CITY OF SAN DIEGO
14110 Stonebridge Parkway
PRJ-1075505

Mitigation, Monitoring and Reporting Program
(MMRP)
Draft July 2024

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Addendum SCH No. 84053008 shall be made conditions of the Site Development Permit and the Neighborhood Development Permit as may be further described below.

A. GENERAL REQUIREMENTS – PART I Plan Check Phase (Prior to permit issuance)

1. Prior to the issuance of any construction permits, such as demolition, grading or building, or beginning any construction-related activity on-site, the Development Services Department (DSD) Assistant Deputy Director's (ADD) Environmental Designee (ED) shall review and approve Construction Documents (CD) (plans, specification, details, etc.) to ensure the applicable MMRP requirements are incorporated into the design.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply only to the construction phases of this project are included VERBATIM under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS**."

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City of San Diego (City) website:

   https://www.sandiego.gov/development-services/forms-publications/design-guidelines-templates

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

5. **SURETY AND COST RECOVERY:** The DSD Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE-CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent, and the following consultants:

   Qualified Biologist
   Qualified Archaeologist
   Qualified Acoustician

   Note: If all responsible Permit Holders' representatives and consultants fail to attend, an additional meeting with all parties present will be required.

   CONTACT INFORMATION:

   a) The PRIMARY POINT OF CONTACT is the RE at the Field Engineering Division – 858-627-3200

   b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call RE and MMC at 858-627-3360

2. **MMRP COMPLIANCE:** This Project, 14110 Stonebridge Parkway (PRJ-1075505) and/or Environmental Document PRJ-1075505 shall conform to the mitigation requirements contained in the associated Environmental Document and be implemented to the satisfaction of the DSD's ED and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and the location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, monitoring times, methodology, etc.)

   Note: The Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans, notes, or changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution, or other documentation issued by the responsible agency.

   California Department of Fish and Wildlife, South Coast Region 5, Streambed Alteration Agreement, EPIMS-SDO-49577-R5.

4. **MONITORING EXHIBITS:** All consultants are required to submit to RE and MMC, a monitoring exhibit on an 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

Note: Surety and Cost Recovery: When deemed necessary by the DSD Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. OTHER SUBMITTALS AND INSPECTIONS: The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Table 1: Document Submittal/Inspection Checklist

Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to the Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at the Preconstruction Meeting
Land Use	Land Use Adjacency Issues Consultant Site Visit Record	Land Use Adjacency Issue Site Observations
Biological Resources	Biologist Limit of Work Verification	Limit of Work Inspection
Biological Resources	Biology Reports	Biology/Habitat Restoration Inspection
Historical Resources	Archaeology Reports	Archaeology/Historic Site Observation

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

1. Biological Resources (Resource Protections During Construction)

I. Prior to Construction

A. **Biologist Verification:** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2018), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.

B. **Preconstruction Meeting:** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring

program, and arrange to perform any follow-up mitigation measures and reporting, including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.

C. **Biological Documents:** The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.

D. **Biological Construction Mitigation/Monitoring Exhibit:** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), the timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, a written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.

E. **Resource Delineation:** Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize the attraction of nest predators to the site.

F. **Education:** Prior to the commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

II. **During Construction**

A. **Monitoring**: All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas or cause other similar damage and that the work plan has been amended to

accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR shall be e-mailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

B. **Subsequent Resource Identification:** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc.) If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until the qualified biologist has determined and applied species-specific local, state, or federal regulations.

C**.** **Covered Trenches:** General biological monitoring shall include verifying that the contractor has covered all steep-walled trenches or excavations overnight or after shift. If trenches or excavations cannot be covered, the monitor shall verify that the contractor has installed exclusionary fencing (e.g., silt fence) around the trenches or excavation areas or installed ramps to prevent entrapment of wildlife (e.g., reptiles and mammals). If animals are encountered within any trenches or excavated areas, they shall be removed by the Qualified Biological Monitor, if possible, or provided with a means of escape (e.g., a ramp or sloped surface) and allowed to disperse. In addition, the Qualified Biological Monitor shall provide training to construction personnel to increase awareness of the possible presence of wildlife beneath vehicles and equipment and to use best judgment to avoid killing or injuring wildlife. The Qualified Biological Monitor shall be available to assist with moving wildlife, if necessary.

III. **Post Construction Measures**

A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state, and federal laws. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

2. **Biological Resources (Habitat Mitigation – Upland)**

Prior to the issuance of any construction permits, including but not limited to the first grading permit, demolition permit, and building permit, whichever is applicable, the Owner/Permittee shall provide a Final Restoration Plan that is reviewed and accepted by City's Development Services Department (Environmental Analysis Section) and City Planning Department (MSCP), verifying sensitive upland habitat impacted during construction shall be mitigated in accordance with the City's Biology Guidelines. Accordingly, the Owner/Permittee shall mitigate for project impacts to 0.33-acre of Tier II Diegan coastal sage scrub-Baccharis dominated, 0.02-acre of Tier II Diegan coastal sage scrub, and 0.04 of Tier IIIA southern mixed chapparal habitats located outside the City of San Diego's (City) MSCP Subarea Plan

Multi-Habitat Planning Area (MHPA); and 0.57-acre of Tier II Diegan coastal sage scrub located within the City's MSCP MHPA with Tier II habitat or better. This shall be achieved as detailed in the Biological Technical Report Nighthawk Energy Storage Project (Dudek, June 2024), Restoration Plan Nighthawk Energy Storage Project (Dudek, June 2024) and outlined below:

Table 2: Required Upland Restoration Mitigation				
Habitat	**Upland Tier**	**Impact (acres)**	**Mitigation Ratio (mitigation:impact)**	**Mitigation Required (acres)[1]**
Diegan Coastal Sage Scrub-Baccharis Dominated (**outside** MHPA)	II	0.33	1.5:1 (out:out MHPA)	0.50
			1:1 (in:out MHPA)	0.33
Diegan Coastal Sage Scrub (**outside** MHPA)	II	0.02	1.5:1 (out:out MHPA)	0.03
			1:1 (in/out MHPA)	0.02
Diegan Coastal Sage Scrub (**inside** MHPA	II	0.57	4:1 (out:in MHPA)	2.28
			2:1 (in:in MHPA)	1.14
Southern Mixed Chapparal (**outside** MHPA)	IIIA	0.04	1.5:1 (out:out MHPA)	0.06
			1:1 (in:out MHPA)	0.04

[1] Restoration shall be mitigated with habitat from the same upland Tier or better.

3. **Biological Resources (Upland - Revegetation/Restoration Plan)**

Prior to the issuance of any construction permits, including but not limited to, the first grading permit, demolition plans, and building permit, whichever is applicable, the Owner/Permittee shall provide a Final Restoration Plan that is reviewed and accepted by City's Development Services Department (Environmental Analysis Section), City Planning Department (Multiple Species Conservation Program), California Department of Fish and Wildlife, and U.S. Fish and Wildlife Service. Evidence of approval shall be submitted prior to issuance of the permit.

The City's Development Services Department (DSD) Assistant Deputy Director's (ADD) Environmental Designee (ED) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading Environmental Requirements: 14110 Stonebridge Parkway (PRJ-1075505) is subject to Mitigation, Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the Nighthawk Energy Storage Project's Addendum to South Poway Planned Community Development Plan Poway Environmental Impact Report SCH No. 84053008/Rancho Encantada Environmental Impact Report No. 99-1094/SCH No. 2000011053.

I. **Prior to Permit Issuance**

A. Land Development Review (LDR) Plan Check

1. Prior to the issuance of any construction permits, including but not limited to the first grading permit, demolition permit, and building permit whichever is applicable, the ADD ED shall verify that the requirements for the revegetation/restoration plans and specifications, including mitigation of direct impacts to Coastal Sage Scrub have been shown and noted on the appropriate landscape construction documents. The landscape construction documents and specifications must be found to be in conformance with the Final Restoration Plan Nighthawk Energy Storge Project reviewed and accepted by DSD (Environmental Analysis Section) and City Planning Department (MSCP), the requirements of which are summarized below.

B. Revegetation/Restoration Plan(s) and Specifications

1. Landscape Construction Documents (LCD) shall be prepared on D-sheets and submitted to the City of San Diego Development Services Department, Landscape Architecture Section (LAS) for review and approval. LAS shall consult with Mitigation Monitoring Coordination (MMC) and obtain concurrence prior to approval of LCD. The LCD shall consist of revegetation/restoration, planting, irrigation, and erosion control plans; including all required graphics, notes, details, specifications, letters, and reports as outlined below.
2. Landscape Revegetation/Restoration Planting and Irrigation Plans shall be prepared in accordance with the City's Land Development Code (LDC) Chapter 14, Article 2, Division 4, the LDC Landscape Standards submittal requirements, and Attachment "B" (General Outline for Revegetation/Restoration Plans) of the City Biology Guidelines. The Principal Qualified Biologist (PQB) shall identify and adequately document all pertinent information concerning the revegetation/restoration goals and, such as but not limited to, plant/seed palettes, the timing of installation, plant installation specifications, method of watering, protection of adjacent habitat, erosion, and sediment control, performance/success criteria, inspection schedule by City staff, document submittals, reporting schedule, etc. The LCD shall also include comprehensive graphics and notes addressing the ongoing maintenance requirements (after final acceptance by the City).
3. The Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Construction Manager (CM) and Grading Contractor (GC), where applicable shall be responsible for ensuring that all grading and contouring, clearing, and grubbing, installation of plant materials, and any necessary maintenance activities or remedial actions required during installation and the 120-day plant establishment period are done per approved LCD. The following procedures at a minimum, but not limited to, shall be performed:
    a. The RMC shall be responsible for the maintenance of the upland mitigation area for a minimum period of 120 days.

Maintenance visits shall be conducted on a weekly basis throughout the plant establishment period.

b. At the end of the 120-day period, the PQB shall review the mitigation area to assess the completion of the short-term plant establishment period and submit a report for approval by MMC.

c. MMC will provide approval in writing to begin *the* five-year long-term establishment/maintenance and monitoring program.

d. Existing indigenous/native species shall not be pruned, thinned, or cleared in the revegetation/mitigation area.

e. The revegetation site shall not be fertilized.

f. The RIC is responsible for reseeding (if applicable) if weeds are not removed, within one week of written recommendation by the PQB.

g. Weed control measures shall include the following: (1) hand removal, (2) cutting, with power equipment, and (3) chemical control. Hand removal of weeds is the most desirable method of control and will be used wherever possible.

h. Damaged areas shall be repaired immediately by the RIC/RMC. Insect infestations, plant diseases, herbivory, and other pest problems will be closely monitored throughout the five-year *m*aintenance period. Protective mechanisms such as metal wire netting shall be used as necessary. Diseased and infected plants shall be immediately disposed of off-site in a legally acceptable manner at the discretion of the PQB or Qualified Biological Monitor (QBM) (City approved). Where possible, biological controls will be used instead of pesticides and herbicides.

4. If a Brush Management Program is required the revegetation/restoration plan shall show the dimensions of each brush management zone. Notes shall be provided describing the restrictions on planting and maintenance and identify that the area is impact neutral and shall not be used for habitat mitigation/credit purposes.

C. Letters of Qualification Have Been Submitted to ADD

1. The applicant shall submit, for approval, a letter verifying the qualifications of the biological professional to MMC. This letter shall identify the PQB, Principal Restoration Specialist (PRS), and QBM, where applicable, and the names of all other persons involved in the implementation of the revegetation/restoration plan and biological monitoring program, as they are defined in the City Biological Review References. Resumes and the biology worksheet should be updated annually.

2. MMC will provide the applicant with documentation confirming the qualifications of the PQB/PRS/QBM and all city-approved persons

involved in the revegetation/restoration plan and biological 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 revegetation/restoration plan and biological monitoring of the project.
4. PBQ must also submit evidence to MMC that the PQB/QBM has completed Storm Water Pollution Prevention Program (SWPPP) training.

II. **Prior to Start of Construction**

A. PQB/PRS Shall Attend Preconstruction (Precon) Meetings

1. Prior to beginning any work that requires monitoring:
   a. The owner/permittee or their authorized representative shall arrange and a Precon Meeting that shall include the PQB or PRS, Construction Manager (CM) and/or Grading Contractor (GC), Landscape Architect (LA), Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC.
   b. The PQB shall also attend any other grading/excavation-related Precon Meetings to make comments and/or suggestions concerning the revegetation/restoration plan(s) and specifications with the RIC, CM, and/or GC.
   c. If the PQB is unable to attend the Precon Meeting, the owner shall schedule a focused Precon Meeting with MMC, PQB/PRS, CM, BI, LA, RIC, RMC, RE and/or BI, if appropriate, prior to the start of any work associated with the revegetation/ restoration phase of the project, including site grading preparation.
2. Where Revegetation/Restoration Work Will Occur
   a. Prior to the start of any work, the PQB/PRS shall also submit a revegetation/restoration monitoring exhibit (RRME) based on the appropriate reduced LCD (reduced to 11”x 17” format) to MMC, and the RE, identifying the areas to be revegetated/restored including the delineation of the limits of any disturbance/grading and any excavation.
   b. PQB shall coordinate with the construction superintendent to identify appropriate Best Management Practices (BMP’s) on the RRME.
3. When Biological Monitoring Will Occur
   a. Prior to the start of any work, the PQB/PRS shall also submit a monitoring procedures schedule to MMC and the RE indicating when and where biological monitoring and related activities will occur.
4. PQB Shall Contact MMC to Request Modification

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

III**. During Construction**

A. PQB or QBM Present During Construction/Grading/Planting

1. The PQB or QBM shall be present full-time during construction activities including but not limited to, site preparation, cleaning, grading, excavation, landscape establishment in association with construction activities which could result in impacts to sensitive biological resources as identified in the LCD and on the RRME. **The RIC and/or QBM are responsible for notifying the PQB/PRS of changes to any approved construction plans, procedures, and/or activities. The PQB/PRS is responsible for notifying the CM, LA, RE, BI, and MMC of the changes.**
2. The PQB or QBM shall document field activity via the Consultant Site Visit Record Forms (CSVR). The CM shall provide the CSVRs on the first day of monitoring, the last day of monitoring, monthly, and in the event of a deviation from conditions identified within the LCD and/or biological monitoring program. The RE shall forward copies to MMC.
3. The PQB or QBM shall be responsible for maintaining and submitting the CSVR at the time that CM responsibilities end (i.e., upon the completion of construction activity other than that associated with biology).
4. All construction activities (including staging areas) shall be restricted to the development areas as shown on the LCD. The PQB/PRS or QBM staff shall monitor construction activities as needed, with MMC concurrence on method and schedule. This is to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved LCD.
5. The PQB or QBM shall supervise the placement of orange construction fencing or City approved equivalent, along the limits of potential disturbance adjacent to (or at the edge of) all sensitive habitats Coastal Sage Scrub, as shown on the approved LCD.
6. The PBQ shall provide a letter to MMC that limits of potential disturbance have been surveyed and staked, and that the construction fencing is installed properly.
7. The PQB or QBM shall oversee the implementation of BMPs, such as gravel bags, straw logs, silt fences, or equivalent erosion control

measures, as needed to ensure the prevention of any significant sediment transport. In addition, the PQB/QBM shall be responsible for verifying the removal of all temporary construction BMPs upon completion of construction activities. Removal of temporary construction BMPs shall be verified in writing on the final construction phase CSVR.

8. PQB shall verify in writing on the CSVR's that no trash stockpiling or oil dumping, fueling of equipment, storage of hazardous wastes or construction equipment/material, parking, or other construction-related activities shall occur adjacent to sensitive habitat. These activities shall occur only within the designated staging area located outside the area defined as a biologically sensitive area.
9. The long-term establishment inspection and reporting schedule per LCD must all be approved by MMC prior to the issuance of the Notice of Completion (NOC) or any bond release.

B. Disturbance/Discovery Notification Process
   1. If unauthorized disturbances occur or sensitive biological resources are discovered that were not previously identified on the LCD and/or RRME, the PQB or QBM shall direct the contractor to divert construction in the area of disturbance or discovery temporarily and immediately notify the RE or BI, as appropriate.
   2. The PQB shall also immediately notify MMC by telephone of the disturbance, report the nature and extent of the disturbance, and recommend the method of additional protection, such as fencing and appropriate Best Management Practices (BMPs). After obtaining concurrence with MMC and the RE, PQB and CM shall install the approved protection and agreement on BMP's.
   3. The PQB shall also submit written documentation of the disturbance to MMC within 24 hours by email with photos of the resource in context (e.g., showing adjacent vegetation).

C. Determination of Significance
   1. The PQB shall evaluate the significance of disturbance and/or discovered biological resource and provide a detailed analysis and recommendation in a letter report with the appropriate photo documentation to MMC to obtain concurrence and formulate a plan of action which can include fines, fees, and supplemental mitigation costs.
   2. MMC shall review this letter report and provide the RE with MMC's recommendations and procedures.

IV. Post Construction

A. Mitigation Monitoring and Reporting Period
   1. Five-Year Mitigation Establishment/Maintenance Period
      a. The RMC shall be retained to complete maintenance monitoring activities throughout the five-year mitigation monitoring period.

b. Maintenance visits will be conducted twice monthly for the first six months, once per month for the remainder of the first year, and quarterly thereafter.
c. Maintenance activities will include all items described in the LCD.
d. Plant replacement will be conducted as recommended by the PQB (note: plants shall be increased in container size relative to the time of initial installation or establishment or the maintenance period may be extended to the satisfaction of MMC.

2. Five-Year Biological Monitoring
   a. All biological monitoring and reporting shall be conducted by a PQB or QBM, as appropriate, consistent with the LCD.
   b. Monitoring shall involve both qualitative horticultural monitoring and quantitative monitoring (i.e., performance/success criteria). Horticultural monitoring shall focus on soil conditions (e.g., moisture and fertility), container plant health, seed germination rates, presence of native and non-native (e.g., invasive exotic) species, any significant disease or pest problems, irrigation repair and scheduling, trash removal, illegal trespass, and any erosion problems.
   c. After plant installation is complete, qualitative monitoring surveys will occur monthly during year one and quarterly during years two through five.
   d. Upon the completion of the 120-day short-term plant establishment period, quantitative monitoring surveys shall be conducted at 0, 6, 12, 24, 36, 48, and 60 months by the PQB or QBM. The revegetation/restoration effort shall be quantitatively evaluated once per year (in spring) during years three through five, to determine compliance with the performance standards identified on the LCD. All plant material must have survived without supplemental irrigation for the last two years.
   e. Quantitative monitoring shall include the use of fixed transects and photo points to determine the vegetative cover within the revegetated habitat. Collection of fixed transect data within the revegetation/restoration site shall result in the calculation of percent cover for each plant species present, percent cover of target vegetation, tree height and diameter at breast height (if applicable), and percent cover of non-native/noninvasive vegetation. Container plants will also be counted to determine percent survivorship. The data will be used to determine the attainment of performance/success criteria identified within the LCD.
   f. The biological monitoring requirements may be reduced if the revegetation meets the fifth-year criteria before the end

of the fifth year and the irrigation has been terminated for the last two years.

g. The PQB or QBM shall oversee the implementation of post-construction BMPs, such as gravel bags, straw logs, silt fences, or equivalent erosion control measures, as needed to ensure the prevention of any significant sediment transport. In addition, the PBQ/QBM shall be responsible for verifying the removal of all temporary post-construction BMPs upon completion of construction activities. Removal of temporary post-construction BMPs shall be verified in writing on the final post-construction phase CSVR.

B. Submittal of Draft Monitoring Report

1. A draft monitoring letter report shall be prepared to document the completion of the 120-day plant establishment period. The report shall include a discussion of weed control, horticultural treatments (pruning, mulching, and disease control), erosion control, trash/debris removal, replacement planting/reseeding, site protection/signage, pest management, vandalism, and irrigation maintenance. The revegetation/restoration effort shall be visually assessed at the end of the 120-day period to determine individual mortality.
2. The PQB shall submit two copies of the Draft Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring. Monitoring reports shall be prepared on an annual basis for a period of five years. Site progress reports shall be prepared by the PQB following each site visit and provided to the owner, RMC, and RIC. Site progress reports shall review maintenance activities (qualitatively and quantitatively when appropriate), monitoring results including progress of the revegetation relative to the performance/success criteria, and the need for any remedial measures.
3. Draft annual reports (three copies) summarizing the results of each progress report, including quantitative monitoring results and photographs taken from permanent viewpoints, shall be submitted to MMC for review and approval within 30 days following the completion of monitoring.
4. MMC shall return the Draft Monitoring Report to the PQB for revision or, for preparation of each report.
5. The PQB shall submit a revised Monitoring Report to MMC (with a copy to RE) for approval within 30 days.
6. MMC will provide written acceptance of the PQB and RE of the approved report.

C. Final Monitoring Report(s)

1. PQB shall prepare a Final Monitoring upon achievement of the fifth-year performance/success criteria and completion of the five-year maintenance period.
    a. This report may be issued before the end of the fifth year if the revegetation meets the fifth-year performance /success criteria and the irrigation has been terminated for the last two years.
    b. The Final Monitoring report shall be submitted to MMC for evaluation of the success of the mitigation effort and final acceptance. At this time, a request for a pre-final inspection shall be submitted; MMC will schedule after reviewing the report.
    c. If at the end of the five years, any of the revegetated areas fails to meet the project's final success standards, the applicant must consult with MMC. This consultation shall take place to determine whether the revegetation effort is acceptable. The applicant understands that failure of any significant portion of the revegetation/restoration area may result in a requirement to replace or renegotiate that portion of the site and/or extend the monitoring and establishment/maintenance period until all success standards are met.

4. **Biological Resources (San Diego goldenstar – Translocation Plan)**

Prior to the issuance of any construction permits, including but not limited to the first grading permit, demolition permit, and building permit, whichever is applicable, the Owner/Permittee shall provide a Final Restoration Plan that is reviewed and accepted by City's Development Services Department (Environmental Analysis Section) and City Planning Department (Multiple Species Conservation Program), California Department of Fish and Wildlife, and U.S. Fish and Wildlife Service to ensure the project's sensitive impacts to 78 individual San Diego goldenstar plants are mitigated in accordance with the City's Biology Guidelines. Accordingly, the Owner/Permittee shall mitigate for project impacts to 78 individual San Diego goldenstar plants as detailed in the Restoration Plan Nighthawk Energy Storge Project (Dudek, June 2024). Evidence of approval shall be submitted prior to issuance of the permit.

5. **Biological Resources (San Diego goldenstar – Translocation Plan)**

Prior to the issuance of any construction permits, including but not limited to the first grading permit, demolition permit, and building permit, whichever is applicable, the City's Development Services Department (DSD) Assistant Deputy Director's (ADD) Environmental Designee (ED) shall incorporate the following mitigation measures into the project design and include them verbatim on all appropriate construction documents.

I**. Prior to Permit Issuance**

A. Land Development Review (LDR) Plan Check

1. Prior to the issuance of any construction permits, including but not limited to the first grading permit, demolition permit, and building permit whichever is applicable, the ADD ED shall verify that the requirements for the revegetation/restoration plans and specifications, including mitigation of direct impacts to 78 individual San Diego goldenstar plants have been shown and noted on the appropriate landscape construction documents. The landscape construction documents and specifications must be found to be in conformance with the Restoration Plan Nighthawk Energy Storge Project prepared by Dudek, June 2024, the requirements of which are summarized below.

B. Revegetation/Restoration Plan(s) and Specifications

1. Landscape Construction Documents (LCD) shall be prepared on D-sheets and submitted to the City of San Diego Development Services Department, Landscape Architecture Section (LAS) for review and approval. LAS shall consult with Mitigation Monitoring Coordination (MMC) and obtain concurrence prior to approval of LCD. The LCD shall consist of revegetation/restoration, planting, irrigation, and erosion control plans; including all required graphics, notes, details, specifications, letters, and reports as outlined below.
2. Landscape Revegetation/Restoration Planting and Irrigation Plans shall be prepared in accordance with the City's Land Development Code (LDC) Chapter 14, Article 2, Division 4, the LDC Landscape Standards submittal requirements, and Attachment "B" (General Outline for Revegetation/Restoration Plans) of the City Biology Guidelines. The Principal Qualified Biologist (PQB) shall identify and adequately document all pertinent information concerning the revegetation/restoration goals and, such as but not limited to, plant/seed palettes, the timing of installation, plant installation specifications, method of watering, protection of adjacent habitat, erosion, and sediment control, performance/success criteria, inspection schedule by City staff, document submittals, reporting schedule, etc. The LCD shall also include comprehensive graphics and notes addressing the ongoing maintenance requirements (after final acceptance by the City).
3. The Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Construction Manager (CM) and Grading Contractor (GC), where applicable shall be responsible for ensuring that all grading and contouring, clearing, and grubbing, installation of plant materials, and any necessary maintenance activities or remedial actions required during installation and the 120-day plant establishment period are done per approved LCD. The following procedures at a minimum, but not limited to, shall be performed:
    a. The RMC shall be responsible for the maintenance of the translocation mitigation area for a minimum period of 120

days. Maintenance visits shall be conducted on a weekly basis throughout the plant establishment period.

b. At the end of the 120-day period, the PQB shall review the mitigation area to assess the completion of the short-term plant establishment period and submit a report for approval by MMC.

c. MMC will provide approval in writing to begin *the* five-year long-term establishment/maintenance and monitoring program.

d. Existing indigenous/native species shall not be pruned, thinned, or cleared in the revegetation/mitigation area.

e. The revegetation site shall not be fertilized.

f. The RIC is responsible for reseeding (if applicable) if weeds are not removed, within one week of written recommendation by the PQB.

g. Weed control measures shall include the following: (1) hand removal, (2) cutting, with power equipment, and (3) chemical control. Hand removal of weeds is the most desirable method of control and will be used wherever possible.

h. Damaged areas shall be repaired immediately by the RIC/RMC. Insect infestations, plant diseases, herbivory, and other pest problems will be closely monitored throughout the five-year *m*aintenance period. Protective mechanisms such as metal wire netting shall be used as necessary. Diseased and infected plants shall be immediately disposed of off-site in a legally acceptable manner at the discretion of the PQB or Qualified Biological Monitor (QBM) (City approved). Where possible, biological controls will be used instead of pesticides and herbicides.

4. If a Brush Management Program is required the revegetation/restoration plan shall show the dimensions of each brush management zone. Notes shall be provided describing the restrictions on planting and maintenance and identify that the area is impact neutral and shall not be used for habitat mitigation/credit purposes.

C. Letters of Qualification Have Been Submitted to ADD

1. The applicant shall submit, for approval, a letter verifying the qualifications of the biological professional to MMC. This letter shall identify the PQB, Principal Restoration Specialist (PRS), and QBM, where applicable, and the names of all other persons involved in the implementation of the revegetation/restoration plan and biological monitoring program, as they are defined in the City Biological Review References. Resumes and the biology worksheet should be updated annually.

2. MMC will provide the applicant with documentation confirming the qualifications of the PQB/PRS/QBM and all city-approved persons

involved in the revegetation/restoration plan and biological 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 revegetation/restoration plan and biological monitoring of the project.
4. PBQ must also submit evidence to MMC that the PQB/QBM has completed Storm Water Pollution Prevention Program (SWPPP) training.

II. **Prior to Start of Construction**

A. PQB/PRS Shall Attend Preconstruction (Precon) Meetings

1. Prior to beginning any work that requires monitoring:
   a. The owner/permittee or their authorized representative shall arrange and a Precon Meeting that shall include the PQB or PRS, Construction Manager (CM) and/or Grading Contractor (GC), Landscape Architect (LA), Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC.
   b. The PQB shall also attend any other grading/excavation-related Precon Meetings to make comments and/or suggestions concerning the revegetation/restoration plan(s) and specifications with the RIC, CM, and/or GC.
   c. If the PQB is unable to attend the Precon Meeting, the owner shall schedule a focused Precon Meeting with MMC, PQB/PRS, CM, BI, LA, RIC, RMC, RE and/or BI, if appropriate, prior to the start of any work associated with the revegetation/ restoration phase of the project, including site grading preparation.
2. Where Revegetation/Restoration Work Will Occur
   a. Prior to the start of any work, the PQB/PRS shall also submit a revegetation/restoration monitoring exhibit (RRME) based on the appropriate reduced LCD (reduced to 11”x 17” format) to MMC, and the RE, identifying the areas to be revegetated/restored including the delineation of the limits of any disturbance/grading and any excavation.
   b. PQB shall coordinate with the construction superintendent to identify appropriate Best Management Practices (BMP’s) on the RRME.
3. When Biological Monitoring Will Occur
   a. Prior to the start of any work, the PQB/PRS shall also submit a monitoring procedures schedule to MMC and the RE indicating when and where biological monitoring and related activities will occur.
4. PQB Shall Contact MMC to Request Modification

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

III**. During Construction**

A. PQB or QBM Present During Construction/Grading/Planting

1. The PQB or QBM shall be present full-time during construction activities including but not limited to, site preparation, cleaning, grading, excavation, landscape establishment in association with construction activities which could result in impacts to sensitive biological resources as identified in the LCD and on the RRME. **The RIC and/or QBM are responsible for notifying the PQB/PRS of changes to any approved construction plans, procedures, and/or activities. The PQB/PRS is responsible for notifying the CM, LA, RE, BI, and MMC of the changes.**
2. The PQB or QBM shall document field activity via the Consultant Site Visit Record Forms (CSVR). The CM shall provide the CSVRs on the first day of monitoring, the last day of monitoring, monthly, and in the event of a deviation from conditions identified within the LCD and/or biological monitoring program. The RE shall forward copies to MMC.
3. The PQB or QBM shall be responsible for maintaining and submitting the CSVR at the time that CM responsibilities end (i.e., upon the completion of construction activity other than that associated with biology).
4. All construction activities (including staging areas) shall be restricted to the development areas as shown on the LCD. The PQB/PRS or QBM staff shall monitor construction activities as needed, with MMC concurrence on method and schedule. This is to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved LCD.
5. The PQB or QBM shall supervise the placement of orange construction fencing or City approved equivalent, along the limits of potential disturbance adjacent to (or at the edge of) all sensitive habitats (*San Diego goldenstar*), as shown on the approved LCD.
6. The PBQ shall provide a letter to MMC that limits of potential disturbance have been surveyed and staked, and that the construction fencing is installed properly.
7. The PQB or QBM shall oversee the implementation of BMPs, such as gravel bags, straw logs, silt fences, or equivalent erosion control

measures, as needed to ensure the prevention of any significant sediment transport. In addition, the PQB/QBM shall be responsible for verifying the removal of all temporary construction BMPs upon completion of construction activities. Removal of temporary construction BMPs shall be verified in writing on the final construction phase CSVR.

8. PQB shall verify in writing on the CSVR's that no trash stockpiling or oil dumping, fueling of equipment, storage of hazardous wastes or construction equipment/material, parking, or other construction-related activities shall occur adjacent to sensitive habitat. These activities shall occur only within the designated staging area located outside the area defined as a biologically sensitive area.
9. The long-term establishment inspection and reporting schedule per LCD must all be approved by MMC prior to the issuance of the Notice of Completion (NOC) or any bond release.

B. Disturbance/Discovery Notification Process
   1. If unauthorized disturbances occur or sensitive biological resources are discovered that were not previously identified on the LCD and/or RRME, the PQB or QBM shall direct the contractor to divert construction in the area of disturbance or discovery temporarily and immediately notify the RE or BI, as appropriate.
   2. The PQB shall also immediately notify MMC by telephone of the disturbance, report the nature and extent of the disturbance, and recommend the method of additional protection, such as fencing and appropriate Best Management Practices (BMPs). After obtaining concurrence with MMC and the RE, PQB and CM shall install the approved protection and agreement on BMP's.
   3. The PQB shall also submit written documentation of the disturbance to MMC within 24 hours by email with photos of the resource in context (e.g., showing adjacent vegetation).

C. Determination of Significance
   1. The PQB shall evaluate the significance of disturbance and/or discovered biological resource and provide a detailed analysis and recommendation in a letter report with the appropriate photo documentation to MMC to obtain concurrence and formulate a plan of action which can include fines, fees, and supplemental mitigation costs.
   2. MMC shall review this letter report and provide the RE with MMC's recommendations and procedures.

IV. Post Construction

A. Mitigation Monitoring and Reporting Period
   1. Five-Year Mitigation Establishment/Maintenance Period
      a. The RMC shall be retained to complete maintenance monitoring activities throughout the five-year mitigation monitoring period.

b. Maintenance visits will be conducted twice monthly for the first six months, once per month for the remainder of the first year, and quarterly thereafter.
c. Maintenance activities will include all items described in the LCD.
d. Plant replacement will be conducted as recommended by the PQB (note: plants shall be increased in container size relative to the time of initial installation or establishment or maintenance period may be extended to the satisfaction of MMC.

2. Five-Year Biological Monitoring
   a. All biological monitoring and reporting shall be conducted by a PQB or QBM, as appropriate, consistent with the LCD.
   b. Monitoring shall involve both qualitative horticultural monitoring and quantitative monitoring (i.e., performance/success criteria). Horticultural monitoring shall focus on soil conditions (e.g., moisture and fertility), container plant health, seed germination rates, presence of native and non-native (e.g., invasive exotic) species, any significant disease or pest problems, irrigation repair and scheduling, trash removal, illegal trespass, and any erosion problems.
   c. After plant installation is complete, qualitative monitoring surveys will occur monthly during year one and quarterly during years two through five.
   d. Upon the completion of the 120-day short-term plant establishment period, quantitative monitoring surveys shall be conducted at 0, 6, 12, 24, 36, 48, and 60 months by the PQB or QBM. The revegetation/restoration effort shall be quantitatively evaluated once per year (in spring) during years three through five, to determine compliance with the performance standards identified on the LCD. All plant material must have survived without supplemental irrigation for the last two years.
   e. Quantitative monitoring shall include the use of fixed transects and photo points to determine the vegetative cover within the revegetated habitat. Collection of fixed transect data within the revegetation/restoration site shall result in the calculation of percent cover for each plant species present, percent cover of target vegetation, tree height and diameter at breast height (if applicable), and percent cover of non-native/noninvasive vegetation. Container plants will also be counted to determine percent survivorship. The data will be used to determine the attainment of performance/success criteria identified within the LCD.
   f. The biological monitoring requirements may be reduced if the revegetation meets the fifth-year criteria before the end

of the fifth year and the irrigation has been terminated for the last two years.

g. The PQB or QBM shall oversee the implementation of post-construction BMPs, such as gravel bags, straw logs, silt fences, or equivalent erosion control measures, as needed to ensure the prevention of any significant sediment transport. In addition, the PBQ/QBM shall be responsible for verifying the removal of all temporary post-construction BMPs upon completion of construction activities. Removal of temporary post-construction BMPs shall be verified in writing on the final post-construction phase CSVR.

B. Submittal of Draft Monitoring Report

1. A draft monitoring letter report shall be prepared to document the completion of the 120-day plant establishment period. The report shall include a discussion of weed control, horticultural treatments (pruning, mulching, and disease control), erosion control, trash/debris removal, replacement planting/reseeding, site protection/signage, pest management, vandalism, and irrigation maintenance. The revegetation/restoration effort shall be visually assessed at the end of the 120-day period to determine individual mortality.
2. The PQB shall submit two copies of the Draft Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring. Monitoring reports shall be prepared on an annual basis for a period of five years. Site progress reports shall be prepared by the PQB following each site visit and provided to the owner, RMC, and RIC. Site progress reports shall review maintenance activities (qualitatively and quantitatively when appropriate), monitoring results including progress of the revegetation relative to the performance/success criteria, and the need for any remedial measures.
3. Draft annual reports (three copies) summarizing the results of each progress report, including quantitative monitoring results and photographs taken from permanent viewpoints, shall be submitted to MMC for review and approval within 30 days following the completion of monitoring.
4. MMC shall return the Draft Monitoring Report to the PQB for revision or, for preparation of each report.
5. The PQB shall submit a revised Monitoring Report to MMC (with a copy to RE) for approval within 30 days.
6. MMC will provide written acceptance of the PQB and RE of the approved report.

C. Final Monitoring Report(s)

1. PQB shall prepare a Final Monitoring upon achievement of the fifth-year performance/success criteria and completion of the five-year maintenance period.
    a. This report may be issued before the end of the fifth year if the revegetation meets the fifth-year performance /success criteria and the irrigation has been terminated for the last two years.
    b. The Final Monitoring report shall be submitted to MMC for evaluation of the success of the mitigation effort and final acceptance. At this time, a request for a pre-final inspection shall be submitted; MMC will schedule after reviewing the report.
    c. If at the end of the five years, any of the revegetated areas fails to meet the project's final success standards, the applicant must consult with MMC. This consultation shall take place to determine whether the revegetation effort is acceptable. The applicant understands that failure of any significant portion of the revegetation/restoration area may result in a requirement to replace or renegotiate that portion of the site and/or extend the monitoring and establishment/maintenance period until all success standards are met.

6. **Biological Resources (Long-term Management of Mitigation Land)**

A. Prior to the acceptance of the Final Restoration Plan, the Property Analysis Record (PAR) analysis (or equivalent) calculating the long-term management costs, completed by a qualified habitat management entity, shall be reviewed and accepted to the satisfaction of the City's Development Services Department (DSD) Assistant Deputy Director/DSD Environmental Analysis Section/City Planning Multiple Species Conservation Program (MSCP). These tasks consist of annual sensitive vegetation monitoring, sensitive species monitoring, exotic species control, public awareness, trespass monitoring and management, trash monitoring and management, and reporting and administration. The endowment shall be adjusted accordingly if more than two-years (24 months) have lapsed between the time the PAR (or equivalent) was accepted by the City and the endowment is to be provided to the long-term land manager.

B. Prior to final approval and sign-off by the City of San Diego of the mitigation areas identified in the Restoration Plan: Nighthawk Energy Storage Project City of San Diego (Dudek, 2024), the applicant shall provide an endowment to the long-term land manager (Third Party Habitat Manager or the City of San Diego if dedicated in fee title) to adequately fund the estimated annual costs associated with the long-term management tasks identified in the Final Restoration Plan. The on-site MHPA shall be conveyed to the City's MSCP preserve either covenant of easement granted in favor of the City of San Diego or granted in favor of an approved Third Party Habitat Manager, or dedication of land in fee title to the City of San Diego. Conveyance of any land in fee title to the City shall require approval from the Park and Recreation

Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, and graded slopes. To facilitate Multi-Habitat Planning Area (MHPA) conveyance, any non-fee areas shall have covenant of easements for MHPA lands placed over them if located in the MHPA and be maintained in perpetuity by the owner/Permittee/Applicant unless otherwise agreed to by the City of San Diego Park and Recreation Department for acceptance of dedicated land in fee title.

7. **Biological Resources (least Bell's vireo)**

Prior to the issuance of any grading permit, the City's Development Services Department (DSD) Assistant Deputy Director's (ADD) Environmental Designee (ED) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans.

No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the ADD ED:

A. A qualified biologist (possessing a valid Endangered Species Act Section 10(A)(1)(A) Recovery Permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the least Bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of construction. If the least Bell's vireo is present, then the following conditions must be met:

1. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
2. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied least Bell's vireo or habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing a current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ADD ED at least two weeks prior to the commencement of construction activities. Prior to the commencement of any construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
3. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to

ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ADD ED, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

B. If the least Bell's vireo are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the ADD ED and applicable Resource Agencies that demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:
   1. If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then condition A.III above shall be adhered to as specified above.
   2. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

8. **Biological Resources (Raptor Nesting)**

Prior to the issuance of a grading permit, a qualified biologist shall determine the presence or absence of occupied raptor nests on the sub-project site and vicinity, with written results submitted to the City's Development Services Department (DSD) Assistant Deputy Director's (ADD) Environmental Designee (ED). Grading and construction which creates adverse effects to active raptor nests, including noise levels above 60 dB(A), shall be restricted to 300 feet from any Cooper's hawk (*Accipiter cooperii*) nesting site; 900 feet from any northern harrier (*Circus cyaneus*) nesting site; and 4,000 feet from any golden eagle (*Aquila chrysaetos*) nesting site. This restriction shall be noted on all grading and construction plans. If active raptor nests are located within the distances listed above, weekly biological monitoring of the nests shall be conducted by the project biologist during the breeding season (February 1 through August 15) with written results submitted to ERM of the Land Development Review

Department. No grading or construction activities shall be permitted within those restricted areas until the young have fledged.

9. **Historical Resources (Archaeological Monitoring)**

I. **Prior to Permit Issuance**

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the ADD ED shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

1. 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 meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written 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 (quarter-mile radius) has been completed. Verification includes but is not limited to a copy of a confirmation letter from South Coastal 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 ¼ 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, Native

American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation-related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored

a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.

b. The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).

3. 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 site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. **During Construction**

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.

2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop, and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed or emailed by the CM to the RE on 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.

B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil-disturbing activities, including but not limited to digging, trenching, excavating, or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless the 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.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered 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) which has been reviewed by the Native American consultant/monitor and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground

disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in Guidelines Section, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.

c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV**. Discovery of Human Remains**

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. The Archaeological Monitor shall notify the RE or BI, as appropriate, the 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) of the Development Services Department to assist with the discovery notification process.
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 provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains ARE determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Guidelines Section 15064.5(e), the California Public Resources and Health & Safety Codes.

4. The MLD will have 48 hours to make recommendations to the property owner or representative for the treatment or disposition with proper dignity of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
    a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being granted access to the site; 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, the landowner shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance; THEN
    c. To protect these sites, the landowner shall do one or more of the following:
        (1) Record the site with the NAHC;
        (2) Record an open space or conservation easement; or
        (3) Record a document with the County. The document shall be titled "Notice of Reinterment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.

V. **Night and/or Weekend Work**

A. If night and/or weekend work is included in the contract
    1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
    2. The following procedures shall be followed.
        a. No Discoveries: In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit it to MMC via fax by 8AM of the next business day.
        b. Discoveries: All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
        c. Potentially Significant Discoveries: If the PI determines that a potentially significant discovery has been made, the

procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.

d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction

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

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

VI**.** **Post Construction**

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.
   a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
   b. Recording Sites with State of California Department of Parks and Recreation: The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit a revised Draft Monitoring Report to MMC 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 cataloged.
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.
3. The cost of curation is the responsibility of the property owner.

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 include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.

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 that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.