

MITIGATION MONITORING AND REPORTING PROGRAM

The Final Initial Study-Mitigated Negative Declaration identifies the mitigation measures that will be implemented to reduce the impacts associated with the North Broadway Pipeline Relocation Program. The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in Section 21081.6 of the Public Resources Code:

... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting a mitigated negative declaration.

The mitigation monitoring table lists those mitigation measures included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project applicant will have the responsibility for implementing the measures. The Valley Center Municipal Water District (VCMWD) will be primarily responsible for monitoring and reporting the implementation of the mitigation measures.

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Biological Resources						
BIO-1	MM BIO-1: If cutting branches or excavation under the canopy of an oak or other native tree is required, the District shall have a certified arborist monitor and advise on the best approach to working under the canopy or within the rootzones of such trees. If impacts cannot be avoided and a tree is severely damaged or removed, it must be replaced by saplings (10 gallons or larger) of the same species at a ratio of 5 saplings for every mature tree killed. In addition, there will be a 120-day tree establishment/maintenance period where VCMWD will care for the tree (water, fertilize, etc.) to maintain and establish its root system. Each sapling that perishes during that timeframe will be replaced in kind.	VCMWD Project Manager and/or District Engineer and the Construction Manager	The monitoring action will occur during work along Kellrae Lane proximal to mature oak trees.	Implementation will occur during project construction.		
BIO-2	MM BIO-2: Avoidance of impacts to sensitive areas and resources shall be achieved by implementing the following measures as applicable: Environmentally Sensitive Area fencing shall be installed where these areas occur within or along work areas including the Restrictive Covenant. The sensitive habitat within the Restrictive Covenant will be avoided by placing ESA fencing along the edge	VCMWD Project Manager and/or District Engineer and the Construction Manager	Mitigation will be implemented during construction proximal to the Restrictive Covenant and other locations if deemed necessary by the biologist.	Implementation would occur during project construction.		

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	of the limits of work which will be at least 10 feet from the Restrictive Covenant on the south side of Kellrae Lane. This will keep vehicles and work from directly impacting the resources in the Restrictive Covenant. These areas shall be identified through implementation of preconstruction surveys by a qualified biologist; A qualified biologist shall conduct a training session for all project personnel prior to proposed activities. At a minimum, the training shall include a description of any species of concern and its habitats, the general provisions of the protective laws, the need to adhere to the provisions of the laws, the penalties associated with violating the provisions of the laws, the general measures being implemented to conserve sensitive species as they relate to the project, and the access routes to and from project site boundaries within which the project activities must be accomplished. The training session shall stipulate that project personnel stay out of the Restrictive Covenant area.					

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- A water pollution and erosion control plan shall be developed that describes sediment and hazardous materials control, 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 will be implemented in the event erosion control strategies are inadequate. Sediment/erosion control measures will be continued at the project site until the restoration efforts are successful at soil stabilization; - The footprint of disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via pre-existing access routes to the greatest extent possible. There shall be no disturbance in the Restrictive Covenant area; - Under no circumstances shall existing signage addressing the Restrictive Covenant be removed prior to or during construction;						

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	- The upstream and downstream limits of project disturbance plus lateral limits of disturbance on either side of a stream shall be clearly defined and marked in the field and reviewed by the biologist prior to initiation of work. The same shall be performed for the Restrictive Covenant; - Projects shall avoid the placement of equipment and personnel within a stream channel or on sand and gravel bars, banks; within the Restrictive Covenant and adjacent upland habitats used by sensitive species; - 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; - Equipment storage, fueling, and staging areas shall be located on upland sites with minimal risks of direct drainage into riparian areas or other sensitive habitats, including the Restrictive Covenant. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat or the Restrictive Covenant. All					

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	necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters and the Restrictive Covenant. All project related spills of hazardous materials shall be reported to appropriate entities including but not limited to applicable jurisdictional city, USFWS, CDFW, RWQCB, ACOE, the Escondido Union School District and shall be cleaned up immediately and contaminated soils removed to approved disposal areas. - A qualified project biologist shall monitor construction activities throughout the duration of the projects to ensure that all practicable measures are being employed to avoid incidental disturbance of habitat and any sensitive species outside the project footprint, including monitoring along the Restrictive Covenant. The project biologist should be empowered to halt work activity if necessary and to confer with staff from the District to ensure the proper implementation of species and habitat protection measures; - The removal of native vegetation shall be avoided and minimized to the					

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	maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species. All restoration plans shall be prepared and implemented consistent with appropriate Restoration/Revegetation Guidelines; • Exotic species that prey upon or displace target species of concern shall be permanently removed from the site; • To avoid attracting predators of sensitive species, the project sites 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(s). Pets of project personnel shall not be allowed on-site where they may come into contact with any sensitive species; • Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans.					

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	Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until the completion of all construction activities. All employees shall be instructed that their activities are restricted to the construction areas; - Any habitat destroyed that is not in the identified project footprint shall be compensated at a minimum ratio of 5:1. If the habitat is within the Restrictive Covenant, the ACOE, RWQCB, CDFW and the Escondido Union School District shall be alerted. Compensation, remediation and mitigation shall be directed by those agencies in consultation with the Escondido Union School District. - If dead or injured listed species are located, initial notification must be made within three working days, in writing, to the USFWS Division of Law Enforcement in Torrance, California and by telephone and in writing to the applicable jurisdiction, Carlsbad Field Office of the USFWS, and CDFW; - The USFWS, CDFW and ACOE shall have the right to access and inspect any sites of approved projects					

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	including any restoration/enhancement area for compliance with project approval conditions and mitigation measures; - Any planting stock to be brought onto the site for landscaping or ecological restoration shall first be inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to Argentine ants, fire ants, and other insect pests. Any planting stock found to be infested with such pests shall not be allowed on the project site or within 300 feet of natural habitats. The stock shall be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats; - All mitigation sites shall be conserved through fee title acquisition or conservation easement and shall be recorded shall be provided prior to land disturbance; and - Any project landscaping shall not include species identified as an invasive non-native plant species as					

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	identified by the California Invasive Plant Council at http://www.cal-ipc.org/paf/ .					
BIO-3	MM BIO-3: Avoidance of direct impacts to native nesting birds is required by the MBTA and CFG code and would most easily be mitigated by working outside of the bird-breeding season. Raptors breed between January 15th and September 15th, though no raptor were identified during the surveys. Songbirds breed between March 1st and August 31st. If work must occur during the breeding season, the project area and buffer must be verified by a qualified biologist within three days before starting work to ensure no bird nests covered under the MBTA would be directly or indirectly impacted. Projects that cannot be conducted without placing equipment or personnel in sensitive habitats and/or in proximity to active nests should be scheduled to avoid the breeding season of the affected avian species and/or sensitive species of concern as applicable.	VCMWD Project Manager and/or District Engineer and the Construction Manager	Preconstruction surveys by a qualified biologist are required for each project if construction is to occur between January 15 and September 15 and habitat suitable for nesting is located within or adjacent to the area disturbed by construction. Mitigation is not required if construction occurs between September 16 and January 14.	Preconstruction surveys would be performed no more than 3 days prior to clearing, grubbing and/or excavation/trenching.		
BIO-4	MM BIO-4: If Least Bell's Vireo (LBVI) or California Coastal Gnatcatcher (CAGN) habitat could be affected during their breeding seasons (LBVI: March 15 to September 15; CAGN: February 15 to August 31) an evaluation shall be made by	VCMWD Project Manager and/or District Engineer and the Construction Manager	Mitigation, if any, would be determined at the time the preconstruction surveys are conducted per Mitigation Measure BIO-3.	Implementation would occur during project construction.		

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	a qualified biologist to determine if the adjacent habitat is occupied by these species. LBVI has potential to occur in the Restrictive Covenant area and CAGN has the potential to be in the CSS to the north/northeast of the North Broadway corridor. If present, impacts to LBVI can be avoided by avoiding work next to the Restrictive Covenant area during the LBVI breeding season or by shielding work along the unpaved road from noise with temporary noise barriers, such that noise at any LBVI habitat is less than 60 dBA Leq. Alternatively, if surveys show that LBVI are absent, then work may proceed.					
Cultural Resources						
CUL-1	MM CUL-1. VCMWD shall retain Luiseño Native American monitors during ground disturbing activities. If cultural resources are encountered during ground-disturbing activities, work in the immediate area must halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983) must be contacted immediately, if not on-site, to evaluate the find. If the discovery proves to be significant under Section 106, additional work such as data recovery excavation may be warranted.	VCMWD Project Manager and/or District Engineer and the Construction Manager	Project Manager, District Engineer or designate will consult with Rincon Band of Luiseño Indians during project design to determine the scope of Native American monitoring, if any, based on the scope of project improvements and location.	Implementation would occur during ground disturbing activities.		
CUL-2	MM CUL-2. The discovery of human remains is always a possibility during	VCMWD Project	Implementation would occur during construction	Throughout the duration of		

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	ground disturbing activities. If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the county coroner shall be notified immediately. If the human remains are determined to be prehistoric, the coroner shall notify the Native American Heritage Commission, which will determine and notify a Most Likely Descendant. The Most Likely Descendant shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.	Manager and/or District Engineer and the Construction Manager	if human remains are discovered.	excavation within previously undisturbed native soils.		
Tribal Cultural Resources						
TCR-1	MM TCR-1 Prior to the issuance of a Grading Permit, the Applicant/Owner shall enter into a Tribal Monitoring Agreement with the Rincon Band of Luiseño Indians. A copy of the agreement shall be included in the Grading Plan Submittals for the Grading Permit.	Manager and/or District Engineer and the Construction Manager	Prior to issuance of a grading permit.	Prior to issuance of a grading permit.		
TCR-2	MM TCR-2 Prior to the issuance of a Grading Permit, the Applicant/Owner or	Manager and/or	Prior to issuance of a	Prior to issuance of a		

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	Grading Contractor shall provide a written and signed letter to the VCMWD stating that a Qualified Archaeologist and Native American Monitor affiliated with the Rincon Band of Luiseño Indians have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the pre-excavation agreement.	District Engineer and the Construction Manager	grading permit.	grading permit.		
TCR-3	MM TCR-3 The Qualified Archaeologist shall maintain ongoing collaborative consultation with the Luiseño Native American Monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the VCMWD of the start and end of all ground disturbing activities.	Manager and/or District Engineer and the Construction Manager	During construction.	During construction.		
TCR-4	MM TCR-4 The Qualified Archaeologist and Rincon Band representative shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and Luiseño Native American monitor shall be present on-site full-time during grubbing, grading and/or other ground altering activities, including the placement of	Manager and/or District Engineer and the Construction Manager	Prior to and during construction.	Prior to and during construction.		

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	imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or Tribal Cultural Resources. All fill materials shall be absent of any and all Tribal Cultural Resources.					
TCR-5	MM TCR-5 The Qualified Archaeologist or the Luiseño Native American Monitor may halt ground disturbing activities if unknown Tribal Cultural Resources, archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. No photography, invasive or non-invasive testing is permitted without prior approval by the Rincon Band of Luiseño Indians. Isolates and other deposits will be minimally documented in the field, and before grading proceeds these items shall be secured at a secured and locked location on project site and as agreed upon by the Rincon Band of Luiseño Indians until they can be repatriated for later reburial on site. If items cannot be securely stored on the project site, they may be stored in off-site facilities located in San Diego County and agreed upon by the Rincon Band of Luiseño Indians. If the Qualified Archaeologist and Luiseño Native American monitor determine that the	Manager and/or District Engineer and the Construction Manager	During construction.	During construction.		

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	uneared tribal cultural resource, artifact deposits or cultural features are considered potentially significant, or including ancestral remains are identified, TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project shall be notified and consulted regarding the respectful and dignified treatment of those resources. The avoidance and protection of the significant tribal cultural resource and/or unique archaeological resource is the preferable mitigation. If, however, it is determined by the VCMWD that avoidance of the resource is infeasible, the VCMWD shall notify the Rincon Band of Luiseño Indians and other TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project and consult regarding appropriate next steps. If the decision is made that data recovery is needed, the VCMWD shall consult with the Rincon Band of Luiseño Indians on the drafting and finalization of any such recovery plan. The data recovery plan shall also incorporate and reflect the tribal values of the TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project. If the Qualified Archaeologist collects such resources, the Luiseño Native American monitor must be present during any					

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	cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the Tribal Cultural Resources that are unearthed during the ground disturbing activities, the Luiseño Native American monitor, may at their discretion, collect said resources and provide them to the Rincon Band of Luiseño Indians, as determined through the appropriate process, for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Ground disturbing activities shall not resume until the Qualified Archaeologist, in consultation with the representative of the Rincon Band of Luiseño Indians, deems the cultural resource or feature has been appropriately documented and/or protected.					
TCR-6	MM TCR-6 Any artifacts identified and collected during construction grading activities are not to leave the project area and shall remain onsite in a secure location until final disposition. Historic Resources All historic archaeological materials recovered are to be curated at the San Diego Archaeological Center or other facility in San Diego County that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources. Evidence shall be in the form of a letter	Manager and/or District Engineer and the Construction Manager	During construction.	During construction.		

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from the curation facility identifying that archaeological materials have been received and that all fees have been paid. Precontact and/or Tribal Cultural Resources One of the following treatments shall be applied. 1. Preservation-in-place, if feasible is the preferred option. Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources. 2. Reburial of the resources on the Project property. The measures for reburial shall be culturally appropriate as determined through consultation with the Rincon Band of Luiseño Indians and include, at least, the following: Measures to protect the reburial area from any future impacts in perpetuity. Reburial shall not occur until all required cataloguing by the archaeologist in presence of the Rincon Tribal Monitor has been completed on the cultural resources, with the exception that sacred and ceremonial items, burial goods, and Native American human remains are excluded. No cataloguing, analysis, or						

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	other studies may occur on human remains grave goods, and sacred and ceremonial items. Any reburial processes shall be culturally appropriate and approved by the Rincon Band of Luiseño Indians. Listing of contents and location of the reburial shall be included in the confidential Phase IV Report. The Phase IV Report shall be filed with the County under a confidential cover and not subject to a Public Records Request. A copy is to be provided to the Rincon Band of Luiseño Indians. A reburial area must be protected in perpetuity via deed restriction or other land covenant.					
TCR-7	MM TCR-7 Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the archaeological monitoring program (e.g., data recovery plan) shall be submitted by the Qualified Archaeologist, along with the Luiseño Native American monitor's notes and comments, to the VCMWD for approval.	Manager and/or District Engineer and the Construction Manager	Prior to release of the grading bond.	Prior to release of the grading bond.		
TCR-8	MM TCR-8 As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall	Manager and/or District Engineer and the Construction Manager	During construction.	During construction.		

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	immediately notify the San Diego County Office of the Medical Examiner by telephone. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a representative of the Rincon Band of Luiseño Indians. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner identifies the remains to be of Native American ancestry, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the Most Likely Descendant.					

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