

# Mitigation Monitoring and Reporting Program

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The Initial Study-Mitigated Negative Declaration (IS-MND) for the Escondido Creek Trail Expansion and Renovation Project (project) identifies the mitigation measures required to reduce the environmental impacts associated with the project. The California Environmental Quality Act (CEQA) 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(a)(1) 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 making findings or adopting a mitigated negative declaration.

The mitigation monitoring table lists the identified mitigation measures 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 first column identifies mitigation measures that were identified in the Final IS-MND. The second column, entitled “Action Required,” refers to the monitoring action that must be taken to ensure the mitigation measure’s implementation. The third column, entitled “Monitoring Timing,” refers to when the monitoring will occur to ensure that the mitigation action is complete. The fourth column, entitled “Monitoring Frequency,” refers to how often the monitoring will occur to ensure that the mitigation action is complete. The fifth column, entitled “Monitoring Responsibility,” refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The “Compliance Verification” column is where the agency responsible for oversight verifies that the measures have been implemented.

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Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Monitoring Responsibility	Compliance Verification Initial	Compliance Verification Date	Compliance Verification Comments
<b>Biological Resources</b>							
<b>BIO-1 Worker Environmental Awareness Program Training</b>							
The City shall retain a qualified biologist to provide a Worker Environmental Awareness Program (WEAP) training for the construction crew. Each employee (including temporary, contractors, and subcontractors) will receive the WEAP on the first day of working on the proposed project. They will be advised of the potential impact to special-status species and the potential penalties for taking such species. At a minimum, the WEAP will include the following topics: potential occurrence of the special-status species in the area, their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of Federal and State laws, and project features designed to reduce direct and indirect impacts to these species. Construction personnel shall temporarily halt restriping activities if a lizard is observed ahead of restriping equipment on the maintenance road, until the lizard is no longer present on the road.	Confirm that a qualified biologist has been retained to provide a WEAP training for the construction crew. Confirm completion of WEAP training.  If a lizard is found on the road ahead of restriping equipment on the maintenance road, confirm that the constructed crew has temporarily halted restriping activities until the lizard is no longer present on the road.	Review retention of qualified biologist to conduct WEAP training prior to issuance of a grading permit.  Confirm WEAP presentation has occurred during construction.	Review biologist retention and WEAP presentation completion once.	City of Escondido			
<b>BIO-2 Pre-Construction Bat Acoustic Survey</b>							
To the extent feasible, the City shall limit construction activities associated with the proposed trail improvements to outside of the typical bat roosting season, which extends from approximately March to September. Within 60 days prior to construction, a qualified biologist shall conduct a pre-	Limit construction activities to outside of the typical bat roosting season, to the extent feasible.  Confirm that a qualified biologist has been retained to complete a pre-construction	Review retention of biologist and completion of pre-construction reconnaissance survey prior to issuance of grading permits.	Review biologist retention and survey completion once.	City of Escondido			

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<p>construction reconnaissance survey of the queen palm trees to be removed and the Date Street pedestrian bridge structure near Date Street that provide suitable bat roosting habitat (plus a 100-foot buffer as access allows) to identify the presence or absence of any night or maternity roosts. If a maternity roost is determined to be present, a Bat Mitigation and Avoidance Plan shall be developed for CDFW's approval. The Bat Mitigation and Avoidance Plan shall require a 300-foot no work buffer be placed around the roost and no work shall occur within the buffer until after the roosting season is over. Work may proceed after a qualified biologist is able to verify that the roost is no longer active.</p>	<p>bat survey. Confirm completion of the survey. If a roost is present, prepare a Bat Mitigation and Avoidance Plan for CDFW's approval and confirm that the qualified biologist has established a 300-ft work buffer around the roost and that no activities occur within the buffer until the end of the roosting season.</p>	<p>If roost is identified by qualified biologist, monitor completion and approval of the Bat Mitigation and Avoidance Plan and buffer establishment before initiation of construction activities.</p>	<p>If a roost is identified, monitor periodically during construction.</p>				
<p><b>BIO-3 Nesting Bird Surveys</b></p>							
<p>If construction must begin within the breeding season (February 1 through August 31), then the City shall retain a qualified biologist to conduct a pre-construction nesting bird survey no more than three days prior to initiation of ground disturbance and/or vegetation removal activities. The pre-construction survey shall be conducted within the project site, plus a 300-foot no work buffer (500-foot for raptors), on foot, and within inaccessible areas (i.e., private properties) as far using binoculars to the extent practical. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California coastal communities. If nests are found, an avoidance buffer (which is dependent</p>	<p>Confirm construction is either outside of the nesting season, or confirm retention of a qualified biologist to conduct a pre-construction nesting bird survey no more than three days prior to ground disturbance or vegetation removal. If nests are found, ensure the avoidance buffer is demarcated, that construction personnel are notified of the buffer, and that no ground disturbance activities occur within the buffer during the nesting season.</p>	<p>Review completion of nesting bird survey, if necessary, no more than three days prior to initiation of ground disturbance or vegetation removal. If nest is identified by qualified biologist, monitor buffer establishment before initiation of construction activities, and periodically during construction.</p>	<p>Review survey completion once; Monitor periodically during construction.</p>	<p>City of Escondido</p>			

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<p>upon the species, the proposed work activity, and existing disturbances associated with land uses in and around the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer may occur only at the discretion of the qualified biologist.</p>							
<b>Cultural Resources</b>							
<b>CUL-1</b>	<b>Pre-Excavation Agreement</b>						
<p>Prior to the issuance of a grading permit, the Applicant shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a Pre-Excavation Agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe"). The purposes of the agreement are (1) to provide the Applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious</p>	<p>Ensure a Pre-Excavation Agreement with a tribe that is traditionally and culturally affiliated with the project location.</p>	<p>Prior to issuance of grading permit</p>	<p>Once</p>	<p>City of Escondido</p>			

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landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities.							
<b>CUL-2 TCA Tribe Retention Verification</b>							
Prior to issuance of a grading permit, the Applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the Project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.	Confirm, through written verification from the project archaeologist, that a qualified archaeologist and Native American monitor associated with the TCA have been retained to implement the monitoring program.  Approve all persons involved in the monitoring program.	Confirm the project archaeologist prior to issuance of grading permit.  Approve construction personnel prior to pre-construction meetings	Once  As needed	City of  Escondido			
<b>CUL-3 Archaeologist and Monitor Pre-construction Meetings</b>							
The qualified archaeologist and a Native American monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to explain and coordinate the requirements of the monitoring program.	Ensure that the qualified archaeologist and Native American monitor attend applicable pre-construction meetings and coordinate monitoring program requirements.	Prior to project construction	As needed during pre-construction process	City of Escondido			
<b>CUL-4 Archaeologist and Monitor Observation</b>							

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<p>During excavation and grading outside of previously filled or disturbed soils (including both on- and off-site improvement areas), the qualified archaeologist and the Native American monitor shall be present full-time. If the full-time monitoring reveals that the topsoil throughout the Project impact area (both on and off-site) has been previously removed during the development of the roads and buildings within the Project area, then a decrease of monitoring to part-time monitoring or the termination of monitoring can be implemented, as deemed appropriate by the qualified archaeologist in consultation with the Native American monitor. The frequency of subsequent monitoring shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring considering these factors.</p> <p>Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits (i.e., soil conditions are comprised solely of fill or granitic bedrock).</p>	<p>Ensure qualified archaeologist and Native American monitor are present during the initial grubbing, site grading, excavation or disturbance of the ground surface.</p> <p>Confirm monitoring program is followed during project construction.</p> <p>If conditions no longer have potential for resources, confirm if it is possible to decrease monitoring to part-time monitoring, or terminate monitoring, as deemed appropriate by the qualified archaeologist and Native American monitor in consultation with the City of Escondido.</p>	<p>During ground-disturbing activities in native soils (i.e., not in fill soils or previously disturbed soils).</p>	<p>Frequency of monitoring shall depend on rate of ground disturbance and any discoveries of tribal cultural resources.</p>	<p>City of Escondido</p>			
<p><b>CUL-5 Discovery of Unidentified Resources Work Halt Procedures</b></p>							

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In the event that previously unidentified tribal cultural resources are discovered, all work must halt within a 100-foot radius of the discovery. The qualified archaeologist and the Native American monitor shall evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The qualified archaeologist and Native American Monitor shall consider the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c) in determining the significance of a discovered resource. If the professional archaeologist and Native American monitor determine that the find does not represent a culturally significant resource, work may resume immediately, and no agency notifications are required. Isolated and clearly non-significant deposits shall be documented in the field and collected, and monitored grading can immediately proceed. All unearthed archaeological resources or tribal cultural resources shall be collected, temporarily stored in a secure location, and repatriated for later reburial on the project site, pursuant to the terms of the Pre-Excavation Agreement.	Confirm work is halted if any archaeological or tribal cultural resources are identified during project construction, until the resource can be evaluated by a qualified archaeologist and the Native American monitor. Ensure that all unearthed archaeological resources or tribal cultural resources are collected, stored, and repatriated appropriately, pursuant to the terms of the Pre-Excavation Agreement.	During construction confirm work is halted if a resource is identified and evaluated. Following discovery of archaeological or tribal cultural resources.	As needed during construction	City of Escondido			
<b>CUL-6 Discovery of Unidentified Resources Notification Procedures</b>							
If the qualified archaeologist and Native American monitor determine that the find does represent a potentially significant tribal cultural resource,	Review and approve treatment and disposition recommendations in the event	Review and approve treatment and disposition recommendations, if	As needed during construction	City of Escondido			

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<p>considering the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c), the archaeologist shall immediately notify the City of said discovery. The qualified archaeologist, in consultation with the City, the consulting TCA Tribe(s), and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource’s treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe(s) and be submitted to the City for review and approval. If the find is determined to be a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c), appropriate treatment measures will be implemented. Work may not resume within the no-work radius until the City, through consultation as set forth herein, determines either that: 1) the discovery does not constitute a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c); or 2) the approved treatment and disposition measures have been completed.</p>	<p>of a previously undiscovered cultural resource.            Implement appropriate treatment measures if resource is determined to be a tribal cultural resource.            Ensure all work has halted until the final decision regarding the discovery is made.</p>	<p>necessary, when a cultural resource is discovered.            Implement appropriate treatment, if needed, during construction.            Ensure work is halted, if needed, during construction.</p>					
<b>CUL-7 Sacred Site Avoidance</b>							
<p>All sacred sites, significant tribal cultural resources, and unique archaeological resources encountered within the Project area shall be avoided and preserved as the preferred mitigation. The avoidance and preservation of the</p>	<p>Ensure tribal cultural resources are avoided and preserved, as feasible.            Approve culturally appropriate treatment measures for</p>	<p>Ensure tribal cultural resources are avoided and preserved during construction</p>	<p>As needed during project construction            Once</p>	<p>City of Escondido</p>			

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<p>significant tribal cultural resource or unique archaeological resource must first be considered and evaluated in consultation with the TCA Tribe(s) as required by CEQA and in compliance with all relevant mitigation measures for the Project. If any significant tribal cultural resource or unique archaeological resource has been discovered and such avoidance or preservation measure has been deemed to be infeasible by the City’s Director of Community Development (after a recommendation is provided by the qualified archaeologist, in consultation with the TCA Tribe(s), making a determination of infeasibility that takes into account the factors listed in California Public Resources Code sections 21061.1, 21081(a)(3), and CEQA Guidelines section 15091, and in accordance with all relevant mitigation measures for the Project), then culturally appropriate treatment of those resources, including but not limited to funding an ethnographic or ethnohistoric study of the resource(s), and/or developing a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. No artifact sampling for analysis is allowed, unless requested and approved by the consulting TCA Tribe(s). Before construction activities are allowed to</p>	<p>resources where avoidance or preservation is infeasible. Ensure that research design and data recovery program activities have concluded, prior to resuming construction activities.</p>	<p>Approval of treatment measures to occur for each identified tribal cultural resource or unique archaeological resource during construction. Ensure research design and data recovery program activities are completed prior to resuming construction</p>					

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resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.							
<b>CUL-8 Discovery of Human Remains Procedures</b>							
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 immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to a temporary off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. 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 the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (California Public Resources Code §	If human remains are encountered during project construction, verify that the San Diego County Coroner's office is notified, and that all ground disturbance in the vicinity of the find have halted until such time as the find is evaluated. Ensure a temporary construction exclusion zone has been established around the area of discovery. Ensure the Coroner has notified the NAHC, if remains are determined to be Native American and not the result of a crime scene. Ensure that work does not resume within the no work radius until consultation and treatment measures have been completed.	Monitoring required during construction if human remains are encountered. Monitoring required during construction if a temporary construction exclusion zone must be established. Monitoring required during construction if remains are determined to be Native American. Monitoring required during construction to ensure that work does not resume until consultation and treatment measures have been completed.	Once	City of Escondido			

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<p>5097.98) for proper treatment and disposition in accordance with California Public Resources Code section 5097.98. The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the City does not agree with the recommendations of the MLD, the NAHC can mediate (California Public Resources Code § 5097.94). If no agreement is reached, the remains shall be kept in situ, or reburied in a secure location in close proximity to where they were found and where they will not be further disturbed (California Public Resources Code § 5097.98). Work may not resume within the no work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction. The analysis of the remains shall only occur on site in the presence of the MLD, unless the forensic anthropologist and the MLD agree to remove the remains to an off-site location for examination.</p>							
<p><b>CUL-9 Procedures for Collection and Cataloging of Resources</b></p>							
<p>If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any cataloging of those resources. Moreover, if the qualified archaeologist does not collect the cultural resources that are unearthed during the ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources for later reburial on the Project site or</p>	<p>Ensure proper collection and cataloging of tribal cultural resources, including repatriation of resources to the TCA Tribe or curation of resources at the San Diego Archaeological Center.</p>	<p>As needed during potential discovery of tribal cultural resources</p>	<p>Once</p>	<p>City of Escondido</p>			

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<p>storage at a local curation facility. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe for reburial on the Project site. Should the TCA Tribe(s) decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.</p>							
<b>CUL-10 Procedures for Release of Grading Bond</b>							
<p>Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusions of the archaeological monitoring program and any data recovery program on the Project site, shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources. A copy of the final report will be submitted to the South Coastal Information Center after approval by the City.</p>	<p>Review monitoring/evaluation report submitted by the qualified archaeologist.  Ensure a copy of the approved report is submitted to the South Coastal Information Center.</p>	<p>Prior to release of grading bond.  Prior to release of grading bond, following approval of the report.</p>	Once	City of Escondido			
<b>Hazards and Hazardous Materials</b>							
<b>HAZ-1 Soil and Groundwater Management Plan</b>							

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As a prescriptive safety measure to address the possibility of encountering contaminated soil and prior to ground-disturbing activities at 1718 E. Valley Parkway (mile markers 360+00 to 361+00) and for unexpected stained or odiferous soil and/or groundwater encountered during construction along the project corridor, the City shall retain a qualified environmental consultant (PG or PE), to prepare a Soil and Groundwater Management Plan (SGMP). The plan must establish remedial measures and soil management practices to ensure construction worker safety, the health of future workers and visitors, and the off-site migration of contaminants from the project alignment. The City shall review and approve the SGMP prior to issuance of grading permits.	Retain a qualified environmental consultant to prepare a SGMP. Review and approve the SGMP.	Prior to issuance of grading permits. Following completion of the SGMP.	Once	City of Escondido			
<b>Noise</b>							
<b>N-1 Noise Reduction Measures Near Sensitive Receptors</b>							
The following development standard shall be added to the proposed Plan: “The City shall ensure that, where residences, schools, or other noise-sensitive uses are located within 500 feet of construction sites for active transportation projects listed in the Plan, appropriate measures shall be implemented to reduce noise exposure to the extent feasible. Specific techniques may include, but are not limited to:	Confirm the requested development standard is added to the project Plan.	Prior to commencement of construction activities	Once	City of Escondido			

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<ul style="list-style-type: none"> <li>▪ Locating stationary noise-generating construction equipment as far from sensitive receptors as feasible.</li> <li>▪ Installing temporary noise barriers to block and deflect noise.”</li> </ul>							
<b>N-2 Noise Control Equipment</b>							
The following development standard shall be added to the proposed Plan: “The City shall ensure that equipment and trucks used for construction of active transportation projects listed in the Plan utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds).”	Confirm the requested development standard is added to the project Plan.	Prior to commencement of construction activities.	Once	City of Escondido			
<b>N-3 Impact Equipment</b>							
The following development standard shall be added to the proposed Plan: “The City shall ensure that impact equipment (e.g., jack hammers, pavement breakers, and rock drills) used for construction of active transportation projects listed in the Plan be hydraulically or electrically powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, use of an exhaust muffler on the compressed air exhaust can lower noise levels from the exhaust by up to about 10 dBA. When feasible, external jackets on the impact equipment can achieve a reduction of 5 dBA. Whenever feasible, use quieter	Confirm the requested development standard is added to the project Plan.	Prior to commencement of construction activities.	Once	City of Escondido			

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procedures, such as drilling rather than impact equipment operation.”							

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