

# Mitigation Monitoring and Reporting Program

PROJECT NAME: **Veterans Memorial Park**

PROJECT NO: CUP 2021-0014, CDP 2021-0052, HDP 2021-0003, HMP 2021-0006 (PUB 2019-0012), CIP 4609

APPROVAL DATE/RESOLUTION NUMBER(S): \_\_\_\_\_

The following environmental mitigation measures were incorporated into the Conditions of Approval for this project in order to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist for each mitigation measure indicates that this mitigation measure has been complied with and implemented, and fulfills the City’s monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6).

MITIGATION MEASURE	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
<p><b>BIO-1</b></p> <p>Mitigation for impacts to non-native grasslands will be mitigated by debiting the appropriate acreage from the city’s Lake Calavera Mitigation Parcel. The Lake Calavera parcel was identified in the City Habitat Management Plan (HMP) as a public project mitigation parcel for municipal projects, including Veterans Memorial Park. The mitigation parcel is available to mitigate for habitat impacts from City projects on an acre-for-acre basis regardless of the type being impacted, except for gnatcatcher occupied coastal sage scrub, southern maritime chaparral, maritime succulent scrub, and wetlands.</p> <p>The Table below identifies the vegetation communities, impacted areas, City HMP required mitigation ratios, and mitigation required from the Lake Calavera Mitigation Parcel.</p>	Project	City			

**Explanation of Headings**

**Type** = Project, ongoing, cumulative.

**Monitoring Dept.** = Department, or Agency, responsible for monitoring a particular mitigation measure.

**Shown on Plans** = When mitigation measure is shown on plans, this column will be initialed and dated.

**Verified Implementation** = When mitigation measure has been implemented, this column will be initialed and dated.

**Remarks** = Area for describing status of ongoing mitigation measure, or for other information.

**Legend**

- PLN** Planning Division
- ENG** Land Development Engineering Division
- BLDG** Building Division

	<table border="1"> <thead> <tr> <th data-bbox="327 224 590 370">Vegetation Communities and Other Areas</th> <th data-bbox="590 224 732 370">Impacted (Acres)</th> <th data-bbox="732 224 898 370">Mitigation Ratio (From Table 11 of HMP)</th> <th data-bbox="898 224 1047 370">Mitigation Required (Acres)</th> </tr> </thead> <tbody> <tr> <td data-bbox="327 370 590 415">Non-native Grassland</td> <td data-bbox="590 370 732 415">35.29</td> <td data-bbox="732 370 898 415">0.5 to 1</td> <td data-bbox="898 370 1047 415">17.65</td> </tr> </tbody> </table>	Vegetation Communities and Other Areas	Impacted (Acres)	Mitigation Ratio (From Table 11 of HMP)	Mitigation Required (Acres)	Non-native Grassland	35.29	0.5 to 1	17.65					
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Non-native Grassland	35.29	0.5 to 1	17.65											
<b>BIO-2</b>	<p>The Project shall restore (i.e., create) 1.88 acres of Diegan coastal sage scrub and 0.03 acre of southern maritime chaparral onsite. The Habitat Restoration Plan for upland mitigation areas shall be reviewed and approved by the City in consultation with the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and the California Coastal Commission (CCC). The 0.10 acre impact to willow dominated riparian scrub will be mitigated with unused wetland creation credits the city previously purchased from the North County Habitat Bank. According to Barry Jones, credit manager (January 2022), the North County Habitat Bank has met 5 year success criteria, per the Bank Enabling Instrument; therefore, projects should be allowed to mitigate at a 1:1 mitigation ratio instead of the standard 3:1 mitigation ratios typically required. Each of the city’s pre-purchased credits has an effective "mitigation value" of up to 3 acres of typical permittee-responsible mitigation, subject to agency approval. The City shall submit a final Habitat Restoration Plan to the agencies for review at least 30 days prior to initiating Project impacts. The Habitat Restoration Plan shall be prepared and implemented consistent with the Multiple Habitat Conservation Program, Appendix C (Revegetation Guidelines), and Volume III; Habitat Management Plan for Natural Communities in the City of Carlsbad (City of Carlsbad 2004, pp. F-8 to F-11); and Components of a Conceptual Restoration Plan (City of Carlsbad 2018). At a minimum, the Habitat Restoration Plan should include an evaluation of restoration suitability specific to proposed habitat types, soil and plant material salvage/translocation information, planting and seeding lists, a discussion of irrigation, a maintenance and monitoring program, and success criteria. All areas should be monitored for five</p>	Project	City											

years to ensure establishment of intended plant communities or until Year 5 success criteria have been met.

Restoration techniques, as specified in the Habitat Restoration Plan, may include planting, hydroseeding, hand-seeding, imprinting, and soil and plant salvaging. The Habitat Restoration Plan shall also include criteria to measure success and describe how monitoring of revegetation efforts shall be implemented. At the completion of Project construction, all construction materials and temporary irrigation shall be removed from the site.

Additionally, if deemed necessary, any topsoil located in areas to be restored shall be conserved and stockpiled during the excavation process for use in the restoration process.

The Table below identifies the vegetation communities, impacted areas, City HMP required mitigation ratios, and mitigation required as part of the Habitat Restoration Plan.

<b>Vegetation Communities and Other Areas</b>	<b>Impacted (Acres)</b>	<b>Mitigation Ratio (From Table 11 of HMP)</b>	<b>Mitigation Required (Acres)</b>
Diegan Coastal Sage Scrub	0.94	2 to 1	1.88
Southern Maritime Chaparral	0.01	3 to 1	0.03
Willow Dominated Riparian Scrub	0.10	3 to 1	0.3
<b>Total</b>	<b>1.05</b>		<b>2.21</b>

\* Because the North County Habitat Bank has met 5 year success criteria, per the Bank Enabling Instrument, projects should be allowed to mitigate at a 1:1 mitigation ratio instead of standard 3:1 mitigation ratios typically required for projects. Each of the city's pre-purchased credits has an effective "mitigation value" of up to 3 acres of typical permittee-responsible mitigation, subject to agency approval (Barry Jones, North County Habitat Bank, Pers. Comm, January 2022).

<p><b>BIO-3</b></p>	<p>The potential for significant indirect impacts during construction shall be mitigated through implementation of the standard measures stated in the City’s Guidelines for Biological Studies (2008), as revised below.</p> <ul style="list-style-type: none"> <li>a) A qualified biologist shall conduct a training session for Project personnel prior to Project activities. At a minimum, the training shall include a description of the target species of concern and its habitats; the general provisions of the federal and state Endangered Species Acts and the Habitat Management Plan (HMP); the need to adhere to the provisions of the act and the HMP; the penalties associated with violating the provisions of the act; and the general measures that are being implemented to conserve the target species of concern as they relate to the Project, access routes, and Project site boundaries within which the Project activities must be accomplished.</li> <li>b) The footprint of disturbance shall be specified in the construction plans. Prior to construction, the Project’s limits of disturbance would be delineated with orange fencing, and in areas potentially subject to project-related runoff, silt fencing would be used to delineate the impact footprint consistent with the Project’s Storm Water Pollution Prevention Plan (SWPPP). All fencing would be reviewed by the Project biologist prior to the initiation of work. All fencing would be maintained until the completion of Project construction activities, at which time all fencing would be removed. All construction personnel and associates shall be instructed that their activities, vehicles, equipment, and construction materials are restricted to the project footprint, designated staging areas, and routes of travel. If any impacts occur beyond the approved impact footprint, all work in the immediate vicinity shall cease until the disturbance limit breach has been addressed to the satisfaction of the City of Carlsbad and resource agencies.</li> <li>c) A water pollution and erosion control plan shall be developed that describes sediment and hazardous materials control,</li> </ul>	<p>Project</p>	<p>City and Contractor</p>			
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	<p>dewatering or diversion structures, fueling and equipment management practices, and other factors deemed necessary by reviewing agencies. Erosion control measures shall be monitored on a regularly scheduled basis, particularly during times of heavy rainfall. Corrective measures would be implemented in the event erosion control strategies are inadequate. Sediment/erosion control measures would be continued at the Project site until such time as the revegetation efforts are successful at soil stabilization.</p> <p>d) The qualified Project biologist shall review grading plans (e.g., all access routes and staging areas) and monitor construction activities throughout the duration of grading/ground disturbance associated with the Project to ensure that all practicable measures are being employed to avoid incidental disturbance of habitat and any target species of concern outside the Project footprint.</p> <p>e) Construction monitoring reports shall be completed and provided to the City summarizing how the Project is in compliance with applicable conditions. The Project biologist should be empowered to halt work activity if necessary and to confer with City staff to ensure the proper implementation of species and habitat protection measures.</p> <p>f) Any habitat that is impacted that is not in the identified Project footprint shall be disclosed immediately to the City, USFWS, CDFW, and California Coastal Commission and shall be compensated at a minimum ratio of 5:1, to be negotiated with the agencies.</p> <p>g) Construction access to and from the site would be located along existing access routes or disturbed areas to the greatest extent possible. All access routes outside of existing roads or construction areas would be clearly marked.</p>					
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	<p>h) Construction employees shall limit activities and storage of vehicles, equipment, and construction materials to the fenced Project footprint.</p> <p>i) Equipment storage, fueling, and staging areas shall be located on disturbed upland sites at least 100 feet from waters of the United States and with minimal risk of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat. All necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. All project-related spills of hazardous materials shall be reported to the City and shall be cleaned up immediately, and contaminated soils shall be moved to approved disposal areas.</p> <p>j) Erodible fill material shall not be deposited into water courses. Brush, loose soils, or other similar debris material shall not be stockpiled within the stream channel or on its banks.</p> <p>k) Fugitive dust shall be avoided and minimized through watering and other appropriate measures.</p>					
<b>BIO-4</b>	<p>Clearing and grubbing and other construction activities are prohibited on site during the bird-breeding season (February 15–August 31), if feasible. If the breeding season cannot be avoided, the following measures shall be taken:</p> <p>a) Since coastal California gnatcatchers (<i>Polioptila californica californica</i>) have the potential to occur on site, a qualified biologist shall conduct a pre-construction nest clearance survey within 500 feet surrounding the Project site within suitable habitat no more than three days prior to construction.</p> <p>b) Surveys shall be conducted by a qualified biologist in appropriate habitat for coastal California gnatcatchers, nesting raptors and migratory birds and within a 500-foot survey buffer</p>	Project	City and Contractor			

	<p>within three days initiation of construction or vegetation removal.</p> <p>c) The USFWS shall be notified immediately of any federally listed species that are located during pre-construction surveys within the adjacent areas.</p> <p>d) If nests of listed birds, migratory birds, raptors, or other special-status species are located, they shall be fenced with a protective buffer of 500 feet from active nests of listed species or raptors, and an appropriate width for other special-status bird species, to be determined by qualified biologist. All construction activity shall be prohibited within this area until the birds have fully fledged, or the nest is determined to no longer be active.</p> <p>e) During the breeding season, construction noise shall be measured by the Project biologist regularly to maintain a threshold at or below 60 A-weighted decibels (dBA) hourly equivalent level (Leq) within 500 feet of breeding habitat occupied by listed species. The site is currently affected by roadway noise. If ambient levels are greater than 60 dBA, a modified threshold should be evaluated with the City of Carlsbad. If noise levels exceed the threshold, the construction array shall be changed, such as using different construction equipment, or noise attenuation measures shall be implemented, such as noise blankets, to achieve a construction noise level of less than 60 dBA.</p>					
<p><b>BIO-5</b></p>	<p>The following wildlife impact avoidance measures shall be implemented during construction of the Project site.</p> <p>a) Lighting in or adjacent to the preserve shall not be used, except where essential for roadway, facility use, and safety. If nighttime construction lights are necessary, all lighting adjacent to natural habitat shall be shielded and/or directed away from habitat.</p>	<p>Project</p>	<p>City and Contractor</p>			

	<p>b) If dead or injured listed species are located, initial notification must be made within three working days, in writing, to the USFWS and CDFW.</p> <p>c) To avoid attracting predators of the target species of concern, the Project site shall be kept as clean of debris as possible. All food-related trash items shall be enclosed in sealed containers and regularly removed from the site. Pets of construction personnel shall not be allowed on the Project site where they may come into contact with any listed species.</p> <p>d) A qualified biologist with expertise and experience conducting bat surveys shall be retained by the City as a Designated Bat Biologist. A bat survey will be conducted within the Project site to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts, especially within trees within the Project area. The survey shall occur during the roosting season (approximately March-September) using acoustic technology and emergence counts. Also, no more than 30 days prior to vegetation removal, the Designated Bat Biologist will conduct a pre-construction bat survey within all trees or structures that provide suitable bat roosting habitat within the Project site. If a maternity roost is determined to be present within a tree to be removed, a 300-foot no work buffer shall be placed around the roost and no work shall occur within the buffer until after the roosting season is over. Work may proceed after a qualified biologist is able to verify that the roost is no longer active.</p>					
<p><b>BIO-6</b></p>	<p>In order to prevent indirect impacts to the preserve areas adjacent to the construction site, the Project shall comply with the HMP Adjacency Standards. Prior to the issuance of the first grading permit, the Project plans shall reflect the Adjacency Standards as follows:</p> <p>a) Fire Management - There are no habitable structures on the park site; therefore, fuel modification zones will not be required.</p>	<p>Project</p>	<p>City and Contractor</p>			



	<p>b) Erosion Control - Standard best management practices (BMPs) shall be implemented to slow surface flow and dampen initial precipitation flow in the development area. In addition, no new surface drainage shall be directed into the open space areas.</p> <p>c) Landscaping Restrictions - Landscape planting palettes for the Project shall not use non-native, invasive plant species in the areas adjacent to native habitat or adjacent to the Carlsbad HMP preserve. Irrigation of landscaping shall be designed and scheduled to avoid runoff into the adjacent HMP preserve areas. The upland buffers shall be restored with native habitat per the concept plan.</p> <p>d) Fencing, Signs, and Lighting - To deter entry into the native habitat by people and pets, the area shall be fenced as appropriate. Signs shall be attached to the fence at intermittent intervals to alert the residents of the sensitive nature of the open space preserve area. Fencing shall preclude people from passing beyond the trail into the native habitat. Other than safety lighting, no lighting that shall intrude into the habitat and shall be shielded or directed away from the open space area.</p> <p>e) Predator and Exotic Species Control - During operation of the Project, the City shall alert the park users to the potential effects that domestic animals may have on the native fauna and flora. The native habitat areas shall be fenced to discourage the entry of domestic animals into the open space. All dogs will be required to remain leashed at all times when at the park.</p>					
<b>BIO-7</b>	<p>The Project will add 12.86 acres to the HMP Hardline to compensate for the loss of 3.36 acres of Hardline that would be impacted by the Project, resulting in a net increase of 9.50 acres of Hardline. To formally amend the HMP Hardline boundary, the City shall process an HMP Minor Amendment to the City's HMP, by providing written notice of the Equivalency Findings to the USFWS and CDFW. Unless the agencies object within thirty days of notification, the change shall be considered automatically approved. If objections are raised, the City shall meet with</p>	Project	City and Contractor			

	<p>the agencies to resolve the objection and written approval of the change from the agencies shall be required.</p>					
<p><b>BIO-8</b></p>	<p>The Project site shall comply with the following HMP Coastal Zone Conservation Standards as they relate to resources within the Project site, as described below: Environmentally Sensitive Habitat Areas, as defined in Section 30107.5 of the Coastal Act, will be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.</p> <ul style="list-style-type: none"> <li>a) Properties containing coastal sage scrub located in the Coastal Zone will conserve a minimum 67 percent of the coastal sage scrub and 75 percent of the gnatcatchers onsite. This has been accomplished through Project design by conserving 47.17 acres (98 percent) of the coastal sage scrub onsite.</li> <li>b) Mitigation in the form of creation for impacts to coastal sage scrub (at 1 2:1 ratio) and southern maritime chaparral (at a 3:1 ratio) will be provided within the coastal zone in order to have no net loss of habitat within the coastal zone.</li> <li>c) Riparian habitat impacts will be mitigated offsite using pre-purchased wetland creation credits from the North County Habitat Bank, which is located within the coastal zone in the City of Carlsbad.</li> <li>d) Upland habitat impacts will be mitigated onsite within the city owned HMP hardline area. All mitigation areas will be added to the city's existing Preserve Management Plan and placed under long-term management.</li> <li>e) A 20-foot buffer between developed park and native habitat within HMP hardline areas has been incorporated into the project design. Although not required, the 20-foot buffer was counted as an impact wherever the project had to encroach upon existing coastal sage scrub habitat (encroachment plus buffer is counted as impact in these areas). No development, grading, or alterations, including clearing of vegetation, will</li> </ul>	<p>Project</p>	<p>City</p>			

	occur in the buffer area, except for recreation trails within the first 15 feet of the buffer closest to the development.					
<b>BIO-9</b>	For each year in which Project activities commence between February 1 and September 15, a focused survey for white-tailed kite nests within the Project site and within 500-feet of the Project site will be conducted by a qualified biologist no greater than 15 days prior to the start of construction work (including clearing and grubbing). If white-tailed kites are found, the qualified biologist shall develop a species-specific avoidance plan for CDFW review and approval. Any measures approved in the avoidance plan will be implemented prior to the start of any ground-disturbing activities. If no active nests are found during the focused survey, nothing further will be required. If active nests are found during the focused survey, Project personnel shall immediately notify CDFW and establish a minimum 500' no-work buffer zone until the qualified biologist determines, and CDFW confirms, that all chicks have fledged and are no longer reliant on the nest site. If a lapse in Project-related activities of 14 days or longer occurs, another focused survey is required before Project activities can be reinitiated.					
<b>CUL-1</b>	<p>Cultural Resource Sensitivity Training. All construction personnel and monitors who are not trained archaeologists and paleontologists shall be trained regarding the recognition of possible buried cultural remains and protection of all cultural resources, including prehistoric and historic resources, and paleontological resources during construction, prior to the initiation of construction or ground-disturbing activities. The City shall retain a qualified cultural resources consultant to serve as Project Archaeologist to oversee the training for all construction personnel. Training shall inform all construction personnel of the procedures to be followed upon the discovery of archaeological materials, including Native American burials, and paleontological resources.</p> <p>All personnel shall be instructed that unauthorized collection or disturbance of artifacts or other cultural materials is not allowed. Violators will be subject to prosecution under the appropriate state and federal laws, and violations will be grounds for removal from the</p>	Project	Contractor			

	<p>project. Unauthorized resource collection or disturbance may constitute grounds for the issuance of a stop work order. Supervisors shall also be briefed on the consequences of intentional damage to cultural resources.</p> <p>Upon discovery of the potential for buried cultural materials by archaeologists, monitors, or construction personnel, work in the immediate area of the find shall be diverted and the Project Archaeologist and Tribal Representative notified. Once the find has been inspected and a preliminary assessment made, the Project Archaeologist in consultation with the Tribal Representative will make the necessary plans for evaluation and treatment of the find(s) or mitigation of adverse impacts to the resource.</p> <p>On behalf of the City, the construction contractor shall maintain a list of construction personnel who have completed the cultural resources sensitivity training prior to start of construction, and this list shall be updated by the construction contractor as required when new personnel start work.</p>					
<p><b>CUL-2</b></p>	<p>Archaeological Resources Monitoring. Under the direction of the Project Archaeologist, the City will provide archaeological monitor(s) that shall be present for all ground disturbing activities associated with the project in the event that unanticipated discoveries are made. If human remains are discovered, the procedures described under MM CUL-10 would be implemented.</p>	<p>Project</p>	<p>City and Contractor</p>			
<p><b>CUL-3</b></p>	<p>Tribal Cultural Resources Monitoring Agreement. Prior to the commencement of any ground disturbing activities, the City shall enter into a Pre- Excavation Agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement, with the San Luis Rey Band of Mission Indians or other Luiseño tribe. Also, this agreement will contain provisions to address the proper treatment of any tribal cultural resources and/or Luiseño Native American human remains inadvertently discovered during the course of the project. The agreement will outline the roles and powers of the Luiseño Native American monitor and the Project Archaeologist, and archaeological</p>	<p>Project</p>	<p>City</p>			

	monitors. This agreement shall not modify any condition of approval or mitigation measure. A copy of said Pre- Excavation Agreement shall be provided to the City of Carlsbad prior to the issuance of a grading permit.					
<b>CUL-4</b>	Native American Monitor. A Luiseño Native American monitor shall be present during all ground disturbing activities. Ground disturbing activities may include, but are not limited to, archaeological studies, geotechnical investigations, clearing, grubbing, trenching, excavation, preparation for utilities and other infrastructure, and grading activities.	Project	City and Contractor			
<b>CUL-5</b>	Uncovered Artifacts of Luiseno Native Americans. Any and all uncovered artifacts of Luiseño Native American cultural importance shall be treated with dignity and respect and be reburied on-site within an appropriate location protected by open space or easement, etc., where the cultural items shall not be disturbed in the future. Any cultural and heritage material/artifacts identified and collected during construction grading activities are to be kept in situ or collected and stored in a secure location agreed upon by Tribal Representatives from the San Luis Rey Band of Mission Indians or other Luiseño tribe for later reburial on the project site. Upon completion of all ground-disturbing and grading activities on the project site, the Tribal Representatives from the San Luis Rey Band of Mission Indians or other Luiseño tribe will rebury any resources recovered from the project site in an open space area that will remain free from any active recreational uses or any further excavation or ground disturbance. Any reburial site shall be culturally appropriate and explicitly approved in writing by Tribal Representatives from the San Luis Rey Band of Mission Indians or other Luiseño tribe. The reburial location will be covered first by a layer of geomat and then backfilled with clean fill dirt. Once reburial activities are completed, the site will be incorporated as a part of the Macario Canyon/Veterans Park HMP preserve.	Project	City and Contractor			
<b>CUL-6</b>	Preconstruction Meeting. Tribal Representatives from the San Luis Rey Band of Mission Indians or other Luiseño tribe as well as the Luiseño Native American Monitor and Project Archaeologist shall be present at the project's on-site preconstruction meeting to consult with grading	Project	City and Contractor			

	and excavation contractors concerning excavation schedules and safety issues, as well as consult with the Project Archaeologist concerning the proposed archaeologist techniques and/or strategies for the project.					
<b>CUL-7</b>	Authority to Divert and/or Halt Construction Activities. The Luiseño Native American monitor and archaeological monitor shall have joint authority to temporarily divert and/or halt construction activities. If tribal cultural resources are discovered during construction, all earth moving activity within and around the immediate discovery area must be diverted until the Luiseño Native American monitor and the archaeological monitors or Project Archaeologist can assess the nature and significance of the find.	Project	City and Contractor			
<b>CUL-8</b>	Inadvertent Discovery of Significant Cultural Resources. If a significant tribal cultural resource(s) and/or unique archaeological resource(s) are discovered during ground disturbing activities for this project, the San Luis Rey Band of Mission Indians or other Luiseño tribe shall be notified and consulted regarding the respectful and dignified treatment of those resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological and tribal cultural resources. If however, the Applicant is able to demonstrate that avoidance of a significant and/or unique cultural resource is infeasible and a data recovery plan, is authorized by the City of Carlsbad as the lead agency, the San Luis Rey Band of Mission Indians or other Luiseño tribe shall be consulted regarding the drafting and finalization of any such recovery plan.	Project	City and Contractor			
<b>CUL-9</b>	Communication Protocols. When tribal cultural resources are discovered during the project, the City will be contacted immediately. If the Project Archaeologist or archaeological monitors collect such resources, a Luiseño Native American monitor must be present during any collection and/or cataloging of those resources. All tribal cultural resources that are unearthed during the ground disturbing activities, are to be kept in situ or collected and stored in a secure location agreed upon by the San Luis Rey Band of Mission Indians or other Luiseño tribe.	Project	City and Contractor			
<b>CUL-10</b>	Inadvertent Discovery of Native American Cemeteries. If suspected Native American human remains are encountered, California Health	Project	City and Contractor			

	<p>and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Medical Examiner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site. A Luiseño Native American monitor shall be present during the examination of the remains. If the San Diego County Medical Examiner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted by the Medical Examiner within 24 hours. The NAHC must then immediately notify the “Most Likely Descendant” about the discovery. The Most Likely Descendant shall then make recommendations within 48 hours and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.</p>					
<p><b>CUL-11</b></p>	<p>Monitoring of Fill Material for Tribal Cultural Resources. In the event that fill material is imported into the project area, the fill shall be clean of tribal cultural resources and documented as such. If fill material is to be utilized and/or exported from areas within the project site, then that fill material shall be analyzed and confirmed by an archeologist and Luiseño Native American monitor that such fill material does not contain tribal cultural resources. Methods to ensure that fill material does not contain tribal cultural resources will involve archaeological monitoring, tribal monitoring, as well as spot sampling of fill material by the archeological monitors.</p>	<p>Project</p>	<p>City and Contractor</p>			
<p><b>CUL-12</b></p>	<p>Invasive and/or Non-Invasive Testing. No testing, invasive or non-invasive, shall be permitted on any recovered tribal cultural resources without the written permission of the San Luis Rey Band of Mission Indians, or any other Luiseño Native American consulting tribe.</p>	<p>Project</p>	<p>City and Contractor</p>			

<p><b>CUL-13</b></p>	<p>Cultural Resources Monitoring Report. Prior to the completion of project construction, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the monitoring program shall be submitted by the Project Archaeologist, along with the Luiseño Native American monitor’s notes and comments, to the City of Carlsbad for approval, and shall be submitted to the South Coastal Information Center. Said report shall be subject to confidentiality as an exception to the Public Records Act and will not be available for public distribution. A copy of the final monitoring report is to be provided to the San Luis Rey Band of Mission Indians, Rincon Band of Luiseño Indians, and any other Luiseño Native American consulting tribe.</p>	<p>Project</p>	<p>City and Contractor</p>			
<p><b>CUL-14</b></p>	<p>Curation of Non-Tribal Archaeological Resources. In the event that non-tribal, archaeological resources are discovered at the project site, they would be inventoried, assessed, and analyzed for cultural affiliation, personal affiliation (prior ownership), function, and temporal placement by the Project Archaeologist. Subsequent to analysis and reporting, these artifacts would be subjected to curation or returned to the property owner, as deemed appropriate in consultation with the City.</p>	<p>Project</p>	<p>City and Contractor</p>			
<p><b>CUL-15</b></p>	<p>Avoidance of SDI-8303. The site SDI-8303 reaches into the project site but will be preserved in situ and in perpetuity with no construction-related impacts occurring during project development. This area shall be considered an Environmentally Sensitive Area (ESA) and denoted as such on all development plans. Prior to any ground disturbance within 100 feet of SDI-8303, protective ESA fencing and temporary signage will be placed at least twenty-five feet outside of the identified site boundaries. The archaeological and tribal monitor will be present to monitor the fence installation if conducted by a separate consultant or participate in the installation if required. Upon completion of all ground disturbing activities within 100 feet of SDI-8303, the archaeological monitor, tribal monitor, and construction manager shall observe or conduct the removal of the fencing and signage as applicable, then</p>	<p>Project</p>	<p>City and Contractor</p>			



	oversee the planting of any approved barrier plants as agreed upon per the landscaping plans.					
<b>CUL-16</b>	Landscaping Plans Near SDI-8303. Any landscaping plans for disturbance areas within 50-feet of SDI-8303 will be developed in consultation with San Luis Rey Band of Mission Indians or other Luiseño tribe.	Project	City and Contractor			
<b>GEO-1</b>	Prior to approval of final plans and specifications for the Project, the City shall review the Project plans to confirm that all recommendations in the Geotechnical Investigation (prepared by SCG in 2020) and any future geotechnical reports have been fully and appropriately incorporated.	Project	City			
<b>GEO-2</b>	<p>The City shall retain a professional Paleontologist for the Project prior to the issuance of grading permits. The task of the Paleontologist shall be to monitor ground disturbance within the Project site for the unearthing of previously unknown paleontological resources. Selection of the paleontologist shall be subject to the approval of the City, and no grading activities shall occur within the Project site until the Paleontologist has been approved by the City. The Paleontologist shall be responsible for maintaining daily field notes and a photographic record and for reporting all finds to the City in a timely manner. The Paleontologist shall be equipped to record and salvage paleontological resources that may be unearthed during grading activities. The Paleontologist shall be empowered to temporarily halt or divert grading equipment to allow recording and removal of the unearthed resources.</p> <p>In the event that potential paleontological resources are discovered during ground-disturbing activities, work shall stop in that area and within 30 feet of the find until a qualified Paleontologist can assess the significance of the find and, if necessary, develop appropriate treatment measures. Recovered specimens shall be prepared to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Specimens shall be curated into a professional, accredited museum repository with permanent retrievable storage such as the San Diego Natural History Museum. A report of findings, with an appended itemized inventory of</p>	Project	City and Contractor			

	<p>specimens, shall be prepared and shall signify completion of the mitigation.</p> <p>The Paleontologist shall retain the option to reduce monitoring, with concurrence from the City, if it is determined that the sediments were previously disturbed. Monitoring may also be reduced with concurrence from the City if potentially fossiliferous units are not present or, if present, are determined to have a low potential to contain fossil resources.</p>					
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