) level evaluation responsibilities shall also immediately notify MMC staff of such finding at the time of discovery. MMC staff will coordinate with appropriate LDR staff.

### ~~3. Night 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 pre-con meeting.~~

~~(2) The following procedures shall be followed:~~

##### ~~(a) NO DISCOVERIES~~

~~In the event that nothing was found during the night work, The PI will record the information on the Site Visit Record Form.~~

##### ~~(b) MINOR DISCOVERIES~~

~~(1) All Minor Discoveries will be processed and documented using the existing procedures under **During Construction** (see Section 2. Discoveries, Subsection a.), with the exception that the RE will contact MMC by 9 A.M. the following morning.~~

##### ~~(c) POTENTIALLY SIGNIFICANT DISCOVERIES~~

~~(1) If the PI determines that a potentially significant discovery has been made, the procedures under **During Construction** (see Section 2. Discoveries, Subsection b.), will be followed, with the exception that the RE will contact MMC by 9 A.M. the following morning to report and discuss the findings.~~

#### ~~b. If night 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, will notify MMC immediately.~~

#### ~~c. All other procedures described above will apply, as appropriate.~~

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~~4. Notification of Completion~~

~~The Paleontologist shall notify MMC and the RE, or BI as appropriate, of the end date of monitoring.~~

~~Post-Construction~~

~~1. The Paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines.~~

~~a. SUBMIT LETTER OF ACCEPTANCE FROM LOCAL QUALIFIED CURATION FACILITY.~~

~~The Paleontologist shall be responsible for submittal of a letter of acceptance to the ADD of LDR from a local qualified curation facility. A copy of this letter shall be forwarded to MMC.~~

~~b. IF FOSSIL COLLECTION IS NOT ACCEPTED, CONTACT LDR FOR ALTERNATIVES~~

~~If the fossil collection is not accepted by a local qualified curation facility for reasons other than inadequate preparation of specimens, the project Paleontologist shall contact LDR, to suggest an alternative disposition of the collection. MMC shall be notified in writing of the situation and resolution.~~

~~c. RECORDING SITES WITH SAN DIEGO NATURAL HISTORY MUSEUM~~

~~The Paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum~~

~~d. FINAL RESULTS REPORT~~

~~1. Prior to the release of the grading bond, two copies of the Final Results Report (even if negative), which describes the results, analysis, and conclusions of the above Paleontological Monitoring Program (with appropriate graphics) shall be submitted to MMC for approval by the ADD of LDR.~~

~~2. MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.~~

Paleontological Resources

~~Prior to preconstruction (precon) meeting~~

~~1. Land Development Review (LDR) Plan Check~~

~~e. Prior to the first Precon Meeting, the Assistant Deputy Director (ADD) of LDR shall~~

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~~verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.~~

~~2. Letters of Qualification have been Submitted to ADD~~

- ~~a. Prior to the first Precon Meeting, the applicant shall provide a letter of verification to the ADD of LDR stating that a qualified Paleontologist, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program.~~

~~3. Second Letter Containing Names of Monitors has been sent to Mitigation Monitoring Coordination (MMC)~~

- ~~a. At least thirty days prior to the Precon Meeting, a second letter shall be submitted to MMC which shall include the name of the Principal Investigator (PI) and the names of all persons involved in the Paleontological Monitoring of the project.~~  
~~b. MMC will provide Plan Check with a copy of both the first and second letter.~~

~~4. Records Search Prior to Precon Meeting~~

~~At least thirty days prior to the Precon meeting, the qualified Paleontologist shall verify that a records search has been completed, and updated as necessary, and be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Verification includes, but is not limited to, a copy of a confirmation letter from the San Diego Natural History Museum, other institution, or, if the record search was in house, a letter of verification from the PI stating that the search was completed.~~

~~Precon Meeting~~

~~1. Monitor Shall Attend Precon Meetings~~

- ~~a. Prior to beginning of any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Paleontologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), and MMC. The qualified Paleontologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring Program with the Construction Manager and/or Grading Contractor.~~  
~~b. If the Monitor is not able to attend the Precon Meeting, the RE, or BI as appropriate, will schedule a focused Precon Meeting for MMC, 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.~~

~~2. Identify Areas to be Monitored~~

~~At the Precon Meeting, the Paleontologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored.~~

~~3. When Monitoring Will Occur~~

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~~Prior to the start of work, the Paleontologist also shall 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.~~

### During Construction

#### 1. Monitor Shall be Present During Grading/Excavation

~~The qualified Paleontologist 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 more (measured from existing grade), and shall document activity via the Consultant Site Visit Record (form). This form shall be sent to the RE or BI as appropriate, each month. The RE or BI as appropriate, will forward copies to MMC.~~

#### 2. Monitoring of Trenches Will Include Mainline, Laterals, and all Appurtenances

~~Monitoring is required for the mainline, laterals, services and all other appurtenances that impact formations with high and moderate resource at depths of 10 feet or greater as detailed on the plans or in the contract documents, identified by drawing number or plan file number. It is the contractors responsibility to keep the monitors up to date with current plans.~~

#### 3. Discoveries

##### a. Minor Paleontological Discovery

~~In the event of a minor Paleontological discovery (small pieces of broken common shell fragments or other scattered common fossils) the Paleontologist shall notify the RE or BI as appropriate, that a minor discovery has been made. The determination of significance shall be at the discretion of the qualified Paleontologist. The Paleontologist will continue to monitor the area and immediately notify the RE or BI as appropriate, if a potential significant discovery emerges.~~

##### b. Significant Paleontological Discovery

~~In the event of a significant Paleontological discovery, and when requested by the Paleontologist, the city RE or BI as appropriate, shall be notified and 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 coordinate with appropriate LDR staff.~~

#### 4. Night 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 pre-con meeting.~~

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~~(2) The following procedures shall be followed:~~

~~(a) No Discoveries~~

~~In the event that nothing was found during the night work, the PI will record the information on the Site Visit Record Form.~~

~~b. Minor Discoveries~~

~~(1) All Minor Discoveries will be processed and documented using the existing procedures under 3.a. with the exception that the RE will contact MMC by 9 A.M. the following morning.~~

~~c. Potentially Significant Discoveries~~

~~(1) If the PI determines that a potentially significant discovery has been made, the procedures under 3.b. will be followed, with the exception that the RE will contact MMC by 8 A.M. the following morning to report and discuss the findings.~~

~~d. If night 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, will notify MMC immediately.~~

~~e. All other procedures described above will apply, as appropriate.~~

#### 5. Notification of Completion

~~The Paleontologist shall notify MMC and the RE, or BI as appropriate, of the end date of monitoring.~~

#### Post Construction

~~The Paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines.~~

##### 1. Submit Letter of Acceptance from Local Qualified Curation Facility.

~~The Paleontologist shall be responsible for submittal of a letter of acceptance to ADD of LDR from a local qualified curation facility. A copy of this letter shall be forwarded to MMC.~~

##### 2. If Fossil Collection is not Accepted, Contact LDR for Alternatives

~~If the fossil collection is not accepted by a local qualified curation facility for reasons other than inadequate preparation of specimens, the project Paleontologist shall contact LDR to suggest an alternative disposition of the collection. MMC shall be notified in writing of the situation and resolution.~~

##### 3. Recording Sites with San Diego Natural History Museum

~~The Paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.~~

##### 4. Final Results Report

~~e. Within three months following the completion of grading/trenching, two copies of the~~

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~~Final Results Report (even if negative) which describes the results, analysis, and conclusions of the above Paleontological Monitoring Program (with appropriate graphics) shall be submitted to MMC for approval by the ADD of LDP and one additional copy shall be sent to the RE or BI as appropriate.~~  
~~b. MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.~~

#### VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

City of San Diego

Councilmember Zucchet District 2  
Planning Department  
Historic Resources Board (87)  
Development Services Department  
Library, Peninsula (MS 81)  
Engineering and Capital Projects, Hung Huynh (MS 908A)  
Engineering and Capital Projects, Liborio Ruiz (MS 908A)  
Engineering and Capital Projects, Larry Kuzminsky (MS 908A)  
Peninsula Community Service Center (389)

Other

Peninsula Community Planning Board (390)  
Dr. Jerry Schaefer (209)  
San Diego Transit Corporation (112)  
Metropolitan Transit Development Board (115)  
San Diego Gas & Electric (114)  
San Diego City Schools (132)  
South Coastal Information Center @ San Diego State University (210)  
San Diego Historical Society (211)  
San Diego Archaeological Center (212)  
Save Our Heritage Organization (214)  
Ron Christman (215)  
Louie Guassac (215A)  
San Diego County Archaeological Society (218)  
Kumeyaay Cultural Repatriation Committee (225)  
San Diego Natural History Museum (166)  
Peninsula Chamber of Commerce (391)  
Point Loma Village Assn. (395)  
Native American Distribution (NOTICE ONLY) (225A-225R)

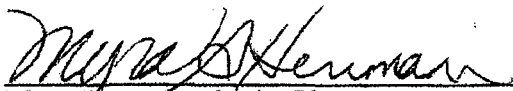
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VII. RESULTS OF PUBLIC REVIEW:

- ( ) No comments were received during the public input period.
- ( ) Comments were received but did not address the draft Mitigated Negative Declaration findings or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- (X) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

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Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Land Development Review Division for review, or for purchase at the cost of reproduction.

  
Myra Herrmann, Senior Planner  
Development Services Department

September 17, 2004  
Date of Draft Report

October 19, 2004  
Date of Final Report

August 18, 2006  
Date of Revised Final

Analyst: Jeffrey Szymanski

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